



C·V·R·D

**NOTICE OF
ELECTORAL AREA SERVICES COMMITTEE MEETING**

**Tuesday,
October 19, 2010
Regional District Board Room
175 Ingram Street, Duncan, BC**

3:00 pm

A G E N D A

	<u>Pages</u>
1. <u>APPROVAL OF AGENDA</u>	1-2
2. <u>ADOPTION OF MINUTES</u>	
M1 Minutes of October 5, 2010 EASC Meeting	3-7
3. <u>BUSINESS ARISING FROM MINUTES</u>	
4. <u>DELEGATIONS</u>	
D1 Cory and Caroline Paisley regarding procedural concerns	8-9
D2 Robert Stitt regarding Area D OCP update	10
D3 Craig Partridge regarding request for accessory building fixture	11-13
D4 Arturo and Yanina Mendenhall regarding Application No. 2-E-10ALR.....	14-25
D5 Bruce Muir regarding Application No. 1-H-10ALR.....	26-32
5. <u>STAFF REPORTS</u>	
SR1 Staff Report from Sybille Sanderson, Acting GM, dated October 12, 2010, regarding Eagle Heights Fire Protection Service Area Boundary Expansion	33-36
SR2 Staff Report from Brian Farquhar, Manager, dated October 13, 2010, regarding Community Parks Functions – Statutory Requisition Limitations	37-38
SR3 Staff Report from Tom R. Anderson, General Manager, dated October 13, 2010, regarding 2011 Animal Control Budget	39-41
SR4 Staff Report from Tom R. Anderson, General Manager, dated October 13, 2010, regarding Additional Facilities in Accessory Buildings	42-43
SR5 Staff Report from Mike Tippet, Manager, dated August 18, 2010, regarding Marine Riparian Development Permit Areas (Area H referred back to EASC at the October 5 th meeting)	44-60
6. <u>APC</u>	
AP1 Minutes of Area I APC meeting of September 7, 2010	61-74
AP2 Minutes of Area A APC meeting of September 14, 2010	75-76

7. **PARKS**
 - PK1** Minutes of Area D Parks meeting of September 20, 201077-78
 - PK2** Minutes of Area I Parks meeting of September 14, 201079-81
 - PK3** Minutes of Area C Parks meeting of October 6, 201082-83
8. **INFORMATION**
 - IN1** September 2010 Building Report84-86
9. **NEW BUSINESS**
10. **PUBLIC/PRESS QUESTIONS**
11. **CLOSED SESSION**

Motion that the meeting be closed to the public in accordance with the Community Charter Part 4, Division 3, Section 90(1), subsections as noted in accordance with each agenda item.

 - CSSR1** Verbal report regarding Litigation [Section 90(1)(g)].....87-92
12. **NEXT MEETING**

Tuesday, November 2, 2010
13. **ADJOURNMENT**

NOTE: A copy of the full agenda package is available at the CVRD website www.cvrld.bc.ca

Director B. Harrison
Director K. Cossey
Director I. Morrison

Director M. Marcotte
Director G. Giles
Director K. Kuhn

Director L. Iannidinardo
Director L. Duncan
Director M. Dorey

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, October 5, 2010 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

Director B. Harrison, Chair
 Director M. Marcotte, Vice-Chair
 Director M. Dorey
 Director G. Giles
 Director L. Iannidinardo
 Director I. Morrison
 Director K. Cossey
 Absent: Director L. Duncan, K. Kuhn

CVRD STAFF

Tom R. Anderson, General Manager
 Mike Tippett, Manager
 Rob Conway, Manager
 Brian Farquhar, Manager
 Maddy Koch, Planning Assistant
 Carla Schuk, Planning Technician
 Cathy Allen, Recording Secretary

Introduction

Tom Anderson, General Manager, introduced the Planning and Development Department's new Planning Technician, Carla Schuk.

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding two listed item of New Business, and two additional items of new business.

It was Moved and Seconded
 That the agenda, as amended, be approved.

MOTION CARRIED

M1 - MINUTES

It was Moved and Seconded
 That the minutes of the September 21, 2010 EASC meeting, be adopted.

MOTION CARRIED

BUSINESS ARISING

Director Morrison referenced new business item #1 regarding fireworks on Page7 of the last minutes and asked if our Bylaw Enforcement Officer has spoken to the Town of Lake Cowichan regarding their sale of fireworks. Mr. Anderson advised that the Town will be selling fireworks as per their status quo, and noted that the CVRD will follow the same process as last year where literature is handed out and require that the declaration form be signed.

DELEGATIONS

D1 - Brompton

Maddy Koch, Planning Assistant, presented the request by Brenda Brompton to permit appliances in an accessory building located at 7960 Greendale Road.

The Committee directed questions to staff.

No delegate was present.

It was Moved and Seconded

That the request by Brenda Brompton to allow installation of a washer and dryer in an accessory building located at 7960 Greendale Road, be approved, subject to the registration of a covenant prohibiting occupancy of the accessory structure as a dwelling and removal of all additional facilities prior to change in ownership of the property.

MOTION CARRIED

D2 – Gregson

Maddy Koch, Planning Assistant, presented Application No. 2-E-10DVP (Trevor Gregson) to increase the permitted size of an accessory building located at 5122 Lee Road, from 100 sq.m. to 130 sq.m.

Trevor Gregson, applicant, was present and provided further information to the application.

The Committee directed questions to the applicant and staff.

It was Moved and Seconded

That Application No. 2-E-10DVP by Trevor Gregson for a variance to Section 5.2 (e) of Zoning Bylaw No. 1840, increasing the permitted size of an accessory building from 100 square metres (1076 square feet) to 130 square metres (1398 square feet), be approved.

MOTION CARRIED

STAFF REPORTS

SR1 - Partridge

It was Moved and Seconded

That the draft OCP and Zoning amendment bylaws regarding Application No. 1-B-09RS (Craig Partridge) be forwarded to the Board for consideration of 1st and 2nd readings; that a public hearing be scheduled and that Directors Cossey, Duncan and Kuhn be appointed as delegates of the Board.

MOTION CARRIED

APC

AP1 - Minutes

It was Moved and Seconded

That the minutes of the Area D APC meeting of September 15, 2010, be received and filed.

MOTION CARRIED

PARKS

PK1 to PK2 - Minutes

It was Moved and Seconded

That the following parks commission minutes be received and filed:

- Minutes of Area B meeting of September 16, 2010
- Minutes of area G meeting of September 13, 2010

MOTION CARRIED

**CORRESPOND-
ENCE**

C1 – Grant in Aid

It was Moved and Seconded

That a grant-in-aid, Area D – Cowichan Bay, be given to Cowichan Valley Arts Council in the amount of \$500 to assist with costs associated with holding workshops for their opera production of “Gloves Off”.

MOTION CARRIED

NEW BUSINESS

**NB1 – 1781 Fenwick
Road**

It was Moved and Seconded

That the request submitted by Eric & Sally Smith for a relaxation of the Area “D” Zoning Bylaw, be approved, to temporarily allow for an additional small scale event with a maximum of forty (40) attendees between the hours of 6:30 pm to 8:30 pm on October 13, 2010 for the Cowichan B&B Association AGM, and for utilizing the adjacent Lot A for the purpose of parking, on the condition that this or other authorized events do not significantly disturb the neighbourhood.

MOTION CARRIED

NB2 – Mill Bay Boat Launch

It was Moved and Seconded

That a Stage 2 Detailed Project Proposal Grant application to the West Coast Community Adjustment Program for the redevelopment of the Mill Bay Public Boat Launch be submitted requesting \$250,000 for the project with the endorsement of the Regional Board.

MOTION CARRIED

3 – Riparian DPA

Director Iannidinardo requested that the draft marine riparian DPA bylaw for Area D be forwarded to the Board for readings.

It was Moved and Seconded

That the proposed amendment to the Cowichan Bay Official Settlement Plan that would introduce a new Marine Riparian Development Permit Area be approved and that the draft OSP Amendment Bylaw be forwarded to the Board for consideration of 1st and 2nd readings; that the bylaw be referred to Transport Canada, Ministry of Transportation and Infrastructure, Fisheries and Oceans Canada, School District 79, the City of Duncan, the Municipality of North Cowichan, Cowichan Estuary Environmental Management Committee Chair, and Cowichan Tribes, in the form of a written referral only with a four week response period; and further, that a public hearing be scheduled with Directors Iannidinardo, Giles and Dorey appointed as delegates of the Board.

MOTION CARRIED

Director Marcotte stated that she would like the marine riparian DPA for Area H brought back to committee for consideration.

It was Moved and Seconded

That the proposed amendment to the North Oyster/Diamond Official Community Plan that would introduce a new Marine Riparian Development Permit Area be brought back to the next EASC meeting for discussion.

MOTION CARRIED

4 – Bamberton update

Director Giles requested that staff prepare a report for an upcoming EASC meeting that provides an update on the Bamberton process.

CLOSED SESSION

It was Moved and Seconded

That the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90(1), subsections as noted in accordance with each agenda item.

MOTION CARRIED

The Committee moved into Closed Session at 3:28 pm.

MINUTES

It was Moved and Seconded
That the minutes of the Closed Session EASC meeting of September 21, 2010,
be adopted.

MOTION CARRIED

RISE

It was Moved and Seconded
That the Committee rise without report.

MOTION CARRIED

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOION CARRIED

The meeting adjourned at 4:29 pm.

Chair

Recording Secretary

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REC

D1

REQUEST FOR DELEGATION

OCT 14 2010

APPLICATION DATE:

OCT 12 2010

NAME OF APPLICANT:

CORY CAROLINE PAWLEY

ADDRESS OF APPLICANT:

1170 BRANISOME RD LADYSMITH

PHONE NO.:

245 9320

REPRESENTING:

Name of Organization

MEETING DATE:

OCT 19 2010

COMMITTEE/BOARD NAME:

AREA DIRECTORS

NO. ATTENDING:

3

NO. WISHING TO MAKE A PRESENTATION:

2

TOPIC TO BE PRESENTED:

SEE ATTACHED

NATURE OF REQUEST/CONCERN:

SEE ATTACHED

Note: Once the request for delegation application has been favourably considered, presentations will be restricted to ten (10) minutes, unless notified otherwise.

October 12, 2010

Cowichan Valley Regional District
175 Ingram Street
Duncan, B.C V9L 1N8



Reference: Area Directors Meeting

Dear Sir or Madam,

We would like to address the next Area Director's Meeting.

- zoning improprieties involving Area Directors
- selective by-law enforcement
- freedom of information procedures and policies

Please advise us to confirm our request and the date of the next meeting.

Thank you

Cory and Caroline Paisley
11170 Branksome Rd.
Ladysmith, B.C.
V9G 1Y8

250-245-9320
250-748-4434

D2

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE: OCT. 5/2010

NAME OF APPLICANT: ROBERT STITT

ADDRESS OF APPLICANT: 1199 SUTHERLAND DRIVE, COWICHAN Bay

PHONE NO.: 250.701.9031

REPRESENTING: AREA D OCP STEERING COMMITTEE
Name of Organization

MEETING DATE: OCT. 19, 2010

COMMITTEE/BOARD NAME: AREA D OCP STEERING COMMITTEE

NO. ATTENDING: 2

NO. WISHING TO MAKE A PRESENTATION: 2

TOPIC TO BE PRESENTED:
- UPDATE ON THE AREA D - COWICHAN Bay
OFFICIAL COMMUNITY PLAN

NATURE OF REQUEST/CONCERN:
- PROVIDE INFORMATION.
- 10 MINUTE PRESENTATION.

Note: Once the request for delegation application has been favourably considered, presentations will be restricted to ten (10) minutes, unless notified otherwise.



D3

STAFF REPORT

ELECTORAL AREAS SERVICES COMMITTEE OCTOBER 19 2010

DATE: October 13, 2010 **FILE No:** 2868 Renfrew Road
FROM: Carla Schuk, Planning Technician **BYLAW No:**
SUBJECT: 2868 Renfrew Road- Accessory Building Fixtures

Recommendation:

Committee direction is requested.

Purpose:

To obtain direction from the EASC with respect to a request to install a wet bar and a shower in an accessory building at 2868 Renfrew Road in Electoral Area B.

Interdepartmental/Agency Implications: N/A

Background: A request has been made by Craig Partridge, owner of 2868 Renfrew Road, to install a wet bar and a shower in an accessory building that is currently being constructed on his property. The property is zoned F-1 (Primary Forestry) and is approximately 34 hectares (84 acres) in size. There are presently two single family dwelling units on the property, at the northwest corner of the property near Renfrew Road. Two dwellings are permitted within the F-1 (Primary Forestry) zone on parcels greater than 10 hectares. Additionally, a rezoning application in process for this property in order to permit a future four lot subdivision.

The following is an excerpt from the January 19, 2004 EASC meeting where it was resolved that:

“As a measure to reduce the number of illegal dwellings in the CVRD, that staff be authorized to allow for one toilet and one sink, and no other facilities such as showers, bathtubs, and laundry and kitchen facilities, in accessory buildings, without the specific authorization of the Board.”

Since 2004, requests for additional plumbing fixtures have been directed to the Board, through EASC.

Staff Comments:

The owner states in his letter that he intends to use the accessory building for entertaining and accommodating visiting guests. The accessory building will consist of two single car garages, a guest bedroom, a games room and a gymnasium. The proposed wet bar will be used for non-commercial entertaining purposes. Locating the shower within the accessory building will be for the convenience of users of the gymnasium.

The owner has indicated that he is willing to enter into a restrictive covenant should the Committee choose to support their request. This covenant would prohibit the occupancy of the accessory structure as a dwelling as a condition of approval. Although the covenant would not guarantee that the structure would not be occupied as a dwelling in the future, it would inform any future owner of the property that the accessory building cannot be used as a dwelling and would facilitate future enforcement action, should it be required.

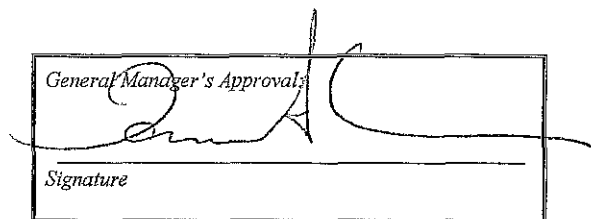
Options:

1. That the request by Craig Partridge to allow a wet bar and shower, in addition to the two permitted plumbing fixtures, within an accessory building at 2868 Renfrew Road (Lot 10, District Lot 15, Helmcken District, Plan 2210, except parts in Plan 47997 and VIP 76565), be approved on condition of septic approval.
2. That the request by Craig Partridge to allow a wet bar and shower, in addition to the two permitted plumbing fixtures, within an accessory building at 2868 Renfrew Road (Lot 10, District Lot 15, Helmcken District, Plan 2210, except parts in Plan 47997 and VIP 76565), be approved, subject to registration of a covenant prohibiting occupancy of the accessory structure as a dwelling and removal of all additional facilities prior to change in ownership of the property, and on condition of septic approval.
3. That the request by Craig Partridge to allow a wet bar and shower, in addition to the two permitted plumbing fixtures, within an accessory building at 2868 Renfrew Road (Lot 10, District Lot 15, Helmcken District, Plan 2210, except parts in Plan 47997 and VIP 76565), not be approved.

Submitted by,



Carla Schuk
Planning Technician
Development Services Division
Planning and Development Department



CS/ca
Attachments

ATTN: C.V.R.D.

DEAR MR. TOM ANDERSON,

MY NAME IS CRAIG PARTRIDGE AND I AM THE PROPERTY OWNER AT 2868 RENFREW ROAD, SHAWNIGAN LAKE, B.C. I AM PRESENTLY BUILDING AN ACCESSORY BUILDING AT THE ABOVE NOTED PROPERTY. I HAVE HAD A DISCUSSION WITH THE LOCAL BUILDING INSPECTOR AND HE HAS INFORMED ME THAT BY THE BUILDING CODE AN ACCESSORY BUILDING CAN HAVE ONLY TWO PLUMBING FIXTURES. THIS IS WHY I AM WRITING THIS LETTER. I UNDERSTAND THE CONCERNS OF C.V.R.D ABOUT CHANGING AN ACCESSORY BUILDING INTO AN ILLEGAL RENTAL SUITE, BUT IN THIS SITUATION THIS IS NOT THE CASE. THIS BUILDING IS FOR ME, MY FAMILY, AND MY FRIENDS AND WILL NOT BE USED AS A RENTAL SUITE. THE BUILDING CONSISTS OF TWO SINGLE CAR GARAGES, A GUEST BEDROOM, A GAMES ROOM, AND A GYMNASIUM. I WOULD LIKE TO PUT A BAR IN MY GAMES ROOM FOR ENTERTAINING AND A SHOWER IN MY BATHROOM FOR THE GYMNASIUM. THIS WOULD MEAN I WOULD NEED TO CONNECT TO FOUR PLUMBING FIXTURES. THE BUILDING CONTAINS NO PROVISIONS FOR ANY COOKING FACILITIES AND NEVER WILL. BECAUSE OF THIS REASON I WOULD LIKE TO REQUEST PERMISSION TO ADD THESE TWO EXTRA PLUMBING FIXTURES. IF IT IS NECESSARY TO HAVE A DOCUMENT WRITTEN UP BY A LAWYER STATING THAT THIS BUILDING IS NOT PERMITTED TO BE A RENTAL SUITE, THEN I AM WILLING TO DO SO. THANKYOU FOR YOUR TIME MR. ANDERSON AND I HOPE TO HEAR FROM YOU AT YOUR EARLIEST CONVENIENCE.

THANK YOU, CRAIG PARTRIDGE
Craig Partridge

HOME # 250-743-7903
CELL # 250-701-2892



04

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF OCTOBER 19, 2009

DATE: October 13, 2010 **FILE NO:** 02-E-10 ALR
FROM: Carla Schuk, Planning Technician **BYLAW NO:**
SUBJECT: Application No. 02-E-10ALR
(Orosi Land Co. Ltd.)

Recommendation:

That Application No. 02-E-10ALR submitted by Orosi Land Co. Ltd. and Arturo and Yanina Mendenhall made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property be forwarded to the Agricultural Land Commission (ALC) with a recommendation that the ALC review and provide advice to the applicant on the desired lot configuration in order to achieve maximum agricultural capability but that any revisions comply with the requirements of Bylaw No. 1840.

Purpose:

To request permission to adjust the lot boundaries of two adjacent subject properties within the Agricultural Land Reserve.

Background:

Location of Subject Property: 4921 Marshall Road

Legal Descriptions: That part of Parcel D (DD 574561) of Sections 7 and 8, Range 3, Quamichan District, Shown outlined in Red on Plan 627 RW;
Lot B, Sections 8 and 9, Range 3, Quamichan District, Plan 86446

Date Application and Complete Documentation Received: May 26, 2010

Owner: Orosi Land Co. Ltd. and Arturo and Yanina Mendenhall

Applicant: As above

Size of Parcel: Approximately 6.99 ha (17.27 acres) and 0.29 ha (0.72 acres)

Existing Zoning: A-1 (Primary Agricultural)

Minimum Lot Size Under Existing Zoning: 12 ha

Existing Plan Designation: Agriculture

Existing Use of Property: Gravel extraction and residential use

Existing Use of Surrounding Properties:

North: Hayfield
 South: Hobby Farm and Vineyard
 East: Hobby Farm
 West: Hobby Farm

Services:

Road Access: Marshall Road
Water: Well
Sewage Disposal: Septic system

Agricultural Land Reserve Status: In

Soil Classification (if ALR applicable):

Revised CLI Maps:

PID: 027-895-165

4P⁷-5T³ (4T⁷ - 5T³)

T

PID: 009-646-973

7T⁶ - 5T⁴

PID	Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
027-895-165	4	70	70
	5	30	30
TOTAL		100	100
009-646-973	7	60	-
	5	40	-
TOTAL		100	-

Explanation of Land Capability Classifications:

- Class 1 lands have no limitations for Agricultural Production;
- Class 2 lands have minor limitations for Agricultural Production;
- Class 3 lands have moderate limitations for Agricultural Production;
- Class 4 lands have limitations that require special management practices;
- Class 5 lands have limitations that restrict capability to produce perennial forage crops;
- Class 6 lands is non-arable but is capable of producing native and/or uncultivated perennial forage crops;
- Class 7 lands have no capability for arable culture.
- Subclass "A" indicates soil moisture deficiency;
- Subclass "D" indicates undesirable soil structure and/or low perviousness;
- Subclass "P" indicates stoniness;
- Subclass "T" indicates topography limitations;
- Subclass "W" indicates excess water.

Environmentally Sensitive Areas: The Cowichan Valley Environmental Planning Atlas 2000 has identified a stream planning area on a portion of the subject property.

Archaeological Site: None identified.

The Proposal:

An application has been made to the Agricultural Land Commission (ALC) pursuant to Section 21(2) of the *Agricultural Land Commission Act* (Subdivision of Agricultural Land Reserve) for the purpose of adjusting the boundary between two existing lots.

Policy Context:

The Official Community Plan Bylaw No. 1490, supports the designation and retention of agricultural lands. The following policies are derived from the Agricultural section of the OCP, and are meant to guide development within lands designated as Agricultural.

The Agricultural Objectives for Electoral Area E, as specified in Section 2.2.3 of Official Community Plan Bylaw No. 1490, are as follows:

- (a) Protect and foster agricultural land resources of the Plan Area for present and future food production.*
- (b) Recognize and preserve the Agricultural heritage and character of Cowichan-Koksilah while minimizing conflicts between agricultural and non-agricultural objectives.*
- (c) Prevent the development of agricultural land for non-agricultural uses or those uses which would preclude use of the land for future agricultural production.*
- (d) Recognize and encourage the needs and activities of agricultural operations when considering the development of residential uses on adjacent lands.*

Planning Division Comments:

The subject properties consist of one approximately 0.29 ha lot and one approximately 6.99 ha lot. The smaller lot is a vestige of the past road network in the area and consists almost entirely of a right of way plan with an easement registered over it. This easement is also registered over the larger lot and currently provides access to the smaller lot from Marshall Road. An additional lot located east of the small lot also uses this easement for access. The application proposes to take one 0.29 ha lot with relatively limited agricultural potential due to its small size and topographical constraints, and one 6.99 ha lot, adjust the boundaries of the two, resulting in two lots of 1.34 ha and 5.94 ha. A similar lot boundary adjustment, also involving Lot A to the north, was approved by the ALC in 2007. The minimum lot size specified in the A-1 (Primary Agriculture) zone is 12 ha. Currently both lots do not meet this minimum size, however, Section 12.4 of the *Electoral Area E Zoning Bylaw* states the following terms for boundary adjustment subdivisions:

“Existing parcels may be consolidated and re-subdivided into new parcels for matters of convenience provided that:

- a) All parts of all parcels are contiguous;*

- b) *No additional lots are created*
- c) *The boundary change does not result in the reduction of either parcel by 20% or more of its original size;*
- d) *The requirements of this bylaw respecting siting of buildings and structures is complied with."*

The subdivision plan submitted by the proponents complies with this regulation as the larger lot (6.99ha) has been reduced by 1.34 ha, which is less than 20% of its original size. Therefore, this proposal would comply with CVRD *Electoral Area E Zoning Bylaw No. 1840*.

The *ALR Use, Subdivision & Procedure Regulation* permits subdivision of land located within the ALR provided that it meets one or more of the following criteria:

1. *"That the subdivision plan consolidates 2 or more parcels into a single parcel by elimination of common lot lines;*
2. *That the plan resolves a building encroachment on a property line and creates no additional parcels;*
3. *That the plan involves not more than 4 parcels, each of which is a minimum of 1 ha, and results in all of the following:*
 - a. *no increase in the number of parcels;*
 - b. *boundary adjustments that, in the opinion of the approving officer, will allow for the enhancement of the owner's overall farm or for the better utilization of farm buildings for farm purposes;*
 - c. *no parcel in the reserve of less than 1 ha;*
4. *That the plan establishes a legal boundary along the boundary of an agricultural land reserve."*

The application seeks to meet the third criteria. The application involves only two parcels, it does not increase the number of parcels, and brings both parcels to a size greater than 1 ha. The Agricultural Land Commission does not have a standard minimum lot size policy, and therefore it is difficult to assess whether the creation of a new 1.34ha lot is beneficial to farming on the property.

As was noted above, the Canada Land Inventory soil classification identifies the agricultural capacity of the larger subject property to be 70% Class 4 and 30% Class 5, with topographical and stoniness limitations. With soil improvement methods, such as rock removal, the stoniness of the soil is improvable, but remains 70% Class 4 and 30% Class 5. The smaller subject property is classified to be 60% Class 7 and 40% Class 5, with topographical limitations. The soil conditions of this property are not considered to be improvable.

On a site visit, it was noted that the proponents are currently operating a gravel extraction operation on the property. The identified stoniness and topographical limitations to agricultural use for the parcel fronting Marshall Road are potentially being addressed through gravel extraction. During the site visit, the proponent stated that he is attempting to improve the agricultural capability of the parcel through the removal of a sloping gravel deposit in order to level the lot to the elevation of the adjacent hayfield to the north of the subject property. Once the gravel has been extracted, the proponent plans to replace the topsoil, in adherence with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* section 3(1)(k).

It was also noted during the site visit that there is a creek on or within 30 m of both lots. If this application for subdivision is approved, a Riparian Areas Regulation Development Permit would need to be issued. This can be addressed when the subdivision application is referred to the CVRD from the Ministry of Transportation.

Government Agency Comments:

CVRD Development Application Procedures and Fees Bylaw No. 3275 does not require ALR applications to be referred to the APC unless requested by the Area Director. The Director for Electoral Area E was contacted regarding this application and did not request that it be referred to the APC.

Options:

The CVRD Board's Policy with respect to ALR non-farm use applications is to forward applications to the ALC only if the proposed non-farm use complies with CVRD Bylaws, which in this case it does.

1. That Application No. 02-E-10ALR submitted by Orosi Land Co. Ltd. and Arturo and Yanina Mendenhall made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property be forwarded to the Agricultural Land Commission (ALC) with a recommendation that the ALC review and provide advice to the applicant on the desired lot configuration in order to achieve maximum agricultural capability but that any revisions comply with the requirements of Bylaw No. 1840.
2. That Application No. 2-E-10ALR submitted by Orosi Land Co. Ltd. and Arturo and Yanina Mendenhall made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property be forwarded to the Agricultural Land Commission with a recommendation to deny the application.

Submitted by,

Carla Schuk

Carla Schuk
Planning Technician
Development Services Division
Planning and Development Department

General Manager's Approval:
<i>[Signature]</i>
Signature

CS/ca
Attachments



Cowichan
Valley
Regional
District

This map is compiled from
various sources for internal
use and is designed for
reference purposes only.

The Regional District does not
warrant the accuracy.

All persons making use of this
compilation are advised that
amendments have been
consolidated for convenience
purposes only and that
boundaries are representational.

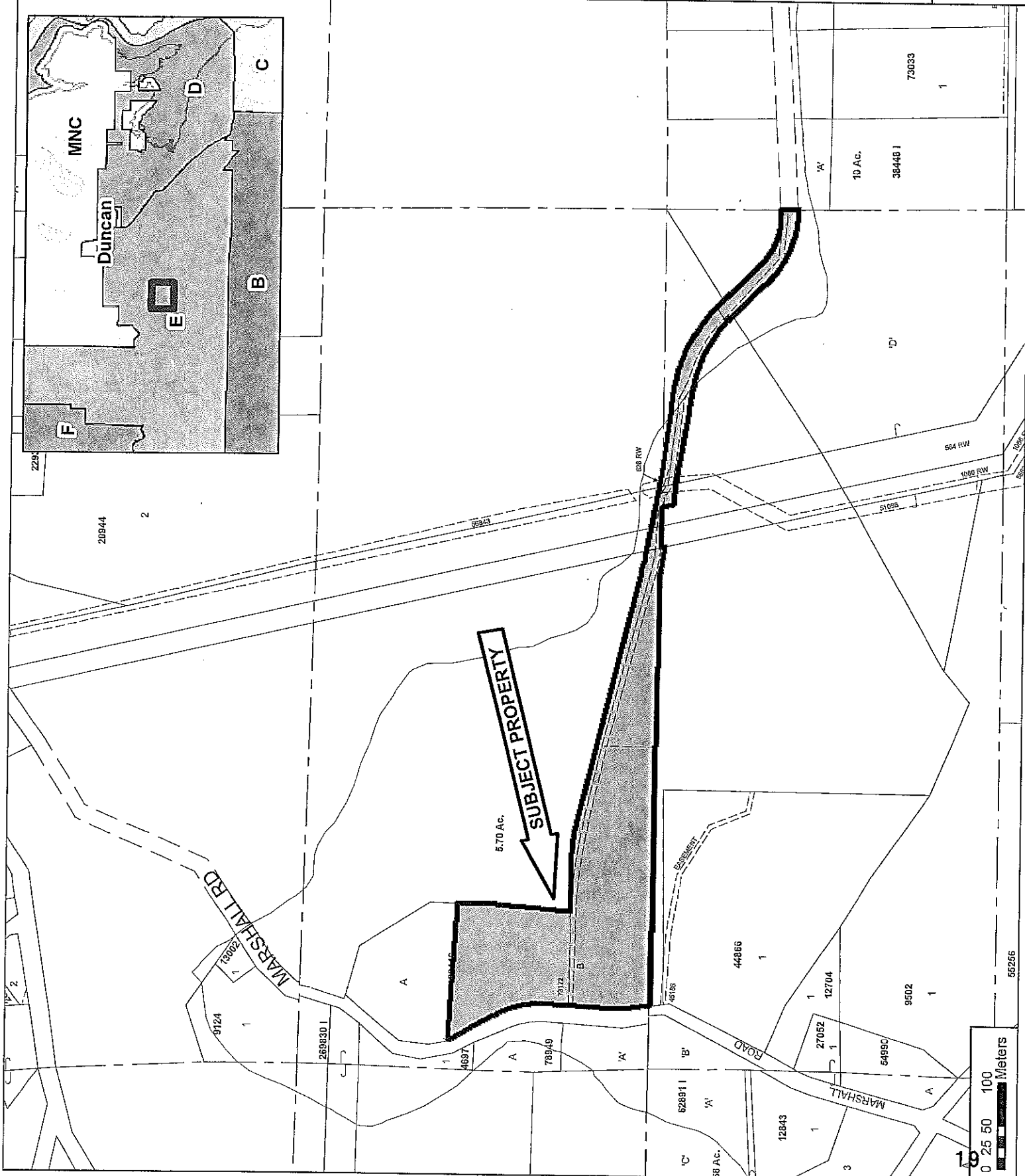
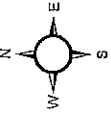
The original Bylaws should be
consulted for all purposes of
interpretation and application
of the Bylaws.

FILE: 2-E-10-ALR

Legend



Subject Property





Cowichan
Valley
Regional
District

This map is compiled from various sources for internal use and is designed for reference purposes only.

The Regional District does not warrant the accuracy.

All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

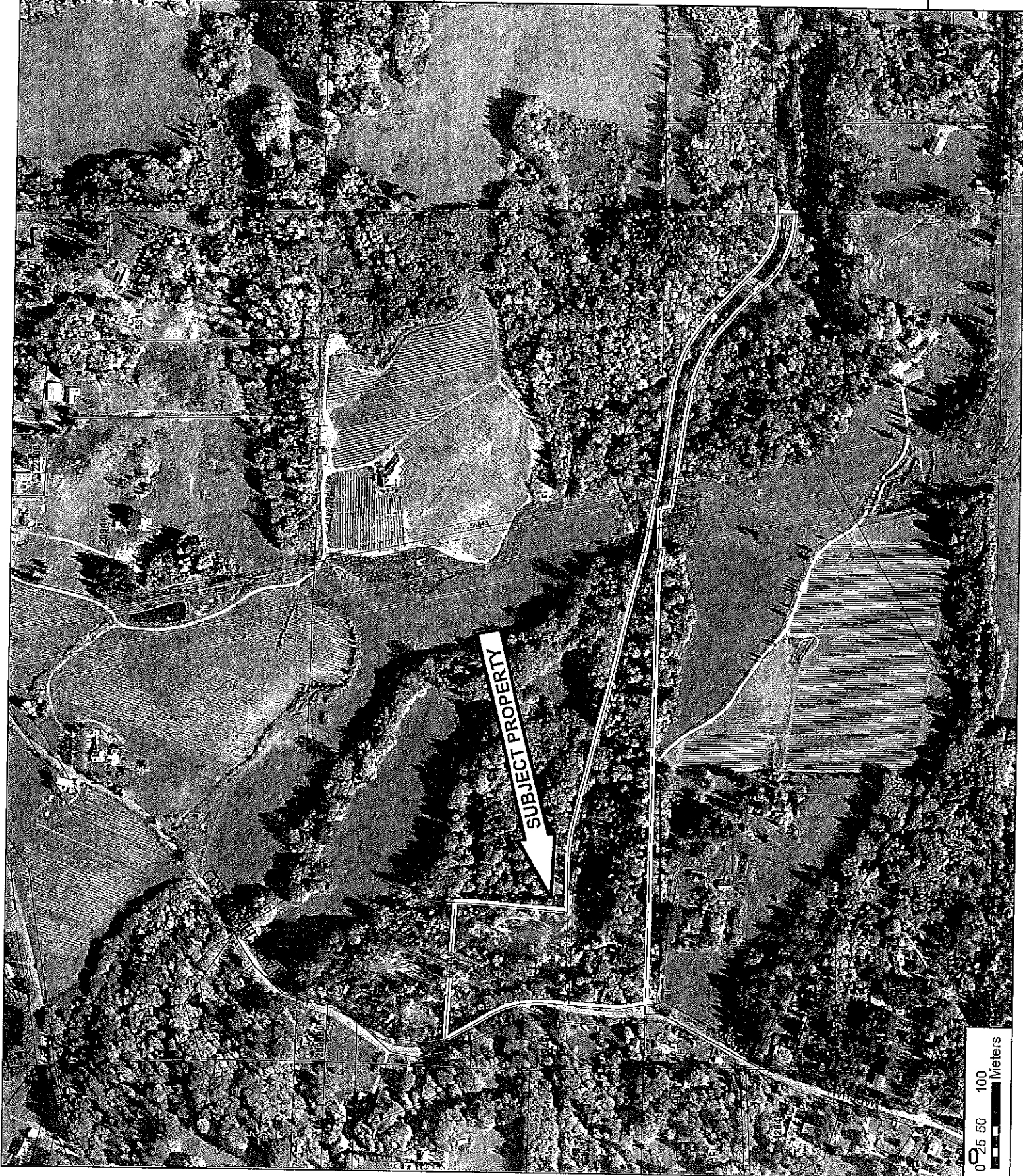
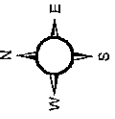
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 2-E-10-ALR

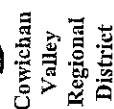
Orthophoto (2004)

Legend

Subject Property



0 25 50 100 Meters



This map is compiled from various sources for internal use and is designed for reference purposes only.

The Regional District does not warrant the accuracy.

All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

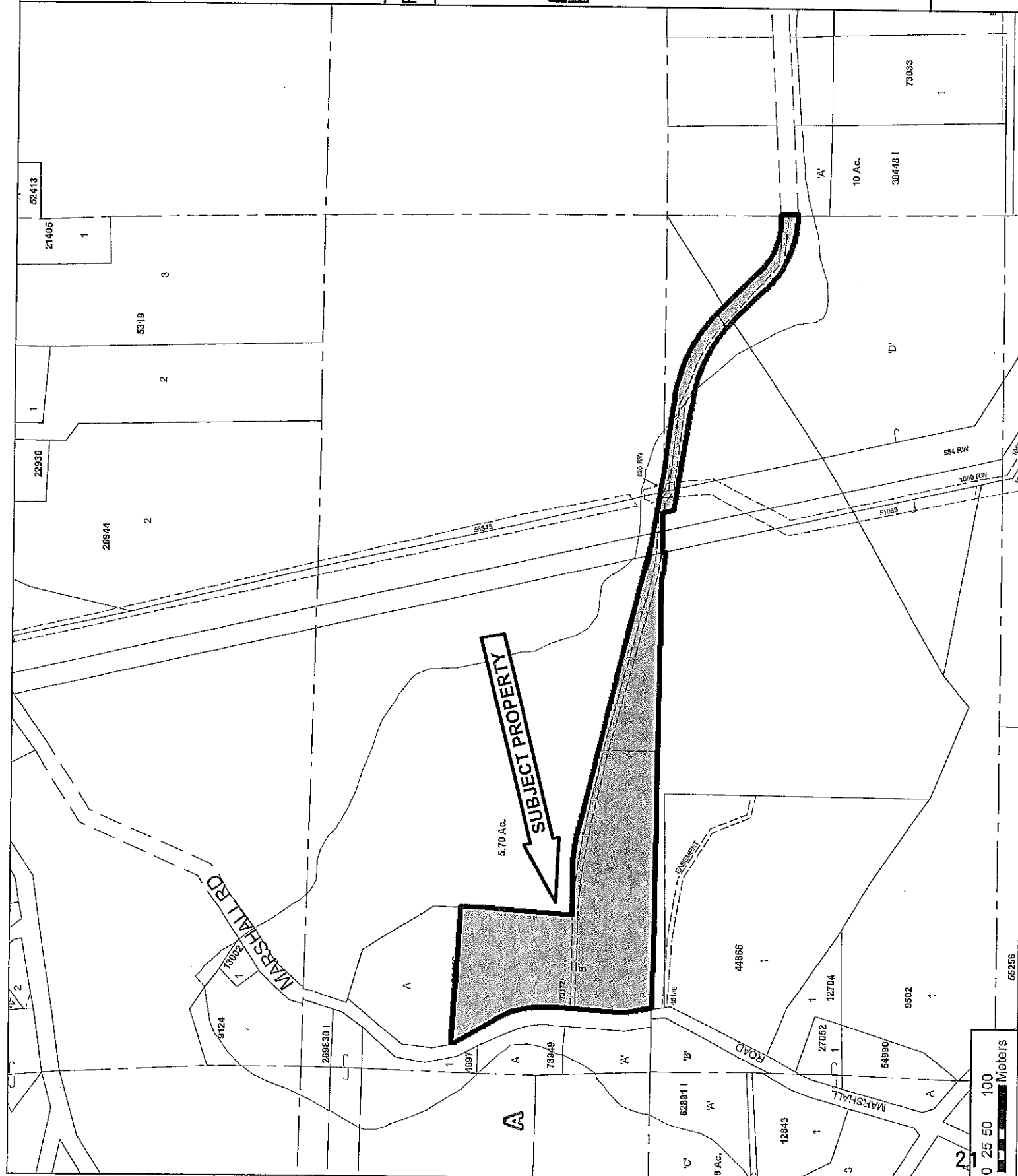
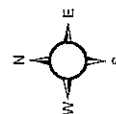
FILE: 2-E-10-ALR

Doc

Legend



Subject Property
OCP Electoral Area E





**Cowichan
Valley
Regional
District**

This map is compiled from various sources for internal use and is designed for reference purposes only.

The Regional District does not warrant the accuracy.

All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

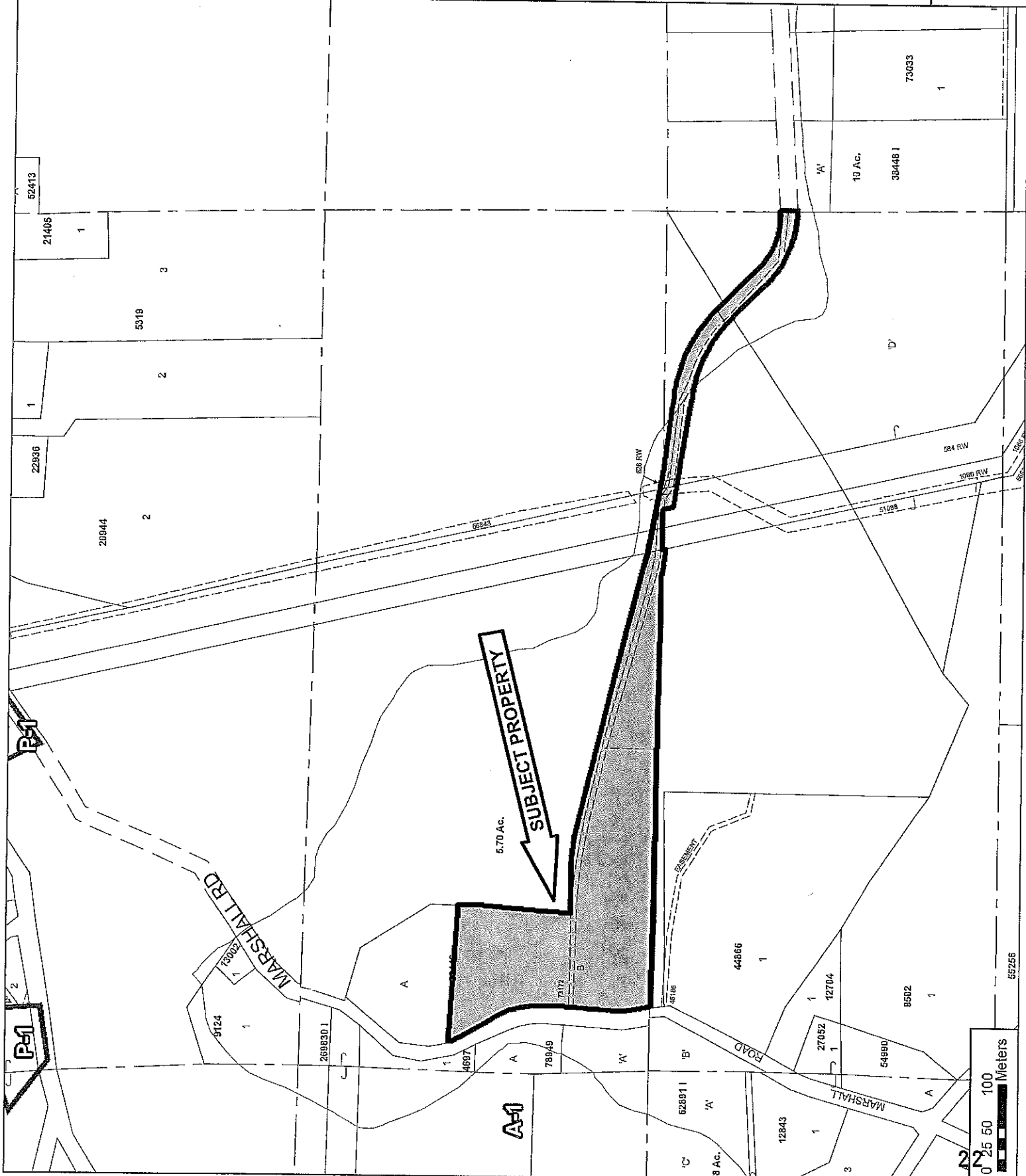
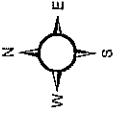
FILE: 2-E-10-ALR

ZONING

Legend



Subject Property
Zoning Electoral Area E

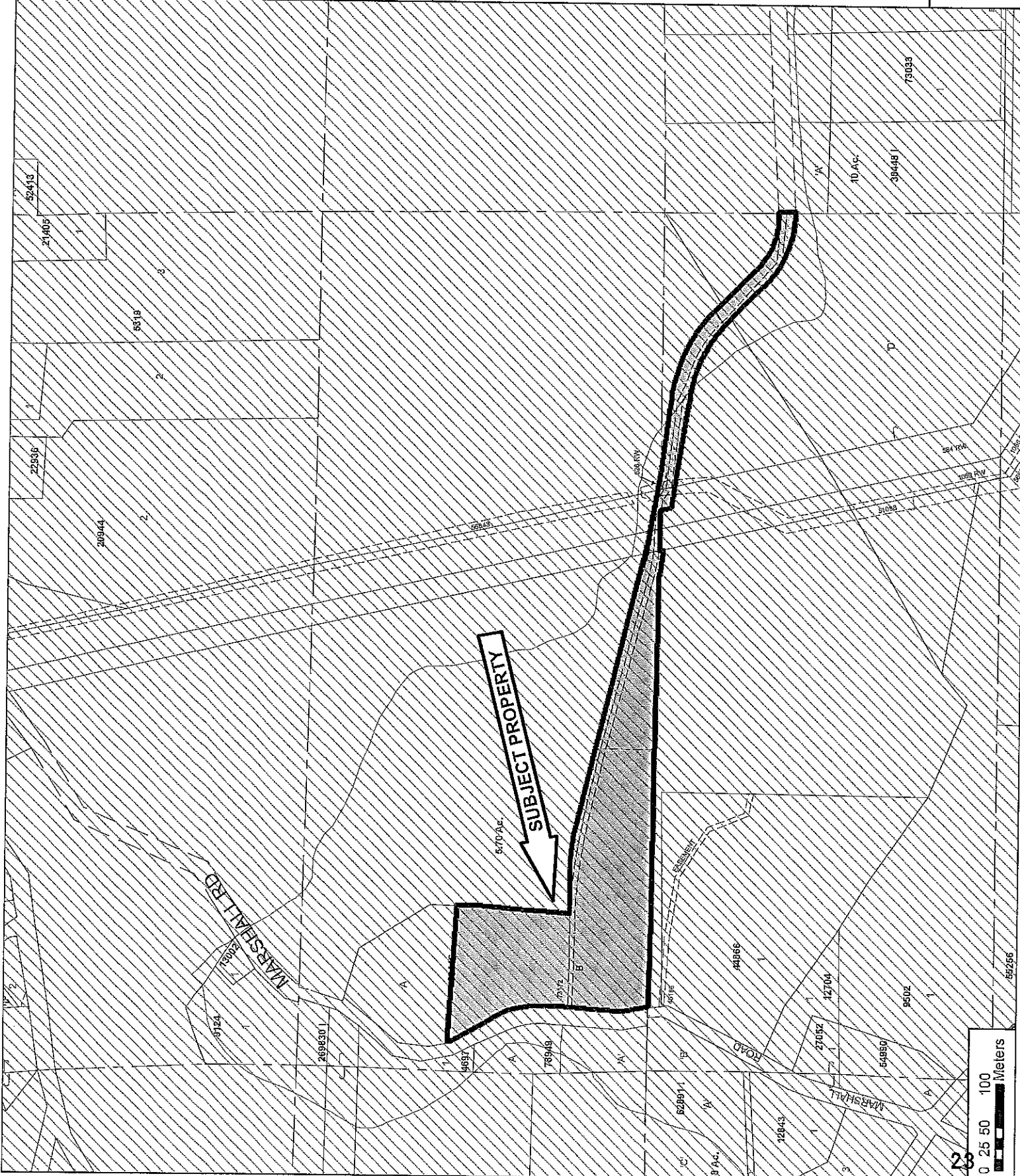
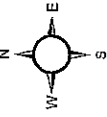




The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

ALR

Subject Property
EALR





This map is compiled from various sources for internal use and is designed for reference purposes only.

The Regional District does not warrant the accuracy.

All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

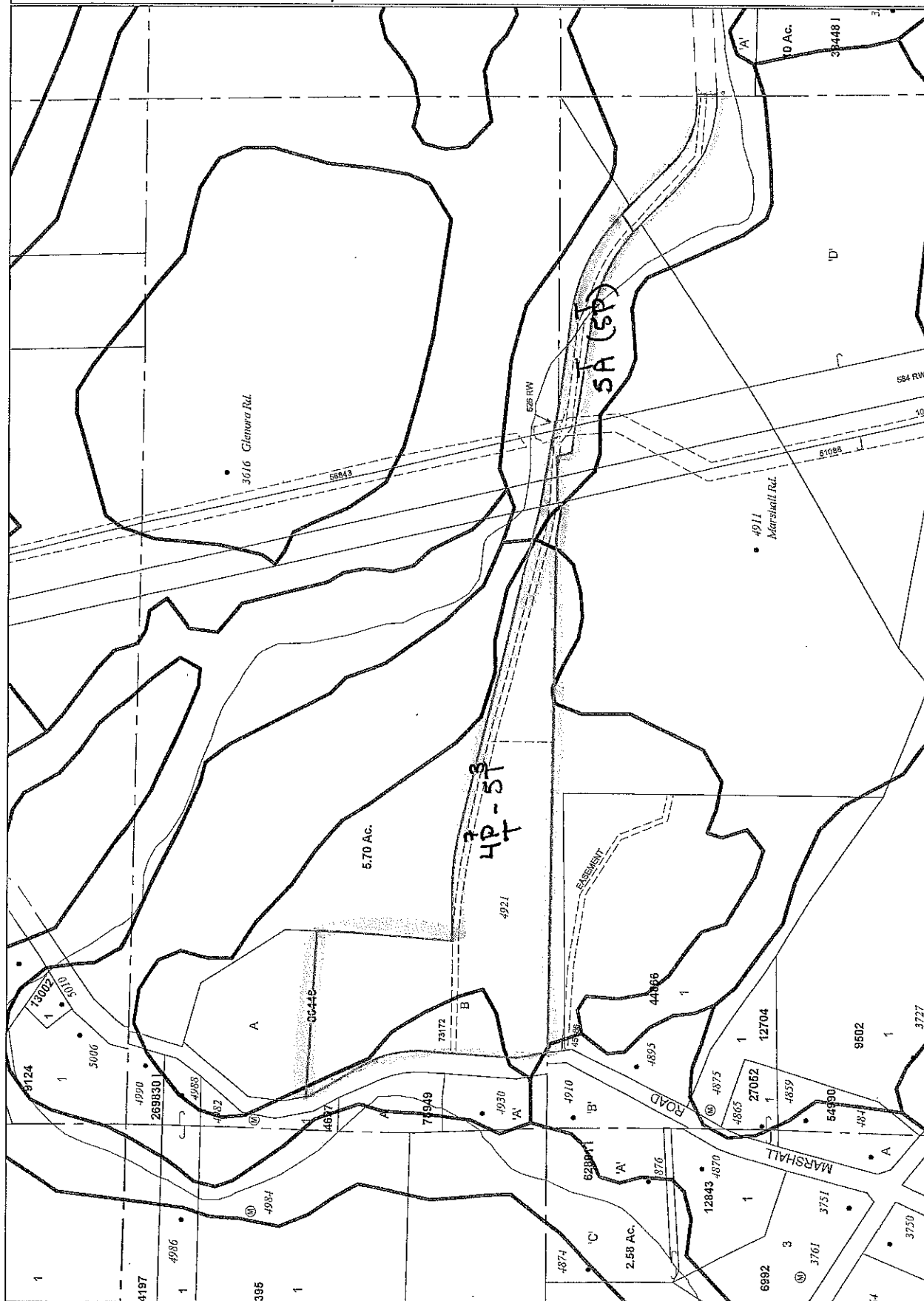
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Printed: September 28, 2010

Soil Classification



Scale: 1:3,366



**SUBDIVISION PLAN OF LOT B, SECTIONS 8 & 9, RANGE 3
PLAN VIP86446; AND THAT PART OF SECTION 8, RANGE 3
SHOWN ON PLAN 627 RW, ALL WITHIN QUAMICHAN DISTRICT.**

Scale = 1:2500



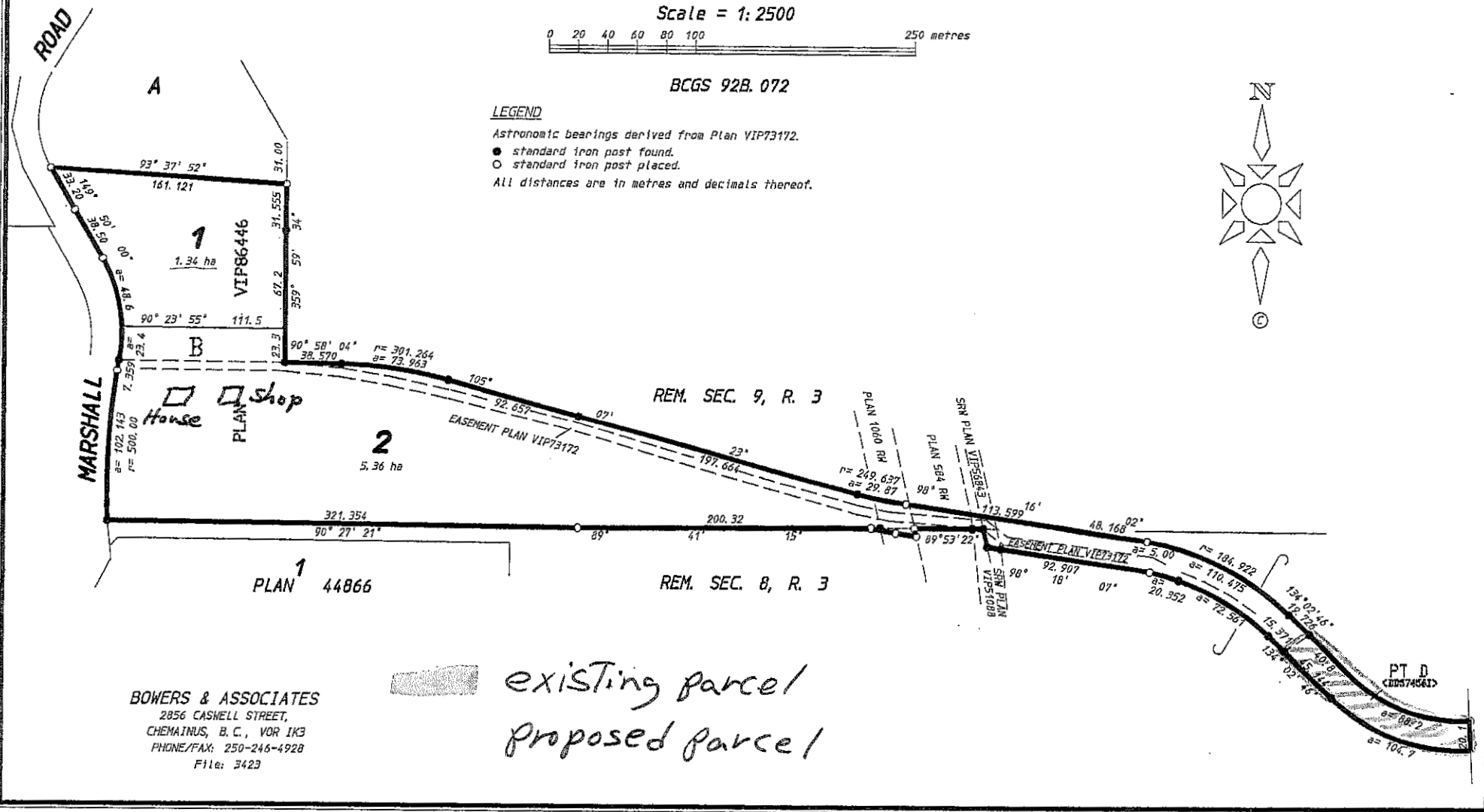
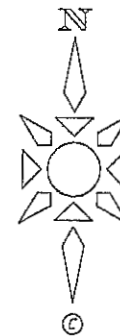
BCGS 92B. 072

LEGEND

Astronomic bearings derived from Plan VIP73172.

- standard iron post found.
- standard iron post placed.

All distances are in metres and decimals thereof.



BOWERS & ASSOCIATES
2856 CASHWELL STREET,
CHEMAINUS, B.C., V0R 1K3
PHONE/FAX: 250-246-4928
File: 3423



D5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF OCTOBER 19 2010

DATE: October 12, 2010 **FILE NO:** 1-H-10ALR
FROM: Maddy Koch, Planning Assistant **BYLAW NO:**
SUBJECT: Application 1-H-10ALR
(Muir)

Recommendation:

That application No. 1-H-10 ALR (Muir), regarding the inclusion of approximately 17.3 ha of District Lot 51, Oyster District, except the right of way in the Esquimalt and Nanaimo Railway Company, except part coloured red on Plan deposited under DD 272791, and except part shown outlined in red on plan deposited under DD 285551 (PID: 009-439-714) to the Agricultural Land reserve, be forwarded to the Agricultural Land Commission with a recommendation to approve.

Purpose:

To consider an application to include a 17.3 hectare portion of land into the Agricultural Land Reserve.

Background:

Legal Description: District Lot 51, Oyster District, except the right of way in the Esquimalt and Nanaimo Railway Company, except part coloured red on Plan deposited under DD 272791, and except part shown outlined in red on plan deposited under DD 285551 (PID: 009-439-714)

Date Application and Complete Documentation Received: August 6, 2010

Owner: Heart Lake Developments Ltd.

Applicant: Bruce Muir

Size of Parcel: ±64.94 ha (160 acres)

Existing Zoning: A-1 (Primary Agricultural)

Minimum Lot Size Under Existing Zoning: 12 hectares

Existing Plan Designation: Agriculture

Existing Use of Property: Unoccupied forested land

Existing Use of Surrounding Properties:

North: Oyster Bay Indian Reserve
 South: Agriculture (A-1)
 East: Residential (R-2)
 West: Agriculture (A-1)

Services:

Road Access: Oyster Sto Lo
Water: Community water proposed
Sewage Disposal: Community sewer proposed

Agricultural Land Reserve Status: Property is not located within the ALR

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas has identified a stream with confirmed fish presence along the southern parcel line of the subject property. Also, an older second growth forest is identified on the southern tip of the subject property.

Archaeological Site: We have no record of any archaeological sites on the subject property.

Soil Classification:

Canada Land Inventory Maps: \pm 47% 5PA (5PA); \pm 17% 5AW(2C); \pm 17% 7T; \pm 12% 5PA (6:5P 4:4P)

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
2	-	17
3	-	-
4	-	5
5	76	54
6	-	-
7	17	17
Other	7	7
TOTAL	100	100

Explanation of Land Capability Classifications:

- Class 1 lands have no limitations for Agricultural Production
- Class 2 lands have minor limitations, can be managed with little difficulty
- Class 3 lands have moderate limitations for Agricultural Production
- Class 4 lands have limitations that require special management practices
- Class 5 lands have limitations that restrict capability to produce perennial forage crops
- Class 6 lands suitable for domestic livestock grazing, may not be suitable for cultivation
- Class 7 lands have no capability for arable culture.

- Subclass "A" indicates soil moisture deficiency, improvable by irrigation
- Subclass "C" thermal limitations
- Subclass "D" indicates low perviousness, management required
- Subclass "P" indicates stoniness, improvable by stone picking
- Subclass "R" indicates bedrock near the surface or rock outcrops
- Subclass "T" indicates topography limitations, not improvable
- Subclass "W" indicates excess water, may be improvable by drainage.

Policy Context:

The Official Community Plan, Bylaw No. 1497, supports the designation and retention of agricultural lands. The following policies are derived from the Agricultural section of the OCP, and are meant to guide development within lands designated as Agricultural.

"Policy 5.1.1:

All lands within the Agricultural Land Reserve (ALR) as well as other lands considered to be agricultural in character or supportive of agricultural lands shall be designated Agricultural in the plan map.

Policy 5.1.2:

a) all uses and subdivision of ALR land except those lands exempted under Section 19(1) of the Agricultural Land Commission Act shall be in accordance with the provisions of the Act, regulations thereto, and orders of the Land Commission.

Policy 5.1.3

Subject to the policies contained within this Plan, agricultural pursuits shall be given priority within the Agricultural designation and the only uses permitted are those which shall not preclude future agricultural uses.

Policy 5.1.17

The Regional Board shall request and encourage the Agricultural Land Commission to permit two dwellings on parcels with a size of two hectares or larger in North Oyster-Diamond."

Planning Division Comments:

The subject property is located directly west of downtown Ladysmith, is zoned A-1 and currently forested. The applicant is currently proposing to rezone and subdivide the lot into eight secondary agricultural (A-2) zoned lots and 150 manufactured home (MH-1) zoned lots. The eight secondary agricultural lots are proposed to be included into the ALR. As shown on the attached site plan, the eight agricultural lots would take up about 17.3 ha of the northwest portion of the subject property. At present, no part of the subject property is included in the ALR, but properties to the west of the subject property are.

The purpose of this ALR inclusion application is to satisfy a condition of the March 10, 2010 board resolution 14.1 (3) which states the following:

3. Prior to consideration of adoption of the OCP and Zoning amendment bylaws, that provisions to secure inclusion of secondary agricultural lots in the ALR, dedication of park land and the fire hall site and agricultural buffers and setbacks be in place.

The Canada Land Inventory soil classification identifies the agricultural capacity of the subject property as being mostly Class 5 (approximately 76 %) and Class 7 (approximately 17%) soil. Stoniness, soil moisture deficiency and topography are the main factors limiting the agricultural capability of the soils. By using the appropriate remedial techniques, the soil capability could be improved to 17% Class 2 soil, 5% Class 4 soil and 54% Class 5 soil. The proposed A-2 zoned lots would be located in mostly Class 5 (not improvable) soils, and the MH-1 zoned lots would be located in mostly Class 5 (improvable to Class 2) soils.

Please note that this application was not reviewed by the Area H APC, under the direction of the Area Director.

Options:

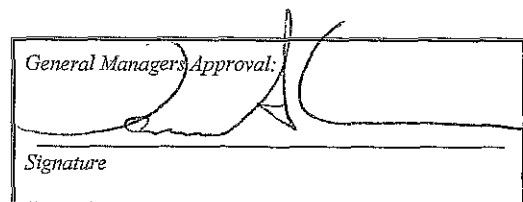
1. That application No. 1-H-10 ALR (Muir), regarding the inclusion of approximately 17.3 ha of District Lot 51, Oyster District, except the right of way in the Esquimalt and Nanaimo Railway Company, except part coloured red on Plan deposited under DD 272791, and except part shown outlined in red on plan deposited under DD 285551 (PID: 009-439-714) to the Agricultural Land reserve, be forwarded to the Agricultural Land Commission with a recommendation to approve.
2. That application No. 1-H-10 ALR (Muir), regarding the inclusion of approximately 17.3 ha of District Lot 51, Oyster District, except the right of way in the Esquimalt and Nanaimo Railway Company, except part coloured red on Plan deposited under DD 272791, and except part shown outlined in red on plan deposited under DD 285551 (PID: 009-439-714) to the Agricultural Land reserve, be forwarded to the Agricultural Land Commission with no recommendation.
3. That application No. 1-H-10 ALR (Muir), regarding the inclusion of approximately 17.3 ha of District Lot 51, Oyster District, except the right of way in the Esquimalt and Nanaimo Railway Company, except part coloured red on Plan deposited under DD 272791, and except part shown outlined in red on plan deposited under DD 285551 (PID: 009-439-714) to the Agricultural Land reserve, be forwarded to the Agricultural Land Commission with a recommendation to deny.

Option 1 is recommended.

Submitted by,

Maddy Koch

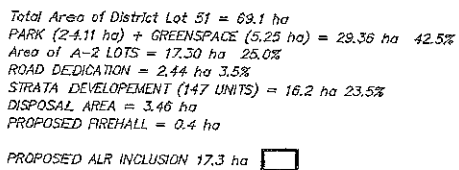
Maddy Koch,
Planning Assistant
Planning and Development Department



SCALE 1 : 2000

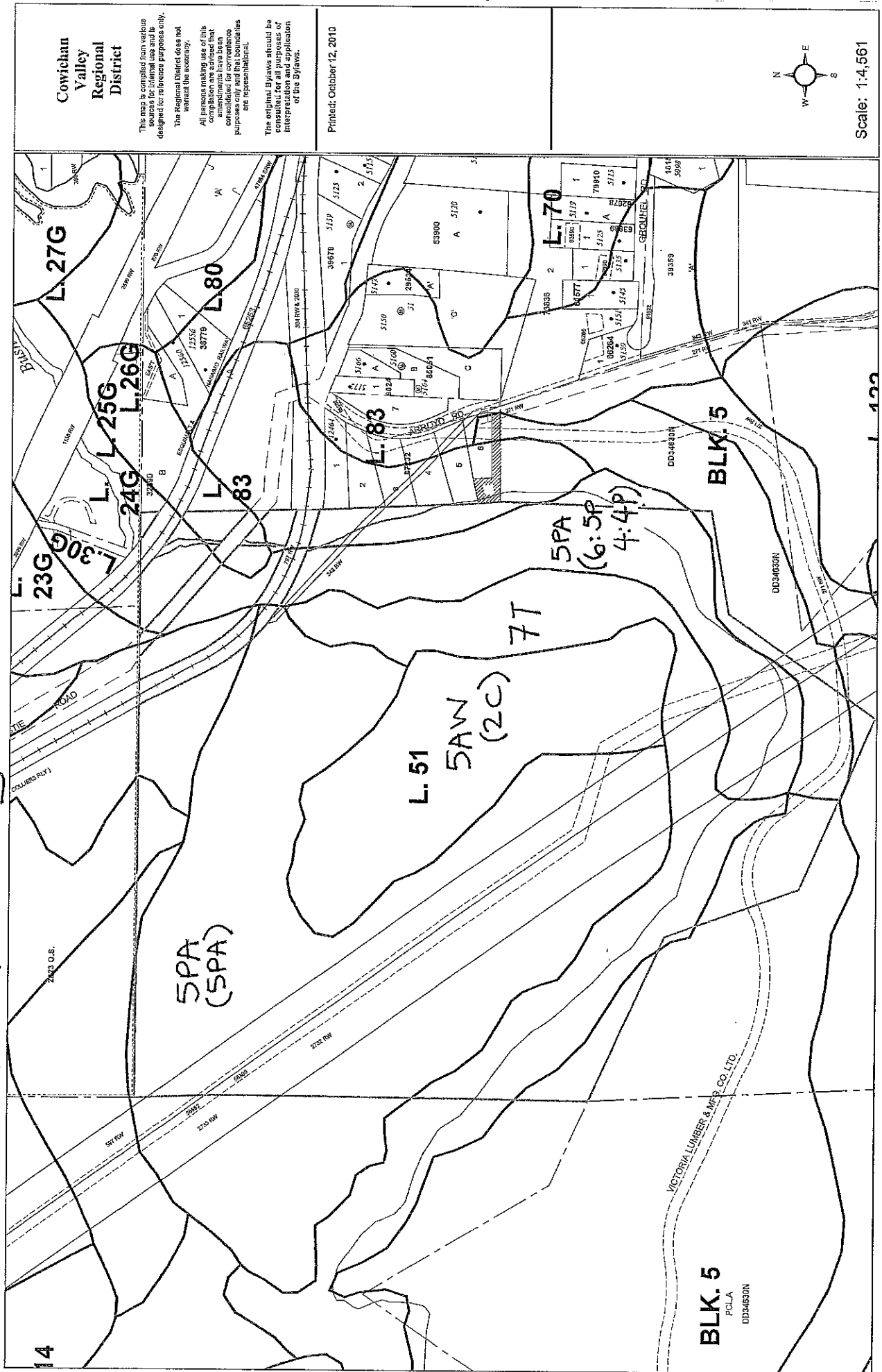


All distances are in metres and are subject to change upon final survey.



STRATA DEVELOPEMENT TOTAL AREA = 16.2 ha 23.5%
STRATA DEVELOPEMENT STRATA ROADS = 3.02 ha 4.4%
STRATA DEVELOPEMENT COMMON AREAS = 3.94 ha 5.7%
STRATA DEVELOPEMENT STRATA LOTS 9.16 ha 13.3%
STRATA DEVELOPEMENT MINIMUM LOT SIZE 540 square meters
STRATA DEVELOPEMENT AVERAGE LOT SIZE 623 square meters

Soil Capability





SRI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OCTOBER 19 , 2010

DATE: October 12th , 2010 **FILE NO:** 0540-20-EASC/07
FROM: Sybille Sanderson, Acting General Manager, Public Safety
SUBJECT: Eagle Heights Fire Protection Service Area Boundary Expansion

Recommendations:

1. That the *Certificate of Sufficiency* confirming that the petition for inclusion in the Eagle Heights Fire Protection Service Area is sufficient be received.
2. That CVRD Bylaw No. 1965 be amended to extend the boundaries of the Eagle Heights Fire Protection Service Area to include the following property:

Lot 3, Parcel A, Section 13, Range 7, Plan # 2298, Quamichan Land District
Amended DD168307-I, PID: 000-995-215, Folio. 03-765-03347.000
3. That the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.
4. That Schedule A to the Fire Services agreement with the City of Duncan to provide fire protection to the Eagle Heights Fire Protection Service Area, be amended to include the additional property.
5. That the Chair and Corporate Secretary be authorized to sign the amended Eagle Heights Fire Protection Services Agreement.

Purpose:

To extend the boundaries of the Eagle Heights Fire Protection Service Area to include an additional property at 5250 Mission Road.

Financial Implications:

Cost of providing the service will be off-set by payment via property taxes.

Background:

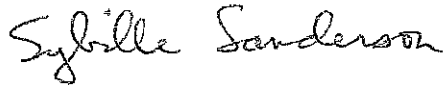
In the spring of 2010, a fire at the above property alerted the owner and the fire department to the fact that this property was not part of the Fire Protection area. The Owner, the City of Duncan and the Public Safety Department wish to expand the service area to include the property.

An additional property owner (the Parhar Development project) is expected to petition the Board to be included in the fire protection service area sometime in the future; however the

development is not sufficiently advanced to be included at this time. It is necessary, however to ensure the property at 5250 Mission Road has fire protection now.

I therefore recommend approval of the boundary expansion of the Eagle Heights Fire Protection Service Area.

Submitted by,



Sybille Sanderson
Acting General Manager, Public Safety

/bw

Attachment: Certificate of Sufficiency
Map detailing Eagle Heights Fire Protection Service Area

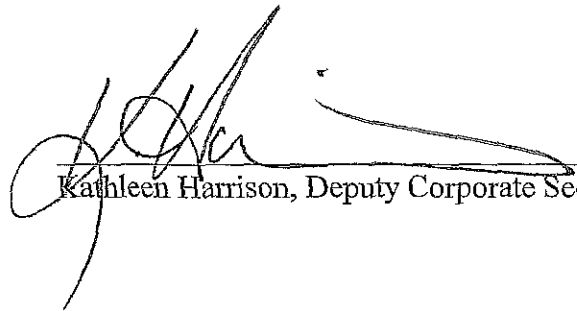


CERTIFICATE OF SUFFICIENCY

I hereby certify that the petition for inclusion in the *Eagle Heights Fire Protection Service Area* is sufficient, pursuant to section 797.4 of the *Local Government Act*.

DATED at Duncan, British Columbia
this 7th day of October, 2010

)
)
)
)


Kathleen Harrison, Deputy Corporate Secretary

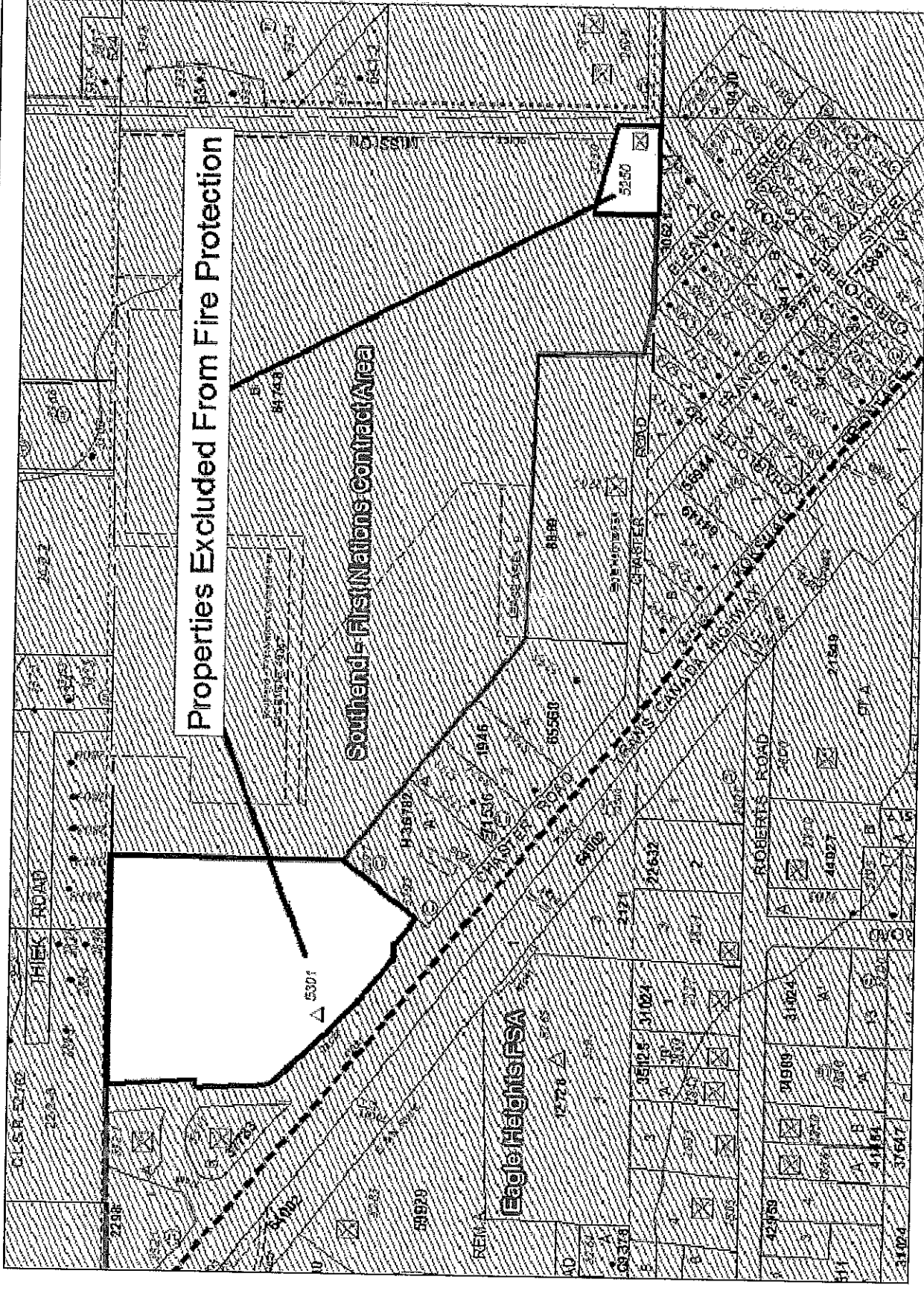
Eagle Heights Fire Protection Service Area

Total Number of Parcels requesting inclusion in the Service Area:	1
Net Taxable Value of All Land and Improvements of new Parcels:	\$787,000.
Number of Valid Petitions Received:	1
Net Taxable Value of Petitions Received (Land and Improvements):	\$787,000.

THE FIRE PROTECTION DISTRICTS ACT, R.S.B.C. 1996, CHAPTER 240, SECTION 240(1) AND (2) AND THE FIRE PROTECTION DISTRICTS REGULATION, R.S.B.C. 1996, CHAPTER 240, SECTION 240(3) AND (4) APPLY TO THIS MAP.

THE DISTRICTS OF THE COWICHAN VALLEY REGIONAL DISTRICT ARE:

- 1. DISTRICT OF COMOX VALLEY
- 2. DISTRICT OF NANAIMO
- 3. DISTRICT OF KODJAK
- 4. DISTRICT OF KODJAK
- 5. DISTRICT OF KODJAK
- 6. DISTRICT OF KODJAK
- 7. DISTRICT OF KODJAK
- 8. DISTRICT OF KODJAK
- 9. DISTRICT OF KODJAK
- 10. DISTRICT OF KODJAK
- 11. DISTRICT OF KODJAK
- 12. DISTRICT OF KODJAK
- 13. DISTRICT OF KODJAK
- 14. DISTRICT OF KODJAK
- 15. DISTRICT OF KODJAK
- 16. DISTRICT OF KODJAK
- 17. DISTRICT OF KODJAK
- 18. DISTRICT OF KODJAK
- 19. DISTRICT OF KODJAK
- 20. DISTRICT OF KODJAK
- 21. DISTRICT OF KODJAK
- 22. DISTRICT OF KODJAK
- 23. DISTRICT OF KODJAK
- 24. DISTRICT OF KODJAK
- 25. DISTRICT OF KODJAK
- 26. DISTRICT OF KODJAK
- 27. DISTRICT OF KODJAK
- 28. DISTRICT OF KODJAK
- 29. DISTRICT OF KODJAK
- 30. DISTRICT OF KODJAK
- 31. DISTRICT OF KODJAK
- 32. DISTRICT OF KODJAK
- 33. DISTRICT OF KODJAK
- 34. DISTRICT OF KODJAK
- 35. DISTRICT OF KODJAK
- 36. DISTRICT OF KODJAK
- 37. DISTRICT OF KODJAK
- 38. DISTRICT OF KODJAK
- 39. DISTRICT OF KODJAK
- 40. DISTRICT OF KODJAK
- 41. DISTRICT OF KODJAK
- 42. DISTRICT OF KODJAK
- 43. DISTRICT OF KODJAK
- 44. DISTRICT OF KODJAK
- 45. DISTRICT OF KODJAK
- 46. DISTRICT OF KODJAK
- 47. DISTRICT OF KODJAK
- 48. DISTRICT OF KODJAK
- 49. DISTRICT OF KODJAK
- 50. DISTRICT OF KODJAK
- 51. DISTRICT OF KODJAK
- 52. DISTRICT OF KODJAK
- 53. DISTRICT OF KODJAK
- 54. DISTRICT OF KODJAK
- 55. DISTRICT OF KODJAK
- 56. DISTRICT OF KODJAK
- 57. DISTRICT OF KODJAK
- 58. DISTRICT OF KODJAK
- 59. DISTRICT OF KODJAK
- 60. DISTRICT OF KODJAK
- 61. DISTRICT OF KODJAK
- 62. DISTRICT OF KODJAK
- 63. DISTRICT OF KODJAK
- 64. DISTRICT OF KODJAK
- 65. DISTRICT OF KODJAK
- 66. DISTRICT OF KODJAK
- 67. DISTRICT OF KODJAK
- 68. DISTRICT OF KODJAK
- 69. DISTRICT OF KODJAK
- 70. DISTRICT OF KODJAK
- 71. DISTRICT OF KODJAK
- 72. DISTRICT OF KODJAK
- 73. DISTRICT OF KODJAK
- 74. DISTRICT OF KODJAK
- 75. DISTRICT OF KODJAK
- 76. DISTRICT OF KODJAK
- 77. DISTRICT OF KODJAK
- 78. DISTRICT OF KODJAK
- 79. DISTRICT OF KODJAK
- 80. DISTRICT OF KODJAK
- 81. DISTRICT OF KODJAK
- 82. DISTRICT OF KODJAK
- 83. DISTRICT OF KODJAK
- 84. DISTRICT OF KODJAK
- 85. DISTRICT OF KODJAK
- 86. DISTRICT OF KODJAK
- 87. DISTRICT OF KODJAK
- 88. DISTRICT OF KODJAK
- 89. DISTRICT OF KODJAK
- 90. DISTRICT OF KODJAK
- 91. DISTRICT OF KODJAK
- 92. DISTRICT OF KODJAK
- 93. DISTRICT OF KODJAK
- 94. DISTRICT OF KODJAK
- 95. DISTRICT OF KODJAK
- 96. DISTRICT OF KODJAK
- 97. DISTRICT OF KODJAK
- 98. DISTRICT OF KODJAK
- 99. DISTRICT OF KODJAK
- 100. DISTRICT OF KODJAK





SR2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 19, 2010

DATE: October 13, 2010

FILE NO:

FROM: Brian Farquhar, Manager Parks and Trails

BYLAW NO:

SUBJECT: Community Park Functions – Statutory Requisition Limitations

Recommendation:

That this report be received for information.

Purpose:

To advise the Committee of the statutory requisition limits for Community Parks functions 231-239, and 282.

Financial Implications:

The statutory limitation of establishment bylaws defines the maximum that can be annually requisitioned through taxation.

Interdepartmental/Agency Implications:

Legislative changes implemented by the Province permit adoption through bylaw without approval of the Province administrative increases to requisition limits for existing service establishment bylaws (*Section 802(3) of the Local Government Act*). Conditions governing such increases through bylaw amendments include the proposed requisition increase does not exceed 25 percent and the timeframe is greater than five (5) years from any previous increase approved to the requisition limit.

Background:

Minor increases in service establishment bylaws statutory requisition limitations have in the past been considered and approved by the Regional Board where growing service requirements have necessitated such increases. The issue was recently raised at the South Cowichan Parks Commission with respect to the capacity to increase the current requisition limit for the South Cowichan Parks function (282) and that it be brought forward to the Committee for consideration. Several of the Electoral Area Community Parks functions have undergone such

increases in recent years in response to continued growth in local community parks systems and constructed amenities as supported by Parks Commissions and the Board. The following table provides a summary of the current requisition limits for Community Parks functions 231-239, and 282, inclusive of the date of last requisition limit increase approved:

Function	Current Requisition Limit	2010 Statutory Limitation	Date of Last Requisition Increase Approval
Area A (231)	\$0.30 per \$1,000	\$253,953	12 October 2005
Area B (232)	\$0.35 per \$1,000	\$526,150	14 March 2007
Area C (233)	\$0.35 per \$1,000	\$299,257	14 March 2007
Area D (234)	\$0.35 per \$1,000	\$175,739	14 March 2007
Area E (235)	\$0.43 per \$1,000	\$227,882	13 May 2009
Area F (236)	\$0.35 per \$1,000	\$153,504	14 March 2007
Area G (237)	\$0.35 per \$1,000	\$133,052	12 October 2005
Area H (238)	\$0.30 per \$1,000	\$152,833	12 October 2005
Area I (239)	\$0.30 per \$1,000	\$158,442	12 October 2005
SCP (282)	\$50,000 per annum	\$50,000	22 August 2001

Based on prior requisition increase approvals, Functions 231, 237, 239, 239 and 282 could be considered at this time by the Committee and Board for administrative increases under the conditions of Section 802(3) of the *Local Government Act*. Function 281 (Bright Angel Park) was established as a sub-regional park under the Regional Parks function with only the participating areas A, B, C, D and E contributing to this function. The requisition limit is established annually by the Boar for this function as part of the budget approval process.

If there is an interest in such increase for one or more of these functions a recommendation to the Board is required requesting that a requisite amendment bylaw be prepared for consideration of three readings and approval by the Regional Board to increase the current requisition limit not exceeding 25 percent for the specified service establishment bylaw.

Submitted by,



Brian Farquhar
Manager, Parks and Trails Division
Parks, Recreation and Culture Department

BTF/ca



SRS

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 19, 2010

DATE: October 13, 2010

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: 2011 Animal Control Budget

Action:

That the Committee provide direction on this matter.

Purpose:

To obtain Committee direction.

Financial Implications:

Dependent upon direction given.

Interdepartmental/Agency Implications:

N/A

Background:

In September it was reported to the Committee during the Mid-Year Budget Update, that the Animal Control budget revenues and expenditures would meet budget projections for 2010. It can be reported that this is still the case. However, since that time we have now begun our more detailed budget preparation work for next year and it is expected that the surplus monies carried forward from 2010 to 2011 will be approximately \$5,000 less than the surplus carried forward last year. Couple this with a projected \$2,000 increase in General Expenditures of our Animal Control budget and we are looking at an approximate \$7,000 shortfall in revenues for next year. This will result in the need to find that money either in the form of an increase in the requisition or via increased license fees. The Requisition last year was \$18,545. It should be noted that license fees were increased last year. This report is presented to obtain direction on how we should proceed.

A review of Dog License Fees within the Regional District reveals the following:

Town of Lake Cowichan (only allows 2 dogs per household)

Neutered Male/Female:

\$15 (to January 31st)

\$30 (February 1st to year-end)

Intact Male/Female:

\$25 (to January 31st)

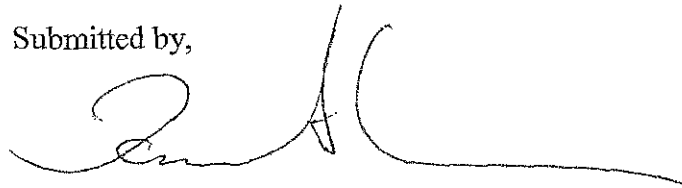
\$40 (February 1st to year-end)

Replacement Tag:

\$4

If the CVRD were to raise license fees by \$5 for the January sales period an additional \$10,000 could be realized. If we were to raise license fees for the remainder of the year, an additional \$2,000 could be realized if the same number of licenses were purchased.

Submitted by,



Tom R. Anderson,
General Manager
Planning and Development Department

TRA/ca



SR4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 19, 2010

DATE: October 13, 2010

FILE No:

FROM: Tom R. Anderson, General Manager

BYLAW No:

SUBJECT: Additional Facilities in Accessory Buildings

Recommendation:

That the Committee maintain the existing Additional Facilities in Accessory Building Policy.

Purpose:

To obtain Committee direction on this matter.

Financial Implications:

Not Applicable

Interdepartmental/Agency Implications:

Not Applicable

Background:

In 2004, the Regional Board passed the following Policy regarding the allowance of plumbing fixtures within Accessory buildings:

“As a measure to reduce the number of illegal dwellings in the CVRD, that staff be authorized to allow for one toilet and one sink, and no other facilities such as showers, bathtubs, and laundry and kitchen facilities, in accessory buildings, without the specific authorization of the Board.”

Since 2004 we have had approximately 10-12 requests for additional facilities in accessory buildings that have come to Committee and ultimately been approved by the Regional Board. As well, the Committee has been requesting that covenants be registered on title committing the owner to remove the facilities prior to change in ownership of the properties as a further measure to reduce the risk of allowing the establishment of illegal dwellings.

Director Cossey has requested that a report be placed on the agenda so that Directors and staff may discuss the possibility of delegating the authority of approving additional facilities within accessory buildings to staff.

From a staff perspective, if Directors are interested in allowing an increased number of plumbing facilities within accessory buildings beyond that which is currently allowed under CVRD Policy, then Directors should simply amend the policy. Any discretionary authority given to staff to approve additional facilities will inevitably end up with staff simply creating a new defacto policy to allow additional facilities subject to the covenant. As such, Directors should consider maintaining the existing policy and simply deal with the requests for additional facilities as they come along.

Submitted by,

A handwritten signature in black ink, appearing to read 'Tom R. Anderson', with a long horizontal flourish extending to the right.

Tom R. Anderson,
General Manager
Planning and Development Department

TRA/ca



SR5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 7, 2010

DATE: August 18, 2010 **FILE NO:** OCP: Areas A, C, D
and H
FROM: Mike Tippet, Manager,
Community and Regional Planning Division **BYLAW NO:**
SUBJECT: Marine Riparian Development Permit Areas

Recommendation:

- (a) That the proposed amendment to the Cobble Hill Official Community Plan that would introduce a new Marine Riparian Development Permit Area be approved, and that staff be directed to refer the proposed bylaw for Electoral Area C to Fisheries and Oceans Canada, School District 79, Malahat First Nation and Cowichan Tribes in the form of a written referral only, with a four week response period, and that Directors Giles, Iannidinardo and Morrison be appointed as delegates to the public hearing;
- (b) That the proposed amendment to the Cowichan Bay Official Settlement Plan that would introduce a new Marine Riparian Development Permit Area be approved, and that staff be directed to refer the proposed bylaw for Electoral Area D to Fisheries and Oceans Canada, School District 79, the City of Duncan, the Municipality of North Cowichan, Cowichan Estuary Environmental Management Committee Chair and Cowichan Tribes in the form of a written referral only, with a four week response period, and that Directors Iannidinardo, Giles and Morrison be appointed as delegates to the public hearing;
- (c) That the proposed amendment to the North Oyster/Diamond Official Community Plan that would introduce a new Marine Riparian Development Permit Area be approved, and that staff be directed to refer the proposed bylaw for Electoral Area H to Fisheries and Oceans Canada, School District 68, Stz'uminus First Nation, the Town of Ladysmith and Nanaimo Regional District in the form of a written referral only, with a four week response period, and that Directors Marcotte, Dorey and Morrison be appointed as delegates to the public hearing;
- (d) That Bylaw 3414 have Second Reading rescinded, be amended in accordance with the bylaws for Electoral Areas C, D and H, and that second reading as amended be done;
- (e) That CVRD Development Applications Procedures and Fees Bylaw No. 3275 be amended by adding development permit applications under the Marine Riparian DPAs to the list of permit types that are delegated to staff.

Purpose:

To propose revisions to CVRD Bylaw No. 3414 (Ocean Shoreline DPA) and to bring forward for the consideration of the Committee similar draft bylaws for Electoral Areas C, D and H.

Financial Implications:

Usual hearing costs plus an ongoing commitment to process applications that are not now required (Development Services Division), and to monitor shoreline development activities generally (Bylaw Enforcement Division).

Interdepartmental/Agency Implications:

Improved stewardship of public foreshore areas and improvements to development standards in marine riparian areas will to some degree fill the regulatory void that exists presently.

Background:

At the committee meeting of August 3, 2010, direction was given to staff to proceed to the Board with amendment bylaws that would introduce a new development permit area for ocean shorelines. The draft bylaw that was attached to that report, for Mill Bay/Malahat, proceeded to the Board on the 11th and now has two readings. It was not possible to prepare the other three bylaws in time for the agenda deadline (the day after the Committee meeting!).

Staff has now had an opportunity to draft amendment bylaws for Electoral Areas C, D and H – these are attached to this report. In the course of drafting the other bylaws, some enhancements to the content of the original draft bylaw were made. These enhancements concern the terminology used within the bylaws (for example: substituting “marine riparian” for “ocean shoreline”) as well as enhancements to the guidelines, including a guideline that speaks against the use of the foreshore for hydrothermal heating loops. We feel that the drafts for Electoral Areas C, D and H are superior to the original draft for Area A that now has two readings, so we will recommend that Bylaw 3414 have second reading rescinded and be amended as per the attached updated version.

Additionally, staff discussed the process for dealing with the applications that would come with these development permit areas and have come to the conclusion that we ought to amend the Development Application Procedures and Fees Bylaw No. 3275 by adding the Marine Riparian development permit areas to the list of permits which are delegated to staff.


There are two principal arguments in favour of this: “fast-track” development permits save considerable staff, Committee and Board time, making the process less onerous for all concerned; and secondly, that the nature of this development permit area is technical, similar to Woodley Range and RAR. As with all delegated DPs, staff may choose to refer an application to Committee for direction, if it could be considered controversial for some reason. In anticipation of the possibility that the Committee may agree with staff on the matter of delegation of these DPs, a draft Procedures and Fees Amendment Bylaw was prepared and is attached to this report.

Options:

1. (a) That the proposed amendment to the Cobble Hill Official Community Plan that would introduce a new Marine Riparian Development Permit Area be approved, and that staff be directed to refer the proposed bylaw for Electoral Area C to Fisheries and Oceans Canada, School District 79, Malahat First Nation and Cowichan Tribes in the form of a written referral only, with a four week response period, and that Directors Giles, Iannidinardo and Morrison be appointed as delegates to the public hearing;

- (b) That the proposed amendment to the Cowichan Bay Official Settlement Plan that would introduce a new Marine Riparian Development Permit Area be approved, and that staff be directed to refer the proposed bylaw for Electoral Area D to Fisheries and Oceans Canada, School District 79, the City of Duncan, the Municipality of North Cowichan, Cowichan Estuary Environmental Management Committee Chair and Cowichan Tribes in the form of a written referral only, with a four week response period, and that Directors Iannidinardo, Giles and Morrison be appointed as delegates to the public hearing;
 - (c) That the proposed amendment to the North Oyster/Diamond Official Community Plan that would introduce a new Marine Riparian Development Permit Area be approved, and that staff be directed to refer the proposed bylaw for Electoral Area H to Fisheries and Oceans Canada, School District 68, Stz'uminus First Nation, the Town of Ladysmith and Nanaimo Regional District in the form of a written referral only, with a four week response period, and that Directors Marcotte, Dorey and Morrison be appointed as delegates to the public hearing;
 - (d) That Bylaw 3414 have Second Reading rescinded, be amended in accordance with the bylaws for Electoral Areas C, D and H, and that second reading as amended be done;
 - (e) That CVRD Development Applications Procedures and Fees Bylaw No. 3275 be amended by adding development permit applications under the Marine Riparian DPAs to the list of permit types that are delegated to staff.
2. That no changes be made to other Official Plans with respect to new development permit areas for marine waterfront lands.

Submitted by,

General Manager's Approval:

 Signature

Mike Tippett, MCIP
 Manager
 Community and Regional Planning Division
 Planning and Development Department

MT/ca



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3XXX

A Bylaw to amend Cowichan Valley Regional District Development Application Procedures and Fees Bylaw No. 3275, 2009.

WHEREAS the Board of Directors of the Cowichan Valley Regional District has adopted a procedures and fees bylaw pursuant to Sections 895 and 931 of the Local Government Act, that being CVRD Development Application Procedures and Fees Bylaw No. 3275;

AND WHEREAS the Board of Directors of the Cowichan Valley Regional District believe it to be in the public interest to amend CVRD Development Application Procedures and Fees Bylaw No. 3275 by altering provisions of the Bylaw in order to improve its administration;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

CITATION

1. This Bylaw may be cited for all purposes as Procedures and Fees Amendment Bylaw No. 34xx, 2010, amending CVRD Development Application Procedures and Fees Bylaw No. 3275.
2. CVRD Development Application Procedures and Fees Bylaw No. 3275, 2009 is hereby amended as follows:

That Section 7 is amended by adding the following to the list of development permit areas within which staff may issue development permits, under the direction of the General Manager of Planning and Development:

- e) where a development permit has been applied for in a Marine Riparian Development Permit Area.

READ A FIRST TIME this day of , 2010.
READ A SECOND TIME this day of , 2010.
READ A THIRD TIME this day of , 2010.
RECONSIDERED AND FINALLY ADOPTED this day of , 2010.

Corporate Secretary

Date

Chairperson

Date



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3x4xx

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1497, Applicable To Electoral Area H – North Oyster/Diamond

WHEREAS the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt and amend official community plan bylaws;

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area H – North Oyster/Diamond, that being Official Community Plan Bylaw No. 1497;

AND WHEREAS the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the *Act*;

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1497;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Official Community Plan Amendment Bylaw No. 34xx, 2010, Area H – North Oyster/Diamond (Marine Riparian DPA), Amendment to CVRD Bylaw No. 1497**".

2. AMENDMENTS

Cowichan Valley Regional District Official Community Plan Bylaw No. 1497, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. CAPITAL EXPENDITURE PROGRAM

This bylaw has been examined in light of the most recent Capital Expenditure Program and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

.../2

READ A FIRST TIME this _____ day of _____, 2010.

READ A SECOND TIME this _____ day of _____, 2010.

READ A THIRD TIME this _____ day of _____, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 34xx as given Third
Reading on the _____ day of _____, 2010.

Secretary

Date

APPROVED BY THE MINISTER OF RURAL AND COMMUNITY DEVELOPMENT
UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT*
this _____ day of _____, 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 34xx

Schedule A to Official Settlement Plan Bylaw No. 1497, is hereby amended as follows:

1. That Section 4.6: "MARINE RIPARIAN DEVELOPMENT PERMIT AREA" be added after Section 4.5, as follows:

4.6 MARINE RIPARIAN DEVELOPMENT PERMIT AREA

4.6.1 CATEGORY

The **Marine Riparian Development Permit Area** is designated pursuant to Section 919.1(1)(a) and (b) of the *Local Government Act*, to protect the natural environment, its ecosystems and biological diversity, and for the protection of development from hazardous conditions.

4.6.2 AREA OF APPLICATION

The **Marine Riparian Development Permit Area** applies to all lands within 30 metres of the high tide mark of the ocean within Electoral Area H (North Oyster/Diamond), for parcels of land shown on **Figure 8A: Marine Riparian Development Permit Area**.

4.6.3 JUSTIFICATION

Pursuant to Section 919 of the *Local Government Act*, the **Marine Riparian Development Permit Area** is established to address the following:

- (a) North Oyster/Diamond has several kilometres of marine shoreline along Ladysmith Harbour and Stuart Channel, ranging from high escarpments to rocky beaches. The marine shoreline and adjacent coastal waters represent an important highly productive marine environment for forage fish and other species, which should not be negatively impacted by development. The cumulative impact of careless development on waterfront parcels will have a detrimental impact on habitat within the sensitive marine riparian zone, and interrupt natural beach processes of longshore drift, displacing erosional and depositional patterns, which will then affect other properties and marine habitat.
- (b) The marine foreshore is a valuable public (common property) resource, and the CVRD wishes to enhance the physical, recreational, aesthetic and natural values of this area for use by the public as well as marine life.
- (c) An area consisting of natural vegetation, rocks, trees, and fallen trees can help protect land by dissipating wave energy, thereby protecting the bank

from slumping or being washed away. Roots of plants and trees act to reinforce soil and sand and help hold them together, while the leaves of plants reduce the energy of wind and the force of falling rain, increase the evaporation rate and slow water runoff.

- (d) Research into watershed hydrology and environmental resilience has demonstrated that once certain thresholds of impervious surfaces (total area of roofs, paving, concrete slabs, accessory buildings and other hard surfaces) are exceeded, irretrievable harm may be done to aquatic life. This threshold is around 12% across a typical watershed in this region. The objective of this guideline is to maintain or improve water quality in the marine and estuarine environments.
- (e) Hard surfaces and reduced vegetation can cause surface water to be quickly and directly affected by pollution from sources such as poorly placed and maintained septic systems, fertilizer (nitrates, phosphates), oil leaks from motor vehicles and household or garden chemicals. A vegetated buffer can filter pollutants out of runoff from roads, yards, and septic systems before they reach the ocean.
- (f) Placing buildings and structures in areas that are directly or indirectly subject to natural erosion and mass movement is not responsible, because it can threaten the safety of those using the buildings and structures and result in economic loss. Once established in a precarious location, the owners of such buildings and structures will understandably want to protect them from destructive mass movements, which in turn could lead to major engineering works in the marine riparian area, irrevocably harming this important habitat. Therefore the objective of this guideline is to strongly support and accommodate sensitive residential and commercial development.

4.6.4 DEFINITIONS

For the purposes of this Development Permit Area, the following definitions apply:

“high tide mark” means the upper boundary of distinctive marine or estuarine vegetation as determined by a qualified environmental professional, or where this cannot be determined, it means the natural boundary as determined by a BC Land Surveyor.

“qualified environmental professional” has the same meaning as under the *Provincial Riparian Areas Regulation*.

4.6.5 GUIDELINES

Subject to Section 4.6.7 below, within the **Marine Riparian Development Permit Area**, no person shall:

- subdivide land;
- alter land, including the removal or pruning/trimming of trees or vegetation;
- removal/deposit of soil, rocks, boulders, rip rap, gabions, prefabricated concrete elements or other materials;
- construct a road, bridge, driveway, parking area, patio, swimming pool, hot tub, spa, water feature, septic tank or sewage effluent drainfield;
- construct a seawall, retaining wall, dock abutment, patio, concrete stairway or similar structure;
- construct a dock, install a piling in the foreshore, construct a hydrothermal heating/cooling loop in the foreshore or beyond;
- remove logs from the shoreline; or
- construct any other type of building or structure

prior to the owner of land applying for and receiving a development permit from the CVRD, the application for which shall sufficiently address the following guidelines:

- (a) Where a report by a qualified environmental professional is required under the "Application Requirements" section, the report will consider the effects the development proposal will have on the subject property, all parcels with marine shorelines in the general area and the general marine ecology. Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. The objective of this guideline is to minimize the degree to which this may happen, and preferentially employ natural measures to manage marine shores wherever possible. *On the Living Edge, Your Handbook to Waterfront Living (ISBN 0-9691633-4-7)* by Sarah Kipp and Clive Calloway is a suitable guide to using natural measures, which may be proposed in a development permit application.
- (b) Roads and driveways should be located as far as possible from the edge of a slope or from the marine riparian area, to keep turbidity of runoff low and generally prevent sediment, sand, gravel, oils, fuel and road salt from entering watercourses or the sea. Temporary sediment controls during construction may be specified in a development permit, and reclamation of disturbed areas will occur immediately following construction. Driveways, if proposed within the development permit area, should be angled across any slope's gradient, where possible, and be composed of porous materials such as gravel, road mulch or grasscrete, to keep runoff to a minimum. For driveways that are already paved, a portion of the runoff can be diverted by the use of transverse channels or small berms at regular intervals;
- (c) Recommendations in the Ministry of Environment's Best Management Practices (*Storm Water Planning – A Guidebook for British Columbia*) should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site rainwater management techniques

that do not impact surrounding lands should be used, rather than the culverting or ditching of water runoff. Increased soil depth is one proven method for achieving reduced rainwater runoff; raingardens are another.

- (d) Footpaths or trails to the shoreline should be planned to avoid erosion, using slope contours rather than a straight downhill line, and be narrow to minimize impacts on drainage patterns. Impacts to a slope can be minimized by elevating stairways above the natural vegetation;
- (e) Tree and native brush retention is a priority within this development permit area; however, should there be a desire for pruning and thinning trees and shrubs in the marine riparian area to provide or enhance views, a report prepared by a certified arborist will be required. The author(s) of that report will take responsibility for ensuring that the pruning and thinning proposed in the report will not impair slope stability, lead to erosion or impair ecological function of the foreshore;
- (f) Site preparation and development should be carried out in a manner that minimizes the need for vegetation clearing. In order to control erosion and to protect the environment, the development permit may specify the amount and location of new tree and vegetative cover to be planted or retained;
- (g) Figures for total imperviousness on sites within this development permit area will be calculated by the proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit;
- (h) Public access along the marine waterfront is important to Electoral Area H – North Oyster/Diamond residents and visitors and will not be prevented or impeded in the event that shoreline alterations are authorized in a development permit;
- (i) Retaining walls or any other structures that may be proposed along the marine shoreline or in the marine riparian area to protect buildings or prevent erosion will be designed by an Engineer or professional Geoscientist. Such structures shall be limited to areas above the high tide mark, and to areas of slope failure, rather than along the entire shoreline frontage. The height of any tier of such a structure will be kept to not more than 2 metres in any one section, and should a greater height be required, the strong preference is for another tiered wall to be built upslope, separated from the first wall by at least 2 vertical and 4 horizontal metres of vegetated area. This guideline is intended to avoid the appearance of massive barrier-like walls. Backfilling behind a wall, to extend the existing edge of the slope, is not permitted unless it can be clearly demonstrated by an engineer that the fill is necessary to prevent further erosion or sloughing of the bank that would potentially endanger existing buildings;
- (j) Retaining walls proposed near the marine shoreline will be faced with natural materials such as wood and irregular stone, intended to dissipate

wave energy during storms, preferably in dark colours that blend in with the natural shoreline and are less obtrusive when seen from the water. Large, fortress like, uniform walls will not be permitted;

- (k) Retaining walls, sea walls or any other structures, if approved in a development permit, will not be composed of unsightly construction debris like broken concrete, blocks or bricks;
- (l) Deep-rooted vegetation should be planted along any retaining wall on the terraces or along the top, to help filter runoff before it enters the beach;
- (m) The construction of hydrothermal and geothermal heating/cooling loops that would be located on seafront parcels of land and within the foreshore area is discouraged because of the degree to which this technology can impact the local marine life, the inconvenience to public users of the foreshore including First Nation shellfish harvesting, walkers, swimmers and boaters. If such a system is proposed, a report by a qualified environmental professional such as a marine ecologist or biologist will be required, in which the probable impacts and effective mitigation strategies are proposed;
- (n) Any marine riparian areas that are affected by development will be subject to a vegetation restoration plan prepared according to BCSLA/BCNTA standards, by a landscape architect or qualified environmental professional, in which appropriate native species are proposed to stabilize the area following construction or alteration of land. Security in the form of an irrevocable letter of credit will be required to ensure that the landscape rehabilitation occurs in a timely fashion and the plantings survive and thrive;
- (o) Discharge from swimming pools, spas, water features and hot tubs shall only be made to an approved and properly functioning sewage treatment system;
- (p) The Ministry of Environment's *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (2004)* will be respected.

4.6.6 VARIANCES

The standard setback from the marine shoreline in the zoning bylaw may not, in some cases, be sufficient to protect development from hazardous conditions or to protect the marine riparian environment from alteration and harm. In such cases, a development permit may prescribe a marine shoreline setback in excess of that within the zoning bylaw.

Conversely, where a proposed development plan is consistent with all applicable guidelines of the Marine Riparian Development Permit Area, a development permit may vary the regulations of the implementing bylaws, where such variances are believed to either have no impact upon the marine riparian area or adjacent parcels, or would be required in order to reduce the impact upon the marine riparian area or adjacent parcels of land.

4.6.7 EXEMPTIONS

The following will be exempted from the requirement of obtaining a development permit in the **Marine Riparian Development Permit Area**:

- (a) Boundary adjustments to parcel lines of adjacent lots which do not alter overall lot depth measured from the marine shore.
- (b) Development located more than 30 metres from the high tide mark of the ocean or 15 metres back from the top of bank, whichever is further.
- (c) Interior renovations and minor exterior renovations of buildings that do not increase the parcel coverage, within 30 metres of the high tide mark (an example being re-roofing).
- (d) Construction, repair and maintenance of works, stream restoration and fish and habitat restoration or enhancement by agents or contractors or with the approval of Fisheries and Oceans Canada, the Ministry of Environment, or the CVRD.
- (e) A trail, provided that:
 - 1. No motorized vehicles are permitted;
 - 2. The trail is a maximum of 1.5 metres in width;
 - 3. No structures or earthworks are required to construct the trail; and
 - 4. No trees are removed.
- (f) The planting of native trees, shrubs or other native species of groundcover for the purpose of enhancing habitat values and /or soil stability, provided that the planting is carried out in accordance with the guidelines provided in the *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (2004)* or subsequent publications of the federal Department of Fisheries and Oceans and/or the provincial Ministry of Environment.
- (g) The mechanical removal (no herbicides) of invasive plants or noxious weeds, including but not limited to English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, provided that erosion protection measures are taken, where necessary, to avoid sediment or debris being discharged into the watercourse, and the plants are replaced with native vegetation.
- (h) Parks and public works undertaken by a government agency, under the supervision of a qualified environmental professional.
- (i) Emergency works to prevent, control or reduce flooding, erosion, or other immediate threats to life and property, provided that emergency actions are reported to the Regional District and applicable provincial and federal Ministries to secure exemptions. Such emergency procedures include:
 - 1. Clearing of an obstruction from a bridge, culvert or drainage flow;
 - 2. Repairs to bridges and safety fences;

3. The removal of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property; and

4. Emergency flood or erosion protection works.

(j) Within the Agricultural Land Reserve, activities designated as farm use in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* and those which fall under the definition of Farm Operation under the *Farm Practices Protection (Right to Farm) Act*.

4.6.8 VIOLATION

(a) Every person who:

1. violates any provision of this Development Permit Area;
2. causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
3. neglects to do or refrains from doing any act or thing required under this Development Permit Area;
4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
5. fails to comply with an order, direction or notice given under this Development Permit Area; or
6. prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;

commits an offence under this Bylaw.

(b) Each day's continuance of an offence under Section 4.6.8(a) constitutes a new and distinct offence.

4.6.9 PENALTY

A person who commits an offence against this Bylaw is liable, upon conviction in a prosecution under the *Offence Act*, to the maximum penalties prescribed under the *Community Charter* for each offence committed by that person.

4.6.10 SEVERABILITY

If any section, sentence, clause, phrase, word or schedule of this Development Permit Area is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Development Permit Area.

4.6.11 APPLICATION REQUIREMENTS

(a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Marine Riparian Development Permit Area**, the applicant must submit a development permit application, which, at a minimum, includes:

1. A written description of the proposed project;
 2. Reports or information addressing each of the Development Permit Guidelines;
 3. Information in the form of one or more maps, as follows:
 - location/extent of proposed work;
 - location of ocean high tide mark;
 - location of other watercourses;
 - topographical contours;
 - location of slopes exceeding 25 percent grade;
 - location of lands subject to periodic flooding;
 - location and percentage of existing and proposed impervious surfaces;
 - existing tree cover and proposed areas to be cleared;
 - areas of known sensitive or rare native plant communities;
 - existing and proposed buildings;
 - existing and proposed property parcel lines;
 - location of roads, vehicular access points, driveways, and parking areas;
 - location of trails;
 - location of stormwater management works, including retention areas and drainage pipes or ditches and curtain drains around septic fields;
 - proposed erosion mitigation and bank alterations;
 - location of septic tanks, treatment systems and fields;
 - proposed erosion control structures and areas of bank alterations;
 - location of water lines and well sites.
- (b) In addition to the requirements listed above, where any building or structure of any sort, including a retaining wall, stairway or seawall, is proposed within the development permit area, the applicant shall be required to furnish, at the applicant's expense, a report certified by a professional engineer or geoscientist with experience in geotechnical engineering, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition, and an assessment on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the intended purposes. Where possible, slope erosion mitigation will be achieved using soft landscaping and planting of natural vegetation as opposed to the use of retaining walls or other hard armoring of the shoreline;
- (c) Should any thinning, removal or alteration of vegetation in the marine riparian area be proposed in a development permit application, the report of a qualified arborist or qualified environmental professional or member of BC Society of Landscape Architects or BC Nursery Trades Association shall be submitted, detailing a procedure for thinning and pruning in a fashion that will not compromise the ecological function of the marine riparian area or the health of pruned vegetation, and further, describing the methods whereby landscape restoration to restore marine riparian function will be achieved;

- (d) In addition to the requirements listed above, the applicant may also be required to furnish, at the applicant's expense, an environmental impact assessment, certified by a registered professional biologist or other qualified environmental professional, assessing any potential environmental impacts of the project upon the marine riparian area, and the means by which any such impacts may be mitigated;.

NOTE: Where more than one report under Section 4.6.11 (b), (c) or (d) is to be submitted with a development permit application, the professionals preparing the reports will be required to incorporate into their own work, the work of the other professionals, in order to ensure that a coherent interdisciplinary approach to the marine riparian development application is submitted.



MINUTES OF ELECTORAL AREA I (Youbou/Meade Creek) AREA PLANNING COMMISSION MEETING

DATE: September 7, 2010

TIME: 7:00pm

MINUTES of the Electoral Area I Planning Commission meeting held on the above noted date and time at the Youbou Upper Community Hall, Youbou, BC. Called to order by Chairperson Mike Marrs at 7:05pm.

PRESENT:

Chairperson: Mike Marrs

Vice-Chairperson:

Members: Jeff Abbott, Shawn Carlow, Gerald Thom,

ALSO PRESENT:

Director: Klaus Kuhn (7:30pm)

Alternate Director:

Recording Secretary: Tara Daly

REGRETS:

George deLure, Erica Griffith, Pat Weaver

GUESTS:

Michael Dix, applicant for 3-I-10DP/VAR (Dix); Pat Tosczak, delegation for 3-I-10DP/VAR (Dix), Tyler Clarke (Lake Cowichan Gazette), Michelle Weisgerber, Trevor Gillott, Norma O'Connell, Dale O'Connell, Floyd Augustine, Barry McLachlan, Rose Steven

AGENDA:

It was Moved and Seconded to accept the agenda.

CARRIED

MINUTES:

It was Moved and Seconded to accept the minutes of June 1, 2010 as circulated.

CARRIED

DELEGATION:

- **APPLICATION 3-I-10DP/VAR (DIX)** ~ M. Marrs explained the APC is an advisory body with final decisions being made by the CVRD Board of Directors; the applicant will make a presentation, the Commission members will ask questions if needed, and then a recommendation will be made if the Commission so desires; the public is only able to listen unless they've asked to make a presentation
- Michael Dix, the applicant, told the Commission he has been a resident property owner (shareholder in Cowichan Lake Recreational Community formerly Ben's Marina) in Youbou for the last four (4) years, has owned Billy Goat Island for the last five (5) years, and has been in the Cowichan Lake area for the last ten (10) years; he has taken time to determine how he wishes to develop Billy Goat

Island, wants to keep it as pristine as possible, has picked up garbage left by people using the island, hasn't put up 'private' signs.

- Mr. Dix noted, in his opinion, the island's current LR1 zoning shouldn't be applicable to islands and that Cowichan Lake islands recognized as #3 and #4 are not mentioned in the Area I (Youbou/Meade Creek) OCP; he has had dealings with CVRD Planning staff through developments in the Mill Bay/ Cobble Hill areas which focus on affordable housing.
- the current zoning allows one (1) dwelling with a 60m set-back; Mr. Dix is asking for a bend of the SPEA to allow for a second dwelling
- both dwellings would be above the 200 floodplain (165m) with top of the line septic systems
- Ted Burns, registered biologist, has little problem with development of the island
- **questions/comments** ~ the variance/ relaxation of the SPEA would be for the entire footprint as both dwellings would be within the Riparian Areas Regulations
- Has there been a detailed survey done? *The island was staked out in the course of the background work done in relation to the possible raising of the weir.*
- What kind of septic system? *Type 3, full treatment, similar to what is currently on Island #5.*
- Has there been an arborist report done? *Only the assessment done by Ted Burns.*
- Would there be a connection or pathway between the two (2) dwellings? *Yes, but seven (7) months of the year that area is under water.*
- Are you aware of the vandalism that has occurred on some of the islands? *Yes, Island #3 and Island #5.*
- What kind of lighting? *Solar.*
- What kind of heat source? *Have no problem with covenants in place the same as Island #3.*
- How high would the dwelling be? *It would be below the maximum allowed but built up on piles to keep clear of the winter weather; with the current stakes (markings) two-thirds of the house height would be above the pilings.*
- Would you live there year round? *No, it wouldn't be the primary residence but it would be used year round.*
- How would the island be accessed? *From the lot currently owned at Cowichan Lake Recreational Community.*
- What is the size of the island? *3.56 acres.*
- Are you willing to sell the island? *No, I want to enjoy the lifestyle the island will offer.*
- **discussion/ comments by Commission members** ~ don't understand why DFO puts in regulations/ rules and then allows them to be broken (referring to Ted Burns assessment); setbacks are 15m on the south facing side and 20m on the north facing side with the Riparian Areas Regulations (SPEA) set at 30m which effectively leaves no buildable land on the island; the relaxation of the SPEA would be needed for any dwellings on the island
- Pat Toscza, 10220 Youbou Road, started by saying that her family bought their house, which looks out to the middle of Billy Goat Island, in 1972. The family dates back several decades in their attachment to Youbou. They are strongly opposed to the development of Billy Goat Island. The natural environment needs to be protected; DPA and Riparian Areas regulations need to be maintained. The island is home to a beaver dam and nesting area for Canada geese. It is

submerged each winter. Ms. Tosczak questions the staking that has been done on the island, feeling it isn't correct. 'This development needs to be nipped in the butt.'

- **discussion/ comments by Commission members** ~ There would be a negative impact on the adjacent parcels. A short discussion was held about whether or not Cowichan Lake is considered to be the adjacent properties; most of the Youbou residents are against the application moving forward in any form; most of the island is inside SPEA regulations; CVRD should purchase for greenspace; one (1) large building is preferable to two (2) small buildings but there is a concern over more and more land being gobbled up; the current zoning allows for a single dwelling but the land is ecologically sensitive and regulations for RAR and SPEA would have to be relaxed; allowing a second dwelling would mean a second septic system and more abuse of the sensitive areas with the walkway between the two (2) dwellings
- the APC needs to make a statement, statistics are showing a deterioration of Cowichan Lake water quality, much land has already been cleared and ruined around the lake, overall impact on the lake is a concern, regulations need to be maintained
- the APC felt the application was dealing with the building of a second dwelling on Billy Goat Island as the current zoning allows for a single dwelling but during discussions noted that even the single dwelling would need to have a relaxation in the SPEA in order to be built
- the Commission reiterated comments made at the June 1st meeting which are as follows: 'after much discussion, the Commission wanted to note that any infringements on Riparian Zones are not acceptable. The public, as well as, the APC wish to maintain the existing Riparian areas around the lake and increase, if possible.'
- attached to these minutes are comments made by David Hill, P. Eng. (resident of Youbou at 10210 Youbou Road), George deLure (member of the APC and unable to attend the meeting), Gerald Thom (member of the APC), and Mike Marrs (member of the APC); also attached is the assessment done by Ted Burns

It was Moved and Seconded that the Area I (Youbou/Meade Creek) Area Planning Commission reject Application File No. 3-I-10DP/VAR (Dix).

CARRIED

- The Commission thanked Mr. Dix for going through the process rather than making rash decisions and then asking for forgiveness.

BUSINESS ARISING FROM MINUTES:

OLD BUSINESS:

NEW BUSINESS:

- an informal discussion was held with respect to Lot 62 on Cypress Road; although an application hasn't come forward to the APC or the CVRD Planning Department that is known, nearby residents are concerned with comments made by the landowner of how he wants to develop the land including building a house, harnessing Coon Skin Creek for excess power to be sold to BC Hydro, desired placement of septic, excessive removal of trees for a better site-line for

lake views possibly affecting the stability of the creek bank, bank parallel to Youbou Road could be drastically effected, illegal use of MoTI property with installation of gate to his property

- Coon Skin Creek is a fish-bearing creek, the bank slope is very steep, the end of Cypress Road is designated as a turnaround but hasn't been done, access by Fire Department and Ambulance is limited now but with a gate would be further hindered
- existing water license holders have received correspondence informing them that because there is now a water system throughout Youbou, the land owner no longer has to allow their water rights on Coon Skin Creek; it is believed there is six-month notice needed when water licenses are asked to vacate
- the homeowners were given some suggestions on who and what to do leaving it in their hands to proceed
- **Boat Launch** ~ is very much needed in the Youbou area, the pseudo boat launch at the end of Coon Skin Creek Road is a problem with large boats, parking, and noise; possibly have bollards installed to deter large boats from launching, hope that Youbou Lands puts in a boat launch very near the beginning of their development

ANNOUNCEMENTS:

- **Next Meeting** October 5, 2010 at 7pm in Upper Youbou Hall (at the call of the chair)

The meeting was adjourned at 8:50pm

/s/ Tara Daly
Secretary

08.30.2010

To: CVRD Planning & Development

Attn: Jill Collinson, Planning Technician

Re: File No. 3-1-10 DP/VAR (DIX)

Island #4, Billy Goat Island, Blk. 1455, Cowichan Lake District

Further to the referenced variance application, after careful consideration of the proposal, visual inspection of the property and discussion with many Youbou residents, I am strongly opposed to any development on this island.

Section 13.9 of the Watercourse Protection Development Permit Area clearly states that variances should not be granted if there are negative impacts upon adjacent parcels and if aesthetics are not enhanced. Based on this alone, it is obvious that any and all requested variances should be denied as views will be negatively affected and adjacent property values will be reduced.

Given the sentiment expressed, I believe that the majority of Youbou residents are not in favour of this application which lies almost entirely inside the SPEA.

Unfortunately, Riparian Areas around the lake are already threatened due to development, recreational and poor logging practices. I feel that our water supply and aquatic life is too important to allow further encroachment.

Further, allowance for a secondary dwelling is totally out of the question as there appears to be no room outside of the SPEA for it and any access, let alone travel to and from the proposed main residence would severely impact the central wetlands.

Prior to any further consideration of this application by the CVRD Board, as a minimum, I would suggest the following be required and submitted:

- A detailed survey to determine the exact SPEA boundaries and elevations relative to the proposed development and showing the % of encroachment required to facilitate the development.
- Given what appears to be a solid rock base, a detailed septic design and hydro geological report relative to the feasibility and protection of the lake.
- Requirements to provide and register Protective Covenants for the SPEA in perpetuity.
- A qualified Arborists/Forester's report to evaluate potential destruction of growth and root systems and required protection plan, should the Board allow this proposal to proceed.
- Notification to the property owner of the regular vandalism of the islands in the lake when left unattended.

Notwithstanding the above points, given the public sentiment and ongoing negative impact on Riparian Areas around the lake, I remain strongly opposed to this development variance permit application and encourage the CVRD Board to reject the proposal

Sincerely,

Gerald Thom

Area I APC Member

David Hill, P.Eng.
10210 Youbou Road
Youbou, BC
V0R 3E1
May 6, 2010

Cowichan Valley Regional District
175 Ingram Street
Duncan, BC
V9L 1N8

Attention: Ms. Jill Collinson
Planning Technician

**RE: ISLAND #4 BILLY GOAT ISLAND, BLOCK 1455, COWICHAN LAKE DISTRICT
APPLICATION FOR DEVELOPMENT PERMIT VARIANCE
FILE NO. 3-I-10DP/VAR (DIX)**

Dear Ms. Collinson:

Further to the posting of signage and our recent telephone conversation, this letter is written to express my objections to the approval of the Development Permit with Variance for the above noted property. My objections are based on non-conformance with existing set-back rules, environmental, health, water supply and flood issues. Each of these issues is discussed below.

1. LR-1 ZONING SET-BACK RULES.

Review of the LR-1 regulations required that a secondary dwelling unit be set back at least 60 m from the natural boundary of the lake. The application requests a 40 m relaxation from the northern boundary and a 45 m setback from the southern boundary to provide only a 20 and 15 m setback from the northern and southern boundaries, respectively. This is an extreme relaxation, reducing the setbacks by between 66% and 75%. We are not talking about a couple of metres here, this is a wholesale abandonment of the existing rules. These setbacks are established for good reason for protection of the environment and sensitive areas and to totally disregard them in such an extreme manner would essentially invalid the concept of a setback for all future developments. If this variance is issued, there will be many others requesting a similar variance and the CVRD will have a very hard time refusing them due to the precedence set at this property and it will be very difficult to put the genie back in the bottle.

RECOMMENDATION: Do not permit such a flagrant disregard of the setback requirements.

2. APPLICATION FOR DP AND VARIANCES

From our discussions, I understand that Billy Goat Island is in a Watercourse Protections Development Permit Area. Section 13.0 of the OCP states that the Regional Board may give favourable consideration to a variance for development in these areas where the variance will have "...no negative impact on adjacent parcels and would enhance the aesthetics of the site." Construction of two residences, each with their own septic system could have negative impact on the adjacent water body and would certainly not enhance the aesthetics of the site as trees would have to be cut down to make room for the structures.

Section 13.15 of the OCP has very rigorous Application Requirements including very detailed description of the proposed development including the buildings, wells, sewage systems, covered surface, tree removal etc. as well as an inventory of sensitive plant life and animal habitat. A report prepared by a qualified environmental professional including a hydrogeological report addressing the suitability and stability of the soil for the proposed project. The issues related to the above noted report are discussed in some more detail below.

Recommendation: The CVRD should require the proponent to satisfy all the requirement of Section 13.15 of the OCP.

3. SEWAGE DISPOSAL AND LAKE WATER QUALITY

The sketch drawings you provided indicate that the proponent proposes to treat sewage using two septic field systems, one for each residence. The design, construction and operation of septic field systems must conform to the requirement of the BC Ministry of Health document "Sewage System, Standard Practice Manual" Ver. 2, September 2007.

With respect to location, the Manual states that the minimum set-back of a septic field from a water body is 30 m (100 ft). Review of the proposed septic field locations do not conform to that minimum standard. In fact, since the island is typically less than 60 m wide, there is virtually no location on the island that can conform to this standard.

RECOMMENDATION: The application be rejected on the basis of non-conformance with the MoH setback requirements.

Septic System Design and Performance

To treat effluent effectively, septic systems require the following:

- a layer of soil between the invert (bottom) of the distribution pipes and the high water table level. The BC Manual requires a minimum of 1.1 m (3.5 ft) of unsaturated soil between the pipe invert and the seasonal high water table level.

- the soil below the septic field should have a medium permeability (ability of water to flow through the soil). If the soil is too coarse grained (sand and gravel) the effluent flows downwards very quickly and the exposure time for the natural bacteria in the soil to "treat" the effluent is insufficient and untreated effluent enters the water table. If the soil is too fine grained (clay and silt), the effluent cannot flow downwards quickly enough and the field backs up and effluent breaks out at ground surface and flows into the lake.
- bedrock should be well below ground surface. If bedrock is too close to the ground surface below the field, the effluent flow downward through the soil cover hits the bedrock surface and then flows laterally towards the lake.

Following are concerns regarding the above requirements.

The drawings provided do not provide any hard survey data regarding the ground surface elevation. There are two contour lines shown (marked as El. 164 and 168 – presumably metres) but there are no spot heights on the drawing that would support drawing those contour lines as shown. The contours indicate significant relief across the island – possibly up to 6 m since the normal lake level is between El. 163 m and El. 165 m. I have not walked on the island but having boated around it hundreds of times, I am not convinced that there is as much relief as the drawing indicates (about 6 m or 20 ft – a two storey building).

RECOMMENDATIONS: As a minimum, a topographic survey of the island by a BC Land Surveyor should be required to confirm the ground surface elevations claimed.

Operation During Floods

The drawings indicate that both structures will be above the El. 168 m contour. I understand that the 1:200 year flood level for Lake Cowichan is El. 167 m. Assuming that the septic field discharge pipes are about 0.5 m below ground surface, the pipe invert will be at about El. 167.5 m. As the lake level rises during the winter, the water table below the island will also rise due to the proximity of the lake. At maximum flood level, there may be only 0.5 m between the pipe invert and the water table which does not conform to the MoH requirements. No effective treatment of the sewage can be expected in that condition and it is likely that untreated or partially treated sewage could enter the water table and ultimately, into the lake. This is an unacceptable condition. The water quality in Cowichan Lake is excellent and permitting sewage to enter the aquatic system is untenable.

Presence of Bedrock Close to Ground Surface

Billy Goat Island is probably a bedrock high that resisted erosion during the last glaciation. The available geological mapping of the area (Geology of the Cowichan Lake Area, Vancouver Island, B.C., BC Department of Mines, Bulletin No. 37) indicates that the island is underlain by shale and sandstone bedrock of the Haslam Formation (photocopy of mapping is attached). There may be shallow soil cover, but it is likely to be a veneer of soil cover over the bedrock surface.

Unfortunately, I have not had the opportunity to take my boat over and conduct a reconnaissance to examine the island for bedrock outcrops but I intend to do so on the May long weekend. As described above, a septic field will not be effective if the bedrock is too close to the ground surface. As described above, permitting development where rock is close to surface would create an unacceptable condition whereby untreated or partially treated sewage could enter the aquatic system.

This area of the lake is heavily used by families for water skiing, wake boarding and tubing due to the shelter provided by the island. Kids are regularly in the water after falling off skis, boards or tubes. If contaminated water is ingested by those participating in water sports, it could cause severe health problems and huge liability to both the proponent and the District for approving the development.

RECOMMENDATION: The proponent should be required to conduct a geotechnical investigation and percolation testing to assess the feasibility of this method of sewage disposal. The investigation and testing should be carried out by a competent, qualified professional, experienced in the investigation and design of septic fields in accordance with the MoH Manual. The groundwater level should be monitored over the winter using a data logger to determine the high water level, as this would be the critical condition.

4. WATER SUPPLY

The application does not make reference to the source of potable water.

If the owner intends to drill a well, a drill rig will have to be barged in and an access road cut through the trees to access the well site(s). This will cause a significant scar across the island and it will be visually unpleasant to those immediately across the lake. Loss of tree cover on the island will have a very negative visual impact on the environment with increased surface erosion and silt entering the lake.

I assume that the well will also be located on higher ground to avoid surface water (and associated contaminants from goose droppings) from entering the well casing. The MoH Manual requires a setback of 30 m between wells and septic fields. This may be difficult to satisfy at this site.

RECOMMENDATION: Vancouver Island Health Authority be requested to review and comment on the feasibility of obtaining a reliable potable water supply for this site within the constraints imposed by the MoT Standard Practice Manual.

4. FLOOD LEVEL

I understand that development adjacent to the lake requires that any residence be constructed above the 1:200 year flood level, i.e. above El. 167 m. While the drawing indicates the building site will be above El. 168 m, there is hard no topographic survey data to support this. As recommended above, a topographic survey of the island should be carried out prior to demonstrate that this requirement can be satisfied.

5. ACCESS

Access will obviously have to be by boat. The proponent does not state where from the shoreline he will launch and moor his boat.

RECOMMENDATION: The proponent should be required to provide information on how he intends to access the island.

6. CLOSURE

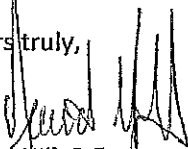
I understand that this application is for a development permit with a variance and that the issue at this time is the set-back from the lake. However, if a variance is granted, it will be the thin edge of the wedge and that, with this approval in hand, the proponent will push ahead to the next step and will continue to push the CVRD into a corner that will ultimately lead to full approval of the development and issue of a Building Permit for this risky and poorly conceived project.

RECOMMENDATION: I recommend that the CVRD reject this application at this early stage to put a nail in the coffin of the proposal to prevent an expectation of approval of subsequent stages of the application for a Building Permit based on issue of a D.P.

I would be pleased to discuss any item of this letter further with you. Should you wish to do so, please do not hesitate to contact me at work during business hours (604-684-4384) or at home (604-925-0419) in the evening.

Thank you for your understanding and consideration in advance.

Yours truly,



David Hill, P.Eng.

LEGEND

- Drift and alluvium
- TERTIARY (?)
- Gabaro
- UPPER CRETACEOUS
- NANAIMO GROUP
- 6 HASLAM FORMATION: Shale and sandstone
- 5 BENSON FORMATION: Conglomerate
- JURASSIC OR LOWER CRETACEOUS
- SAANICH GRANODIORITE: Mainly granodiorite and quartz diorite
- TRIASSIC
- VANCOUVER GROUP
- 3 ELASTIC SEDIMENTS: Tuffaceous argillite and fine breccia
- SUTTON LIMESTONE
- 2 FRANKLIN CREEK VOLCANICS: 2a - mainly basalt flows, 2b - limestone lens
- PERMIAN AND OLDER
- SICKER GROUP
- 1 Mainly limestones
- 1c Cherty tuff, crystal tuff, and thin bedded sediments
- VOLCANICS

SYMBOLS

- Geological boundary
 - defined
 - approximate
 - assumed
- Fault
 - defined
 - approximate
 - assumed
 - on downthrown side
- Altitude of bedding
 - horizontal
 - inclined
 - vertical
 - overturned
- Fold axes (approximate)
 - anticlinal
 - synclinal
- Attitude of schistosity
 - horizontal
 - vertical
- Fossil locality
- Glacial striae
- Mn Manganese occurrence
- xS Location of granodiorite sample
- * Mining prospect
- Logging road
- Railroad
- Trail

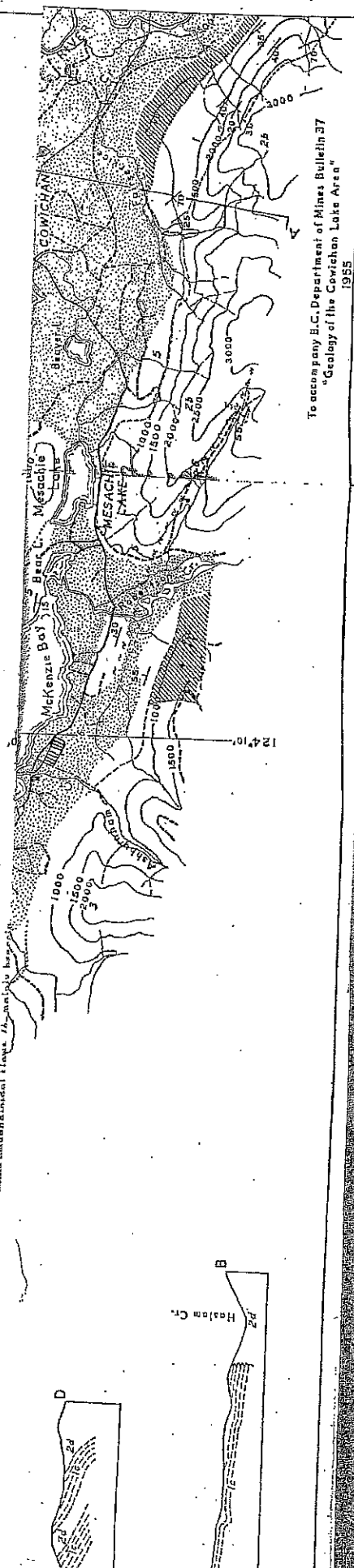
FIGURE 2 GEOLOGICAL MAP OF THE COWICHAN LAKE AREA

VANCOUVER ISLAND
BRITISH COLUMBIA

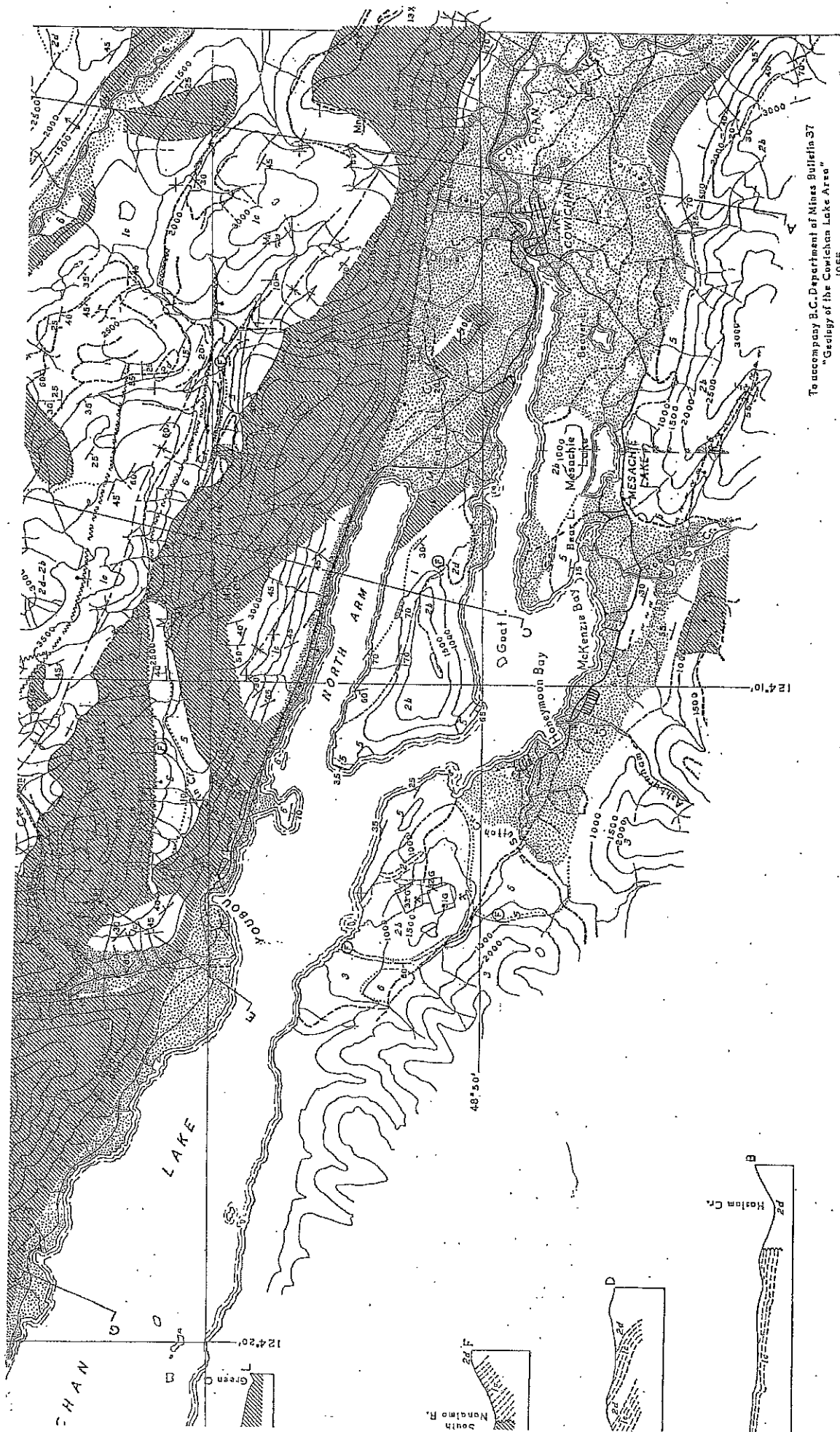
1955

Geology by J.T. Fyles

Scale 0 1 2 Miles
Contour interval 500 feet



To accompany B.C. Department of Mines Bulletin 37
"Geology of the Cowichan Lake Area"
1955



Mike Marrs

From: George deLure [georgede@shaw.ca]

Sent: August-30-10 10:25 AM

To: A Marshall; Shawn Carlow; Pat Weaver; jeffabbott1953@hotmail.com; Erica Griffith; Klaus Kuhn; Mike Marrs; Tara Daly; gerald thom

Subject: Development Permit Applixation # 3 - 1 - 10DP/VAR (DIX)

Mike Mairs and Fellow APC Members.

As I have earlier informed everyone that I will not be available for the upcoming Tuesday September 7th 2010 APC Meeting.

I am sending this email as my offical position of being opposed to any development on the subject property.

The following is Gerald Thom's notes on the subject application which I tottally support.

Gerald Thom's Notes.:

(We), I are strongly opposed to any development on this Island, after careful consideration of the proposal, visual inspection of the property and discussion with many Youbou residents.

Section 13.9 of the Watercourse Protection Development Permit Area clearly states that variances should not be granted if there are negative impacts on adjacent parcels and if existing aesthetics are not enhanced. Based on this alone it is abvious that any and all variances should be denied as views will be negatively affected and adjacent property values will be reduced.

Youbou is not in favour of this application which is almost entirely inside the SPEA. Riparian areas around the Lake are already threatened due to development, recreation and poor logging practices. We / I feel our water supply and aquatic life is too important to allow further encroachment.

Allowance for a secondary dwelling is tottally out of the question as there appears to be no room outside the SPEA and travel between the residence would severely impact the central wetland.

Prior to any further consideration of this proposal by the CVRD We / I would suggest the following;

- a detailed survey should be requested to determine exact SPEA boundries, elevations and % of encroachment.
- a septic design and hyrogeological report should be requested as the island appears to be solid rock.
- restrictive covenants should be registered on the title to protect the SPEA in perpetuity.
- an arbourists report should be requested to evaluate potential root damage of trees in the SPEA and layout a re vegetation plan for all damage done during construction.
- the applicant should also be made aware of the regular vandalism of the Island properties when they are left unattended.

Due to the points raised above and the Public sentiment We/ I am strongly opposed to this Development Permit application and would emcourage the board to reject the proposal.

Gerald Thom's Notes Tottally supported by George deLure.

I suggest that we don't dance around this issue and tell the applicant our feelings up front so that he does not spend large sums of money trying to do something the community does not want.

George deLure.

To whom it may concern.

August 1 2010

We live at 10521 Cypress Road in Youbou BC. We have been approached by the property owner next to us (lot 62) who has outlined a plan to develop and build a home on his lot. His lot borders Coon Skin Creek and as such we feel that there is significant threat to the riparian area and the local water source the creek provides. His plan entails cutting most of the trees in the area directly next to the creek to afford him a better view of the lake. After having lived on our property for the past four years we are well aware of the sensitive nature of this water course and the abundance of wildlife that depend on this parcel of land as an integral part of their natural habitat. I urge a complete review of the proposal that the owner of lot 62 intends to implement with a survey of the trees and stability of the bank which he intends to build on. Further, his proposed waste sewage system (which he plans to develop within mere feet of our property) is questionable as to meeting CVRD and VIHA standards and setbacks. It is also this developer's intention to erect a gate blocking what is commonly known as Department of Highways property to limit access to his lot. It is my understanding that the end of the road on Cypress road is to be one day made into a cul-de-sac allowing for safe turnaround for traffic venturing on this road. As it stands now, all turn around traffic turns in my driveway, weakening and cracking my driveway. If development is to be allowed, then it is my belief that a proper cul-de-sac should be put in place by the developer.

We would really appreciate your input and assurances that these issues will be considered in any permit applications and before any trees are cut or development begins.

Sincerely,

Michelle Weisgerber

Trevor Gillott

10521 Cypress Rd

Youbou, BC

250 745-8172

Area A Advisory Planning Commission Minutes

14 September 2010 at 6:30 PM

Mill Bay Fire Hall

Present: June Laraman, Deryk Norton, Ted Stevens, Archie Staats, Margo Johnston, Cliff Braaten, Dola Boas, Geoff Johnson, Brian Harrison (Director, Area A) and Roger Burgess (Alternate Director, Area A)

Regrets: David Gall

Audience: 2 public representatives

Meeting called to order at 6:35 pm.

Previous minutes:

It was moved and seconded the minutes of 15 June 2010 meeting be adopted.

MOTION CARRIED

New Business:

Development Permit Application No. 3-A-10DP

(June Laraman recused herself from the meeting at this point as the DP permit under discussion bordered her property. The meeting continued with Cliff Braaten acting as the chair.)

Purpose: To consider the issuance of a Development Permit for Kerry Davis, situated within the Mill Bay Development Permit Area, to allow for subdivision of subject property (696 Frayne Road) into three lots ranging from 2000 sq. m to 4100 sq. m. The

Kerry Davis, the applicant answered questions from APC members.

- Using Mill Bay Water District - the well water on the property is not very good
- Neighbouring property owners were not notified
- Not a strata
- Already trees between property and highway so will not be visible from highway
- Not enough room for 4 lots due to septic system
- Storm water – some would be stored to use for watering.
- Will remove as few trees as possible

APC Recommendations:

The Area A APC unanimously recommends to the CVRD that **Development Permit Application No. 3-A-10DP** be approved.

Other:

SCOCP follow-up Mill Bay Workshop is September 23rd at 5:00-9:00 pm at Kerry Park in the McLean Room.

Area A Director Update:

- Mill Bay Marina new owners have met with the CVRD re a development proposal.
- South Cowichan Eco Depot updates on CVRD website
<http://www.cvrld.bc.ca/index.aspx?NID=1172>

-
- Bamberton – report not complete
 - Foreshore bylaw CVRD website- <http://bc-cowichanvalley.civicplus.com/archives/30/Board%20Agenda%20August%2011%202010.pdf> (page 133)
 - Handy/Mill Bay Road property rezoning to allow duplex - public hearing Oct. 14th at Kerry Park
 - Mill Springs will stay at 396 lots.
 - Limona – submitting a new Development Permit

Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Meeting adjourned at 7:45 pm.

The next regular meeting will be at 6:30 pm, 12 October 2010 at Mill Bay Fire Hall.

PK1

Area D Parks Commission General Meeting Minutes

Bench School

Sept 20, 2010

RECEIVED
OCT 9 2010

Meeting called to order: 1806

Present: Steve Garnett, Kerrie Talbot, Bruce Clarke, Megan Stone, Lori Iannidinardo

Absent: Val Townsend

Minutes from last meeting (June 21, 2010)

Approved

Presentations

Jeff Hunter: South Cowichan Lawn Tennis Club:

-wants CVRD to take on the lawn maintenance for the club because they can no longer afford to pay for it all independently. SCLTC has heritage and historical value. Is planning on applying for heritage status from CVRD, and will make similar presentation to their board. Parks commission agreed that the club did fall under Citta Slow mandate and thought presentation had merit.

Jane Kiltnei: 10/10/10/Global Work Party:

Transition Cowichan wants to plant 100 trees in the CVRD on 10 October, 2010 as part of a larger global initiative. They want to plant 10 nut and fruit trees in area D on this date. Stewardship by Transition Cowichan. Food Save Cowichan will make sure any extra food not eaten will be picked and distributed. Transition Cowichan is looking for a long term space commitment in our parks for these trees and bushes. Motion to accept these food bearing trees and bushes: Steve Garnett. Seconded by: Megan Stone. All in favour. CVRD representation and Parks members will tour parks with Jane to choose locations.

Budget

Budget presented and explained by Brian Farquhar, from the CVRD.

Memorial Benches

Discussion of the state of Memorial Benches for Jeff Strang & Melba Yates. Kerrie was contacted by the Yates family re: their disappointment regarding the finishing of the

memorial bench for Melba Yates. Both the plaque & the bench are already showing wear ~ were poorly finished to start with, and probably won't weather well through the winter. Brian Farquhar to follow up on this.

Meeting adjourned at 2220

Next Meeting on 18 October, 2010, at Bench School, at 6pm

MINUTES OF ELECTORAL AREA I (Youbou/Meade Creek) PARKS COMMISSION MEETING

DATE: September 14, 2010

TIME: 7:00pm

MINUTES of the Electoral Area I Parks Commission Meeting held on the above noted date and time at Youbou Lanes, Youbou, BC. Called to order by chair at 7:07pm.

PRESENT:

Chairperson: Marcia Stewart

Vice-chairperson:

Members: Dave Charney, Shenay Gregory, Dan Nickel, Gerald Thom

ALSO PRESENT:

Director: Klaus Kuhn

Alternate Director:

Secretary: Tara Daly

REGRETS: Wayne Palliser

GUESTS:

ACCEPTANCE OF AGENDA

It was Moved and Seconded to accept the agenda as circulated.

MOTION CARRIED

ACCEPTANCE OF MINUTES

It was Moved and Seconded that the minutes of July 13, 2010 be accepted.

MOTION CARRIED

BUSINESS ARISING

- the Commission would like to use REDWOOD TREE SERVICE - Chris Whitehead at 250.749.4745 for any work that needs to be done in the parks; this is on the premise that he is qualified; some Commission members have had work done by him and are very pleased with the results
- T. Daly will speak to L. Blatchford about the updates to the electrical in the hall
- two (2) dead cottonwoods need to be removed at Mile 77 Park; they are at the creek mouth

CORRESPONDENCE

- there are 'galls' eating the Scotch Broom which could be very beneficial; G. Thom removed and properly disposed of a large 'Giant Hogweed' in Youbou, the owners of the property had no idea and were very happy to have it taken care of
- a letter has been received from the Boy Scouts of Canada with their intentions being that they hope to assist with upkeep and make aware any problems on the pathways

DIRECTOR'S REPORT

- CVRD Chairperson Gerry Giles and Director Kuhn sent a letter to UBCM (Union of BC Municipalities) delegates asking for a coordinated approach to senior government re: riparian areas and boat traffic concerns on the lakes; they're hoping to have a meeting of the concerns delegates at the upcoming convention
- Director Kuhn also noted there is discontent with the continued downloading and no funding to implement or maintain from the provincial government
- about eighty (80) people turned out for the recent river clean-up; the area was from the weir to

a ways beyond Little Beach, from Skutz Falls to Stoltz Pool and Sandy Pool; it seemed to be less this year as there were only 3-4 pick-up truck loads taken to the Meade Creek Transfer Station; although it is an improvement the goal is to have no garbage in the river

COWICHAN LAKE RECREATION

- the 9th Annual Great Lake Walk is on September 18th with about 360 entrants although some may come in at the last minute

CHAIRPERSON'S REPORT

- thank-you to everyone for helping out at the Youbou Regatta, the concession made about \$1200
- the ladder on the wharf at Nantree Park is broke on one side, it was reported a month ago but it's still not fixed

COWICHAN VALLEY REGIONAL DISTRICT – Ryan Dias

- **Summer Students** ~ cleaned out Price Park trail, painted the gables on Mile 77 Parks washroom building, cleaned up in Swordfern Park, helped with the building of the new bridge in Price Park, didn't do the trail alongside Creekside development as it is part of the maintenance contract
- **checking the actual cost of \$3 679.18 and the budget allowance of \$1 200.00, the Commission is upset at the overage, three (3) times the budgeted amount and is seriously considering the benefits of three (3) days work for that cost**
- **Stage 3 Water Restrictions** ~ Youbou remains on restrictions and as a result of those the irrigation systems were turned off at Little League Park, Mile 77 Park, and Arbutus Park
- **Price Park bridge** was completed on July 22nd
- **Woodland Shores** ~ park is now being maintained by CVRD, grass has been cut and everything is looking good
- **trails brushed on Bald Mountain** ~ Commission had previously said they didn't want that done because of the cost

OLD BUSINESS

- **Contract negotiations for Maintenance** ~ Commission would like to have a separate contract for washroom maintenance and gate opening/closing, discussion determined the washrooms should be ready by May 1 at the Little League Park, for sure, with weekly cleaning until the end of June (ball season), two (2) days a week for July and August, and weekly for the month of September; the parks included in the contract would be Little League Park, Arbutus Park, Mile 77 Park, and Woodland Shores (Stoker Park). A more definite schedule for the other parks would have to be worked out before the contract was drawn up.
- **Park Dedication** ~ it was decided to have a photo-op rather than a celebration as many Commission members couldn't make the date; M. Stewart will contact George deLure and Roger Wiles to set a time
- **Contract** ~ discussion on whether or not to remove maintenance from Swordfern Park, the neighbours mostly take care of it; what would the cost savings be?
- **Font Board** – electricity costs seem quite high at Mile 77 Park, could it be from the font board? G. Thom will look in the mechanical room to see if there's a timer as the Commission doesn't believe it's every been changed allowing for longer days; will also look into a 'photo cell'

NEW BUSINESS

- **Mile 77 Park** ~ the contractor will be replacing the damaged trees from weed-wacking

- **Woodland Shores** ~ dead trees still need to be removed
- **Capital Projects** ~ upgrade/replace washroom fixtures at Arbutus Park and Little League Park; playground equipment at Little League Park and Arbutus Park; connective trail system
- **Sand** at Arbutus Park beach needs to be put in next year
- **Arbutus Park** ~ dead parts of the Arbutus trees were removed but the truck made a mess of the lawn; the lawn seemed extremely wet this year – possibly being over irrigated, should be looked into
- **Mile 77 Park** ~ possibly no watering done at park next season

ADJOURNMENT

It was Moved and Seconded that the meeting be adjourned at 9:10pm.

MOTION CARRIED

NEXT MEETING

October 12, 2010

7pm at Youbou Lanes

/s/ Tara Daly
Secretary

Brian Farquhar or Ryan Dias will be attending the next meeting for discussions on the budget

PK3

OCT 17 2010

Minutes of the Cobble Hill Parks and Recreation Commission meeting held at 7:00 p.m. on Wednesday, October 6, 2010 in the Arbutus Ridge Board Room.

Those present: John Krug – Chair, Lynn Wilson, Gord Dickenson, Ruth Koehn and Director Gerry Giles

Apologies: Bill Turner, Alan Seal

Guest: Brian Farquhar

The meeting was called to order at 7:05 p.m. by Chair Krug. The agenda was considered and suggested amendments included adding 10-10-10 and the Parks & Trails Master Plan. It was

Moved/seconded

that the agenda be accepted as amended but that all items pertaining to Mr. Farquhar's presence be dealt with first.

MOTION CARRIED

Moved/seconded

that the minutes of September 9, 2010 be accepted as distributed.

MOTION CARRIED

Summer Playground Program

A report on the Farnsworth Park Summer Program was provided by Mr. Farquhar as were several user feedback forms.

Moved/seconded

that the summer student program be offered at Farnsworth Park in 2011 for a cost not to exceed \$6800; and further, that a questionnaire be developed to determine interest in a similar program being offered at Galliers Park or Evergreen Independent School and that this questionnaire be mailed to all residents in the Cobble Hill Village area.

MOTION CARRIED

2011 Cobble Hill Parks Budget

The 2010 budget was reviewed along with the proposed 2011 budget. It was agreed that \$12,000 would be added to the maintenance budget for the Train Station Park along with a further \$1,200 for maintenance at the bike park. 2011 Park replacement or upgrade projects added were \$6,000 to resurface material at William Shearing Park, with an additional \$3,000 to improve beach accesses in Manley Creek and at the end of Satellite Park Road with a further \$9000 added for repair and upgrade to the bike park. Minor Capital Projects added under \$25,000 were Wetland Trail \$5,000, Galliers Park Washroom \$15,000 and Works Yard Site Clean Up \$15,000. Budgeted for Major Capital was the washroom at Quarry Nature Park at \$130,000. These additions will be added into the budget by parks staff and the revised budget will be circulated to the commission for their next meeting.

Items needing attention were 2 garbage cans for the train station (1 at the kiosk and 1 in the parking lot) along with 1 garbage can for the bike park. In addition, benches and/or a picnic table for the train station park are desired. Several of the shrubs in the train station park are dead and these will need replacement before the warrantee expires. Summer students in 2011 should focus on clearing and grubbing along the Aros Road trail and repairs to the Hatch Point trail.

Cobble Hill Parks & Trails Master Plan

Brian Farquhar was asked when the Parks and Trails Master Plan for Cobble Hill would be ready. Brian responded by saying that Tanya was reviewing this document now and hopefully it would be forwarded to the Commission by the end of October.

10-10-10 Program

Moved/seconded

that the commission authorize the expenditure of up to \$1,500 to plant 10 fruit bearing trees and/or shrubs at the old highways works yard.

MOTION CARRIED

Dog Park Disturbance – Continual Barking

Several different neighbours to the dog park have complained about continual barking coming from that area. Apparently, this has become an annoyance for residents living around it as well as for some who use the dog park. Considering what an asset this is to the community and the hours upon hours spent by volunteers building the dog park this situation is very disappointing. Solutions discussed included:

- Close and lock the dog park permanently
- Have the bylaw enforcement officer attend the park to speak with dog owners
- Try to ascertain the main offending dog owner(s) to discuss issues and resolve situation
- Lock the park at dusk
- Host a meeting of dog park users to outline the problem and seek solutions

It was agreed that staff would contact the RCMP to review the file. Further, that the best approach would be for staff to contract the offending dog owner(s) to discuss potential actions. Host a meeting of dog park users is also a preferred option so that dog owners can also be part of the solution.

Moved/seconded

that all other items of business be held over to the next meeting, which is scheduled for October 28, 2010.

MOTION CARRIED

Meeting adjourned at 9:20 p.m.

John Krug - Chair



MEMORANDUM

DATE: October 7, 2010

TO: Tom R. Anderson, General Manager, Planning and Development Department

FROM: Brian Duncan, Chief Building Inspector

SUBJECT: BUILDING REPORT FOR THE MONTH OF SEPTEMBER, 2010

There were 44 Building Permits and 0 Demolition Permit(s) issued during the month of September, 2010 with a total value of \$ 4,978,038

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				432,688	73,500		6	76	506,188	8,362,393
"B"				1,343,710	510,670		14	118	1,854,380	11,914,925
"C"				659,020	5,500		4	67	664,520	8,417,059
"D"				243,400	25,200		3	37	268,600	5,398,680
"E"				260,820	87,040		3	41	347,860	4,746,464
"F"				0	0		0	18	0	1,031,366
"G"				595,580	30,000		4	35	625,580	4,153,210
"H"				132,420	9,000		5	22	141,420	1,257,302
"I"				539,490	30,000		5	20	569,490	2,020,273
Total	\$ -	\$ -	\$ -	\$ 4,207,128	\$ 770,910	\$ -	44	434	\$ 4,978,038	\$ 47,301,672

B. Duncan, RBO
Chief Building Inspector
BD/db

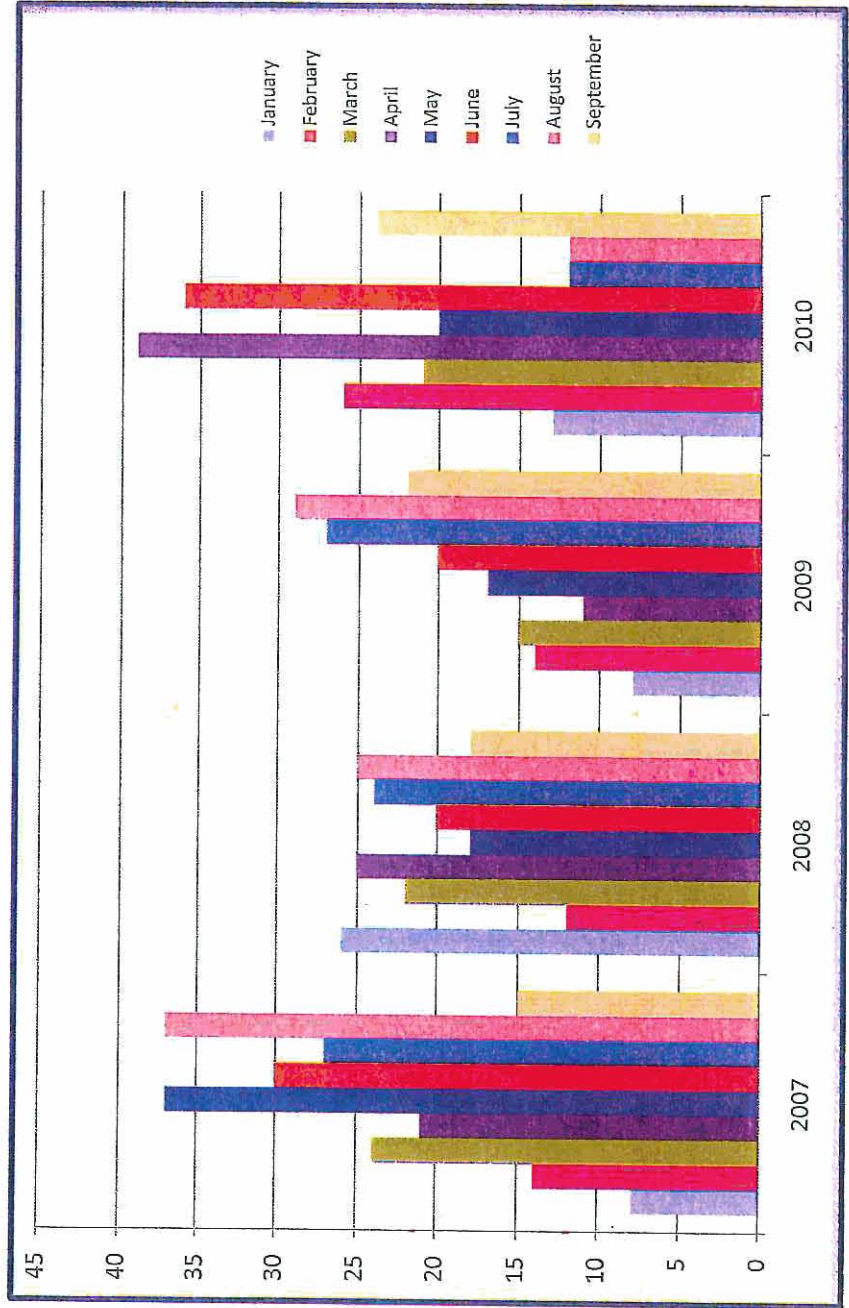
NOTE: For a comparison of New Housing Starts from 2007 to 2010, see page 2
For a comparison of Total Number of Building Permits from 2007 to 2010, see page 3

10/1



Total of New Housing Starts

	2007	2008	2009	2010
January	8	26	8	13
February	14	12	14	26
March	24	22	15	21
April	21	25	11	39
May	37	18	17	20
June	30	20	20	36
July	27	24	27	12
August	37	25	29	12
September	15	18	22	24
YTD Totals	213	190	163	203





Total Building Permits Issued

	2007	2008	2009	2010
January	26	50	23	35
February	28	30	32	44
March	24	48	36	54
April	54	63	34	67
May	70	50	48	41
June	58	55	55	66
July	55	64	61	45
August	70	53	45	38
September	52	50	65	44
YTD Totals	437	463	399	434

