



**NOTICE OF
ELECTORAL AREA SERVICES COMMITTEE MEETING**

Tuesday,
November 2, 2010
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

A G E N D A

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6. <u>APC</u>	
AP1 Minutes of Area A APC meeting of October 12, 2010	55-56
AP2 Minutes of Area B APC meeting of October 7, 2010	57-58

7. **PARKS**
PK1 Minutes of Shawnigan Lake Parks meeting of October 21, 201059-60
8. **NEW BUSINESS**
9. **PUBLIC/PRESS QUESTIONS**
10. **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.

CSM1 Minutes of Closed Session EASC meeting of October 19, 201061-62
CSSR1 Verbal report regarding Litigation [Section 90(1)(g)].
11. **NEXT MEETING**
Tuesday, November 23, 2010
12. **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 19, 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. Kuhn
 Director L. Duncan
 Absent: Director K. Cossey

CVRD STAFF

Tom R. Anderson, General Manager
 Mike Tippet, Manager
 Rob Conway, Manager
 Brian Farquhar, Manager
 Carla Schuk, Planning Technician
 Ann Kjerulf, Planner III
 Maddy Koch, Planning Assistant
 Brian Duncan, Chief Building Inspector
 Nino Morano, Bylaw Enforcement Officer
 Warren Jones, Administrator
 Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding one listed item of New Business, two additional items of new business, and two items of Closed Session 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 October 5, 2010 EASC meeting, be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 - Paisley

Corey Paisley, 11170 Branksome Road, Saltair, was present regarding procedural concerns with respect to zoning improprieties, bylaw enforcement, and freedom of information. Mr. Paisley distributed written material supporting his concerns.

The Committee and staff responded to questions from Mr. Paisley.

The Chair advised that the 10 minute delegation time limit had been reached and requested the delegate to put any additional concerns or comments in writing.

Mr. Paisley requested an extension to the 10 minute time limit.

It was Moved and Seconded

That the delegate, Corey Paisley, be granted an additional five minutes to present his concerns.

MOTION CARRIED

Mr. Paisley stated further concerns.

The Chair thanked the delegate for appearing.

D2 - Stitt

Robert Stitt was present on behalf of the Area D OCP Steering Committee to present an update on the new draft Cowichan Bay Official Community Plan. A brief power point presentation was shown noting key issues and goals of the Plan and noting that June of next year is proposed for the bylaw stage.

The Committee directed comments to the delegate.

The Chair thanked the delegate for his presentation.

D3 - Partridge

Carla Schuk, Planning Technician, presented a request by Craig Partridge for additional accessory building fixtures in an accessory building located at 2868 Renfrew Road, Shawnigan Lake.

The applicant was not present.

It was Moved and Seconded

That the request by Craig Partridge to install a wet bar and shower in an accessory building at 2868 Renfrew Road, Area B, be referred to the next EASC meeting when the Area B Director is present.

MOTION CARRIED

D4 - Mendenhall

Carla Schuk, Planning Technician, presented Application No. 2-E-10ALR (Orosi Land Co./Mendenhall) to adjust the lot boundaries of two adjacent properties to 4921 Marshall Road.

The Committee directed questions to staff.

Arturo Mendenhall, applicant, was present and provided further information to the application.

It was Moved and Seconded

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.

MOTION CARRIED

D5 - Muir

Maddy Koch, Planning Assistant, presented Application No. 1-H-10ALR (Bruce Muir/Heart Lake Developments Ltd.) to include 17.3 hectares located on Oyster Sto Lo Road, Area H, into the ALR.

The Committee directed questions to staff and the applicant.

Bruce Muir, applicant, was present, and noted that 148 lots are proposed to be created.

It was Moved and Seconded

That Application No. 1-H-10 ALR (Muir) regarding the inclusion of approximately 17.3 hectares 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.

MOTION CARRIED

STAFF REPORTS

**SR1 – Eagle Heights
Fire Protection
boundary**

Sybille Sanderson, Acting GM, presented staff report dated October 12, 2010, regarding Eagle Heights Fire Protection Service Area Boundary Expansion.

It was Moved and Seconded

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 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.

MOTION CARRIED

**SR2 – Community
Parks Requisition
Limits**

Brian Farquhar, Parks and Trails Manager, presented staff report dated October 13, 2010, regarding Community Park Functions, Statutory Requisition Limitations.

It was Moved and seconded

That a bylaw be prepared to amend “CVRD Bylaw No. 2232 – South Cowichan Parks Service (Electoral Areas A – Mill Bay/Malahat, B – Shawnigan Lake, C – Cobble Hill, and D – Cowichan Bay) Establishment Bylaw, 2001”, to increase the maximum requisition from \$50,000 to \$62,500, and that the amendment bylaw be forwarded to the Board for consideration of three readings and approval.

MOTION CARRIED

It was Moved and Seconded

That a bylaw be prepared to amend “CVRD Bylaw No. 2673 – “Saltair Community Parks Establishment Bylaw, 2005”, to increase the maximum requisition from \$.35 per \$1,000 to \$0.40 per \$1,000 net taxable value , and that the amendment bylaw be forwarded to the Board for consideration of three readings and approval.

MOTION CARRIED

**SR3 – Animal Control
Budget**

Tom Anderson, GM, reviewed staff report dated October 13, 2010, regarding 2011 Animal Control budget.

It was Moved and Seconded

That the CVRD animal control license fees not be increased at this time, and that staff provide a detailed report to the EASC on the Animal Control function.

MOTION CARRIED

**SR4 – Accessory
Building Fixtures**

Tom Anderson, GM, reviewed staff report dated October 13, 2010, regarding Additional Facilities in Accessory Buildings.

It was Moved and Seconded

That the existing Board Policy respecting allowances for additional plumbing fixtures within accessory buildings be maintained.

MOTION CARRIED

**SR5 – Riparian DPA,
Area H**

Mike Tippet, Manager, reviewed Staff Report dated August 18, 2010, regarding marine riparian development permit areas.

1. 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 the amendment bylaw be forwarded to the Regional Board for consideration of first and second readings.
2. That a public hearing be arranged and that Directors Marcotte, Dorey and Morrison be appointed as delegates to the public hearing.
3. That the draft amendment bylaw be forwarded to Fisheries and Oceans Canada, SD #68, Stz'uminus First Nation, the Town of Ladysmith, and Nanaimo Regional District.

MOTION CARRIED

APC

AP1 - Minutes

It was Moved and Seconded

That the minutes of the Area I APC meeting of September 7, 2010, be referred back to the Advisory Planning Commission.

MOTION CARRIED

AP2 - Minutes

It was Moved and Seconded

That the minutes of the Area A APC meeting of September 14, 2010, be received and filed.

MOTION CARRIED

PARKS

PK1- Minutes

It was Moved and Seconded

That the minutes of the Area D Parks meeting of September 20, 2010, be received and filed.

MOTION CARRIED

PK2 - Minutes

It was Moved and Seconded
That the minutes of the Area I Parks meeting of September 14, 2010, be received and filed.

MOTION CARRIED

PK3 - Minutes

It was Moved and Seconded
That the minutes of the Area C Parks meeting of October 6, 2010, be received and filed.

MOTION CARRIED

INFORMATION

IN1 – Building Report

It was Moved and Seconded
That the September 2010 building report, be received and filed.

MOTION CARRIED

NEW BUSINESS

NB1 – File No. 3-I-10DP

Rob Conway, Manager, reviewed staff report dated October 19, 2010, regarding Development Permit Application No. 3-I-10DP/VAR (Dix) and request to send the application back to the APC for further review.

It was Moved and Seconded
That the Area I Advisory Planning Commission be requested to undertake a site visit to Island #4 to view proposed building locations, and that the APC provide comment with respect to both the variance and development permit aspects of application 3-I-10DP/VAR (Dix).

MOTION CARRIED

2 – Next EASC meeting

It was Moved and Seconded
Further to the regular November 16, 2010, EASC meeting being cancelled due to several Directors and staff attending a conference in Kelowna, that an EASC meeting be scheduled for Tuesday, November 23, 2010.

MOTION CARRIED

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 5:00 pm.

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 5:15 pm.

Chair

Recording Secretary



D1

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.

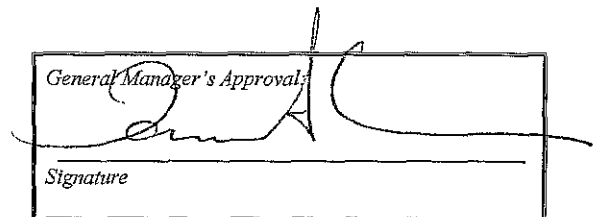
Options:

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



SRI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING NOVEMBER 2, 2010

DATE: October 19, 2010 **FILE NO:** 0540-20-EASC/07
FROM: Sybille Sanderson, Acting General Manager, Public Safety
SUBJECT: Malahat Fire Protection Service Area Expansion – Lintaman

Recommendations:

1. That the *Certificate of Sufficiency* confirming that the petition for inclusion in the Malahat Fire Protection Service Area is sufficient, be received.
2. That CVRD Bylaw No. 2414 be amended to extend the boundaries of the Malahat Fire Protection Service Area to include the following property:
 - PID: 025-642-324 Lot 2, District Lot 132 Malahat Land District, Plan VIP 75146.
3. That the Malahat Fire Protection Service Area amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

Purpose:

To extend the boundaries of the Malahat Fire Protection Service Area to include the above property.

Financial Implications:

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

Background:

The owner recently requested fire protection for this property however it was discovered that the cost of the service has been included in the owner's tax assessment even though the property was not included in the fire protection service area boundaries. The petition was raised to initiate the necessary bylaw procedures to correct the boundaries and include the property in the service area.

Submitted by,

Sybille Sanderson
Acting General Manager, Public Safety

/bw

Attachments: Certificate of Sufficiency
Map detailing Malahat Fire Protection Service Area

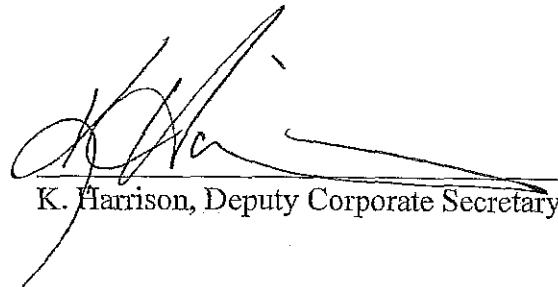


CERTIFICATE OF SUFFICIENCY

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

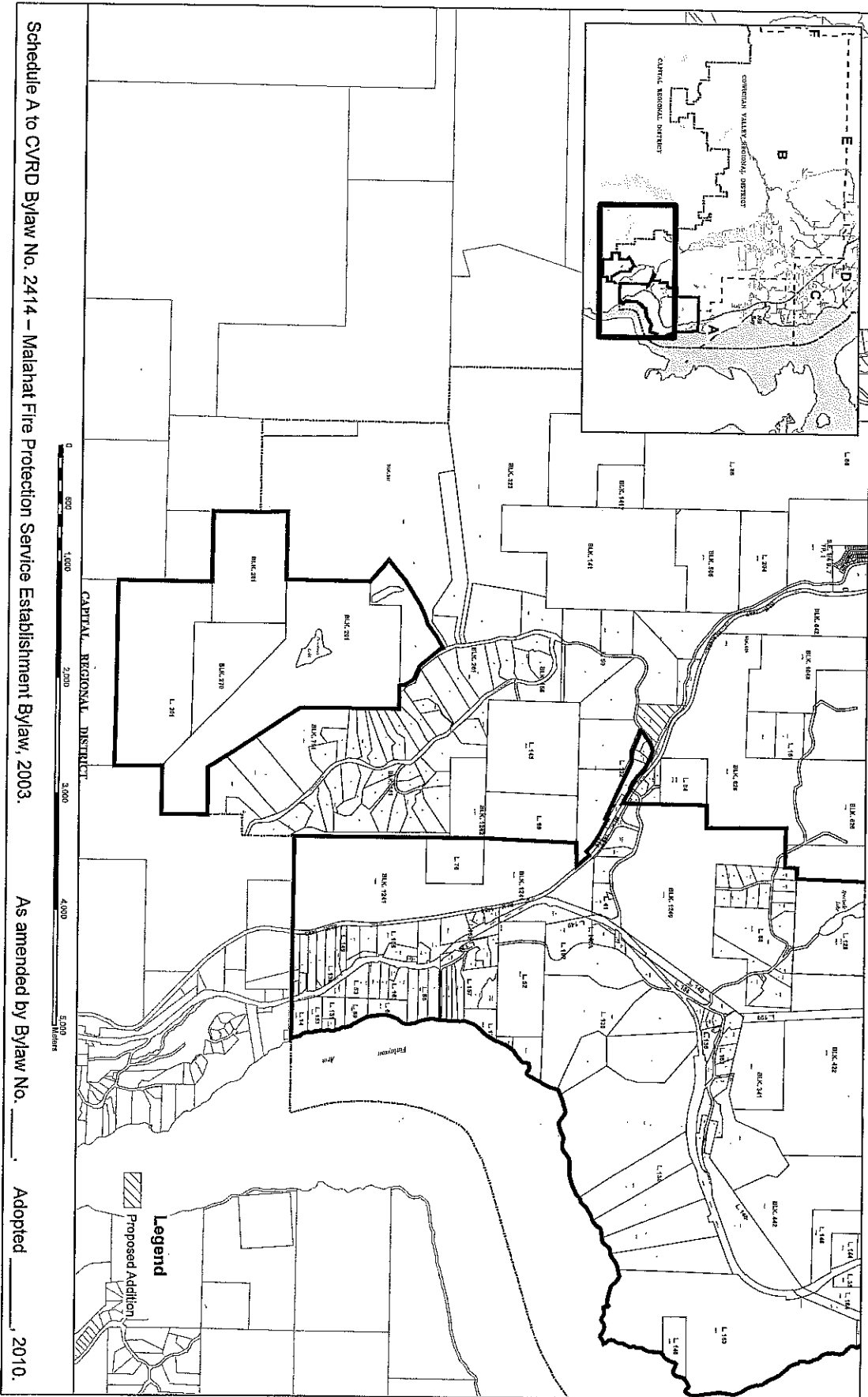
DATED at Duncan, British Columbia
this 20th day of October, 2010

)
)
)
)


K. Harrison, Deputy Corporate Secretary

Malahat 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:	\$465,000.
Number of Valid Petitions Received:	1
Net Taxable Value of Petitions Received (Land and Improvements):	\$465,000.





SR2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 2, 2010

DATE: October 26, 2010

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: 2011 Animal Control Budget

Action:

That the Committee provide direction on this issue.

Purpose:

To respond to the request for further detail.

Financial Implications:

Dependant upon the direction given.

Interdepartmental/Agency Implications:

N/A

Background:

A report was presented at the October 19, 2010 Electoral Area Services Committee meeting which outlined a projected \$7,000 shortfall in revenues within the Animal Control Budget (310) for next year. The report posed that a \$5 increase in the cost of dog licenses be considered. There was an obvious reluctance on behalf of Directors to proceed with this option as the following motion was passed:

“That the CVRD animal control license fees not be increased at this time, and that staff provide a detailed report to the EASC on the Animal Control function.”

In order to provide the Committee with a more comprehensive financial understanding of this function, attached are two budget printouts that provide a 6 year review of the Revenues and Expenditures. It should be noted that for each year, we have provided a column that identifies:

1. The **Actual Value**, which is the specific amount of money that was expended or received by the end of that year, and,
2. The **Revised Budget**, which shows the amount of money that was projected to be expended or received, as of the start of the year.

An asterisk (*) has been placed beside the years, 2005 and 2010 which are the years in which the Dog License fees were increased by \$5. As noted in the last report, our Dog License fees were increased in 2010 to \$25 for January and \$35 for the rest of the year.

In response to Committee direction, the number of licenses sold over the last 6 years is as follows:

2005	2006	2007	2008	2009	2010
2318	2799	2821	2793	2703	2649

The table above indicates a spike in the number of licenses sold between 2005/06 which likely came as a result of the change in advertising which went from newspaper ads to a flyer being sent to each household in the Electoral Areas, that year. Since then you can see that the numbers have stagnated and declined slightly.

In a review of SPCA files, the number of complaints received over the last 6 years is as follows:

2005	2006	2007	2008	2009	2010
411	352	316	350	318	398

The table above indicates that the number of complaints received by the SPCA have been relatively consistent.

Discussion at the Committee meeting also focused on how the Regional District notifies residents of the need to purchase dog licenses. It was noted that we used to place ads in newspapers but that in 2006 we started sending out flyers to everyone in the electoral areas. We also do a follow up mail-out in February to notify those who had previously purchased dog licenses that they need to renew their licenses. As can be seen in the table above, this change proved quite successful as the number of licenses sold every year rose significantly in 2006 over the previous year. Since that time the numbers rose again in 2007 but have tailed off since that time.

A suggestion was made that we should send out the notices with our billing notifications. Unfortunately, Recycling and Garbage billing is sent out in May and July of every year and not early January as is needed for the Dog Licenses. Our utility billing for sewer and water services only affect those on CVRD utilities which only cover a portion of those in the electoral areas that need to be notified.

Submitted by,



Tom R. Anderson,
General Manager
Planning and Development Department

TRA/ca

Cowichan Valley Regional District
Budget List By Function

GL5260 Page : 1
Date : Oct 20, 2010 Time : 2:17pm



Account Code : -- - To : -- -

Function Type : Selective

GENERAL REVENUE FUND							
310 - ANIMAL CONTROL							
	* 2005	2005	2006	2006	2007	2007	
	ACTUAL VALUE	REVISED BUDG	ACTUAL VALUE	REVISED BUDG	ACTUAL VALUE	REVISED BUDG	
REVENUES							
2000 GRANTS							
01-1-2000-2100	FEDERAL GRANTS IN LIEU	-8	0	-8	0	-8	0
	Total GRANTS	-8	0	-8	0	-8	0
5191 SALE OF DOG TAGS & LICENCES							
01-1-5191-0000	SALE OF DOG TAGS & LICENC	-57,829	-51,000	-60,282	-56,000	-58,592	-55,000
	Total SALE OF DOG TAGS & LIC	-57,829	-51,000	-60,282	-56,000	-58,592	-55,000
							0
7571 REQUISITION							
01-1-7571-0000	REQUISITION	-31,762	-31,762	-31,762	-31,762	-25,000	-25,000
	Total REQUISITION	-31,762	-31,762	-31,762	-31,762	-25,000	-25,000
							0
9110 SURPLUS							
01-1-9110-0000	SURPLUS	-2,701	-2,701	-14,892	-14,892	-22,455	-22,455
	Total SURPLUS	-2,701	-2,701	-14,892	-14,892	-22,455	-22,455
							0
	Total REVENUES	-92,300	-85,463	-106,943	-102,654	-106,055	-102,455
EXPENSES							
2930 ANIMAL CONTROL - EXPENDITURES							
01-2-2930-2121	POSTAGE	816	900	1,292	900	0	0
01-2-2930-2210	ADVERTISING	0	300	0	300	1,360	1,300
01-2-2930-2372	INSURANCE DEDUCTIBLES	161	161	215	215	243	243
01-2-2930-2383	ANIMAL CONTROL CONTRACT	63,999	69,081	67,199	72,462	69,541	73,713
01-2-2930-2532	COMPUTER SOFTWARE UPGF	0	0	903	0	0	0
01-2-2930-4100	ALLOC - GENERAL GOVERNMENT	2,921	2,921	2,973	2,973	3,252	3,252
01-2-2930-4200	ALLOC - PLANNING	6,000	6,000	6,000	6,000	6,000	6,000
01-2-2930-5910	PRINTING	758	1,000	1,710	1,000	1,542	1,800
01-2-2930-5920	SUPPLIES - OFFICE	2,753	2,800	2,521	3,000	2,939	3,000
01-2-2930-7191	COMPENSATION COSTS	0	1,000	1,464	1,000	0	1,000
01-2-2930-7195	DISPOSAL OF ANIMALS	0	300	212	300	0	300
01-2-2930-9910	CONTINGENCY	0	1,000	0	14,504	0	11,847
	Total ANIMAL CONTROL - EXPE	77,408	85,463	84,488	102,654	84,878	102,455
							0
	Total EXPENSES	77,408	85,463	84,488	102,654	84,878	102,455

Cowichan Valley Regional District
Budget List By Function



GL5260 Page : 1
 Date : Oct 20, 2010 Time : 2:16pm

Account Code : -- - To : -- -

Function Type : Selective

GENERAL REVENUE FUND							
310 - ANIMAL CONTROL							
		2008	2008	2009	2009	* 2010	2010
		ACTUAL VALUE	REVISED BUDG	ACTUAL VALUE	REVISED BUDG	ACTUAL VALUE	REVISED BUDG
REVENUES							
2000 GRANTS							
01-1-2000-2100	FEDERAL GRANTS IN LIEU	-5	0	-7	0	-5	0
	Total GRANTS	-5	0	-7	0	-5	0
5191 SALE OF DOG TAGS & LICENCES							
01-1-5191-0000	SALE OF DOG TAGS & LICENC	-59,734	-56,000	-58,903	-58,000	-71,837	-70,000
	Total SALE OF DOG TAGS & LIC	-59,734	-56,000	-58,903	-58,000	-71,837	-70,000
7571 REQUISITION							
01-1-7571-0000	REQUISITION	-25,000	-25,000	-20,069	-20,069	-18,545	-18,545
	Total REQUISITION	-25,000	-25,000	-20,069	-20,069	-18,545	-18,545
9110 SURPLUS							
01-1-9110-0000	SURPLUS	-21,177	-21,177	-18,762	-18,762	-9,126	-9,126
	Total SURPLUS	-21,177	-21,177	-18,762	-18,762	-9,126	-9,126
	Total REVENUES	-105,916	-102,177	-97,741	-96,831	-99,513	-97,671
EXPENSES							
2930 ANIMAL CONTROL - EXPENDITURES							
01-2-2930-2210	ADVERTISING	1,875	1,400	1,376	2,000	1,470	2,000
01-2-2930-2338	CONTRACT FOR SERVICES	0	0	500	500	500	500
01-2-2930-2383	ANIMAL CONTROL CONTRACT	72,346	75,335	73,182	77,000	67,786	78,540
01-2-2930-4100	ALLOC - GENERAL GOVERNMENT	3,255	3,255	3,356	3,356	3,410	3,410
01-2-2930-4200	ALLOC - PLANNING	6,000	6,000	6,000	6,000	6,000	6,000
01-2-2930-5910	PRINTING	1,009	1,700	1,629	1,700	1,656	1,700
01-2-2930-5920	SUPPLIES - OFFICE	1,751	3,000	1,596	2,500	1,608	2,500
01-2-2930-7191	COMPENSATION COSTS	919	1,000	975	1,000	0	1,000
01-2-2930-7195	DISPOSAL OF ANIMALS	0	300	0	0	0	0
01-2-2930-9910	CONTINGENCY	0	10,187	0	2,775	0	2,021
	Total ANIMAL CONTROL - EXPE	87,154	102,177	88,615	96,831	82,430	97,671
	Total EXPENSES	87,154	102,177	88,615	96,831	82,430	97,671
	Surplus/Deficit	-18,762	0	-9,126	0	-17,083	0



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 2, 2010

DATE: October 26, 2010 **FILE NO:** 2-D-10 SA
FROM: Rachelle Moreau, Planner I **BYLAW NO:** 925
SUBJECT: Proposed Boundary Adjustment Subdivision within the Cowichan Bay Village Development Permit Area

Recommendation:

That the requirement to obtain a development permit for application 2-D-10 SA be deferred until the building permit stage.

Purpose:

To request direction from the committee with regards to deferring the requirement to obtain a development permit until such time as the applicant comes forward with a proposal for building(s) on the subject properties.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background:

Location of Subject Property: Botwood Lane

Legal Description: The easterly 10 feet of Amended Lot 13, Block T, Section 6, Range 4, Cowichan District, Plan 79; and Amended Lot 14, Block T, Section 6, Range 4, Cowichan District, Plan 79

Date Application and Complete Documentation Received: Subdivision referral received September 27, 2010

Owner: Gulf and Fraser Fisherman's Credit Union, Inc. No FI95

Applicant: Elmworth Construction c/o Bruce Muir

Size of Parcel: Approximately 142 m² and 953 m².

Zoning: R-3B (Urban Residential – Limited Height)

Maximum Height Permitted by Zoning: 7.5 metres (24.6')

Existing Plan Designation: Urban Residential

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

North:	Cowichan Bay
South:	Multi-family (Botwood Lane townhomes)
East:	First Nations land
West:	Oceanfront Grand Resort

Services:

<u>Road Access:</u>	Botwood Lane
<u>Water:</u>	Community Water
<u>Sewage Disposal:</u>	Community Sewer

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None Identified

Archaeological Site: None Identified

Proposal:

An application has been made to: The Ministry of Transportation and Infrastructure to adjust the boundaries between two lots.

For the purpose of: creating two evenly sized lots of 551 m² and 543 m² respectively.

Planning Division Comments:

The application proposes to take one parcel of land, which is approximately 3 metres wide, adjust the boundary between this and the adjacent lot in order to create two useable lots. As this property is within the Cowichan Bay Village Development Permit Area (DPA), a development permit is required prior to subdivision, alteration of the land and construction. The guidelines within this DPA speak to form and character of proposed development as well as environmental protection of Cowichan Bay.

The lots currently have limited vegetation, therefore no vegetation removal is required, and an existing retaining wall already exists.

No buildings are currently proposed, and the existing building on the lot will be removed following the boundary adjustment.

Therefore, as the current application for a boundary adjustment is relatively minor compared to the construction of future building(s), we suggest that the requirement to obtain a development permit be deferred until prior to the buildings being constructed. This would enable a more detailed review of the proposed building(s), elevations, impervious surfaces and landscaping.

Given the emphasis of the Cowichan Bay Village Development Permit Area on preserving the character of Cowichan Bay village, we recommend that the development permit requirement be applied when construction is proposed.

Options:

1. That the requirement to obtain a development permit for application 2-D-10 SA be deferred until the building permit stage.
2. That application 2-D-10 SA be required to obtain a development permit prior to the proposed boundary adjustment subdivision, with a second development permit required for the construction of future building(s).

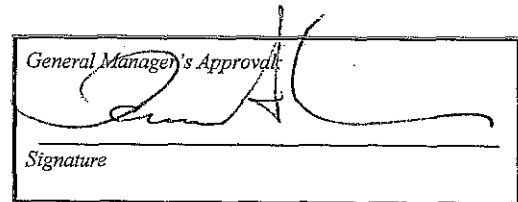
Option 1 is recommended.

Submitted by,



Rachelle Moreau,
Planner I
Planning and Development Department

RM/ca



PLAN OF PROPOSED SUBDIVISION OF
AMENDED LOT 14 AND THE EASTERLY
10 FEET OF AMENDED LOT 13,
BOTH OF BLOCK T, SECTION 6,
RANGE 4, COWICHAN DISTRICT, PLAN 79.

SCALE 1 : 250

0 5 10 15 20 metres

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

COWICHAN BAY



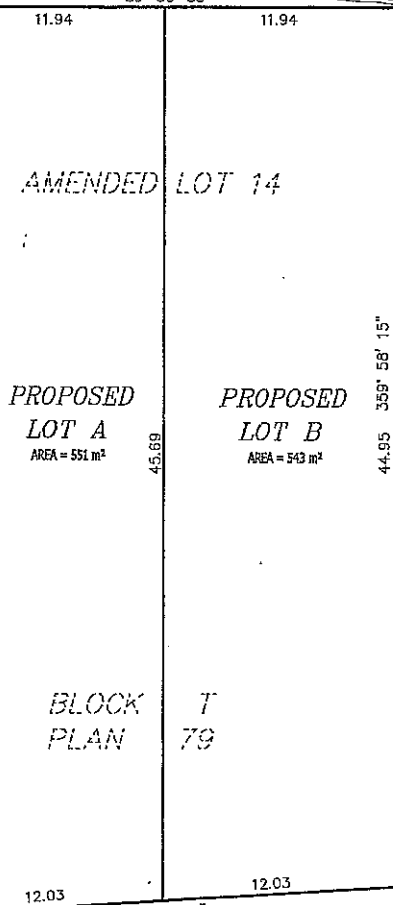
NATURAL BOUNDARY AS SHOWN ON PLAN 33079

STRATA PLAN
1145

K90804

SRW
0' 07' 55"

EASTERLY 10 FEET OF AMENDED LOT 13



BLOCK T
PLAN 79

PART WEST BOUNDARY INDIAN RESERVE No. 3

No. 3

IR

LOT 8

KIL-PAH-LAS

CLSR

76373

BOTWOOD LANE

LOT 9

LOT A

PLAN EPP4546

LOT 7

PLAN



PROFESSIONAL LAND SURVEYORS

FILE: 10-8998 COWBAY PROPOSAL.dwg
DATE: Sept 1, 2010

221 Coronation Avenue
Duncan, B.C. V9L 2T1 (250)746-4745

2010-04898



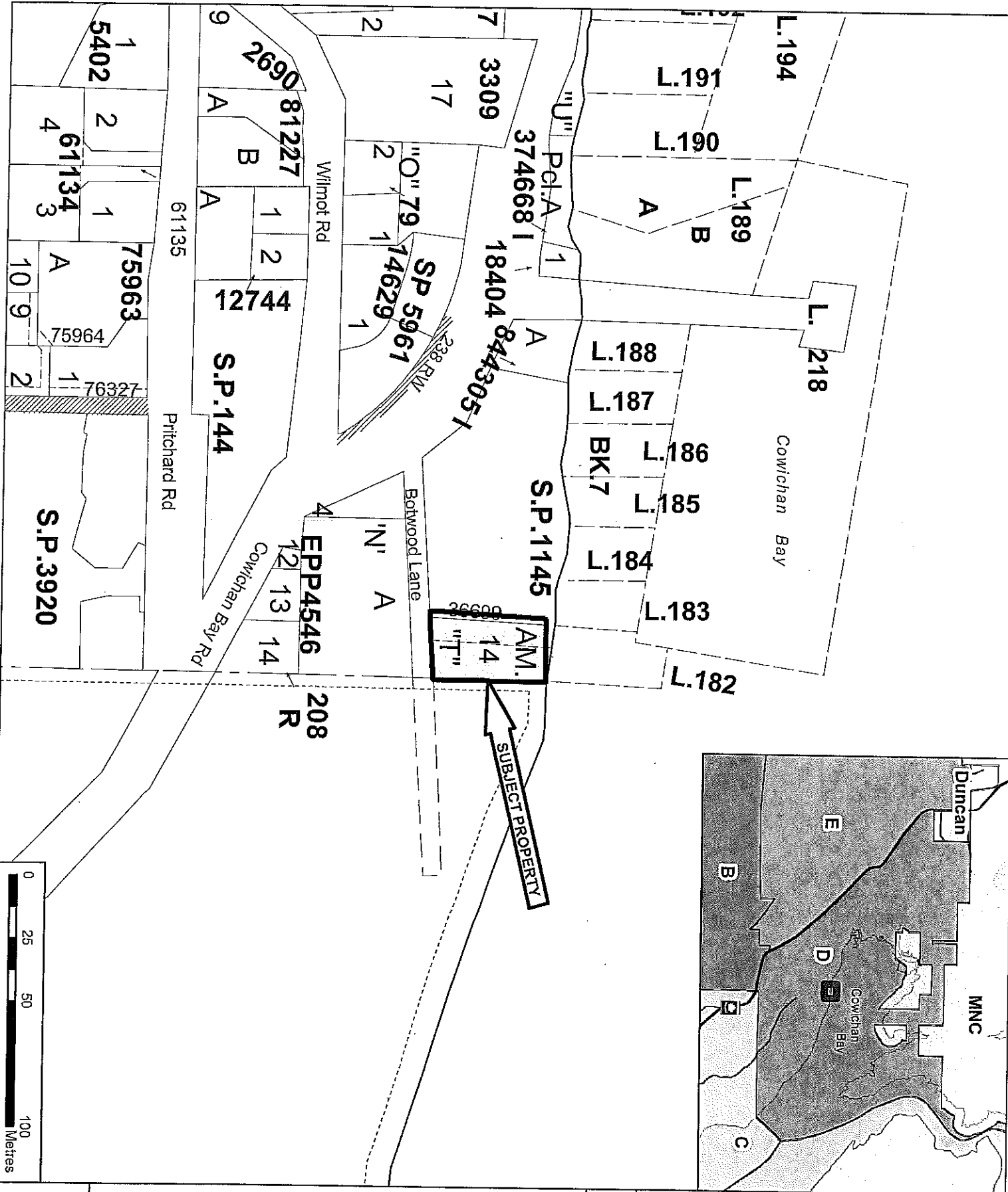
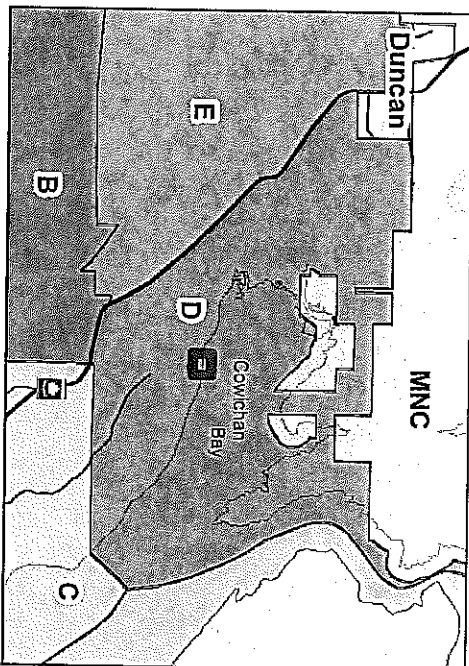
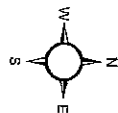
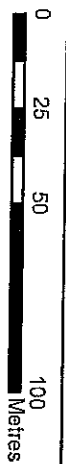
Cowichan Valley Regional District

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:02-D-10-SA

Legend
 Subject Property





Covichan
Valley
Regional
District

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

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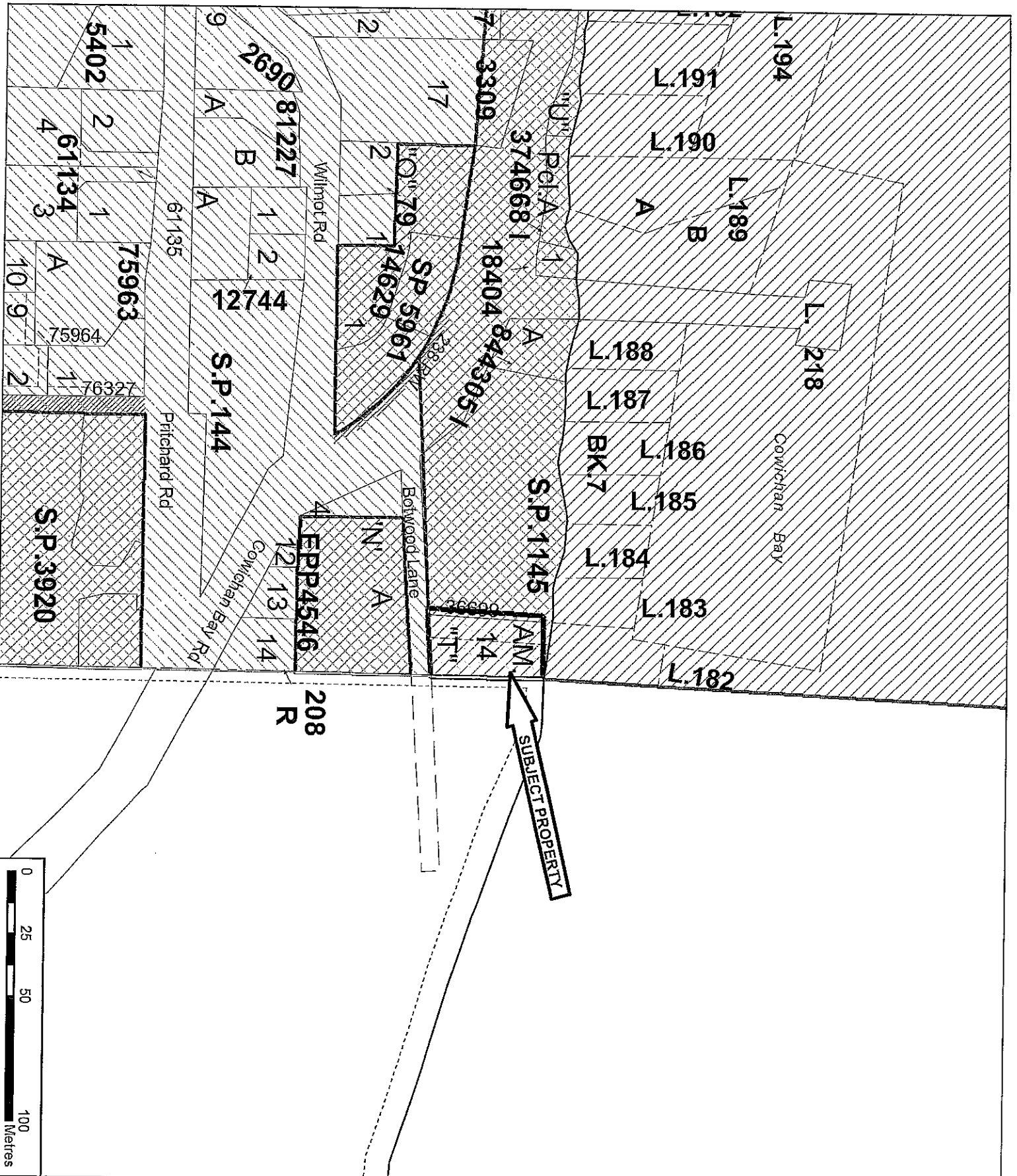
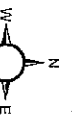
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE:02-D-10-SA

DPA

Legend

- Subject Property
- OTHER DPA
- RIPARIAN AREAS REGULATION DPA





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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.

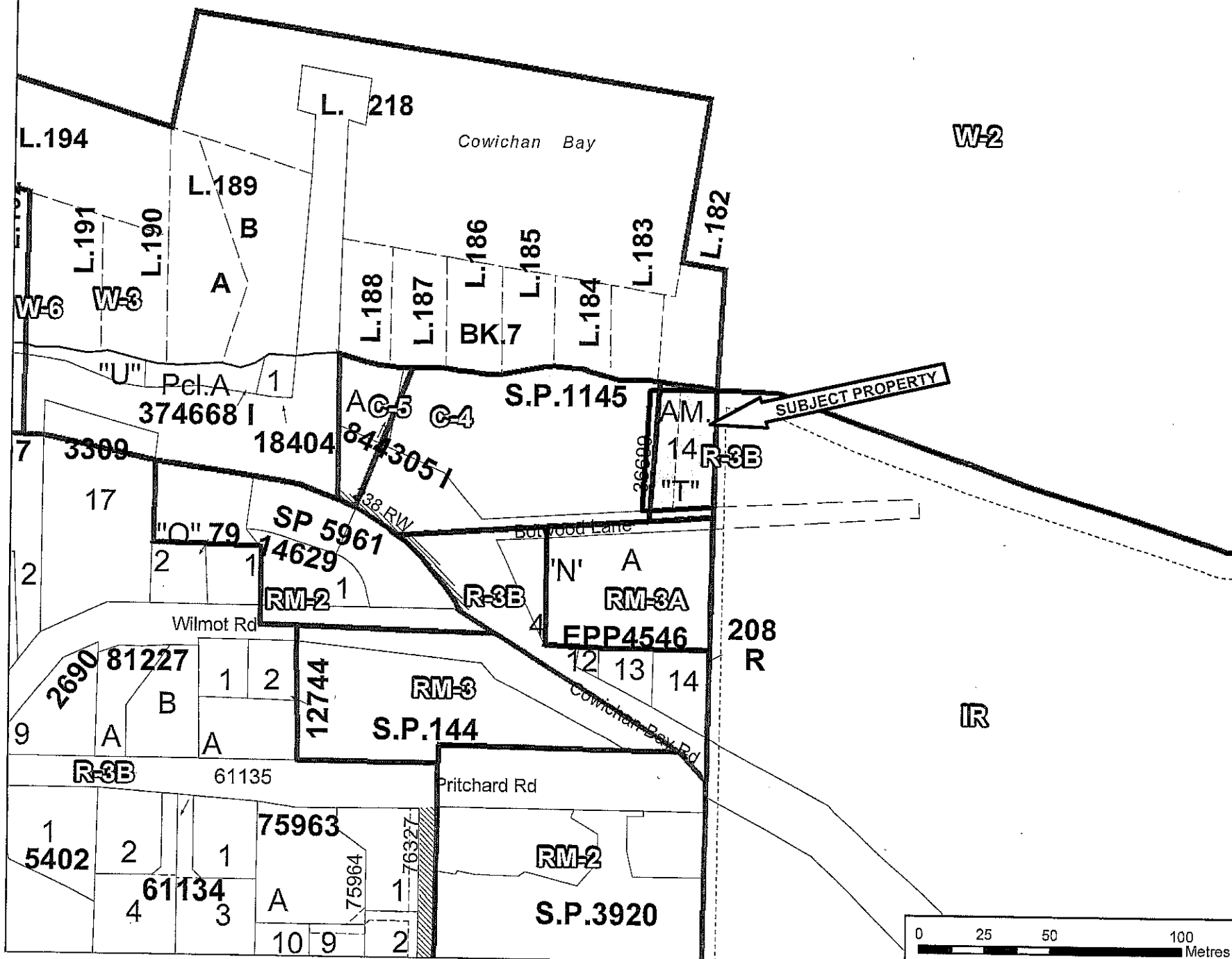
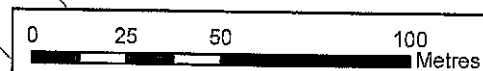
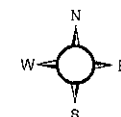
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE:02-D-10-SA

ZONING

Legend

Subject Property
Zoning Electoral Area D





SR4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 2, 2010

DATE: October 25, 2010 **FILE NO:** Planning General
FROM: Mike Tippet, Manager **BYLAW NO:**
Community and Regional Planning Division
SUBJECT: Regular OCP and Zoning Bylaw Maintenance Report

Recommendation:

That staff be directed to prepare omnibus OCP and zoning bylaw maintenance amendments forward for Electoral Areas B, E and F, and that the draft amendment bylaws be brought before the Electoral Area Services Committee once drafted, for further direction.

Purpose:

To provide the Committee with a list of issues that could be improved through the adoption of amendment bylaws which would have the goal of maintaining each electoral area's policies and regulations in a state of readiness.

Financial Implications:

Hearing costs and administrative costs as usual for this type of amendment.

Interdepartmental/Agency Implications:

Since the proposed amendments would be general in nature, it is unlikely that provincial approval would be required for the amendment bylaws.

Background:

Part of the mandate of the Community and Regional Planning Division is to maintain the existing bylaws in a state of readiness for current conditions, outside of the usual 5 to 10 year OCP and zoning bylaw reviews. We are therefore going to report here on a series of matters, some very minor and others less so, which would benefit in the shorter term from some correction.

Summary of Possible Bylaw Improvements:

As staff and others point out little difficulties in administering and understanding the land use bylaws, we make notes of these and from time to time proposed omnibus maintenance amendments that will simultaneously address these and sometimes bring forward minor new regulations. We have been keeping these notes for some time and following is a compendium of these.

In Electoral Areas A, B, C and D, the Plan review processes are well underway, and the main lists for these areas will be addressed at the time of OCP update and unless something is really urgent, we could wait for the new bylaws to be adopted.

Possible bylaw maintenance items:

MILL BAY/MALAHAT - AREA A

- Zoning Bylaw 2000: remove floor area limits from definitions of suites.
- Zoning Bylaw 2000: amend Zoning Map to include latest parks, and adjust boundaries of the parks zoning to the actual parks.
- Zoning Bylaw 2000: add a definition of “rear yard” and “front parcel line” for panhandle lots that makes sense and avoids unduly small side parcel line setbacks in front of the building.
- Zoning Bylaw 2000: General notwithstanding clause on permitting the portions of split-zoned lots to be developed according to the zoning on that portion of the lot and to use it even if the undersized portion would be too small under the bylaws. Use of the lower density area might be prohibited since if only one SFD is permitted “per parcel” that would not allow two.
- Zoning Bylaw 2000: clarify height measurement as being from “average” natural grade.
- Zoning Bylaw 2000: add the “two plumbing fixtures per accessory building” regulation to the zoning general regulations.
- Zoning Bylaw 2000: require a separate community water and sewer service connection for a suite, where it is located in a community water/sewer service area.

SHAWNIGAN LAKE - AREA B

- Zoning Bylaw 985’s A-2 Zone purports to allow one Single Family Dwelling and one Single Wide Mobile Home, but it is not being interpreted this way.
- Zoning Bylaw 985: remove floor area limits from definitions of suites.
- Zoning Bylaw 985: remove the last density averaging provision from the Bylaw (Ingot Road).
- Zoning Bylaw 985: add the “two plumbing fixtures per accessory building” regulation to the zoning general regulations.
- Shawnigan Lake OCP (current): There are no OCP policies that allow suites, so the zoning is inconsistent with the OCP in this regard.
- Shawnigan Lake OCP (current): There is an inconsistency between the fact that the OCP says that farm retail sales area should be restricted to 35 m² of building area, where Zoning Bylaw 985 defaults to the ALC standard of 112 m². New ALC regulation supersedes OCP anyway but this should be removed.
- Zoning Bylaw 1015: require a separate community water service connection for a suite, where it is located in a community water service area.

COBBLE HILL - AREA C

- Zoning Bylaw 1405: R-1, R-2, R-3, R-6 and F-1 zones all seem to allow a small suite AND a secondary suite – change AND to OR.
- Zoning Bylaw 1405: bad cross-reference to S.5.3, should be 5.4 under gross floor area.
- Zoning Bylaw 1405: remove floor area limits from definitions of suites.
- Zoning Bylaw 1405: Sections 5.22.9 should refer to Section 5.25, not Section 5.27 (which no longer exists).
- Zoning Bylaw 1405: Section 13.3(b) should point to Section 13.3(a), not 13.2(a).
- Zoning Bylaw 1405: add the “two plumbing fixtures per accessory building” regulation to the zoning general regulations.
- Zoning Bylaw 1405: require a separate community water and sewer service connection for a suite, where it is located in a community water/sewer service area.

COWICHAN BAY - AREA D

- Zoning Bylaw 1015: make sure that all parks are marked as such on zoning map.
- Zoning Bylaw 1015: General notwithstanding clause on permitting the portions of split-zoned lots to be developed according to the zoning on that portion of the lot and to use it even if the undersized portion would be too small under the bylaws. Use of the lower density area might be prohibited since if only one SFD is permitted “per parcel” that would not allow two.
- Zoning Bylaw 1015: add the “two plumbing fixtures per accessory building” regulation to the zoning general regulations.
- Zoning Bylaw 1015: require a separate community water and sewer service connection for a suite, where it is located in a community water/sewer service area.

COWICHAN STATION/SAHTLAM/GLENORA - AREA E

- Zoning Bylaw 1840: Accessory building size limit is absurd in larger lot zones, as evidenced by some DVP applications; should it be different in different zones, or linked to lot size, maybe with variable setbacks (larger building = set back more).
- Zoning Bylaw 1840: make sure that all parks are marked as such on zoning map.
- Zoning Bylaw 1840: add the “two plumbing fixtures per accessory building” regulation to the zoning general regulations.
- Zoning Bylaw 1840: add regulations concerning reduction in the calculated site area of proposed lots where wetlands are present.
- Zoning Bylaw 1840: permitting subdivision of parcels on either side of park dedications that are acceptable to the CVRD.
- Zoning Bylaw 1840: require a separate community water and sewer service connection for a suite, where it is located in a community water/sewer service area.
- Cowichan-Koksilah OCP: The Commercial and Industrial Designations on the map don't match those in the text. There are only generic I and C blobs on the map and the text refers to – for example – the “Forest-Industrial Designation”, which is not there.
- Cowichan-Koksilah OCP: The forested lands next to Wake Lake could be made eligible for the “RF 50-50” provision, which would see half these lands come to the CVRD in consideration of some additional density.
- Cowichan-Koksilah OCP: The OCP could be updated to anticipate the effects of Federal *Species At Risk Act* regulations.

- Cowichan-Koksilah OCP: Consideration of an additional parcel for residential use could be given if at the Hillcrest Road area, some land was gifted to the CVRD and a caretaker's home built.

COWICHAN LAKE SOUTH/SKUTZ FALLS - AREA F

- Zoning Bylaw 2600: F-1, F-2 and F-2A Zones need revision to the "number of dwellings per parcel" regulation, in order to not collide with the secondary suite and secondary dwelling unit permitted uses.
- Zoning Bylaw 2600: need definitions of "front yard" and "rear yard". Front yard could be everything from the front face of the building to the main road frontage, rear yard everything else. This is needed for the interpretation of Section 3.21.
- Zoning Bylaw 2600: Section 312.3: need current language regarding the creating of new roads or subdivision that would separate lots.
- Zoning Bylaw 2600: Section 3.5.2.a should be: "...remove or convert to an accessory building (building permit required).....prior to the granting of an occupancy permit....."
- Zoning Bylaw 2600: make sure that all parks are marked as such on zoning map.
- Zoning Bylaw 2600: General notwithstanding clause on permitting the portions of split-zoned lots to be developed according to the zoning on that portion of the lot and to use it even if the undersized portion would be too small under the bylaws. Use of the lower density area might be prohibited since if only one SFD is permitted "per parcel" that would not allow two.
- Zoning Bylaw 2600: add the "two plumbing fixtures per accessory building" regulation to the zoning general regulations.
- Zoning Bylaw 2600: require a separate community water and sewer service connection for a suite, where it is located in a community water/sewer service area.
- Zoning Bylaw 2600: adjust zone polygons for the docks at Stin-Qua.
- Zoning Bylaw 2600: Consider adding a special height measurement definition for cases where homes must be structurally raised to meet flood construction level.
- Official Community Plan 1945: Consider adding a policy and related information to the residential portion of the OCP which encourages infill in the vicinity of Mesachie Lake and Honeymoon Bay, if community amenities such as sewer improvements and other facilities are part of the proposal.
- Official Community Plan 1945: Consider also adding a policy to the OCP respecting the conditions under which an outdoor recreation park might be supported in the vicinity of Mesachie Lake, a few km south on the Circle Route.

SALTAIR/GULF ISLANDS - AREA G

- Zoning Bylaw 2524: remove floor area limits from definitions of suites.
- Zoning Bylaw 2524: make sure that all parks are marked as such on zoning map.
- Zoning Bylaw 2524: Section 3.19 – same as S. 3.4.2.a and 3.5.2.a in EAF and EAI
- Zoning Bylaw 2524: General notwithstanding clause on permitting the portions of split-zoned lots to be developed according to the zoning on that portion of the lot and to use it even if the undersized portion would be too small under the bylaws. Use of the lower density area might be prohibited since if only one SFD is permitted "per parcel" that would not allow two.
- Zoning Bylaw 2524: add the "two plumbing fixtures per accessory building" regulation to the zoning general regulations.

- Zoning Bylaw 2524: require a separate community water service connection for a suite, where it is located in a community water service area.
- Zoning Bylaw 2524: change the setback under Section 3.24 to add a special setback from the top of bank of a bluff.
- Official Community Plan 2500: Remove ALR application processing policy since it now collides with our revised procedure.

NORTH OYSTER/DIAMOND - AREA H

- Zoning Bylaw 1020: Some zones may not have appropriate height limits.
- Zoning Bylaw 1020: Fence height regulation is absurd and should be corrected via public notice.
- Zoning Bylaw 1020: General notwithstanding clause on permitting the portions of split-zoned lots to be developed according to the zoning on that portion of the lot and to use it even if the undersized portion would be too small under the bylaws. Use of the lower density area might be prohibited since if only one SFD is permitted “per parcel” that would not allow two.
- Zoning Bylaw 1020: make sure that all parks are marked as such on the zoning maps.
- Zoning Bylaw 1020: add the “two plumbing fixtures per accessory building” regulation to the zoning general regulations.
- Zoning Bylaw 1020: require a separate community water service connection for a suite, where it is located in a community water service area.

YOUBOU/MEADE CREEK - AREA I

- Zoning Bylaw 2465: the last sentence of the public land dedication provision should be updated to the more modern standard (not all lots must be of equal size, etc).
- Zoning Bylaw 2465: Section 314 – boundary adjustment provision – remove 20% limitation and substitute with septic disposal area and setback requirement.
- Zoning Bylaw 2465: make sure that all parks are marked as such on the zoning maps.
- Zoning Bylaw 2465: General notwithstanding clause on permitting the portions of split-zoned lots to be developed according to the zoning on that portion of the lot and to use it even if the undersized portion would be too small under the bylaws. Use of the lower density area might be prohibited since if only one SFD is permitted “per parcel” that would not allow two.
- Zoning Bylaw 2465: add the “two plumbing fixtures per accessory building” regulation to the zoning general regulations.
- Zoning Bylaw 2465: require a separate community water and sewer service connection for a suite, where it is located in a community water/sewer service area.
- Zoning Bylaw 2465: Correct dock zoning polygons at Creekside, Palmer Way and Woodland Shores. This will be possible for the first two once the new aerial photography is completed.
- Zoning Bylaw 2465: Correct the zoning of the private sewer utility at Palmer Way, to reflect its “as-built” location.
- Zoning Bylaw 2465: Consider adding a special height measurement definition for cases where homes must be structurally raised to meet flood construction level.

If any Directors have other matters that require adjustment within their bylaw, please mention it at the meeting, or advise staff at their convenience, so items may be added to this list.

Summary:

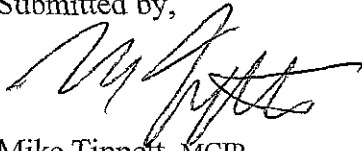
There is no shortage of work to do in this regard. Staff believe that up to three omnibus amendments could be processed at a time. Based upon the number of proposed adjustments to the bylaws, Electoral Area F would be the top priority at this time. Director Morrison indicated to staff that he would be prepared to bring these matters forward at the same time as his Bill 27 Bylaw (GHG emissions). Director Cossey has indicated that he is keen to take the existing remnant density averaging provision out of the Area B Zoning Bylaw 985, and Director Duncan has suggested that he would be prepared to also bring forward these amendments simultaneously with the proposed Bill 27 GHG amendments.

Once these proposed adjustments are completed, staff would bring back a similar list for the remaining areas for consideration, sometime later in 2011.


Options:

1. That staff be directed to prepare omnibus OCP and zoning bylaw maintenance amendments forward for Electoral Areas B, E and F, and that the draft amendment bylaws be brought before the Electoral Area Services Committee once drafted, for further direction.
2. That no action be taken on this matter at this time.

Submitted by,



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

General Manager's Approval:	
Signature	

MT/ca



SR5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 2, 2010

DATE: October 26, 2010 **FILE NO:** 6520-02-CRD/JI
FROM: Ann Kjerulf, Planner III **BYLAW NO:** N/A
Community and Regional Planning Division
SUBJECT: Capital Regional District/Juan De Fuca Soil Removal or Deposit Bylaw No. 1,
2006 – Amending Bylaw No. 3681

Recommendation

That the Capital Regional District be advised that the CVRD has no concerns with proposed amending Bylaw No. 3681, a bylaw to amend the Juan De Fuca Electoral Area Soil Removal or Deposit Bylaw No. 3297.

Purpose

The Capital Regional District is requesting feedback concerning the potential impact on CVRD interests, legislation, or policy of proposed Bylaw No. 3681 – a bylaw to amend Juan De Fuca Electoral Area Soil Removal or Deposit Bylaw No. 3297. Both bylaws are attached for reference.

Financial Implications

N/A

Interdepartmental/Agency Implications

The proposed bylaw amendment has been referred to the CVRD in accordance with the *Local Government Act*.

Discussion

The CRD Soil Bylaw No. 3297 regulates the removal or deposit of soil and is intended to ensure clean fill is deposited safely on lands and that the removal of soil is done safely with mitigation measures required to address any negative impacts on land, slopes, ground and surface water systems. The community has indicated that permit requirements add additional cost and time to building construction and general property maintenance. In addition, gravel operators have indicated that the soil permit is a duplication of the license obtained from the Ministry of Energy, Mines and Petroleum Resources and that the fees applied to large commercial operations are excessive.

The proposed amending bylaw would incorporate changes suggested by the community and sand and gravel operators to streamline the permit process. A complementary amendment to the CRD Procedures Bylaw No. 3110 would reduce the application fee for those development applications that include multiple permit requirements such as a development permit and a soil permit. CRD staff recommended holding a public information meeting and referring the application to agencies for comment.

The proposed amendments to the Soil Removal and Deposit Bylaw continue to support the protection and use of sand and gravel resources in the Juan de Fuca Electoral Area which support the Renewable Resource lands policies in the CRD Regional Growth Strategy.


CVRD Community and Regional Planning staff foresee no adverse impacts of the proposed bylaw on CVRD interests, legislation or official policy.

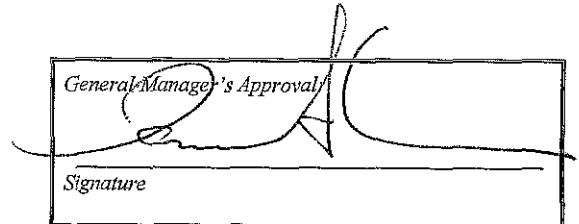
In consideration of the above noted recommendation, the Board may choose to:

- (i) Move the recommendation as stated;
- (ii) Move the recommendation with changes; or
- (iii) Decline to comment at this time.

The CRD Manager of Local Area Planning has advised that if no response is received before 4:00 pm on November 17, 2010, it will be assumed that the CVRD's interests are unaffected.

Submitted by,


Ann Kjerulf, MCIP
Planner III
Planning and Development Department


General Manager's Approval
Signature

AK/ca
Attachments

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3297

A BYLAW TO REGULATE THE REMOVAL OR DEPOSIT OF SOIL ON LANDS
WITHIN THE JUAN DE FUCA ELECTORAL AREA

WHEREAS:

- A. Under the Supplementary Letters Patent issued on February 12, 1973 (Division XI), as amended by the Supplementary Letters Patent dated August 25, 1986, the Capital Regional District was given authority to undertake the function of regulating the removal and deposit of soil;
- B. Section 723 of the *Local Government Act* authorizes a Regional District to regulate or prohibit the Removal of Soil, including sand, gravel, and rock, and the Deposit of Soil and other materials on any land within the electoral areas, to make different regulations and prohibitions for different areas, and to require permits and impose fees;
- C. the Board of the Capital Regional District wishes to regulate both the Removal of Soil and the Deposit of Soil and other materials within the Juan de Fuca portion of the Capital Regional District;

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

1.0 DEFINITIONS

In this bylaw, unless the context requires otherwise, the following definitions apply:

"Agent" means a person who has been authorized in writing by an owner to apply for a Permit on the owner's behalf.

"Applicant" means an owner, or their Agent, who has filled out the forms attached as schedules "A" or "C" and has paid the prescribed fee.

"Application" means the forms attached as schedules "A" or "C" completed by the Applicant or Agent and submitted with the prescribed fee to request permission for a Deposit or Removal.

"Berm" means an embankment built of Soil for the purpose of providing a visual barrier and/or for noise attenuation relevant to a Permit Area.

"Board" means the Capital Regional District Board.

"Deposit" means the act of moving Soil from one Parcel of Land and placing it on another Parcel of Land within the Electoral Area.

"Electoral Area" means the Juan de Fuca Electoral Area of the Capital Regional District, as outlined upon Map 1, attached to and forming a part of this bylaw.

"Engineer's Report" means a report, or reports, prepared by a Registered Professional in compliance with this bylaw.

"General Manager" means the General Manager of the ~~Environmental Services Department~~ Planning and Protective Services, Capital Regional District, or his authorized agent.

"Holiday" means New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day.

"Land Use Committee" means a committee established by the Capital Regional District Board for the purpose of making land use recommendations, within the Juan de Fuca Electoral Area, to the Board.

"Natural Boundary" means the visible high-water mark of a Watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the Soil of the bed of the body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the Soil itself.

"Parcel of Land" means any unit shown on the records of the Provincial Land Title Registry in which land is held or subdivided and includes a bare land strata lot created pursuant to the *Strata Property Act*.

"Permit" means the written authority in the form attached as Schedule "B" ~~or "D"~~ granted by the Board or its delegate for the Removal of or Deposit of Soil from or to any Parcel of Land within the Electoral Area.

"Permit Area" means the area of land over which the Soil Removal or Soil Deposit occurs, or is proposed to occur, within the subject Parcel of Land.

"Registered Professional" means a person who is registered or licensed as a Registered Professional.

"Removal" means the act of removing Soil from any Parcel of Land in the Electoral Area.

"Security Deposit" means a cash deposit, certified cheque or irrevocable letter of credit provided by the Applicant to ensure all works will be carried out in compliance with the conditions of the bylaw.

"Soil" means topsoil, sand, gravel, rock and other substances of which land is composed, or any other combination of these substances, but does not include manure from animals, or household or farm compost material.

"Unsuitable Material" means any rubbish, derelict vehicle, metals, demolition wastes, garbage or waste materials, including containers, packages, bottles, cans or parts thereof; or any abandoned or discarded article, product or goods of manufacture.

"Watercourse" means a natural drainage course or source of water, whether usually containing water or not, including a lake, pond, river, stream, creek, spring, ravine, swamp and gulch, and also includes a man-made depression with well-defined banks and a bed 0.6 m (2') or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of 0.32 km² (0.12 miles²), any of which may be enclosed in a conduit, but excludes roadside ditches.

2.0 SEVERABILITY

If any section, subsection, sentence, paragraph, schedule or map forming part of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the section, subsection, paragraph, schedule or map may be severed from the bylaw without affecting the validity of the bylaw or any portion of the bylaw or remaining schedules or maps.

3.0 INCORPORATION OF MAPS, TABLE AND SCHEDULES

~~Map 1, Table A and Schedules "A" and "B", "C" and "D"~~ attached hereto are hereby made a part of this bylaw.

4.0 REPEAL AND REPLACEMENT OF BYLAWS

The following bylaws are hereby repealed in their entirety:

- (a) Capital Regional District Bylaw No. 1472, cited as the "Soil Removal Prohibition Bylaw No. 2, 1986"; and
- (b) Capital Regional District Bylaw No. 1473, cited as the "Deposit of Soil Prohibition Bylaw No. 2, 1986"

and replaced by this bylaw.

5.0 PROHIBITIONS

No person shall do any of the following anywhere in the Electoral Area:

- (a) cause or permit the Removal of Soil from any Parcel of Land, unless or until a Permit allowing the Removal has first been obtained;
- (b) cause or permit the Deposit of Soil on any Parcel of Land, unless or until a Permit allowing the Deposit has first been obtained;
- (c) cause or permit the Deposit of Unsuitable Material on any Parcel of Land; or
- (d) remove or Deposit Soil in or around a Watercourse unless in compliance with the Provincial Riparian Area Regulation.

6.0 PERMIT EXEMPTIONS

6.1 A person may remove Soil from a Parcel of Land in the Electoral Area without a Permit provided that at least one of the following conditions is satisfied:

- ~~(a) (a) On parcels less than 4,000m² in size the Removal of Soil does not exceed a total of 60 cubic meters in any calendar year;~~
- ~~(a)(b) On parcels greater than 4,000m² in size the Removal of Soil does not exceed a total of 200 cubic meters in any calendar year;~~
- (b) the Removal is required for the construction or repair of works, roads, highways or services by or on behalf of the Capital Regional District, or the Ministry of Transportation, and is from Parcels of Land owned or leased by one of these authorities; or
- (c) the Removal is from land owned or leased by the federal or provincial government

6.2 A person may deposit Soil on a Parcel of Land in the Electoral Area without a Permit provided that at least one of the following conditions is satisfied:

- ~~(a) (a) On parcels less than 4,000m² in size the Deposit of Soil does not exceed a total of 60 cubic meters in any calendar year;~~
- ~~(a)(b) On parcels greater than 4,000m² in size the Deposit of Soil does not exceed a total of 200 cubic meters in any calendar year;~~
- (b) the Deposit is required for the construction or repair of works, roads, highways or services by or on behalf of the Capital Regional District, or the Ministry of Transportation, and is from Parcels of Land owned or leased by one of these authorities; or
- (c) the Deposit is from land owned or leased by the federal or provincial government

6.3 The onus of demonstrating compliance with sections 6.1 and 6.2 shall be at all times on the person undertaking the Removal and/or Deposit of Soil. The Board, or the General Manager,

may request documentation to confirm that the conditions for granting an exemption are satisfactorily addressed.

6.4 Only one deposit or removal permit is required if both actions occur within the same parcel of land.

6.5 Where the removal or deposit of up to 200 cubic metres of soil is for the construction of basements and foundations or installation of works and services e.g., septic fields and driveways associated with the construction of a building, the soil removal or deposit permit will be issued as part of the building permit.

7.0 PERMIT APPLICATION REQUIREMENTS

7.1 Every Applicant for a Permit must file with their Application the following information about the Parcel of Land containing the Permit Area, as follows:

- (a) the street address;
- (b) the legal description;
- (c) a title search, and copies of all registered encumbrances, including water licenses;
- (d) the name of the registered owner;
- (e) the signature of the Applicant and the owner if the owner is not the Applicant;
- (f) the applicable Security Deposit and Permit fees (see Table A);
- (g) a plan of the property showing the location of any structures, the area where Soil is to be removed or deposited, and the access points to and from the property;
- (h) the general description and volume of Soil to be removed or deposited, along with a declaration that the Soil to be removed or deposited is not contaminated under the Contaminated Site Regulation of the *Environmental Management Act*;
- (i) the proposed completion dates for stages of Soil Deposit or Removal, if applicable;
- (j) subject to Section 8.2 for Soil volumes that are 250 m³-cubic metres or more or at the determination of the CRD site inspector, an Engineer's Report and site remediation plan, which address the following:
 - (i) plans, drawn to a scale of not less than 1:1000, showing the existing contours with contour intervals of not more than two (2) metres; and the location of buildings or structures; Watercourses, tree cover, wells, known aquifers; sewage disposal fields, public utilities; the proposed Permit Area; driveways; and ingress and egress points from the proposed Permit Area to a highway;
 - (ii) the proposed contours of the Parcel of Land in its final state upon completion of the Permit activities with contour intervals of not more than two (2) metres;
 - (iii) the proposed slopes, which will be maintained upon completion of the Removal or Deposit;
 - (iv) the method proposed to control the erosion of the banks of the Soil;
 - (v) the proposed completion dates for stages of fill, if applicable;
 - (vi) the proposed methods to control: dust, noise, odour, smoke, vibration and visual impacts caused by the Deposit or Removal on adjacent Parcels of Land, and the tracking of Soil or other material onto highways;
 - (vii) plans to ensure that no silt seeps or flows into any Watercourse, well or aquifer on, under or flowing through the Parcel of Land;
 - (viii) the proposed methods of drainage control and protection of connecting or nearby Watercourses, wells or aquifers during the proposed Deposit or Removal; and

- (ix) methods to stabilize the slopes of the Soil, including any revegetation upon completion of the Removal or Deposit

7.2 If the Applicant is not the owner of the Parcel of Land, the Applicant must include with his Application a signed letter from the owner of the Parcel of Land authorizing the Applicant to carry out the works on behalf of the owner.

8.0 AUTHORITY TO ISSUE THE PERMIT

8.1 The Board delegates to the General Manager the authority to issue a Permit for volumes of Soil proposed to be removed or deposited up to and including 5,000 m³. For applications where volumes are greater than 5,000 m³, the applications are to be referred to the Land Use Committee for consideration and recommendation to the Board.

8.2 The Board delegates to the General Manager the authority to request that the Applicant include an Engineer's Report, which shall certify at the Applicant's expense that:

- (a) the plans, specifications and reports for the proposed Soil Removal or Deposit have been prepared in compliance with good engineering practices; and
- (b) upon completion of the Soil Removal or Deposit, the works substantially comply with the terms of the Permit and the conditions specified in the plans, specifications and the Engineer's Report prepared by the Registered Professional; and
- (c) the land within the Permit Area after the Soil Removal or Deposit is completed is safe for the intended use, and has been suitably stabilized to mitigate impacts of erosion, sloughing and instability.

9.0 COMMUNITY INVOLVEMENT

9.1 Staff will advise in writing, by mail, the adjacent neighbours of a pending Soil Removal/Deposit Application a minimum of ten (10) working days prior to decision on the Permit Application.

9.2 The Board, or, if delegated to the General Manager, the General Manager may choose to have the public comment upon any Application of 5,000 m³ or less. If the Board or the General Manager decides that the community should be informed, then the Board or the General Manager may:

- (a) refer the Application to the Land Use Committee for its consideration and recommendation to the Board; and/or
- (b) require notice to be placed in two consecutive local newspaper publications, paid for at the Applicant's expense.

10.0 PERMIT CONDITIONS

10.1 The Permit may be issued with or without any one or more of the conditions pertaining to subsections 7.1(g) to (j) of this bylaw.

10.2 No person shall engage in either the Removal or Deposit of Soil on any Sunday or Holiday. No Deposit or Removal of Soil shall occur except between the hours of 9-8 a.m. and 6 p.m. on those days operations are not prohibited.

10.3 A Permit constitutes written authority under this bylaw to conduct only those activities described in the Permit.

10.4 All plans, specifications and Engineer's Reports forming part of an Application in respect of which a Permit is issued shall form part of and be incorporated in the Permit and, without limiting the

- foregoing, a Permit issued shall be limited to the type and volume of Soil that is to be deposited or removed.
- 10.5 A Permit for the Removal or Deposit of Soil shall not be issued if it is deemed to be in conflict with the policies and guidelines established in the Official Community Plan and/or the permitted uses pertaining to the Parcel of Land established by the Land Use Bylaws of the Electoral Area.
- 10.6 The holder of the Permit shall post a copy of the Permit, or otherwise shall post a clear and legible sign, in English, indicating the duration and extent of the Soil Removal/Deposit at the point of entry to the property from the main road. The sign is to be 1 m x 1 m square and must include the permit number on it.
- 10.7 The holder of the Permit shall contact the Ministry of Transportation and comply with its requirements for road maintenance and cleanup during and after the works.
- 10.8 A permit issued for the Removal or Deposit of Soil does not authorize:
- a. Damage to drainage facilities, roads, or lands, or other property or natural water courses.
 - b. Obstructions to drainage facilities or natural water courses with silt, clay, sand, gravel, rubble, debris. Or any other matter or thing originating from any deposit or removal of fill.
 - c. The operations by which fill is deposited or removed to encroach upon, under or physically damage any property.
 - d. Alteration or diversion of natural water courses, except with the approval of the Ministry of Environment.
 - e. The size and configuration of the fill depositor removal shall not adversely affect the air, light or view of adjoining or adjacent properties, or to alter the appearance or nature of the surrounding area.
 - f. Fill to be deposited or permitted to remain within eight metres of any road right of way.
 - a-g. Fill to be deposited or permitted to remain or removed from and area within 30 metres from the natural boundary of a stream unless supported by an environmental report prepared by a qualified professional.

11.0 ADMINISTRATION

- 11.1 Every Permit issued shall cease to authorize the Removal or Deposit as the case may be upon the earlier of:
- (a) the Removal or Deposit of the total amount of Soil authorized to be removed or deposited by the Permit has occurred; or
 - (b) the expiry date expressly stated in the Permit. The term for any Permit shall not exceed one (1) year.
- 11.2 If the Removal or Deposit authorized in a Permit is not completed before the Permit expires, the Board or the General Manager may renew or extend the Permit provided that:
- (a) the Applicant requests a renewal or extension in writing a minimum of two (2) weeks prior to the expiry date;
 - (b) the Applicant has paid the required renewal and security fees;
 - (c) the Removal or Deposit is being carried out in compliance with the original Permit, including any conditions of an Engineer's Report which may apply; and
 - (d) there is no change in scope from the original Application.
- 11.3 There is no limit on the number of times an Applicant may apply for renewals or extensions, but no Applicant has a vested right to receive any renewals or extensions. The terms and conditions

that come into being at renewal time of the Permit shall be those that are current at that time; there shall be no grandfathering of terms and conditions.

12.0 PERMIT SUSPENSION, CANCELLATION AND AMENDMENT

12.1 If there is a contravention of any term or condition of the Permit, or the Permit was issued on the basis of statements made in an Application for a Permit, report, declaration or record required under this bylaw that were false or misleading with respect to a material fact, or that omitted to state a material fact, the omission of which made the statement false or misleading, the Board or the General Manager may:

- (a) suspend in whole or in part the rights of the Applicant under the Permit;
- (b) cancel the Permit;
- (c) amend the Permit; or
- (d) attach new conditions to a Permit without the consent of the Applicant.

12.2 For any proposed material changes to the Permit, the General Manager may require the submission of:

- (a) amended plans, data and specifications; and
- (b) a new Application for a Permit, along with associated fees.

13.0 OFFENCES

13.1 An offence is committed against this bylaw by every person who:

- (a) conducts Soil Removal or Deposit without a Permit where a Permit is required;
- (b) violates any of the provisions of this bylaw;
- (c) fails to comply with any of the terms or conditions of a Permit;
- (d) allows any act or thing to be done in contravention or violation of this bylaw or any part of a Permit; or
- (e) in the case of the owner of a Parcel of Land, fails to prevent any other person from contravening any part of this bylaw or a Permit issued under it, or fails to comply with any order or notice given under this bylaw.

14.0 FEES AND SECURITY DEPOSITS

14.1 A Permit shall allow the Applicant to Remove or Deposit Soil from/to the Permit Area as authorized by the Permit for a period of twelve (12) months from the date of issuance of the Permit, or as otherwise established under Section 11.1.

14.2 The fee for the Permit shall be as detailed in Table A, based upon the quantity of material to be deposited or removed, and shall be paid in full before issuance of the Permit.

14.3 As Security Deposit for the due and proper compliance with all the requirements and conditions of this bylaw, the Applicant shall, before receiving a Permit for the Removal or Deposit of Soil, provide a cash deposit, certified cheque, or irrevocable letter of credit drawn upon a chartered bank, in the amount as detailed in Table A, based upon the Permit Area within the subject Parcel of Land designated for Soil Deposit or Removal. The duration for the Security Deposit shall be from issuance of Permit to six (6) months after expiration of Permit.

15.0 VIOLATIONS AND PENALTIES

- 15.1 No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 15.2 Every person who contravenes this bylaw, by doing any act which it forbids, or omits to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction, to a fine of not less than that prescribed in the *Offence Act* [RSBC, 1996] Chapter 338. A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.
- 15.3 The penalties imposed under subsection (2.) hereof shall be in addition to and not in substitution for any other penalty or remedy imposed by this bylaw or any other statute, law or regulation.

16.0 INDEMNIFICATION

The holder of the Permit shall at all times bear full responsibility for any accident which may occur, or damage which may be done to any person or property whatsoever, caused directly or indirectly by the work authorized by the Permit, and shall save harmless and keep indemnified the Capital Regional District from all claims and demands whatsoever in respect of the work.

17.0 TITLE

This bylaw may be cited for all purposes as the "Juan de Fuca Electoral Area Soil Removal or Deposit Bylaw No. 1, 2006."

READ A FIRST TIME THIS	day of	2006
READ A SECOND TIME THIS	day of	2006
READ A THIRD TIME THIS	day of	2006
APPROVED BY THE MINISTER OF ENVIRONMENT THIS	day of	2006
APPROVED BY THE MINISTER OF COMMUNITY SERVICES THIS	day of	2006
ADOPTED THIS	day of	2006

CHAIR

SECRETARY

TABLE A

QUANTITY ⁽¹⁾	PERMIT FEE ⁽²⁾	SECURITY DEPOSIT ⁽³⁾	RENEWAL FEE ⁽⁴⁾
60 – 500 100 m ³	\$100 \$250 administration plus \$2.50 per m ³ of Soil to be removed or deposited	\$2,000 per hectare, or part of, in Permit Area to have soil removed from or deposited to	\$100
101 – 500 m ³	\$500 administration plus \$1.00 per m ³ of Soil to be removed or deposited	\$3,000 per hectare, or part of, in Permit Area to have soil removed from or deposited to	\$200
501 – 5,000 m ³	\$1,000 administration plus \$0.60 per m ³ of Soil to be removed or deposited	\$5,000 per hectare, or part of, in Permit Area to have soil removed from or deposited to	\$500 \$100
> 5,000 m ³	\$2,500 administration plus \$0.30 per m ³ of Soil to be removed or deposited	\$10,000 per hectare, or part of, in Permit Area to have soil removed from or deposited to	\$1,000\$100

- (1) The Applicant is responsible for ensuring that any conditions governing Removal or Deposit of Soil as defined in the *Mines Act* are adhered to.
- (2) The Permit fee must be provided prior to the issuance of a Permit.
- (3) The Security Deposit is required prior to issuance of a Permit and must be renewed and in effect prior to renewal of any Permit. The Security Deposit will continue in effect for six (6) months after the Permit has expired.
- (4) The renewal fee is required prior to an extension to the Permit.

SCHEDULE "A"

**SOIL DEPOSIT/SOIL REMOVAL
APPLICATION FOR PERMIT**

Application Number: _____

Name: _____ Phone: _____

Address: _____

I/We being the registered owner(s) of _____

Lot _____ District Lot _____ Plan _____ Section _____

Land District _____ Electoral Area _____

I hereby make application to Deposit/Remove _____ cubic metres of Soil onto the above mentioned property.

The purpose of the Soil Deposit/Removal is as follows:

The area upon which Soil is to be deposited/removed is as shown on the attached plan and consists of _____

hectare(s) and the maximum depth to which the Soil will be deposited/removed is _____ metre(s).

Upon approval of this Application, I/We hereby guarantee to fulfill the following conditions prior to the issuance of a Permit:

- Supply a Security Deposit in the amount of \$ _____
(see Table A)
- Submit the Permit fee in the amount of \$ _____
(see Table A)

The Applicant authorizes the General Manager, or his representative, to enter the premises at all reasonable times.

Filed herewith are the plans, data and specifications required by Bylaw Number 3297.

I hereby certify that, to my knowledge, the Soil to be deposited/removed is not contaminated under the Contaminated Site Regulation.

Signature of Applicant _____ Date: _____

SCHEDULE "B"
SOIL DEPOSIT/SOIL REMOVAL PERMIT

File Number: _____
PID Number: _____
Application Number: _____

Permit Number: _____

Receipt Number: _____

Date of Issue: _____

Expiry Date: _____

Issued to: _____

Address: _____

Telephone Number: _____

Security Deposit: _____

Cash/Certified Cheque/Letter of Credit

Permit Fee: _____

This Permit authorizes the Deposit/Removal of Soil on:

LOT _____ DISTRICT LOT _____ PLAN _____ SECTION _____

LAND DISTRICT _____ ELECTORAL AREA _____

LOCATED AT: _____

Maximum depth to which Soil may be deposited/removed:

SPECIAL CONDITIONS:

The holder of the Permit shall at all times bear full responsibility for any accident which may occur, or damage which may be done to any person or property whatsoever, caused directly or indirectly by the work authorized by the Permit, and shall save harmless and keep indemnified the Capital Regional District from all claims and demands whatsoever in respect of the work.

Approved by:

Please note: This does not automatically authorize a health permit or building permit.



Making a difference...together

**REPORT TO JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, OCTOBER 19, 2010**

SUBJECT **AMENDMENT TO BYLAW NO. 3297 "JUAN DE FUCA ELECTORAL AREA SOIL REMOVAL OR DEPOSIT BYLAW NO. 1, 2006" – AMENDING BYLAW NO. 3681**

ISSUE

To consider Bylaw No. 3681 to amend the Soil Removal or Deposit Bylaw No. 3297 to incorporate changes suggested by the community and sand and gravel operators to streamline the permit process and the review permit fees.

BACKGROUND

The Soil Bylaw regulates the removal or deposit of soil in the Juan de Fuca Electoral Area. The Bylaw is intended to ensure that clean fill is deposited and that the removal of soil is done safely. Mitigation measures are required to address any negative impacts on the lands, slopes and water systems. The bylaw allows the removal or deposit of soil up to 60 cubic metres per year without a permit.

The community has indicated that 60 cubic metres is too small an amount to allow for the construction of buildings or for general yard work on rural lots in the Electoral Area. Local gravel operators have indicated that the soil permit is a duplication of the License obtained from the Ministry of Energy, Mines and Petroleum Resources and that the fees applied to large commercial operations are excessive.

Staff have worked with the Alternate Electoral Area Director, who has consulted the gravel operators in the area, and made some proposed amendments to the bylaw (Appendix No. 1). Staff are recommending that the proposed amendments be referred to agencies and the community for comment.

ALTERNATIVES

1. Refer the proposed Bylaw No. 3681, "Juan de Fuca Electoral Area Soil Removal or Deposit Bylaw No. 1, 2006, Amendment Bylaw No. 1, 2010" to agencies and direct staff to hold a public information meeting.
2. Not refer the proposed amendment and retain the existing bylaw.
3. Refer the bylaw back to staff for further information.

FINANCIAL IMPLICATIONS

Staff have evaluated the operation and implications of the proposed bylaw and will be recommending a complementary amendment to the Procedures Bylaw No. 3110 to reduce the application fee for those development applications that include multiple permit requirements such as a development permit and a soil permit.

LEGISLATIVE IMPLICATIONS

Opportunities for consultation the Committee considers appropriate for persons, organizations and authorities should be considered. The Juan de Fuca Electoral Area Development Procedures Bylaw No. 3110 requires the consideration of a referral prior to the introduction of a land use bylaw. Notice of public hearing would be advertised in accordance with the *Local Government Act*. The decision on which bodies are consulted in accordance with the *Local Government Act* has been delegated to the Juan de Fuca Land Use Committee in Bylaw No. 3166.

Where an amendment or new land use and subdivision bylaw will apply to land within 800m of a controlled access highway, the bylaw must be referred to the Ministry of Transportation and Infrastructure.

PUBLIC CONSULTATION IMPLICATIONS

As this proposed bylaw applies to all lands in the Juan de Fuca Electoral Area, staff recommends that a public information meeting be held together with referrals to agencies to receive comments on the proposal. A public information meeting would be more effective in communicating issues, responding to questions and obtaining an indication of any concerns as opposed to the traditional process of referring the application to Advisory Planning Commissions. All Advisory Planning Commission members would be invited to attend and the information meeting would be advertised locally.

Should the proposal proceed, a public hearing pursuant to Section 890 of the *Local Government Act* will be required subsequent to the amendments passing second reading by the Capital Regional District Board. Staff is proposing holding a public information meeting to allow the community to comment on the proposed amendments.

REGIONAL GROWTH STRATEGY IMPLICATIONS

The proposed amendments to the Soil Removal and Deposit Bylaw continue to support the protection and use of sand and gravel resources in the Juan de Fuca Electoral Area which supports the Renewable Resource Lands policies in the Regional Growth Strategy.

CONCLUSION

The Soil Bylaw regulates the removal or deposit of soil and is intended to ensure clean fill is deposited safely on lands and that the removal of soil is done safely with mitigation measures required to address any negative impacts on the land, slopes, ground and surface water systems. The community has indicated that permit requirements add additional cost and time to building construction and general property maintenance. In addition, the gravel operators have indicated that the soil permit is a duplication of the License obtained from the Ministry of Energy, Mines and Petroleum Resources and that the fees applied to large commercial operations are excessive. Staff recommend holding a public information meeting and referring the applications to agencies for comment.

RECOMMENDATION

That the Land Use Committee direct staff to hold a public information meeting and to refer the October 19, 2010 staff report for proposed Bylaw No. 3681 to appropriate CRD departments and the following agencies for comment:

Ministry of Transportation and Infrastructure
Ministry of Environment
Ministry of Energy, Mines & Petroleum Resources
Ministry of Agriculture and Lands
Ministry of Forests and Range and Minister
Responsible for Integrated Land Management
Bureau
Agricultural Land Commission
Archaeology Branch - Ministry of Tourism, Culture
& the Arts
Private Managed Forest Land Council
Pacheedaht First Nations

Ditidaht First Nations
T'Sou-ke First Nations
Cowichan First Nations
Skai-new First Nations
Malahat First Nations
School Board (School District #62)
RCMP
BC Hydro
Vancouver Island Health Authority
Cowichan Valley Regional District
District of Sooke

for: 
June Klassen, MCIP
Manager, Local Area Planning


Robert Lapham, MCIP
General Manager, Planning and Protective Services

Appendix No. 1 - Proposed Bylaw No. 3681

**Capital Regional District
Bylaw No. 3681**

**A BYLAW TO AMEND BYLAW NO. 3297, "JUAN DE FUCA ELECTORAL AREA SOIL REMOVAL AND
DEPOSIT BYLAW NO. 1, 2006"**

- A. WHEREAS** the Capital Regional Board wishes to amend the "Juan de Fuca Electoral Area Soil Removal or Deposit Bylaw No. 1, 2006";
- B. NOW THEREFORE** the Capital Regional Board in open meeting assembled, hereby enacts as follows:
1. Bylaw No. 3297 being the "Juan de Fuca Electoral Area Soil Removal or Deposit Bylaw No. 1, 2006," is hereby amended as follows:

DEFINITIONS

- a) Amend the definition for **"Applicant"** by deleting the word "forms" and replacing with the word "form", and by deleting the word "schedules" and replacing with the word "schedule" and deleting the words "or "C".
- b) Amend the definition for **"Application"** by deleting the word "forms" and replacing with the word "form", and by deleting the word "schedules" and replacing with the word "schedule" and deleting the words "or "C".
- c) Amend the definition of **"Electoral Area"** by deleting the words ", as outlined upon Map 1, attached to and forming a part of this bylaw".
- d) Amend the definition for **"General Manager"** by deleting the words "Environmental Services" and replacing with the words "Planning and Protective Services".
- e) Amend the definition for **"Permit"** by deleting the words "or "D".

3.0 INCORPORATION OF MAPS, TABLE AND SCHEDULES

- a) Delete the words "Map 1" and the words "'C" and "D".

6.0 PERMIT EXEMPTIONS

- a) Delete section 6.1 in its entirety and replace with the following:
"6.1 A person may remove or deposit soil from a parcel of land in the Electoral Area without a permit provided at least one of the following conditions is satisfied:
 - (a) On parcels less than 4,000 m² in size the removal or deposit does not exceed a total of 60 cubic metres in any calendar year; or
 - (b) On parcels greater than 4,000 m² in size the removal or deposit of soil does not exceed a total of 200 cubic metres in any calendar year; or
 - (c) The removal or deposit is required for the construction or repair of works, roads, highways or services by or on behalf of the Capital Regional District, or the Ministry of Transportation and Infrastructure, and is from or to parcels of land owned or leased by one of these authorities; or
 - (d) The removal or deposit is from land owned or leased by the federal or provincial government."
- b) Delete section 6.2 in its entirety.
- c) Renumber section 6.3 as section 6.2 and delete the word "sections" and replace with the word "section" and delete the words "and 6.2".

- d) Add a new section 6.3 which states:
"6.3 Only one removal or deposit permit is required if both actions occur within the same parcel of land."
- e) Add a new section 6.4 which states;
"6.4 Where the removal or deposit of up to 200 cubic metres of soil is for the construction of basements and foundations or installation of works and services e.g. septic fields and driveways associated with the construction of a building, the soil removal or deposit permit will be issued as part of the building permit process."

7.0 PERMIT APPLICATION REQUIREMENTS

- a) Amend 7.1 (j) by deleting the word "250m³" and replacing it with the word "200m³" and adding after the word "plan" the words "may be required,".

10.0 PERMIT CONDITIONS

- a) Amend section 10.2 by deleting the words "9 a.m." and replacing with the words "8 a.m."
- b) Add a new section 10.8 which states:
"10.8 A permit issued for the Removal or Deposit of Soil does not authorize:
 - (a) Damage to drainage facilities, roads, or lands, or other property or natural water courses,
 - (b) Obstructions to drainage facilities or natural water courses with silt, clay, sand, gravel, rubble, debris. Or any other matter or thing originating from any deposit or removal of fill.
 - (c) The operations by which fill is deposited or removed to encroach upon, under or physically damage any property.
 - (d) Alteration or diversion of natural water courses, except with the approval of the Ministry of Environment.
 - (e) The size and configuration of the fill depositor removal shall not adversely affect the air, light or view of adjoining or adjacent properties, or to alter the appearance or nature of the surrounding area.
 - (f) Fill to be deposited or permitted to remain within eight metres of any road right of way.
 - (g) Fill to be deposited or permitted to remain or removed from any area within 30 metres from the natural boundary of a stream unless supported by an environmental report prepared by a qualified professional and a development permit is issued."

11.0 ADMINISTRATION

- a) Amend section 11.1 subsection (b) by deleting the words "The Term for any permit shall not exceed one (1) year."

14.0 FEES AND SECURITY DEPOSITS

- a) Delete section 14.1 in its entirety.
- b) Renumber section 14.2 as section 14.1.
- c) Renumber section 14.3 as 14.2 and add to the end of the last sentence the words "or upon compliance with the terms of the permit".

MAP 1

- a) Delete Map 1 from the Bylaw.

TABLE A

a) Delete Table A and replace with new "Table A" as follows:

"TABLE A

SOIL QUANTITY ¹	PERMIT FEE ²	SECURITY DEPOSIT ³	RENEWAL FEE ⁴
60 – 500 m ³	\$250	A deposit may be required depending upon site conditions	\$100
501- 5,000 m ³	\$1,000	\$1,000 per hectare or part thereof of the parcel upon which soil is deposited or removed	\$100
Over 5,000 m ³	\$2,500	\$1,000 per hectare or part thereof of the parcel upon which soil is deposited or removed	\$500

1. The applicant is responsible for ensuring that any conditions governing Removal or Deposit of Soil as defined in the *Mines Act* are adhered to.
2. The permit fee must be provided prior to the issuance of a permit.
3. The security deposit is required prior to issuance of a permit and must be renewed and in effect prior to renewal of any permit. The security deposit will continue in effect for six months after the permit has expired.
4. The renewal fee is required prior to an extension to the permit."

SCHEDULE "A"

a) Delete Schedule "A" and replace with new Schedule "A".

SCHEDULE "B"

a) Delete Schedule "B" and replace with new Schedule "B".

SCHEDULE "C"

a) Delete Schedule "C".

SCHEDULE "D"

a) Delete Schedule "D".

CRD Schedule A Soil Deposit/Soil Removal Application For Permit

APPLICATION NO.

Applicant Name:

Telephone Number:

Mailing Address:

I/We being the registered owners of:

Lot:

District Lot:

Section:

Land District:

Plan:

Located at:

The purpose of the Soil Deposit/Soil removal is as follows:

The area upon which Soil is to be deposited/removed is as shown on the attached plan and consists of _____ hectare(s) and the maximum depth to which the Soil will be deposited/removed is _____ metre(s).

Upon approval of this Application, I/We hereby guarantee to fulfill the following conditions prior to the issuance of a Permit:

- Supply a Security Deposit in the amount of \$ _____ (see Table A)
- Submit the Permit fee in the amount of \$ _____ (see Table A)

Filed herewith are the plans, data and specifications required by Bylaw Number 3297.

I hereby certify that, to my knowledge, the Soil to be deposited/removed is not contaminated under the Contaminated Site Regulation.

Signature of Applicant:

Date:



Schedule B Soil Deposit/Removal Permit

FILE NUMBER

Permit Number:

Receipt Number:

Date of Issue:

Expiry Date:

Issued to:

Telephone Number:

Mailing Address:

Security Deposit:

☐ Cash ☐ Certified Cheque ☐ Letter of Credit

Permit Fee:

This Permit authorizes the Deposit/Removal of Soil on:

Lot:

District Lot:

Section:

Land District:

Plan:

Located at:

Maximum depth to which Soil may be deposited or removed:

Special Conditions:

The holder of the Permit shall at all times bear full responsibility for any accident which may occur, or damage which may be done to any person or property whatsoever, caused directly or indirectly by the work authorized by the Permit, and shall save harmless and keep indemnified the Capital Regional District from all claims and demands whatsoever in respect of the work.

Approved by:

Please note: This does not automatically authorize a health permit or building permit.

2. This bylaw may be cited as Bylaw No. 3681, "Juan de Fuca Soil Removal or Deposit Bylaw, No. 1, 2006, Amendment No. 1, 2010".

READ A FIRST TIME THIS DAY OF 2010

READ A SECOND TIME THIS DAY OF 2010

READ A THIRD TIME THIS DAY OF 2010

APPROVED by the Minister of Transportation and Infrastructure
THIS DAY OF 2010

ADOPTED THIS DAY OF 2010

CHAIR

CORPORATE OFFICER

Area A Advisory Planning Commission Minutes

12 October 2010 at 6:30 PM

Mill Bay Fire Hall

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

Regrets: David Gall, Dola Boas, Roger Burgess (Alternate Director, Area A)

Audience: 1 public representative

Meeting called to order at 6:30 pm.

Previous minutes:

It was moved and seconded the minutes of 14 September 2010 meeting be adopted.

MOTION CARRIED

New Business:

ALR Application 1-A-10 ALR (Father Sean Flynn)

June Laraman, APC chair, presented an overview of the application.

Purpose: To construct a Welcoming Centre on the subject property pursuant to Section 20(3) of the *Agricultural Land Commission Act*.

CVRD Overview

OCP designation is Agricultural, however, subject property is zoned P1 (Parks and Institutional) which is reflected by it's current use as a church. The assumption is that this zoning exists because the church was built in the late 1800's. At present the church office (which doubles as the priest's home) operates out of a rental house located next door.

CVRD Comments

The church does not have any extra space for meeting or welcoming prospective congregational members.

The proposed site of the Welcoming Centre is logical as the rest of the property is occupied by a parking lot, overflow parking, an accessory building, the cemetery and the church. The proposed building would be approximately 438.91 square metre.

The surrounding properties to the east, north and south are primarily agriculture. To the west is the former RV sales site.

Father Sean Flynn, the applicant answered questions from APC members.

- Welcoming Centre, about 3,000 sq. ft., would be 2 storey and used for small group meetings, storage, office, and a library
- The Welcoming Centre may be a temporary use – approximately 2 years and then potentially convert to a Rectory.
- Existing church building is over 100 years old
- On map building option 1 is part of the grave yard so not a feasible building site

- Proposed site also provides for extension of the cemetery
- Septic field is very good
- Using well water
- Not wanting to remove from ALR at this point
- Church will remain as an historic building
- Building Rectory would involve other things, for example, there is another Catholic Church just a 10 minute drive away in Shawnigan Lake and the congregations of the two churches might merge
- Traffic will not increase with the proposed Welcoming Centre. It will be meeting place for small groups of no more than 10. It will not be used as a hall
- Congregation is aware of this application but no discussion with neighbours
- Architecture similar to existing building? Will have a cement basement and a wood façade. A designer has been selected; however, the design will not be completed until ALR application approval.

APC Recommendations:

The Area A APC unanimously recommends to the CVRD that **ALR Application 1-A-10 ALR** be approved with the condition the new building compliments the exterior (façade) of the old church.

Other:

SCOCP village meetings held on Sept. 30th, Oct. 4th and Oct. 6th are complete. The September 23rd meeting minutes for the Mill Bay workshop and the village meeting minutes will be posted on the CVRD web site. The proposed meeting dates for presenting the Working Draft SCOCP are November 25th with a backup meeting November 30th.

Area A Director Update:

- A Public Hearing to amend bylaw no. 3378 to allow for a new residential zone that would permit duplexes within the Urban Containment Boundary on 14 October 2010 at Kerry Park Recreational Centre, McLean Room at 7:00 PM.
- CVRD Parks and Recreation has applied for a major grant to aid in the building of the Mill Bay boat ramp by the marina.
- Foreshore policy for Mill Bay ongoing – Foreshore bylaw see CVRD <http://bc-cowichanvalley.civicplus.com/archives/30/Board%20Agenda%20August%2011%202010.pdf> (page 133)
- Term of appointment for elected representatives will remain at 3 years and the election date will change to mid October
- Limona has applied for a Development Permit, which will come before the EASC to determine if appropriate before the DP comes to the APC.
- RV location at Church Road is closed. It is now a retail location for tractor sales – currently non-conforming ALR use. The ALR does recognize the sale of farm equipment. Potential use for the space could be nursery, sale of farm produce, farm market or a community garden.

Adjournment:

It was moved and seconded the meeting be adjourned.
MOTION CARRIED

Meeting adjourned at 7:32 pm.

The next regular meeting will be at 6:30 pm, 9 November 2010 at Mill Bay Fire Hall.

Oct. 7th, 2010

7:30 p.m.

Minutes of the Electoral Area B Advisory Planning Commission held on the above noted date and time at Shawnigan Community Centre .

Present:

APC members: Chair Graham Ross-Smith, Vice-Chair Sara Middleton, Carol Lane, recording secretary Cynara de Goutiere, Roger Painter, Rod MacIntosh

Absent: John Clark

Delegation: Mike Walters

Also Present: Director Ken Cossey

ORDER OF BUSINESS

1) Introductions.

2) Revision of Agenda. add correspondence.

3) Presentation Mike Walters for # 1-B-10RS.

Proposal is to rezone +/- 67/76 acre parcel from F1 to F2, so that on the North side of the Koksilah River 6 lots can be created of 5-5.5 acres each. The part of the property on the South side would be designated as park. The property is not in the fire protection area.

4) Minutes.

Motion to accept minutes of May 2010 meeting. **Motion seconded and carried.**

6) New Business from Director Ken Cossey

- As of Oct. 12, Shawnigan Lake will have first Parks Master Plan.

It is suggested that CVRD provide APC with hard copies of the Parks Master Plan.

- October 15th "Meet the Director" 1-5 PM and Nov.25 6-9 PM
- Else Miles meeting hoping for long term lease and then will lobby for official eventual purchase.
- Farmer's Market Plan in the works for core area of village.
- O.C.P. April -May looking at final adoption. Public Presentation will be shortly.
- Incorporation is puttering along. Phase 2 not yet funded. Would not proceed until 2012. Warren Jones in CVRD is to provide electronic copy of Phase 1 governance to us.
- Regional Recreation is being discussed.

5) Application #1-B-10RS Walters. Discussion.

Motion APC recommends that the CVRD not approve this application.

Motion seconded and carried.

Motion APC proposes another zone for River Properties "River Corridor Zone" as applications arise, applied case by case. This application would form the template.

Motion seconded. Motion turned down.

Motion APC recommends that Koksilah River corridor be reviewed for special River Corridor Zoning.

Motion seconded. Motion carried.

6) Correspondence. Letter read from Chair Graham Ross-Smith to Partridge following the May APC meeting

7) Eco-Depot discussion

8) Discussion of whether internal APC housekeeping matters such as member attendance should be noted in the minutes. Joel Barry will provide direction in the matter.

9) meeting adjourned.

PKI

Shawnigan Lake Parks and Recreation Commission

Oct 21, 2010 SLCC Lounge

Attendees: Margaret Symon, Bill Savage, Lori Treloar, Al Brunet, Catherine Whittome

Scribe: Lori Treloar

Guest:

Meeting called to order: 6:05

Minutes: from Sep 16, 2010. Approved: Bill Savage

A circular stamp with a sun-like symbol at the top. Inside the circle, it says "C.V.R.D." and "RECEIVED" in large, bold, serif capital letters.

OCT 27 2010

Old business:

Shawnigan Lake Parks and Trails Master Plan:

Margaret Symon attended the CVRD meeting to witness the CVRD Board approval of our Master Plan. This is the first document of its kind in any of the CVRD electoral areas. Margaret Symon distributed copies of the plan to the members of the commission. Margaret advised that we now need an **action** plan. Mt. Baldy and Road Ends are high on the list. The Commission identified the acquisition of Road Ends as our first priority as it is a high priority in the Master Plan and has been a priority for the community for decades. The commission discussed how to start the process of creating an inventory of the 72 road ends and then identifying their exact locations, by land and water. It was suggested that we meet on a Sunday afternoon, possibly the 7th of November, to physically visit some road ends. Lori Treloar suggested that it would be helpful to take a volunteer surveyor along with the group, as it will be nearly impossible to figure out the boundaries for some of the road ends. Catherine Whittome suggested that we send out a survey to area residents regarding the road ends so that they could help us to identify which accesses are important, and why, in each neighbourhood. In the inventory process, we will determine the best use for each road end (public use or conservation) and list problem road ends where there has been abuse of the property. At some point, we will approach the Ministry of Transportation with a list of suggestions for acquisition and future use. Since the Elsie Miles property can not be "sold", the Parks Budget may benefit from those dedicated funds for other acquisitions, if necessary. Al Brunet suggested using the CVRD, SLBA and Resident's Association websites to get the survey out to the public. The commission expects that there will be some resistance (and/or hostility) to our plan from neighbours who live next to some of the road ends. Margaret Symon would like to have two or three key road ends identified prior to the next meeting so that we can discuss use etc.

Card for John Bothello:

Margaret Symon has tried to get an address for John so that a card can be sent. Catherine Whittome advised that he is now up and walking around but visitors are limited. He is experiencing memory loss but it is improving. Catherine Whittome will provide a contact for Margaret Symon so that the card can be sent.

Shawnigan Hills Athletic Park

Ryan Dias was not in attendance

New Business:

Village washroom:

Ken Cossey, by way of email, suggested that the commission set up a Porta-potti in the village as there are no accessible washrooms and people are starting to eliminate in public places. Margaret Symon suggested that if we had to take on that expense we might consider building a proper washroom facility. It was discussed that Incorporation could fix this problem but, in the meantime, perhaps a washroom facility could be a joint venture with the Business Association and the Resident's Association. The CVRD will maintain it once it is in place.

Park dedication:

In-camera:

Possible park dedication: The Parks Commission feels we should consider retaining the proposed dedication as conservation parkland instead of public parkland.

Area Directors Report

Ken Cossey was unable to attend

Other:

Adjourned: 7:00 p.m.

Next meeting: November 18, 2010