C·V·R·D

ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
October 18, 2011
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 p.m.

A G E N D A

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7. NEW BUSINESS

8. QUESTION PERIOD

9. 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.

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10. ADJOURNMENT

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

Director L. Iannidinardo	Director M. Marcotte	Director B. Harrison
Director K. Cossey	Director G. Giles	Director L. Duncan
Director I. Morrison	Director K. Kuhn	Director M. Dorey

M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, October 4, 2011 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

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

CVRD STAFF

Tom Anderson, General Manager
Mike Tippett, Manager
Rob Conway, Manager
Brian Farquhar, Manager
Ann Kjerulf, Planner III
Brian Dennison, General Manager
Dave Leitch, Manager
Jacob Ellis, Manager
Maddy Koch, Planning Technician
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

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

It was Moved and Seconded
That NB1 (Webb Signs) be added as a delegation.

MOTION CARRIED

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

MOTION CARRIED

M1 - Minutes

Pages 5 change spelling of smart meters.

It was Moved and Seconded that the Minutes of the September 20, 2011, EASC meeting be amended on page 5 by changing the spelling of "smart metres" to "smart meters", and that the minutes, as amended, be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

Delegation – Aimee Webb

Rob Conway, Manager, briefed the Committee regarding development permit for a sign at the Super 8/Smitty's restaurant (Application No. 1-D-11DP).

Aimee Webb of Webb Signs and the owner of the Super 8 motel were present to request an amendment to the development permit. They reported that software issues has hindered their ability to advertise adequately so are requesting an amendment to the sign permit. They noted that the CVRD is working on amending the existing Sign Bylaw but stated that they need an amendment now. They have changed to an LED sign as required but it has limited what can be put on the sign.

The Committee directed questions to staff.

Directors expressed concern that constantly flashing and moving signs are very distracting to drivers on the highway.

STAFF REPORTS

R1 - Fraser

Maddy Koch, Planning Technician, reviewed staff report dated September 27, 2011, regarding Application No. 1-D-11DVP by Gordon Fraser, to build an addition to the side of the existing two bay fire truck garage located on Wilmot Road.

It was Moved and Seconded
That Application No. 1-D-11DVP by Gordon Fraser for a variance to Section 10.1 (b)(3) of Zoning Bylaw No. 1015 by reducing the minimum interior-side parcel line setback from 6 metres to 4 metres for Lot A, Section 3, Range 3, Cowichan District, Plan VIP78945 (PID: 026-301-482), be approved subject to the applicant providing a legal survey confirming compliance with approved setbacks.

MOTION CARRIED

NB1 – Webb Signs

It was moved and seconded
That agenda item NB1 be dealt with next.

MOTION CARRIED

Discussion ensued.

It was Moved and Seconded
That the request by Webb Signs to amend the Development Permit regarding Application No. 1-D-11DP (Super 8/Smitty's) be tabled until the next EASC meeting.

MOTION CARRIED

R2 – Industrial zone amendment

Mike Tippett, Manager, reviewed Staff Report dated September 26, 2011, regarding amendment bylaws to eliminate recycling type uses and composting from industrial zones.

The Committee directed questions to staff.

It was Moved and Seconded
That zoning amendment bylaws be prepared that would remove composting and the more intensive forms of recycling from all industrial zones in Electoral Areas A, B, C, D, E, F, H and I, and that the draft amendment bylaws be presented at a future EASC meeting for review.

MOTION CARRIED

R3 – Vessel Operation Regs

Ann Kjerulf, Planner III, reviewed staff report dated September 29, 2011, regarding Vessel Operation Restriction Regulation and Navigation Channel Proposal for Cowichan Bay.

The Committee directed questions to staff.

It was Moved and Seconded
That the Cowichan Valley Regional District Board of Directors support the adoption and implementation of a federal Vessel Operation Restriction Regulation in Cowichan Bay along with exemptions for the following activities: First Nations FSC (Food, Social and Ceremonial), search and rescue, marine research and education, habitat restoration, kayaking/canoeing tour support, and waterfront property access; and to support the implementation of a clearly marked navigation channel to access the marinas and boat launch in Cowichan Bay.

MOTION CARRIED

R4 – Strategic Energy Plan

Jacob Ellis, Manager, reviewed staff report dated September 29, 2011, regarding Corporate Strategic Energy Management Plan.

The Committee directed questions to staff.

It was Moved and Seconded
That $50,000 of Community Works Funds be allocated to develop a strategic energy management plan for the Cowichan Valley Regional District.

MOTION CARRIED

INFORMATION

IN1 - Minutes

It was Moved and Seconded
That the minutes of the Area I Parks Commission meeting of September 13, 2011, be received and filed.

MOTION CARRIED

IN2 - Minutes

It was Moved and Seconded
That the minutes of the Area G Parks Commission meeting of September 19, 2011, be received and filed.

MOTION CARRIED

IN3 - Minutes

It was Moved and Seconded
That the minutes of the Area G Parks Commission meeting of June 21, 2011, be received and filed.

MOTION CARRIED

NEW BUSINESS

NB2 – Grant in Aid

It was Moved and Seconded
That a grant in aid, Electoral Area C – Cobble Hill, in the amount of $500 be given to South Island Mountain Biking Society, to assist with costs to host their "Take a Kid Mountain Biking" day.

MOTION CARRIED

NB3 – TCH intersection improvements

Director Giles reported that improvements to the Valley View intersection and Fisher Road intersection are scheduled to take place at the end of October. The progressive action and lobbying by RCMP Sergeant Webb will see improvements being made to the South Cowichan area in mid-November.

It was Moved and Seconded
That the CVRD forward a letter of thanks to Sergeant Webb of the Shawnigan Lake RCMP for his efforts to have improvements made to various dangerous intersections in the South Cowichan area, and as well forward a letter to the Ministry of Transportation and Infrastructure congratulating them on the improvements being made.

MOTION CARRIED

NB4 – Smart Meters

Director Cossey expressed further concerns respecting the installation of smart meters by BC Hydro. Referenced motion made at the recent UBCM conference regarding a moratorium on the installation of the meters.

It was Moved and Seconded
That the CVRD send a letter to BC Hydro with a copy to the Premier requesting a moratorium on the installation of Smart Meters.

MOTION CARRIED

NB5 – Feral Cats

Director Cossey expressed concerns regarding the feral cat situation in Shawnigan Lake and who if anyone deals with the problem.

It was Moved and Seconded
That staff be directed to investigate what feral cat issues exist in the CVRD electoral areas and how other jurisdictions and the local Animal Control officers deal with the situation, and report back to EASC.

MOTION CARRIED

NB6 – Positive Ticketing Program

Director Cossey advised that the Shawnigan Lake RCMP, through the South Cowichan Community Policing Advisory Society, did a positive ticketing program that is now coming to a close on October 8th. The RCMP gave out a "positive" ticket to people who were found doing a positive action, who then turned it in for a prize with a final prize of a $500 term deposit.

It was Moved and Seconded
That the Board Chair send a congratulations letter to the Island Savings Credit Union, the Rotary Club of South Cowichan, Mill Bay Lions Club, Shawnigan Lake RCMP, and the South Cowichan Community Policing Society in recognition of their Positive Ticketing Program.

MOTION CARRIED

RECESS

The Committee adjourned for a five minute recess.

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 4:40 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.

MOTION CARRIED

The meeting adjourned at 5:30 pm

Chair

Recording Secretary

D1

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE: Oct 06 2011

NAME OF APPLICANT: Lorenzo Fantillo

ADDRESS OF APPLICANT: 1838 Cowichan Bay Rd

PHONE NO.: Business 250-743-3020

REPRESENTING: Silver Catch Processing / The Cannery
Name of Organization

MEETING DATE: NOV 1, 2011

COMMITTEE/BOARD NAME: EASC

NO. ATTENDING: 1

NO. WISHING TO MAKE A PRESENTATION: 1

TOPIC TO BE PRESENTED:
As outlined in letter from Scott-Munchie
extension to 24 months on D.P.

NATURE OF REQUEST/CONCERN:
Timeline insufficient extended
only 9 months - see letter

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

SCOTT-MONCRIEFF & COMPANY

BARRISTERS, SOLICITORS, NOTARIES PUBLIC

BRYAN W. SCOTT-MONCRIEFF*
PAULA L. BOSENBERG
LINDSAY SCOTT-MONCRIEFF

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OUR FILE: 16271

October 4, 2011

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

per facsimile: (250) 746-2513

Attention: Rob Conway

Dear Mr. Conway:

Re: Request to Extend Development Permit #1-D-08DP (the "Development Permit")

We refer to your letter dated September 23, 2011 confirming that the Development Permit issued to Silver Catch Processing Inc. will only be extended until May 10, 2012, and that no further extensions of the Development Permit would be granted.

We would ask that the Board please reconsider its decision, and extend the Development Permit to December 10, 2013.

Our request is based on the following:

1. As mentioned in our letter of August 17, 2011, a copy of which is attached for ease of reference, an extension of the Development Permit to a time shorter than two years is detrimental to the success of the development.

   The developer's financial institution requires a specific number of presales be made before providing the financing necessary to begin construction.

   To date, the developer has not yet met the presales target set by its financial institution.

   As mentioned in our previous correspondence, the development in question is being aggressively marketed. However, these presale marketing efforts are now significantly hampered by the fact that the Development Permit may expire before construction can begin in May 2012. Buyers do obviously not want to commit to a project which may not proceed.

*Denotes Personal Law Corporation

2. As you may know, the Financial Institutions Commission requires developers of new residential property to file a Disclosure Statement detailing information about the development before any marketing can take place.

   In instances where a developer does not have a building permit or financing for the project in place, the *Real Estate Development Marketing Act* allows for presale marketing to take place for a nine month window. At the end of each nine month period, developers are required to renew the Disclosure Statement if it does not yet have financing and/or a building permit.

   The Disclosure Statement with respect to the development in question expires on October 26, 2011, and it is the intention of the developer to renew the marketing period for an additional nine months to July 26, 2012.

   However, as the Development Permit expires on May 10, 2012, the developer will have to file an amendment on May 10, 2012 with the Financial Institutions Commission to inform them of the expiry of the Development Permit and will have to cease marketing the presales until a new development permit is issued and a new Disclosure Statement is filed with the Financial Institutions Commission.

   Applying for a new development permit and filing a new Disclosure Statement will take at least a few months to finalize, during which time NO MARKETING MAY TAKE PLACE.

   It is therefore imperative to the success of the development that the Development Permit be extended for an additional two year period.

There has been significant interest in the development, but given the current economic climate, of which the Board is well aware, it is difficult for purchasers to commit to presales at this point.

It is hoped that once the HST is abolished, and financial climate improves, the developer will obtain the presales necessary to obtain financing for the project. However, this is unlikely to occur before May 2012.

We would strongly urge the Board to reconsider its decision. If the Development Permit expires in May 2012, there is a significant possibility that the development in question will not proceed.

Yours truly
SCOTT-MONCRIEFF & COMPANY

Per:

Paula L. Bosenberg
PLB/dlp
Enc:

cc. Lori Iannidinardo, CVRD Director for Area D Cowichan Bay

SCOTT-MONCRIEFF & COMPANY

BARRISTERS, SOLICITORS, NOTARIES PUBLIC

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OUR FILE: 16271

August 17, 2011

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

per facsimile: (250) 746-2513

Attention: ***Rob Conway***

Dear Sir:

Re: ***Silver Catch Processing Inc. - Renewal of Development Permit # 1-D-08DP (the "Development Permit")***

We act on behalf of Silver Catch Processing Inc. (the "Company").

On December 10, 2008, the Development Permit was issued to the Company in respect of a 25 unit condominium development located at the property legally described as:

Lot 1, Section 7, Range 4, Cowichan District, Plan 28681 (PID: 001-740-822)

(the "Development")

We have attached copy of the Development Permit for ease of reference.

The Development Permit was due to lapse on December 10, 2010, but was extended to December 10, 2011.

Construction as required by the Development Permit has not yet begun and is unlikely to start before December 10, 2011. The reason for this is the lack of presales needed to initiate building work.

The Development is now being aggressively marketed by the Company. In addition to the regular forms of advertising, such as flyers and newsprint, the Company has also set up an interactive website and has constructed a sales booth at the site of the Development. The realtor involved reports considerable interest in the Development.

*Denotes Personal Law Corporation

The Company is confident that it will be in a position to begin construction within the next 12 to 18 months and seeks an extension of the Development Permit.

The Company requests a further extension for a period of 24 months, ending December 10, 2013. A shorter period of time would be detrimental to the Development, as potential sales could be jeopardized by the fact that the Development Permit may expire before construction can begin. The longer the time granted under the Development Permit, the more this risk is negated.

Extending the Development Permit for 24 months would also save having to make the extension request an annual occurrence, thereby saving costs and time for all parties concerned.

We confirm that, to the best of our knowledge, no material changes have occurred which would jeopardize the approval previously granted by Ministry of Transport Approval in respect of the Development. We also confirm that, to the best of our knowledge, the Company has remained compliant with the Habitat Protection Development Permit Area guidelines.

We believe that, on the basis of the Ministry of Transport Approval and compliance with the Habitat Protection Development Permit Area guidelines, the purposes of the Multi-Family Development Permit Area, as established by the Area D – Cowichan Bay Official Community Plan Official Community Plan, are unlikely to be compromised by the Development, which, as you know, is zoned as RM4, Medium Density Apartment Residential.

We trust that you find our request in order. Please feel free to contact our office if you require any additional information.

Yours truly
SCOTT-MONCRIEFF & COMPANY

Per:
Paula D. Bosenberg
PLB/plb
Enc:

cc. Client

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 1-D-08DP

DATE: DECEMBER 10, 2008

TO: SILVER CATCH PROCESSING INC.

ADDRESS: PO BOX 521

SHAWNIGAN LAKE, BC V0R 2W0

1. This Development Permit is issued subject to compliance with all of the Regional District bylaws applicable thereto, except as specifically varied or supplemented by this Permit.

3. This Development Permit applies to and only to those lands within the Regional District described below (legal description):

   Lot 1, Section 7, Range 4, Cowichan District, Plan 28681 (PID: 001-740-822)

4. Authorization is hereby given for the construction of a 25-unit condominium apartment and associated works, in accordance with the Multi-Family Development Permit Area Guidelines of Electoral Area D – Cowichan Bay - Official Settlement Plan Bylaw No. 925.

   The development shall be carried out subject to the following conditions:

   1. Compliance with the Habitat Protection Development Permit Area guidelines
   2. Ministry of Transportation Approval

5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

6. The following Schedules are attached:

- Schedule A – Site Plan
- Schedule B – South and East Elevations
- Schedule C – North and West Elevations
- Schedule D – Main Floor Plan
- Schedule E – Landscape Plan

and form part of this Permit.

7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.

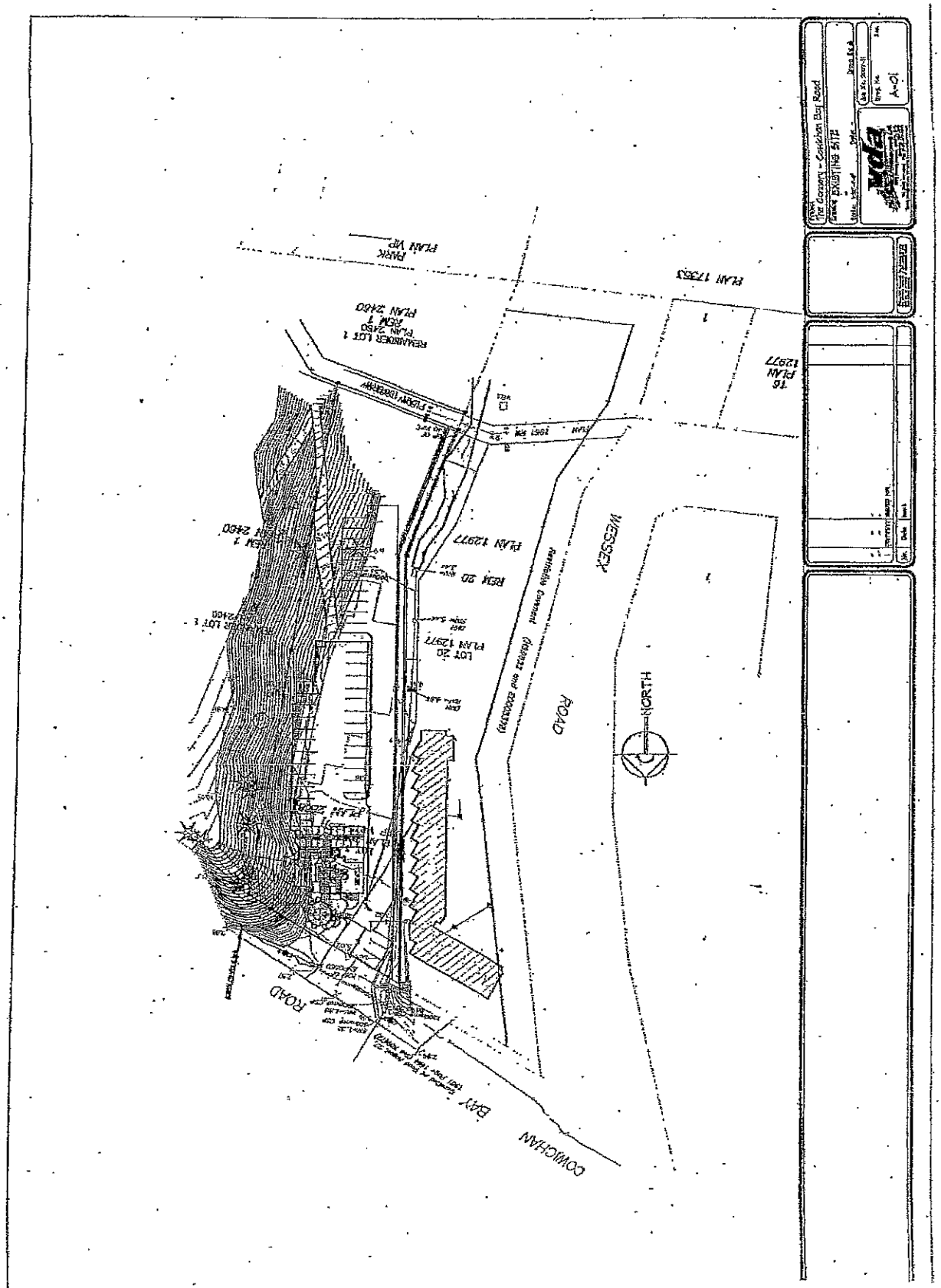
ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. 08-603 PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 13th DAY OF AUGUST 2008.

Tom Anderson, MCIP
Manager, Development Services

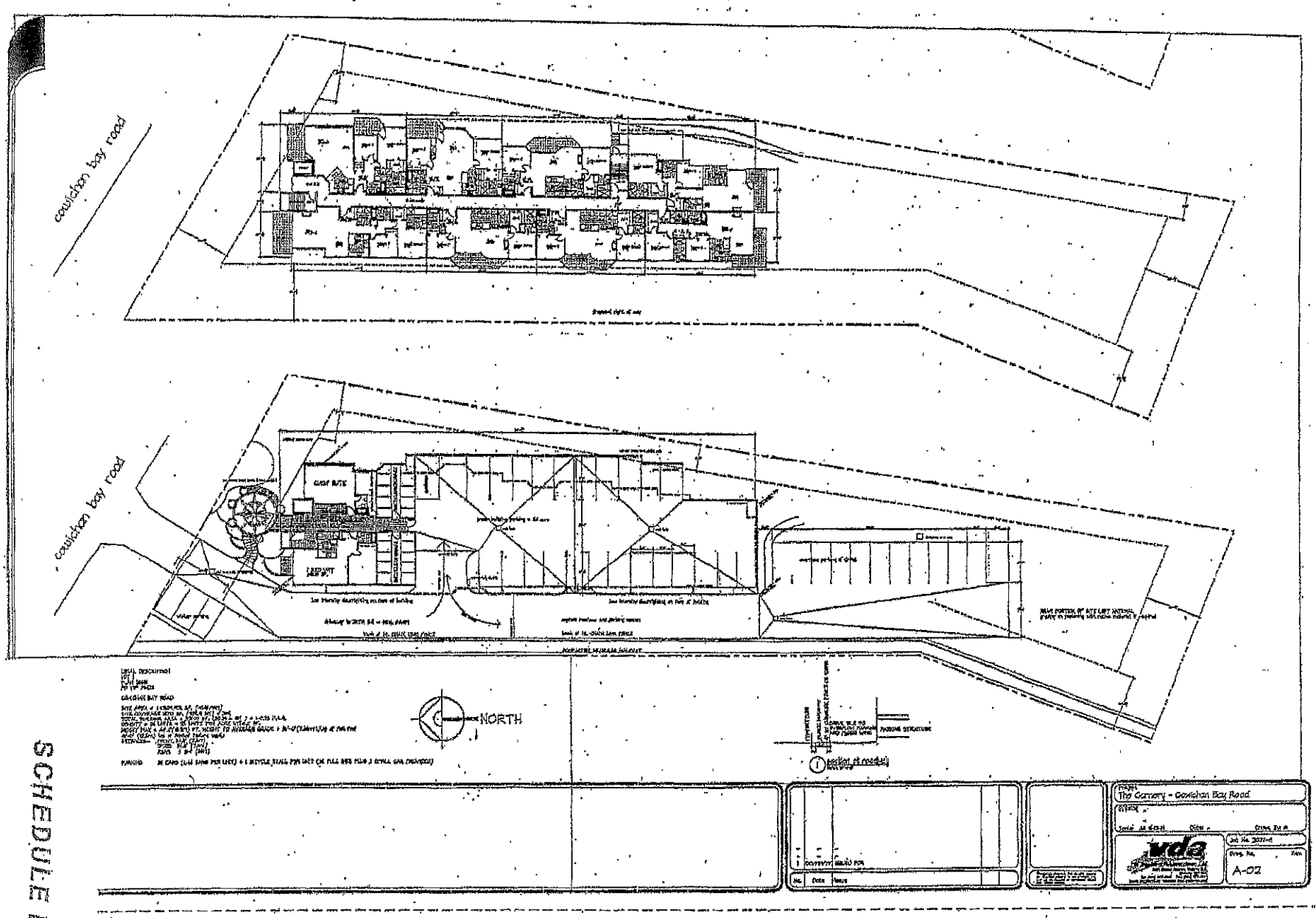
NOTE: Subject to the terms of this Permit, if the holder of this Permit does not substantially start any construction within 2 years of its issuance, this Permit will lapse.

I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with SILVER CATCH PROCESSING INC. other than those contained in this Permit.

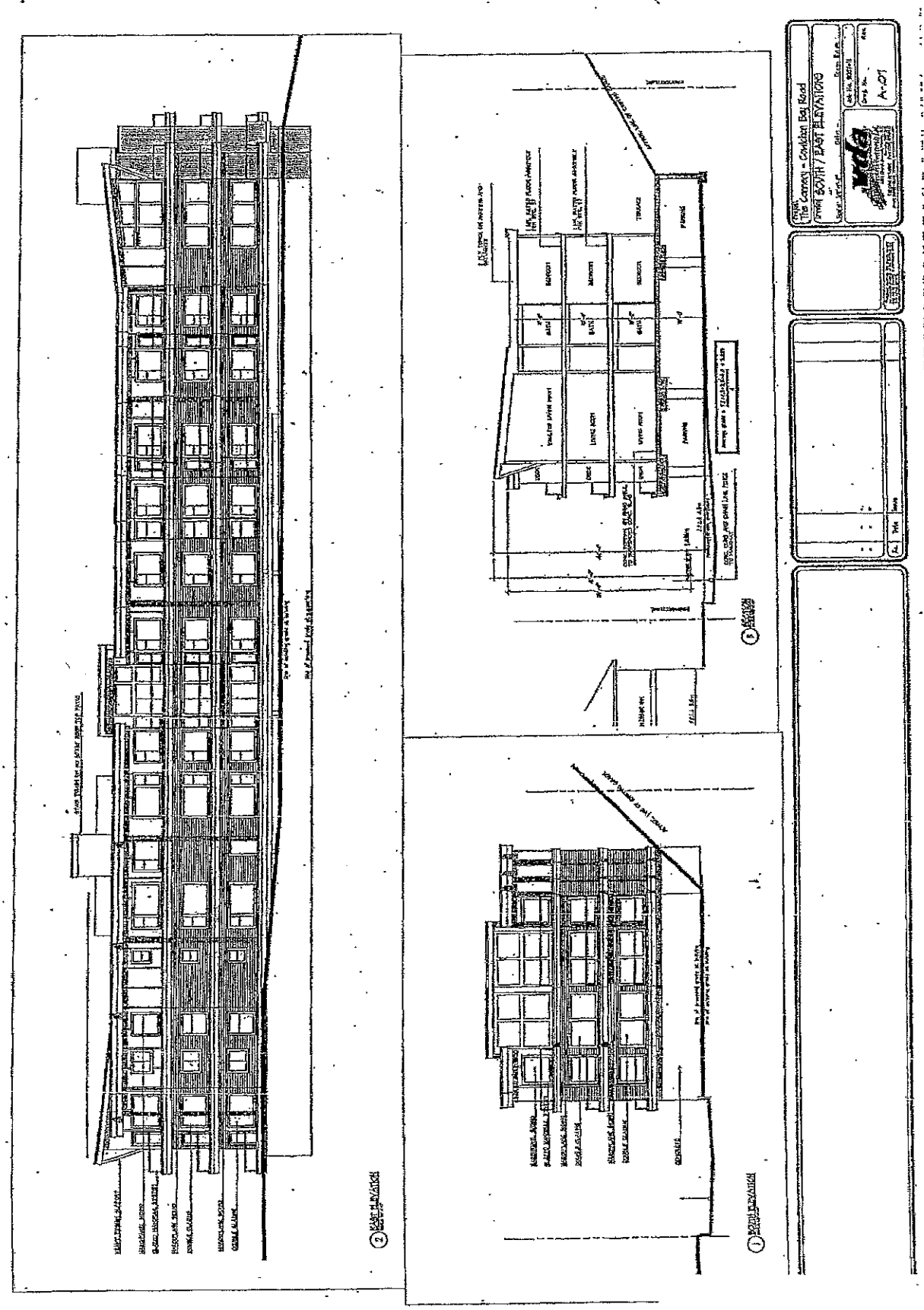
Signature	Witness
Owner/Agent	Sec / Dev. Serv.
	Occupation
Dec 12, 2008	Dec 12/08
Date	Date


COWICHAN
BAY
ROAD
MESSEY
ROAD
NORTH
PARK
PLAN VIP
PLAN 17353
16
PLAN
12977
REMAINDER LOT 1
PLAN 2460
REM 1
PLAN 2460
PLAN 12977
REM 20
LOT 20
PLAN 12977
PLAN 2460

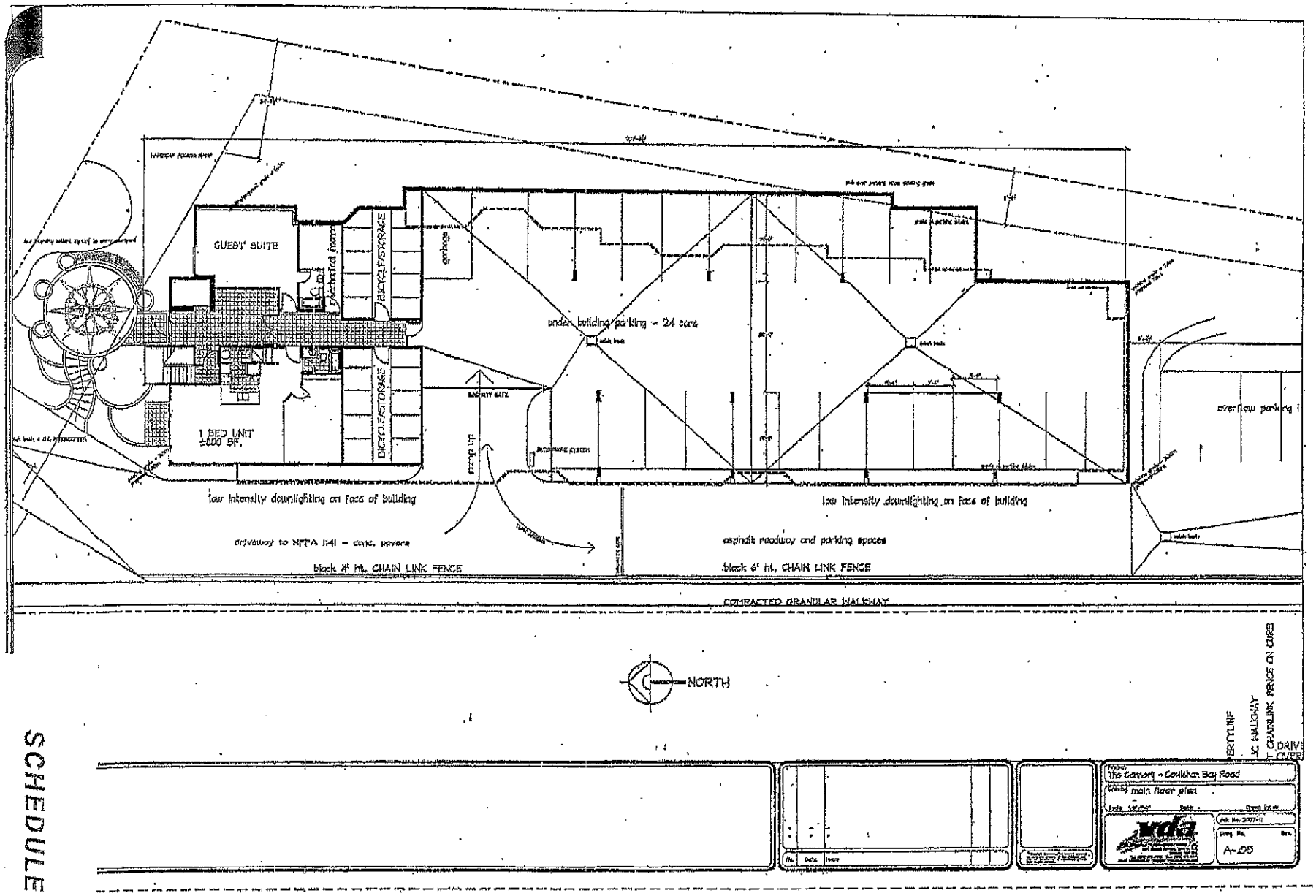
SCHEDULE A


cowichan bay road
cowichan bay road
NORTH
The Cannery - Cowichan Bay Road
A-02

SCHEDULE B



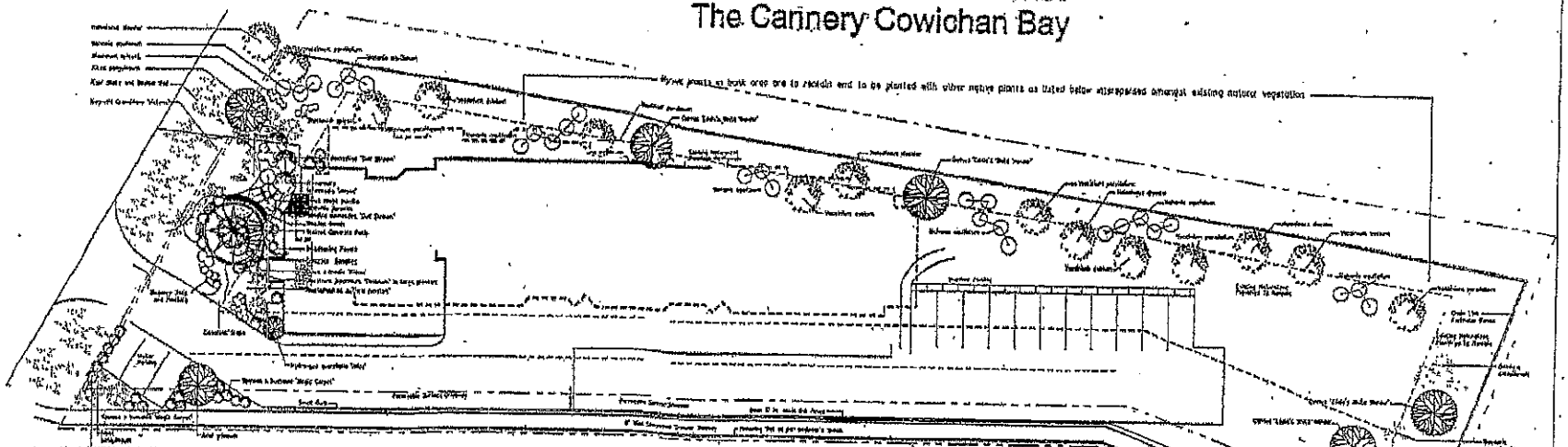
SCHEDULE C


GUEST SUITE
mechanical room
BICYCLE STORAGE
garbage
1 BED UNIT
±600 SF.
under building parking - 24 cars
overflow parking
low intensity downlighting on face of building
low intensity downlighting on face of building
driveway to NFPA 1141 - conc. pavers
asphalt roadway and parking spaces
black 4' ht. CHAIN LINK FENCE
black 6' ht. CHAIN LINK FENCE
COMPACTED GRANULAR WALKWAY
NORTH
EXTOLIME
JC HALLOWAY
T CHAINLINK FENCE ON CURB
DRIVE OVER
The Cantery - Gonzhan Bay Road
main floor plan
A-05

SCHEDULE D

LANDSCAPE CONCEPT PLAN

The Cannery Cowichan Bay



LEGEND

RECOMMENDED PLANT LIST

Botanical Name	Common Name	Qty.	Size
[illegible]	[illegible]	[illegible]	[illegible]

Notes:

1. All work to be completed to current BCNLA Standard.
2. All soft landscape to be irrigated with an automatic underground irrigation system with lawns and planting beds placed on separate zones.
3. All nursery stock provided should be supplied by a nursery in compliance with current regulations to control and prevent the spread of sudden oak death and the pathogen Phytophthora ramorum.

redantdesigns inc.

Redant Designs
1712 Teakwood Rd.
Victoria B.C.
V8N 1E2
250-386-8860 www.redantdesigns.ca

Project:
The Cannery Cowichan Bay
Landscape Concept Plan

Date: July 2008
Scale: 1/16" = 1'

Note: This drawing shall not be used for construction purposes until as approved. Contractor will check and verify all measurements and quantities with the developer.

vda

SCHEDULE E

D2

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE:	OCTOBER 18, 2011
NAME OF APPLICANT:	GARRY ROBB, JAMES COLEMAN
ADDRESS OF APPLICANT:	202 - 58 STATION STREET, DUNCAN, B.C.
PHONE NUMBER:	250-748-1013
REPRESENTING:	GARRY ROBB
MEETING DATE:	OCTOBER 18, 2011 @ 3:00 PM
COMMITTEE/BOARD NAME:	ELECTORAL AREA SERVICE COMMITTEE
NO. ATTENDING:	THREE
NO. WISHING TO MAKE PRESENTATION:	ONE

TOPIC TO BE PRESENTED:

Opposition to Rezoning Application 2-D-09RS, Proposed zoning and OCP Amendment By-Law, Cherry Point Marina

NATURE OF REQUEST/CONCERN:

Proposed development can not be accessed via the easement on the Robb property. The access road can not handle increased traffic.

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

R1

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 18, 2011

Date:	October 12, 2011	**File No:**	2-D-09RS
FROM:	Dana Leitch, Planner II Development Services Division	**BYLAW NO:**	1015 & 925
SUBJECT:	Proposed Zoning and OCP Amendment - Cherry Point Marina		

Recommendation/Action:
That a Zoning Amendment Bylaw and an Official Community Plan Amendment Bylaw be prepared for application 2-D-09RS and presented at a future EASC meeting ONLY if the applicant addresses the following conditions by October 18, 2012:

1. Secures direct access to a public road;
2. Confirms access in accordance with the Cowichan Bay Fire Department and Public Safety recommendations;
3. Confirms actual inclusion in the Lambourn Sewer Service Area;
4. Funds all legal costs associated with securing amenities and development features; AND
5. Modifies the development application to remove float homes due to the lack of sewer service and parking.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Background:
To consider an application to amend the Cowichan Bay OSP and Zoning Bylaw to permit a combination of multiple family residential, float homes, and marina uses at the Cherry Point Marina.

Location of Subject Property: 1241 Sutherland Road, Cowichan Bay

Legal Description: Lot 1, Section 5, Range 6 and District Lot 2051 Cowichan District, Plan VIP77540 & Lot A, Section 5, Range 6 and District Lot 2052, Cowichan District, Plan VIP77541

Date Application and Complete Documentation Received: October 21, 2009

Owner: Christopher Walker

Parcel Size: The upland area is ± 0.35 ha (0.86 ac.) and the remaining water lot lease area is ±.25 ha (0.61 ac.)

Applicants: Jack Anderson & David Walker

Existing Use of Property: Marina operations and an accessory residence

Existing Use of Surrounding Properties:

North: The waters of Cowichan Bay (zoned W-3 and W-3A)
South: Residential (zoned R-2)
East: Residential and Marina (zoned R-2 and W-3)
West: Tourist Recreational Commercial (zoned C-4)

Existing OSP Designations: Suburban Residential & Water Resource

Proposed OSP Designation: A new OSP designation is proposed for site.

Existing Zoning: C-4 (Tourist Recreational Commercial) & W-3 (Water Marina).

Proposed Zoning: A new zone is proposed for the site.

Minimum Lot Size Under Existing Zoning: In the C-4 zone: 1100 m² for parcels served by a community water and sewer system; 1675 m² for parcels served by a community water system only; and 0.8 ha for parcels served by neither a community water or sewer system.
In the W-3 zone: 1100 m² for parcels served by a community water and sewer system; 1675 m² for parcels served by a community water system only; and 0.4 ha for parcels served by neither a community water or sewer system.

Services:

Road Access: Proposed access is from a new strata road
Water: Community Water is proposed (Lambourn)
Sewage Disposal: Community Sewer is proposed (Lambourn)

Agricultural Land Reserve Status: The lands are outside of the ALR

Contaminated Sites Regulation: Declaration pursuant to the *Waste Management Act* signed by the property owner. One "Schedule 2" use was noted, "waste products from small equipment or engine repair or salvage." The applicant has indicated that a former boat works operation existed and there may be residual oil onsite.

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) identifies a shoreline sensitive area long the Cowichan Bay shoreline.

Archaeological Sites: None identified

Property Context:
Cherry Point Marina site is located at 1241 Sutherland Road in Area D, approximately 6 km east of the Trans Canada Highway, on the north side of Cherry Point Road. The site is comprised of an 0.35 ha. (0.86 ac.) upland area and a .25 ha. (0.61 ac.) water lot lease. The upland area is zoned C-4 (Tourist Recreational Commercial) and is relatively flat. A majority of the upland area is a gravel parking lot and there is very little vegetation onsite. There is a mobile home on Lot A which is utilized as an office by the Marina Manager and a small rental cottage. Lot 1 contains a former marine works yard and a quonset building that is no longer in use.

This neighborhood in the Cherry Point Area is characterized by a mix of land uses. The majority of land within this neighborhood is zoned for suburban residential use. Properties to the south and east of the sites contain residential parcels that range in size from about .09 ha to 0.71 ha (.22 – 1.7 acres). The land immediately west is occupied by Wilcuma Lodge, which is zoned for Tourist Recreational Commercial use and to the north is the waters of Cowichan Bay.

The Proposal:
The applicant would like to redevelop and revitalize the existing marina and is proposing to rezone the site to a new mixed use zone that would permit four condomium strata buildings consisting of 17 dwelling units, 6 residential float homes, and a new marina facility that would contain commercial, office, retail, and meeting space. A detailed redevelopment plan was provided by the applicant and is attached to this report for information.

Condominiums- Four strata condominium buildings are proposed onsite, containing 17 units that that range in size between 758 ft^2 and 1692 ft^2. Strata buildings B, C, and D are all proposed to be two storey's and building A is proposed to be three storey's in height. The applicant is proposing the height of principal buildings and structures not exceed 10 metres (32.8 ft) and the height of accessory buildings not exceed 7.5 metres (24.6 ft).

Marina Facility – The new marina building is expected to contain 2800 ft^2 of commercial, retail, and meeting space to accommodate marina services including ecotourism activities, a business centre, a bait and tackle shop, and a café/deli.

Marina - A redevelopment of the marina is proposed that includes moorage for boats, moorage facilities for a water taxi, and a floating breakwater. Outdoor space on the marina will be provided for activities such as fishing and sightseeing charters and a seaside market.

Float Homes – Six residential float homes are proposed onsite that are approximately 1050 ft^2 each in size. Each float home will be 2 storey's in height and are intended for full time residential occupancy.

Site Access - Road access for the development is proposed from a strata road over an existing easement road. The applicant has indicated that this new road will accommodate two lanes of traffic.

Servicing - The water supply for the development will be from Lambourn Estates Water System, which is a community water system owned and operated by the CVRD. Lot A is currently located within the Lambourn Estates water system service area and is serviced but Lot 1 is not. If this rezoning application is approved the applicant intends to dissolve the interior parcel line between Lot 1 and Lot A and Lot 1 would share the water connection on Lot A. Some additional infrastructure is required to service the development. The CVRD Engineering Department has confirmed that the water system has the capacity to service the development.

Sewage disposal for the 17 dwelling units is expected to be provided by the Lambourn Sewer System which is a community sewer system owned and operated by the CVRD. The CVRD Engineering and Environment Department has confirmed the applicant paid for 17 sewer units for the development but the property is not yet in the sewer service area. The 17 units purchased contain enough capacity to service the 17 dwelling units and the marina facility. The applicant does not have access to sewer units for the 6 float homes being proposed. The applicant has requested that CVRD staff still include the float homes in the proposed zone for the site so they can be implemented in the future should access to community sewer become available.

Fire Protection - The properties are in the Cowichan Bay Improvement District fire protection is provided by the Cowichan Bay Volunteer Fire Department. The applicant will be consulting with the Cowichan Bay Fire Rescue/Improvement District on the submission of a detailed Fire Protection Plan specific to float homes and Marina Fire risks prior to development of the site and will provide a copy to CVRD staff for review. Additionally, the applicant has committed to work with the Cowichan Bay Volunteer Fire Rescue to ensure any new roads built onsite meet the requirements laid out in the National Fire Protection Association for appropriate turn a rounds, a hydrant system for firefighting; and delivery of water supply to vessels.

Public Trail – The applicant is proposing to dedicate a public trail on the eastern portion of the site. The approximate trail dedication area is 0.03 ha or 5% of the total subject property and one parking space for pick up and drop off will be provided. The trail will extend from a southern to northern direction and provide the public with access to the foreshore. It should be noted that park dedication or cash-in-lieu during the subdivision process under Section 941 of the *Local Government Act* will not be required with this application.

Site Remediation – The applicant indicated that a former boat works operation existed onsite and there may be residual oil onsite that has seeped into the ground possibly triggering the need for some site remediation. The applicant has completed a site profile and CVRD staff have confirmed it has been received by the Ministry of Environment. The applicant is currently pursuing a certificate of compliance from MOE. The CVRD Board cannot adopt zoning amendment bylaws until a certificate of compliance or release letter from MOE has been obtained.

Sustainability Features - A number of environmentally, fiscally, and socially responsible features are proposed with this development plan.

The environmental features include: living green roofs; the planting of native plants and vegetation onsite; marine restoration; green streets; remediation of boat works; bicycle transportation; and a community shared ride system. In terms of renewable energy systems the applicant is proposing the use of passive solar thermal energy; water source geoexchange heating; passive solar sunspaces; the use of photovoltaic panels; solar hot water system; and wind power through the installation of wind turbines on the proposed breakwater. The applicant is proposing that sustainable building material such as recycled materials, lime plaster finishes, fly ash concrete, low E argon glazing and S.I.P and ICF Panels be used.

The fiscally responsible features associated with this development include: employment opportunities at the new marina facility related to ecotourism, fishing and sightseeing charters, site tours, workshops, and a dockside seafood/produce market.

In terms of social features include: residential diversity through varying housing size and dwelling types (i.e. limited footprint residences) and the provision of accessibility lifts for disabled persons or persons with limited mobility. The applicant is proposing a number of common outdoor spaces for informal community interaction and shared food production. They include: an open playing field on the northwest section of the site; the creation of a sunset gazebo; a seaside farmer's market (with temporary use permit); a community trail; community signage, public benches; a multipurpose room to be used for social gatherings; a community lookout tower; a sunrise deck; a fishing pier; rooftop decks on float homes; ground level patios; a transit shelter; bike racks, solar sunspaces; group level patios; and transit shelters.

The applicant has suggested that the sustainability features will be implemented through a series of planning tools including a new set of development permit guidelines created for the site, the zoning amendment bylaw, covenants, and through the strata corporation that will govern the development once it is built and occupied. We have attached the detailed spreadsheet that the applicant has submitted which notes the specifics of each feature, the preferred regulatory tool to ensure implementation. It should be noted there are approximately nine features that do not have an associated regulatory tool to ensure implementation.

Parking - The applicant is proposing 54 parking spaces be allocated for the development. This application does not comply with the CVRD's parking requirements for the various uses (i.e. dwelling units, home occupation, marina, and retail space), therefore, the applicant is requesting a variance to CVRD's Bylaw which regulates Off-Street Motor Vehicle Parking and Loading. The applicant has requested a parking relaxation of 33 parking spaces and 2 loading spaces to accommodate the development. In accordance with the Parking Bylaw, the parking spaces will be 90 degree parking with a width of 7.3 metres.

A thorough review of the application indicates that there are six different land use classifications proposed at the Cherry Point Marina Site with each land use class triggering specific parking and loading requirements. Column 1 in the table below indicates the number of parking and loading spaces (based on land use class) required by Bylaw No. 1001, column 2 is the number of spaces the applicant is proposing for each land use class and column 3 is the total number of parking and loading spaces that is requested to be varied for each of the land use classes.

Land Use Class	Column 1 Required	Column 2 Proposed	Column 3 Variance	Rationale for Variance
17 Dwelling Units (where building contains three or more dwellings)	25.5 spaces (1.5 spaces per dwelling unit	21.25 spaces (1.25 spaces per dwelling unit)	4.25 spaces	
6 Residential Float Homes (where dwelling contains two or less dwelling units)	12 (2 spaces per dwelling unit)	8 (1.5 spaces per dwelling unit)	4 spaces	*applicant has indicated that the shared ride system will support the shortfall for transportation
Home Occupations (1 permitted in each residential dwelling)	17 spaces (1 space per non-resident employee)	3 spaces for employee/client parking	14 employee parking spots	*applicant has indicated that home occupation employees parking will be limited through alternative control mechanisms
46 Marina Boat Stalls	23 spaces & 1 loading space (1 parking stall per 2 boat stalls plus 1 loading space per 40 boat stalls)	17 parking spaces (represents .74 of a parking space per 2 boat stalls) and 0 loading spaces	6 parking spaces & 1 loading space	*applicant expects 35% of the dwelling unit owners will own a boat in moorage so they have access to parking onsite at their dwelling unit
4 Marina Employees	2 spaces (1 parking stall per 2 employees, 4 employees are projected for Marina and Multi-purpose room	2 spaces	No variance requested	*applicant expects that at least one Marina employee will be a dwelling unit owner and will not require an additional parking space
95 square metres of Retail Store Space	7.5 spaces (per 100 square metres of gross floor area) & 1 loading space for buildings less than 700 square metres of gross floor area	3 customer parking spaces & 0 loading spaces	4.5 spaces & 1 loading space	* the applicant anticipates there will be some overlap between retail employees and marina operations employees
TOTAL	87.25 parking spaces & 2 loading spaces	54.25 spaces & 0 loading spaces	33 spaces & 2 loading spaces	

The applicant has requested this parking variance because the redevelopment of the site is focused on the creation of a food and energy self reliant community. Another reason a variance to the parking requirements have been sought is because the applicant feels it is important that transportation and parking needs of the community reflect the "green living" approach and act to limit the ecological footprint of the development.

Transportation – The development proposes a mix of transportation options including a shared ride system, a shuttle, and a water taxi service. The applicant has informed staff that a shared ride system is proposed to be incorporated into the strata community, which would be communally owned and managed (similar to the common land). It is intended to be powered by bio-diesel or electricity and would have a scheduled sailing to town for basic services.

With regards to the water taxi, the applicant recognizes that Cowichan Bay has many services and feels a water taxi could provide residents with access to services. There is also recognition that there are other nearby destinations such as Genoa Bay and Saltspring Island, that might welcome eventual connection to the water taxi.

The shuttle service being proposed is intended to take local residents to and from their homes to the marina which would minimize the parking onsite for boat owners on extended boating vacations.

Policy Context
Official Settlement Plan:

Official Settlement Plan Bylaw No. 925, applicable to Cowichan Bay designates the upland portion of the site Suburban Residential and the water lease lots Water Resource. The Suburban Residential Designation is intended for residential developments outside of Cowichan Bay's core residential area. Many of the properties in the plan area that have this designation are located outside of the village area and have traditionally accommodated a rural or semi-rural lifestyle. The Water Resource designation is intended for uses associated with marine environments including public recreation, mariculture, aquaculture, small craft moorage and marina operations.

In order to permit a combination of multiple family residential, float homes, and marina related uses, staff are recommending that a site specific Plan designation be developed for the site.

The OSP contains Residential Policies that are related to the proposed application, they include:

> *Policy 7.1 – Infilling shall be encouraged adjacent to existing residential areas and within those areas designated Urban and Suburban Residential on the Plan Map. Further designation of land for residential use shall be conditional upon a review of residential land availability in the area.*
>
> *Policy 7.18 – Prior to rezoning sites for Multi-Residential Use, the Regional Board shall consider the following criteria:*

1) *The site shall be connected to an existing water and sewer system of adequate capacity for the proposed development.*
2) *The site has suitable access to the major road network without causing excessive traffic on residential roads.*
3) *Adequate on-site parking is provided to allow for residents and visitors.*
4) *The siting, scale and design of buildings shall not detract from the character of the area.*
5) *Landscaping, screening and building setbacks may be utilized to ensure a reasonable degree of capability between the development and its natural surroundings.*
6) *The protection of the views of adjacent residential parcels.*

Other Policies that relate to the application include:

Policy 4.2 – The Regional Board shall endeavour to minimize and ultimately eliminate the discharge of untreated or semi-treated sewage effluent into the marine environment.

Policy 8.5 – Where possible, new commercial developments on the waterfront shall be encouraged to provide public access to the foreshore.

Policy 8.13 – Private and public open spaces should be an integral part of all new developments adjacent to the waterfront, inland watercourses or other significant amenities.

There are no existing policies in the OSP that specifically address float homes, live a-boards, or marina operations.

The site is located within the Commercial/Light Industrial Development Permit Area and Riparian Areas Development Permit Area. The Commercial/Light Industrial Development Permit area is limited in its scope because it only addresses the form and character of commercial and industrial development onsite. If the Committee is supportive of proceeding with this application staff recommend that the property be included in a new development permit area that contains guidelines on: form and character of multiple family residential and water residential (i.e. float homes), protection of the natural environment, its ecosystems, and biological diversity beyond the scope of the Riparian Area Regulation Development Permit Area, protection of development from hazardous conditions, form and character of marina buildings, vehicle parking and access, landscaping, and other site and building design elements. It should be noted that the current development permit area does not apply to the water lot lease lot, so it is also recommended that the OSP be amended to include this lot into the new development permit area.

Zoning:

Existing Zoning
The site is presently split zoned between C-4 (Tourist Recreational Commercial) and W-3 (Water Marina). The current C-4 zone does not have a density limit, but it does limit site coverage to 20% and building height to 10 metres. Minimum setbacks in the C-4 zone are 7.5 metres from the front property boundary and 6.0 metres from all other property boundaries. This zone accommodates businesses that serve the travelling public such as drive-in restaurants, a golf driving range and mini-golf facility, tourist accommodation uses (including a hotel, motel, resort, lodge, and guest cabins), marina operations, campground, recreation facility, accessory retail sales and single family dwelling. A full list of permitted uses in included in the attached C-4 zone.

The W-3 zone applies to the water surface where the existing marina is located. In addition to the marina use, the zone permits other commercial uses such as restaurants, cafés, a marina fueling station, the sales and rental of boats and sporting equipment, moorage facilities for water taxi ferry, fishing boats, float planes or a similar marine commercial use. The W-3 zone does not have a density limit or parcel coverage maximum, but it does limit building height to 7.5 metres. There are no setbacks applicable to this zone. A list of permitted uses is included in the attached W-3 zone.

Proposed Zoning
The applicant has requested that the zoning be changed for the site to a new mixed use zone. The proposed zone put forward by the applicant would permit the following uses:

1) multiple family residence;
2) home occupation;
3) activities directed towards environmental protection and habitat enhancement;
4) passive recreational activities;
5) management of a waterbody, lake reservoir, by an improvement district, municipality or regional district for use as a community water supply;
6) non-commercial wharf, dock or float;
7) private and public wharf or dock;
8) seawall, breakwater, ramp;
9) rental of boats and sporting equipment;
10) marina;
11) boat moorage;
12) moorage facilities for water taxi, fishing boats, float planes or similar commercial uses;
13) marina fueling station and storage of petroleum products up to a 23,000 litre capacity
14) restaurant, café, take-out service;
15) slips, dolphins, piling necessary for the establishment and/or maintenance of the principal uses in the zone;
16) float homes; and
17) retail use and office use accessory to marina operations

Many of the proposed uses are currently permitted in the C-4 and W-3 zones. The uses omitted from the existing C-4 and W-3 zones include a drive-in restaurant, golf driving range and mini-golf facility, campground, recreation facility, and an accessory single family dwelling. The additional uses proposed to be included are: multiple family residence; home occupation, and float homes.

The applicant is proposing a maximum building height of 10 metres (32.8 ft) for principal buildings and 7.5 metres (24.6 ft) for accessory buildings which is a similar building height to what is permitted in the C-4 zone.

The applicant is proposing the parcel coverage for the new zone be 32%. In terms of density, a maximum of density of 23 residential units is proposed.

Staff anticipates the parcel line setbacks in the new zone will be similar other medium density multiple family residential zones:

COLUMN I Type of Parcel Line	COLUMN II Buildings and Structures
Front	7.5 meters
Side (Interior)	3.0 meters
Side (Exterior)	4.5 metres
Rear	7.5 meters

If the Committee is supportive of the redevelopment concept for the site Planning staff will develop a site specific zone for this development.

Advisory Planning Commission Comments:

The Area D Advisory Planning Commission reviewed this application on March 19, 2010 where the following motion was passed:

> ***That the application be approved subject to the applicant's commitment to the environmental, social, and fiscal responsible elements of this development (refer to staff report dated March 2, 2010 being documented and enforced by a combination of:***
>
> ***Incorporating the elements into the zoning amendment bylaw;***
> ***Managing through the registration of a covenant on title;***
> ***Managed through the registration of a building scheme against the land title, and;***
> ***Incorporating into new development permit guidelines created for the site.***

Referral Agency Comments:

This application was referred to government agencies on March 2, 2010. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *Approval recommended subject to the applicant supplying proof of adequate parking on site for re-development.*
- Central Vancouver Island Health Authority – *Approval recommended subject to the plans for food service establishment being approved by this office and the issuance of an operating permit. The proposed farm market must comply with the Guideline for the Sale of Food at Temporary Food Markets. Extension of the community water system will require authorization by the Public Health Engineer.*
- Transport Canada, Navigable Waters Protection Division – *Approval recommended subject to an application being made under the Navigable Waters Protection Act. .*
- Ministry of Environment, Environmental Management Branch– *The application does not contain sufficient information to evaluate potential environmental impacts should the zoning amendment be granted and redevelopment of the marina occur. We recommend that no decision be made regarding zoning until further information has been collected by the applicant's consultants and sent to government agencies for review and comment. We recommend that Cherry Point Marina hire a qualified environmental professional to conduct a biological inventory of the property, assess potential environmental impacts should the development proceed as described in the application, and suggest measures to mitigate impacts. A survey should be done of the boat moorage area to asses fish habitat.*

  Does eel grass grow in the area? Is the area used for spawning or as a nursery area for juvenile fish? Are there opportunities for fish habitat enhancement? The impacts of shading by buildings float homes, and moorage structures on marine productivity should be assessed. No mention is made if dreading is required. If so, what will the impact of dredging be on fish and fish habitat? Where will the material dredged be deposited? The impact of the requested 0 metre setback for building C from the high water mark of the sea on fish habitat should also be examine by a professional marine biologist. Mention is made in the application that a biologist was hired to review the existing terrestrial vegetation onsite and an environmental assessment was completed; however, copies of the reports were not included in the application for review.

  Float homes should not be permitted to discharge untreated sewage into the ocean. We have concerns with the 0 metre setback from the ocean proposed for building C. Normally, we recommend a vegetated buffer of at least 30 metres between a development and a marina but prefer 50 metres.

  Should the rezoning and development proceed, we recommend that Cherry Point Marina follow the relevant best management practices in Marina Development Guidelines for the Protection of Fish and Fish and Fish Habitat (March 1995) http://www.pac.dfo-mpo.gc.ca/habitat/guide-eng.htm#guide-hydro. In addition, we recommend that any required vegetation clearing activities be avoided during the peak nesting period from April 1 to August 1 to minimize impacts on all bird species. A search for the nests of birds (eagles, ospreys, and herons) protected under Section 34(b) of the Wildlife Act should be

conducted before the start of any vegetation clearing activities. Should the nest of a bird requiring protection under Section 34(b) of the Wildlife Act be located, please refer to the recommended buffer distances in Table 4-2 (Section 4) of Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia(http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare2006/DWC%202006%20Sec%204%20EnvResources.pdf).

- Cowichan Tribes – *No comments received.*
- Cowichan Bay Volunteer Fire Department – *The interests of the Cowichan Bay Volunteer Fire Rescue is limited to the following comments: that any new roads meet the requirements land out in NFPA standards 1141 & 1144 including appropriate turn a rounds; that provision is made for adequate fire fighting water supply by way of an appropriate hydrant system details are contained in NFPA standard 1142; that provision be made for delivering fire fighting water supply to vessels attached to any jetties owned as part of the subject property as outlined in NFPA standard 303-Fire Protection for Marine and Boat Yards.*
- CVRD Public Safety Department – *In review* of the rezoning application, the following comments affect the delivery of emergency services within the proposed area: the property is within the North Cowichan/Duncan RCMP Detachment Area; proposal is on the border of BC Ambulance Station 152 (Duncan) and station 137 (Mill Bay) response areas and either station could be called to respond; proposal is within the boundaries of the CVRD Emergency Program; a minimum two points of access/egress to the proposed development should be considered to provide community and emergency services personnel and secondary evacuation route; a water system compliant with NFPA 1142 Standard on Water Supplies for suburban and rural fire fighting is recommended to ensure necessary fire flows; the proposal is inside the response area of the Cowichan Bay Volunteer Fire Department and consideration should be given to retention of volunteer firefighters within the development; and the development should not proceed without a detailed Fire Protection Plan specific to float homes, and marina fire risk and the plan should be completed in consultation with the Cowichan Bay Fire Rescue/Local Improvement District.
- Fisheries and Oceans Canada - *No comments received.*
- School District 79 – *No comments received.*
- Canadian Coast Guard - *No comments received.*
- Integrated Land Management Bureau - *No comments received.*
- Ministry of Environment, Environmental Protection Division – *If this development associated with the referral will involve discharge of municipal sewage then the treatment system and maintenance thereof will have to comply with provincial regulations. The responsibility for regulating sewage disposal I shared between the Ministry of Environment and the Ministry of Health Services. Sewage treatment systems discharging less than 22,700 litres per day of sewage effluent and serving non-commercial buildings on single parcels of land on strata properties falls under purview MHS 'Sewerage System Regulation: http:www.hls.gov.bc.ca/protect/lup_regulation.html. The MoE's Municipal Sewage Regulation (MSR): http://www.ev.gov.bc.ca/epd/epdpa/mpp/msrhome.html sets the provincial standards for*

the discharge of municipal sewage for businesses, discharges of 22,700 litres per day and over, and discharges to water bodies.

Registration under the MSR is not a casual undertaking as it required the involvement of a qualified professional, public consultation, the preparation of an Environmental Impact Study and posting of a financial instrument securing the facility against failure of its waste management works in addition to other technical and regulatory requirements.

In the event that the MSR applies to the subject development, I would recommend that a License of Occupation not be issued until your agency has received confirmation that our Ministry is in receipt of an acceptable application for registration under the MSR that includes required financial security.

- CVRD Parks and Trails Division – *Parks Staff met with the agent for the development and have agreed on a trail corridor extending north/south along the eastern boundary of the property. The exact width of the corridor will be determined at the time of subdivision after formal surveys are complete. The approximate park dedication area is 0.03 hectares or 5% of the total subject property. A Section 219 Park Covenant will be prepared to be registered with the Land Titles Office prior to final adoption by the Board of Directors stating that the park dedication will come across to the CVRD as a separately titled lot at the time of subdivision approval. Discussions of having the developer build the trail was brought up and this may require more discussion. Mr. Anderson mentioned that they can help prepare the site for construction of a trail when they have their machines out onsite. There is a short section of the trail that may require a staircase or steps leading down to a flat area. Further details will be determined at a later date.*
- CVRD Engineering and Environment Department – *Lot A is within the Lambourn Water System and is charged for one unit. Lot 1 is outside of the system and if a lot adjustment is completed as discussed, lot 1 will also be included. The Lambourn water system has capacity to service this development once upgrades to the water system are complete. Cherry Point Marina Marina originally requested sewer service in August 2008, requesting 12-20 service connections. We are hopeful that we may be able to consider additional connections to this sewer system following a complete upgrade to the sewage treatment system; however, there are many regulatory issues to be resolved prior to inviting new connections.*

Public Comments:

Three pieces of correspondence regarding the subject application were received and are attached to this report for the Committee's information

Development Services Division Comments:

Land Use

The subject application was made in October 2009 with the intention of developing and revitalizing the existing Cherry Point marina site as a sustainable community. The development concept for the site is a mixed use site containing multiple family residential uses, float homes and a mix of uses related to commercial marina operations. Sustainability features have been considered and

incorporated into the site design and the building design. The APC was supportive of the application due to the many progressive features of the development. The APC recommended approval of the application subject to the applicant's commitment to provide the environmental, social, and fiscal sustainability features contained within the redevelopment concept. The APC felt that this should be achieved and enforced through a combination of planning tools including the zoning amendment bylaw, covenants, building schemes, and a new set of development permit guidelines created for the site.

The OSP provides some policy direction regarding waterfront developments containing commercial uses as well as residential infill policies. The OSP encourages waterfront developments to provide public access to the foreshore as well as private and public spaces as an integral part of the development. The application generally complies with these policies in that the development concept contains a public trail with access to the foreshore as well as private and public meeting spaces such as the seaside farmer's market, a sunrise deck, the fishing pier, a gazebo, and the multipurpose room. Public Waterfront access is perhaps less than what is anticipated by the OSP but the site is constrained and there is very limited opportunity for this type of amenity.

The OSP contains policies for rezoning sites to multi-family residential that are worth mentioning as they provide some direction on the residential component of this development. These policies suggest that for multi-family residential development the site be connected to existing water and sewer systems, the site have suitable access to a major road network without causing excessive traffic on residential roads; that adequate on-site parking be provided; siting, scale and design of buildings shall not detract from the character of the area; that landscaping, screening and building setbacks be utilized to ensure a reasonable degree of capability between the development and its natural surroundings; and that the view of the adjacent residential parcels be protected. The OSP also encourages infill in locations adjacent to existing residential areas.

There are no policies within the OSP that specifically address float homes, live a-boards, or marina operations. However, OSP Policy 4.2 strongly discourages the discharge of untreated or semi-treated sewage effluent into the marine environment. So it is essential that any residential use on the water lot be connected to a community sewer system.

Sustainability Features:
Planning staff and the APC are supportive of the environmental, social, and fiscal sustainability features the applicant has incorporated into the development concept for the site. As mentioned in the background section of this report the applicant is proposing these features be secured through a combination of planning tools including zoning, a development permit, covenants, and through the strata corporation that will eventually inhabit the site. The Committee should be aware that these planning tools, with the exception of zoning, are limited in their ability to ensure that the sustainability features are secured during the building, design, and construction phase of the project. This is particularly true regarding those features left up to the strata corporation to implement. The CVRD does not have the ability to regulate what the strata corporation does or does not do. This application therefore requires a high degree of trust on the part of the developer and the future strata corporation to ensure these features are implemented.

It should be noted that some of the features proposed within this redevelopment project are support by the goals and objectives of Bill 27 which focuses on reducing Green House Gas (GHG) emissions within communities. This project includes elements that reduce GHG's through the use of alternative energy systems (i.e. geothermal and wind power) and renewable energy sources (i.e. solar power). The transportation alternatives being proposed with this development (i.e. water taxi, shared ride system, bicycle transportation, and pedestrian trail) further act to reduce GHG's. Water conservation is promoted through the use of permeable materials and green roofs.

If this rezoning is approved many of the features that have been proposed either cannot be secured or would require complex and expensive legal documents to make them enforceable. Many features of the proposal, such as the car share program, water taxi, on-site employment and outdoor market are commendable, but cannot be secured through development approval in the long term.

Other sustainable aspects of the proposal such as green roofs, use of renewable energy and sustainable building components could conceivably be made conditions of approval but would require very detailed agreements and covenants to make sure they are actually provided. The cost of preparing such documents is substantial (perhaps 20,000) and would take in the range of 3-6 months to negotiate and prepare. There is also a considerable administrative burden with this approach as staff would have to be heavily involved with all aspects of the development to make sure the commitments are fully incorporated.

Staff's experience has been that the developer commitments normally change when they are made binding and enforceable. Some changes and refinement of the commitments should therefore be expected. The CVRD's lawyer generally advises that any documents used to secure the developer commitments be available prior to a public hearing so they are fully disclosed to the public and the developer is fully aware of the obligations.

If the EASC would like commitments secured as recommended by the APC, staff recommend the CVRD engage a lawyer to prepare the documents and that the cost be borne by the applicant.

An alternative approach would be to secure as many sustainable features as possible through the zoning amendment bylaw and development permit process and accept that many features of the proposal would be unsecured.

Amenities:
Amenities with this application include the dedication of a public trail on the eastern portion of the site that provides public access to the foreshore. Negotiations regarding the trail dedication and trail construction are ongoing and details are still being finalized. In order to secure this commitment, staff recommends that a covenant be registered on the subject lands prior to bylaw adoption.

Draft Amendment Bylaws:
Draft amendment bylaws for the subject application have not been attached to this report. If the Committee is supportive of the redevelopment concept that the applicant is proposing for the site bylaws will be drafted and brought back to the Committee for consideration at a future date.

Servicing:
When the rezoning application was first made, the applicant did not have access to any community sewer units which posed a significant barrier to the development project. Since that time, the property owner has paid for 17 sewer units for the development. CVRD staff have been in direct contact with the applicants Engineer and he has confirmed that the development will be serviced by the Lambourn Sewer System which is owned and operated by the CVRD. This Engineer has also confirmed that the 17 units that were purchased only provide sewer connections for the residential dwellings and the marina facility not the 6 float homes. If the applicant wants to provide septic connections to the float homes additional units will need to be purchased at the applicant's expense.

CVRD staff requested that a servicing plan be submitted for review. A review the plan indicates that the sewer infrastructure that will be constructed will be located within the easement road. Neighbors contend the applicant has no right to place sewer servicing within the easement road so it is unclear how the site can be serviced. The plan indicates that a force main will be installed at the top of the easement road where it meets Sutherland Drive and will be pumped to an existing treatment building. The waterline already runs through this easement road to about the middle of the road. Additional infrastructure will be constructed onsite to supply water to the development.

Variances:
In order to develop the site as proposed, variances to the Off-Street Motor Vehicle Parking and Loading bylaw No. 1001, watercourse setbacks, and parcel line setbacks will be required.

An application to vary parking will be required with the development permit application. If the variance is not approved, the proposed density and range of uses may have to be revised and reduced.

Parking:
The development requires approximately 87 parking spaces plus the addition of 2 loading spaces. The applicant has requested a reduction of the parking requirement to 54 spaces for the development (i.e. a reduction of 33 spaces) and two loading spaces. Off-street Parking does not appear practical as the site does not have frontage on a public road.

Parcel Line Setbacks
Building C on the development plan encroaches on the water lease lot area directly north of it. A variance to the 15 metre watercourse setback contained within the Electoral Area D Zoning Bylaw will be required to permit the siting of the building as proposed. It is also possible that Building A will require a variance to the interior side parcel line when the public trail is constructed. The exact number of metres for the variance is not known at this time.

Development variances will be processed concurrently with the development permit application.

Site Access:
The road accessing the development, Sutherland Road, is not a public road and access to the Cherry Point Marina site is currently from an easement which was created in 1978. The easement grants the owner of the existing lot (legally described as Lot 1, Section 5, Range 6, Plan 18556, legal access to Lot 1. This easement also contained provisions regarding the maintenance of the road.

Since 1978 existing parcels have been consolidated and new parcels have been created. There is a civil dispute between the resident living at 1231 Sutherland Drive and the applicant regarding the applicant's legal right to access or utilize any land outside of the original Lot 1. These lands include a portion of foreshore lands which are included within what is now Lot A.

The resident at 1231 Sutherland Drive has retained a lawyer and is asserting that the applicant does not have a legal right to access any portion of lands outside of original lot of the 1978 easement (i.e. Lot 1, Section 5, Range 6, Plan 18556) and that any lands not in existence at the time the easement was created cannot be accessed through the easement since they were not in existence or even considered at the time the easement was granted. They further argue that some of the condominium buildings and other structures proposed to be constructed as part of this redevelopment project is on lands that were not even in existence or formed part of the original Lot 1.

The applicant has retained a lawyer who is arguing that the easement registered on the original Lot 1 provides for unrestricted public access through the property at 1231 Sutherland Road to the property at 1241 Sutherland Road. It is further contended the easement provides access for other properties abutting the easement area, the easement area allows a sewer right-of-way, and it essentially provides the same access as a public road.

The CVRD has obtained independent legal advice that recommends against the CVRD approving a land use change when it is questionable if the easement allows the proposed development to be accessed. Furthermore, staff generally do not advise that development be accessed only by easement, even if a legal right to do so can be established. Easement access tends to result in disputes between neighbors, as the current situation illustrates and could expose the Regional District to legal action if the dispute over the easement continues or is successfully challenged.

The applicant is currently seeking a Supreme Court ruling on the legal access issue and has since been awaiting a court date. This rezoning application has been inactive for over 12 months and the applicant is eager to move forward. The applicant has requested that this application be forwarded to Committee to see if there is support for the redevelopment concept for the site while he awaits a Supreme Court ruling.

Plan Review
It should be noted that there is a plan review taking place within Electoral Area D. Preliminary discussions with the Senior Planner working on the review has indicated that community survey results show that residents would like to see the redevelopment of the site with a mix of both residential and commercial uses.

Summary:
Redevelopment of the Marina would benefit the local boating community as well as provide employment opportunities for persons in the construction industry and local residents. A redeveloped Marina would also reduce pressure on existing public facilities for boat moorage and encourage public access to the waterfront. The sustainability features being proposed with this application also benefit the community by reducing pollution, promoting energy efficiency, and conserving water and other resources, although there is some uncertainty if all the features will be realized.

The multiple family housing proposed with this application is generally consistent with the Official Settlement Plan. The housing is proposed to be designed and built to a high standard that will complement the existing community and marina. Should the Committee indicate they are supportive of this application staff will write new development permit guidelines and a specific zone for the site and they will be brought back to the Committee at a future date for review and consideration. Committee direction is also requested regarding the degree of certainty desired for this development and if the many sustainable features proposed are expected to be secured in the development approvals.

Significant unresolved issues remain with this application. Legal access has not been confirmed and is inferior to direct access to a public road. The applicant has not confirmed that emergency access in accordance with recommendations from the Cowichan Bay Improvement District and Public Safety Department can be achieved. Inclusion of the property in the Lambourn Sewer Service Area is not confirmed nor has a legal means of connecting to the sewer system been identified.

It is also uncertain if the property can be developed as proposed as it is dependent on significant parking and setback variance and the CVRD cannot secure all of the development features that have been proposed through a rezoning approval.

Despite a number of significant unresolved issues, this application does contain many progressive features and could be a positive development for the area. Staff are therefore recommending that the applicant be given more time to address the outstanding issues. The conditions recommend for this application moving forward may not be possible or economically practical for the applicant to resolve, so a time period of one year is proposed so as to not have this application remain unresolved indefinitely.

Options:

Option A:
That a Zoning Amendment Bylaw and an Official Community Plan Amendment Bylaw be prepared for application 2-D-09RS and presented at a future EASC meeting ONLY if the applicant addresses the following conditions by October 18, 2012:

1. Secures direct access to a public road;
2. Confirms access in accordance with the Cowichan Bay Fire Department and Public Safety recommendations;
3. Confirms actual inclusion in the Lambourn Sewer Service Area;
4. Funds all legal costs associated with securing amenities and development features; AND

5. Modifies the development application to remove float homes due to the lack of sewer service and parking.

Option B:
That Rezoning Application No. 2-D-09RS (Cherry Point Marina) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Option A is recommended.

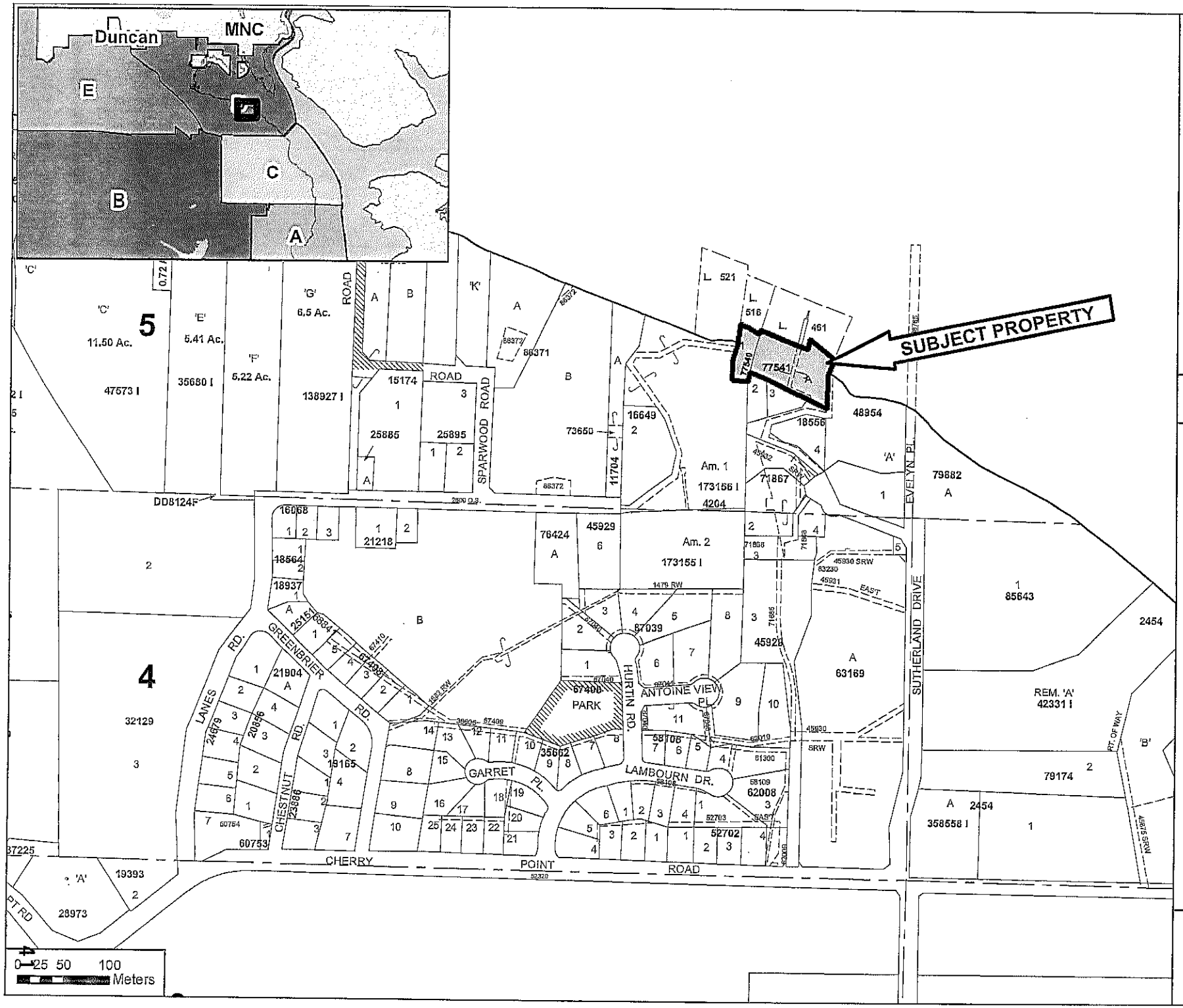
Submitted by,

Dana Leitch, MCIP
Planner II, Development Services Division
Planning and Development Department

DL/ca

Reviewed by:
Division Manager:

Approved by:
General Manager:



Cowichan Valley Regional District

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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.

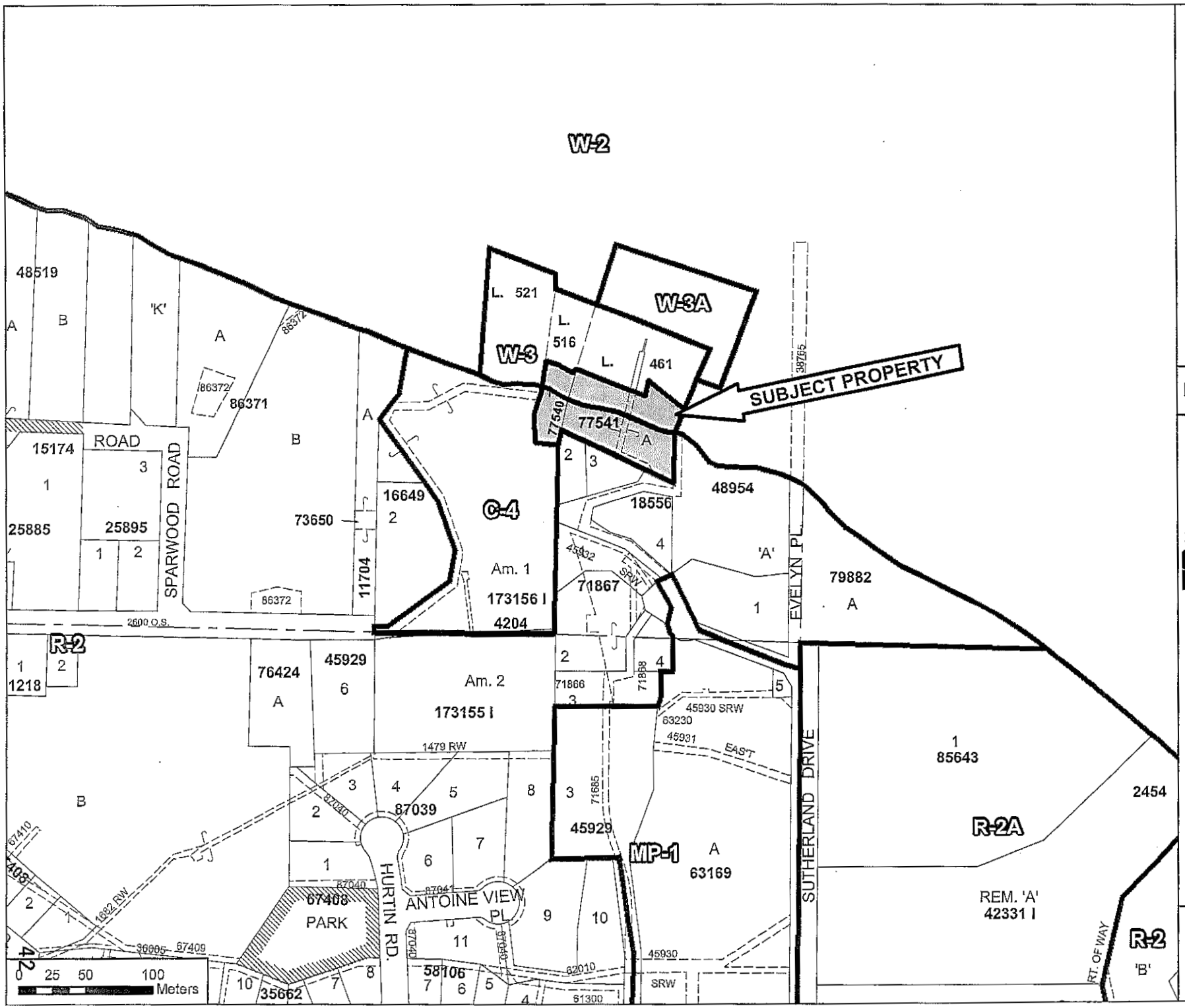
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 2-D-09-RS

Legend

Subject Property

N W E S



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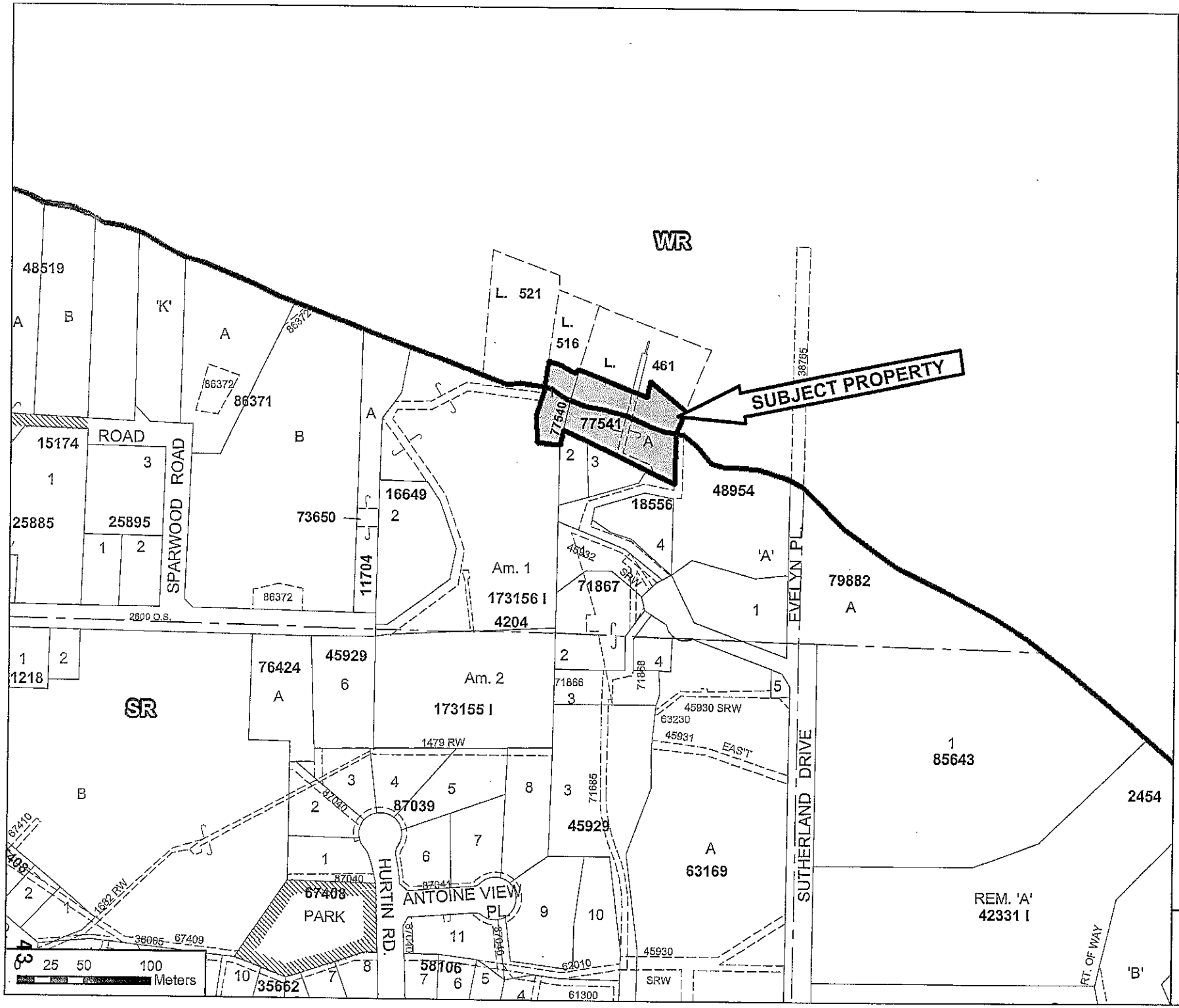
FILE: 2-D-09-RS

ZONING

Legend

- Subject Property
- Zoning Electoral Area C



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FILE: 2-D-09-RS

OCP

Legend

- Subject Property
- OCP Electoral Area D

Cowichan Valley Regional District

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FILE: 2-D-09-RS

Orthophoto (2004)

N
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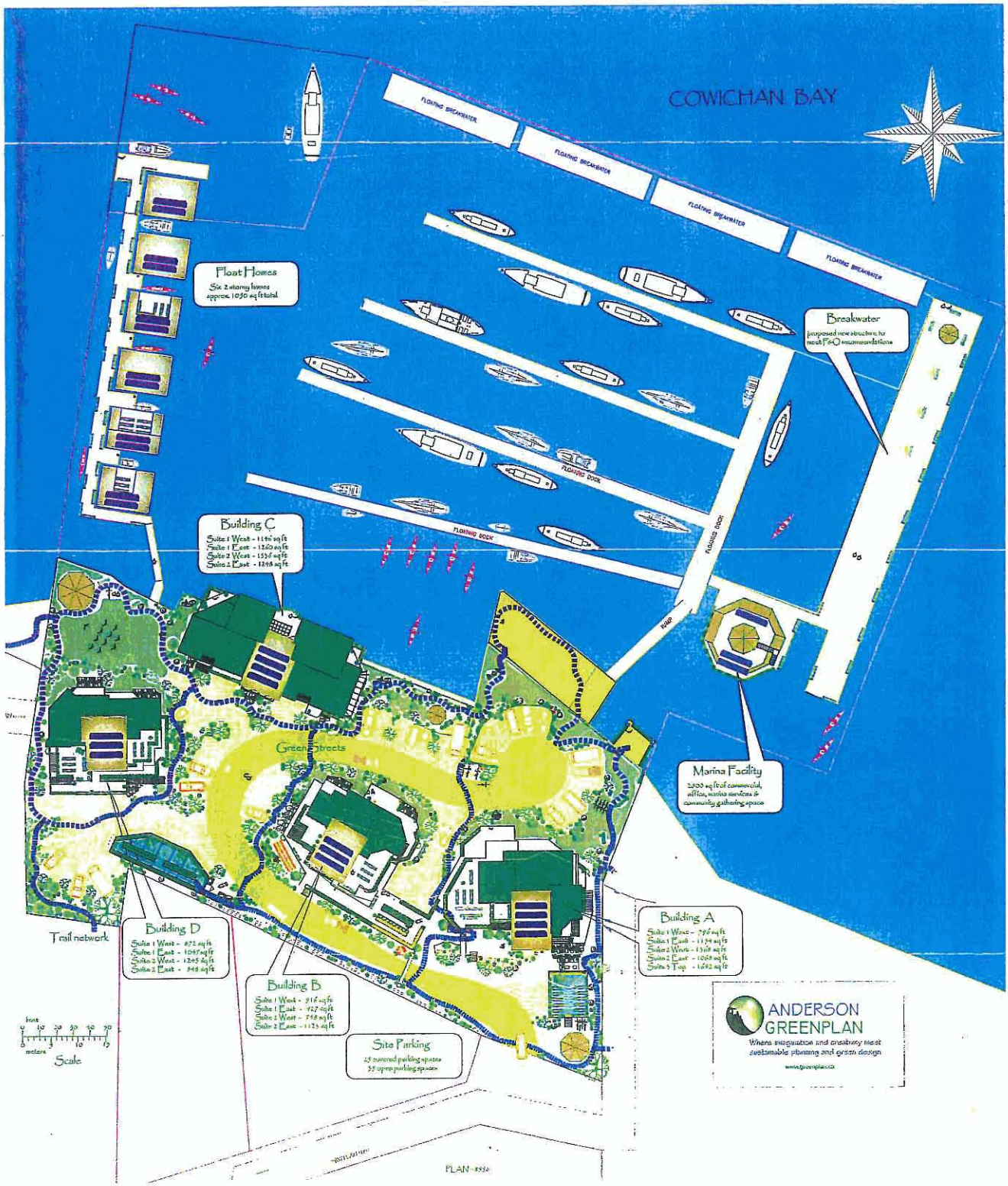
S

T.B.L. Features		?	Zoning	DP	Covenant	Strata	Comment
Fiscal							
F1	Marina Employment						
F2	Fishing and Sightseeing Charters						
F3	Ecotourism						
F4	Site Tours/Workshops						
F5	Docl Side Seafood/Produce Market						
F6	Home Based Office Business Centre						
F7	Multipurpose Room						
Social							
S1	6 Float Homes						Zoning and Servicing
S2	17 Limited Footprint Residences						See Ecovillage Zoning
S3	Principles of Universal Design						Accessible
S4	Community Trail Connections						In discussion with parks
S5	Community Identity Signage						At entry / Night gate
S6	Open Playing Field						Provide public access
S7	Sunset Gazebo						Provide public access time vest.
S8	Seaside Farmers Market						Likely only temp. use permit
S9	Marina Multipurpose Room						Strata Regulated
S10	Community Lookout Tower						Strata Regulated
S11	Fishing Pier						If Safe Floating Breakwater
S12	Sunrise Deck						
S13	Walking Trail Benchs						
S14	Passive Solar Sunspace						Access to sunspace deck on water
S15	Rooftop Decks on Float Homes						
S16	Ground Level Patios						
S17	Transit Shelter						
S18	Bike Racks						
S19	Green Streets						
S20	Landscaping Camoflages Parking						
S21	Traffic Calming Entrance						
S22	Deck Planters						
S23	Deck Overlooking Public Domain						
Environmental							
E1	Re-introduce Native Species						
E2	Green Roof Carbon Sequestration						
E3	Marine Restoration						
E4	Permaculture Planting						
E5	Green Streets						
E6	Remediate Boatworks						In Advance
E7	Passive Solar Thermal						
E8	Geoexchange and Solar Thermal						
E9	Photovoltaic Panels						
E10	Wind Turbines on Breakwater						
E11	Community Shared Ride System						
E12	Bicycle Transportation						

E13	Respect Riparian Areas						
E14	Rainwater Collection						
E15	Pervious Pavers						
E16	Minimal Servicing Requirements						
E17	Community Composting						
E18	Community Recycling						
Other Green Hopes and Promises							
Partner with other community groups (Cowichan Tribes, Comp.)							
Water Taxi Service to Cowichan Bay							
Fuel Sources on Shared Rides							
Wave/Tidal							
Food Production/Urban Farming							
Parking Controls - cost works - offer free shuttle services or $25/day to park							


COWICHAN BAY
FLOATING BREAKWATER
FLOATING BREAKWATER
FLOATING BREAKWATER
FLOATING BREAKWATER
Float Homes
Six 2 storey homes
approx. 1050 sq ft total
Breakwater
proposed new structure to meet F+O recommendations
FLOATING DOCK
FLOATING DOCK
FLOATING DOCK
ROAD
Building C
Suite 1 West - 1196 sq ft
Suite 1 East - 1260 sq ft
Suite 2 West - 1356 sq ft
Suite 2 East - 1248 sq ft
Green Streets
Marina Facility
2400 sq ft of commercial,
office, marina services &
community gathering space
Building A
Suite 1 West - 796 sq ft
Suite 1 East - 1174 sq ft
Suite 2 West - 1308 sq ft
Suite 2 East - 1068 sq ft
Suite 3 Top - 1682 sq ft
Trail network
Building D
Suite 1 West - 872 sq ft
Suite 1 East - 1047 sq ft
Suite 2 West - 1245 sq ft
Suite 2 East - 948 sq ft
Building B
Suite 1 West - 916 sq ft
Suite 1 East - 957 sq ft
Suite 2 West - 958 sq ft
Suite 2 East - 1125 sq ft
feet
0 10 20 30 40 50
0 3 10 15
meters
Scale
Site Parking
25 covered parking spaces
35 open parking spaces
PLAN - 1556
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From: garry robb [mailto:avtecco@yahoo.ca]
Sent: Tuesday, December 29, 2009 11:46 AM
To: Mike Tippett
Subject: Cherry Point, Re: 1231é1257 Sutherland Drive, Cowichan Bay... Wilkuma

Dear Mr Tippett, Thank you for taking the time to speak to me and my wife last week regarding the potential development at Wilkuma Lodge & Cherry Point Marina , Cowichan Bay.
During our discussions at your offices we were responding to a sign posted by the CVRD on the lower road to the Cherry Point Marina via Wilkuma Lodge, the lower road access, noting an application for rezoning.
Our concerns are that both Wilkuma and the Marina propose a rezoning change which we feel would require special attention to the accesses for traffic to and from the site including a strategy for fire escape to the same. As we own both the road to the Marina and two adjacent properties 1231 and 1257 Sutherland Drive we would object to the development as .the situation will become dangerous as the road is far too narrow with 2 switch backs. In winter conditions the road is often inpassable with black ice. The developer in our opinion would have to utilise our land as a direct or indirect access/fire escape route for that development. When the easement was granted, it was created for the subdivided lot 1 plan 18556 which is the marina lot and 2 other residential lots ,amounting to 3 lots.The road has not changed and does not have capacity for multiple vehicle traffic.
Furthermore our lawyers have written to the new owner of Cherry Point Marina over a year ago pointing out exactly the conditions set out in their rights of access over our land as they thought it was a public road. Our concerned hightened recently when the owner of the Marina had an a recent encounter with Christopher my son and he was still of the opinion that my land was public and would totally take the stance to disregard my rights. My son Christopher and I have maintain the area since we purchased the two adjoining properties many years ago using a mid size Kubota 4x4 tractor with front end loader backhoe to clear and maintain the roads and ditches.
Please do not hesitate to contact me if you require any further information or a copy of letter sent to the current owner of the Marina by our lawyer.
Kindest regards,
Garry Robb
1231 Sutherland Drive
Cowichan Bay, BC.

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Dana Leitch

From: Marilyn [gmbowman@shaw.ca]
Sent: Tuesday, March 30, 2010 10:12 AM
To: Dana Leitch
Subject: Zoning application- Cherry Point Marina

Our residence is 1235 Sutherland which is situated immediately above Cherry Point Marina.
We have looked at the proposed development for the Marina.While we do not object to a small residential development.We would however, like to comment as follows:

a) We do object to the proposed 3 storey building immediately in front of us. This would severelly impact on our view. Our property is "view property". In addition to our loss of enjoyment this height of building would impact detrimentally to the value of our property.

b)We have some concerns over the road.Our access road is a privately owned road which we hold the right to use. This road is not up to CVRD standard. The road is particularly steep and narrow as it winds it's way down to the Marina. In addition the hairpin bend around our property is sharp. Larger vehicles ie. garbage vehicles & the like have difficulty negotiating this curve as well to a lesser degree the hairpin bend immediately below us. During the extreme winter conditions of 2008/09 snow clearing vehicles were unable to work on the road due to it's steep & winding inclines which resulted in us not being able to get our vehicle up to the main road.While the bend immediately below us could be lessened by taking up use of an existing Right of Way we cannot see how the hairpin at our driveway could be improved to accomodate the increase in traffic which would follow a development. The building itself would require heavy vehicles. We don't think this road could handle it.
Thank you for your considerations.

Geoffrey & Marilyn Bowman

Dear Dana,

Thank you for meeting with us . I just wanted to follow up on the things we had spoken about and also comment on the literature you gave us concerning the new development at Cherry Point Marina.

There are many reasons that we would be opposed to the development going ahead apart from the fact that the road leading to the marina is privately owned.

As you have been made fully aware, a portion of the road leading to the marina is privately owned by ourselves. Over the past 10 years we have maintained the road and the ditches, both summer and winter. We also pay taxes on that portion of land that is the road.

As you can see from the court papers, an easement was granted to the house holders and their guests. Over the years (before we bought 1231 Sutherland drive) the "marina" was allowed to grow and when we arrived it was a fully fledged business. We allowed it to continue because it was a quiet, small concern with little traffic coming and going. It had a sign at the edge of the property advertising the fact that it was a Private Marina and was for the use of guests of Cherry Point Marina only. We were asked to relinquish the rights to the road at one point so that Ms. Blades could use the road to connect to the sewer but we turned it down and no more was forthcoming in terms of development until now.

We informed Mr. Walker of the private road situation in the autumn of 2008 right after he took ownership of the property and he replied telling us that as far as he was concerned it was a public road, so he was very aware that problems may occur before he applied to the CVRD in early 2009.

We have many concerns with the development you have shown us.

The amount of vehicles proposed is alarming. 60+ more cars a day on Sutherland drive is preposterous!

This is a narrow and winding road and 60 cars coming and going on it is an accident waiting to happen. I understand from what I read that the proposal is for a farmers market and walkways open to the public. It seems that to invite the public into potentially what will be this very congested area is absurd.

In the winter time the sun is too low in the sky to melt any ice that forms on the road for most of the length of Sutherland Drive. Cars have to park at the top of Cherry Point Road and as householders it is necessary for us to walk in to our properties. An extra 60 cars parked on Cherry Point should be quite interesting! I have personally watched more than one car slide down the hill and in the winter of 2008 a truck only stopped only because it hit the power pole at the bottom of the hill.

Needless to say, if it is impossible to get down the hill, it is impossible to get up also, which brings me to the matter of the shuttle service.

If there is to be a shuttle taking people down Sutherland in order to reduce traffic, is this for the public also? Where is it suggested that the public should park their cars in order to use this shuttle?

We understand that every development has to have an entrance and exit area. A fire escape so to speak. There is no such provision here.

The amount and height of the proposed buildings is another concern.

All of the homes at the bottom of Sutherland that now have ocean front or sea views from their properties are going to be seriously impacted by this development. This of course will create a decrease in the value of their homes. That just seems wrong to me.

This is a very quiet and peaceful neighbourhood.

One of the reasons we bought this property ten years ago is because of its " country cottage" feeling Since the road came with the land it had the added bonus of our control over it. And as far as we are concerned we still have that control.

9.4 C-4 ZONE - TOURIST RECREATIONAL COMMERCIAL

(a) Permitted Uses

The following uses and no others are permitted in a C-4 Zone:

(1) restaurant, drive-in restaurant;

(2) golf driving range and mini-golf facility;

(3) tourist accommodation and campground;

(4) marina operations, including accessory boat sales, rental and servicing, but excluding boat building;

(5) recreation facility;

(6) accessory retail sales, gift shop; and

(7) one single family residential dwelling per parcel accessory to a use permitted in Section 9.4(a)(1) to (6).

(b) Conditions of Use

For any parcel in a C-4 Zone:

(1) the parcel coverage shall not exceed 20 percent for any buildings and structures;

(2) the height of all buildings and structures shall not exceed 10 metres;

(3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Buildings and Structures
Front	7.5 metres
Side (Exterior or Interior)	6.0 metres
Rear	6.0 metres

12.3 W-3 ZONE - WATER MARINA

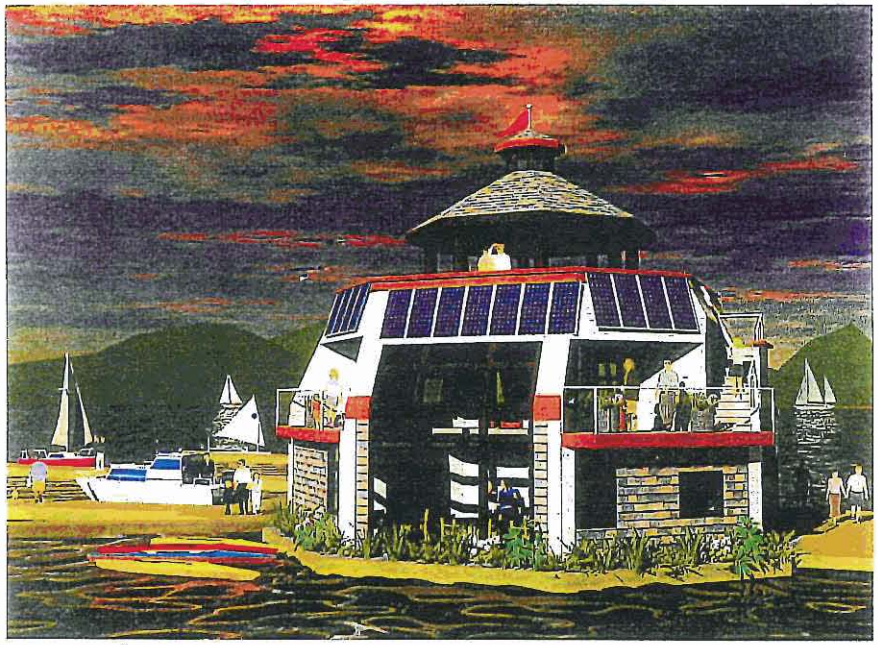
(a) The following uses and no others are permitted in a W-3 Zone:

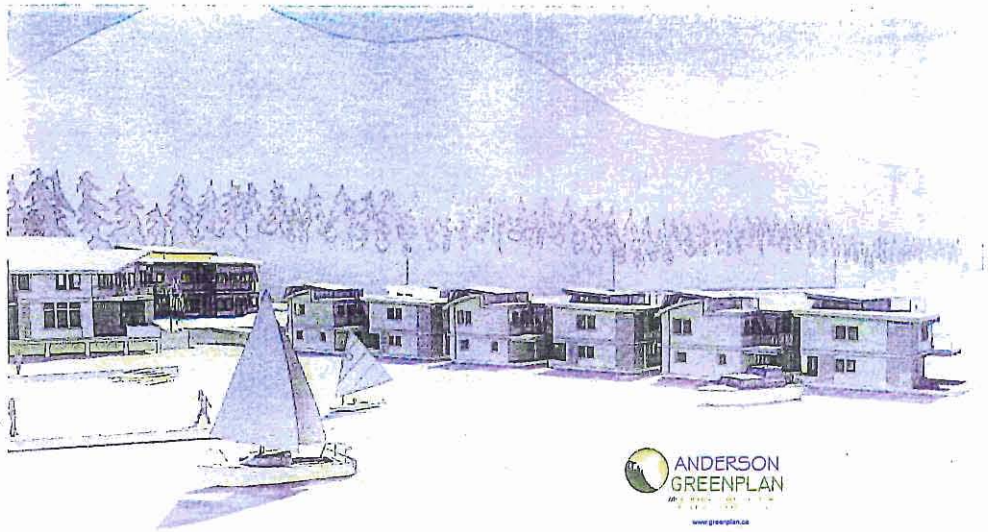
(1) any use permitted in the W-2 zone;
(2) sales and rentals of boats and sporting equipment;
(3) marina;
(4) yacht club;
(5) boat repair, boat shed or boat shelter; boat building;
(6) moorage facilities for water taxi, ferry, fishing boats, float planes or similar commercial use;
(7) tourist accommodation, restaurant, cafe, take-out service;
(8) marina fueling station and storage of petroleum products up to a 23,000 litre capacity;
(9) slips, docks, breakwaters, ramps, dolphins and piling necessary for the establishment and/or maintenance of the principal uses permitted in Section 12.3(a)(1) to (8);
(10) offices and retail sales accessory to a principal use permitted in Section 12.3(a)(1) to (8); and
(11) one single family residential dwelling accessory to a use permitted in Section 12.3(a)1 to 8, up to a maximum of two per parcel.

(b) Conditions of Use

For any parcel in the W-3 Zone, the following regulations shall apply:
(1) buildings shall not exceed 7.5 metres in height;
(2) Any dock facilities in association with a marina shall:
(a) possess at least one sewage pump-out that is permanently connected to the Cowichan Bay Community Sewer System, along with a system for ensuring that moored boats with head facilities only use that pump-out; or
(b) if not equipped with a sewage pump-out, submit a detailed sewage management plan in report format to the CVRD for approval by the Development Services and Engineering Services departments. This report will indicate that contracts are in place with owners of a sewage pump-out for effluent disposal, and further, will describe the methods by which the boats' sewage will be regularly collected and transferred.

ANDERSON GREENPLAN

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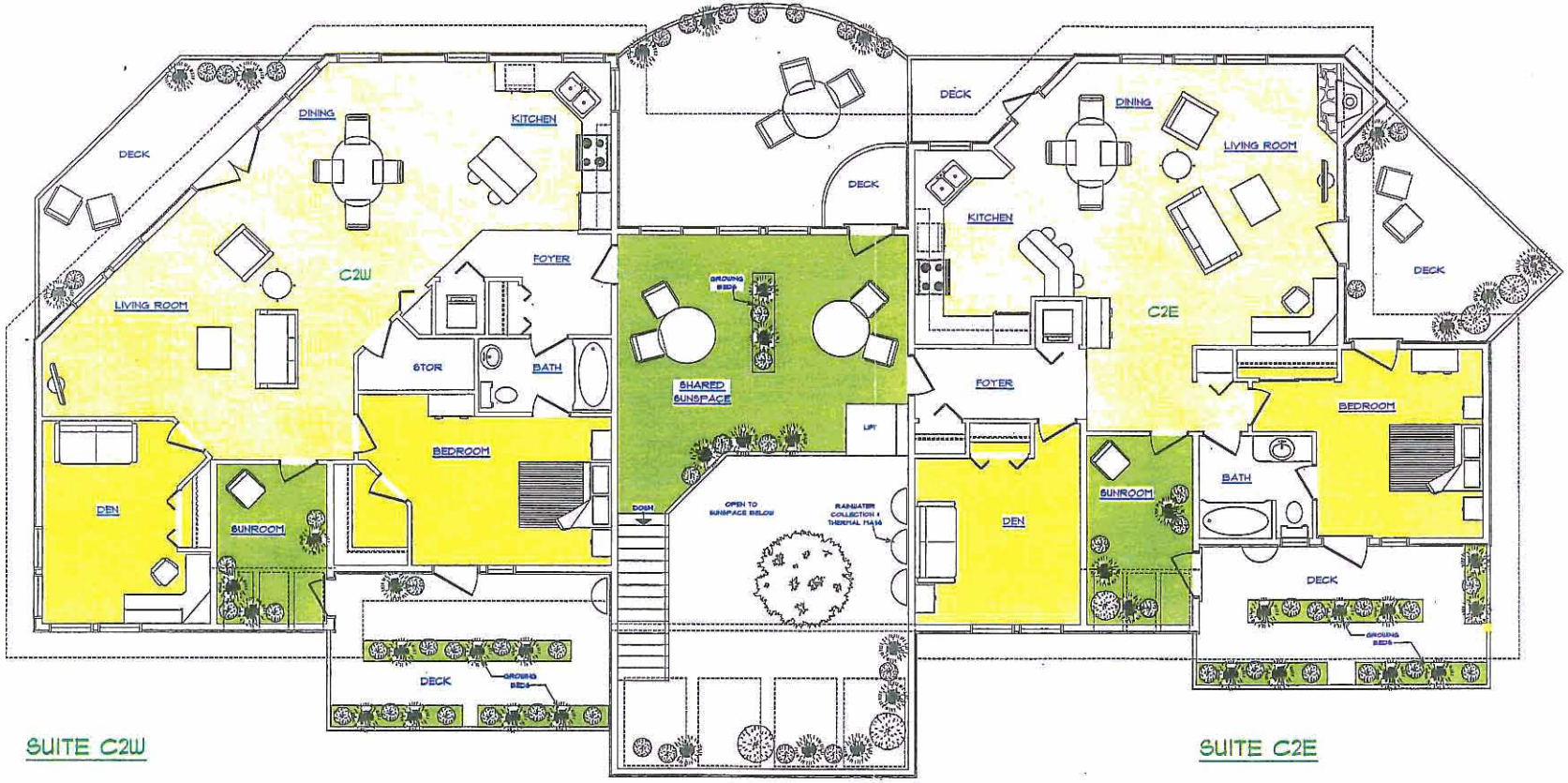
GREENPLAN



SUITE C2W

SUITE C2E

BUILDING C UPPER FLOOR PLAN

THE GARDENS AT CHERRY POINT MARINA

LIVING GREEN ROOF

-Rainwater Retention and Gathering
-Potential for Food Production
-Insulation

GREEN WALL TECHNOLOGY

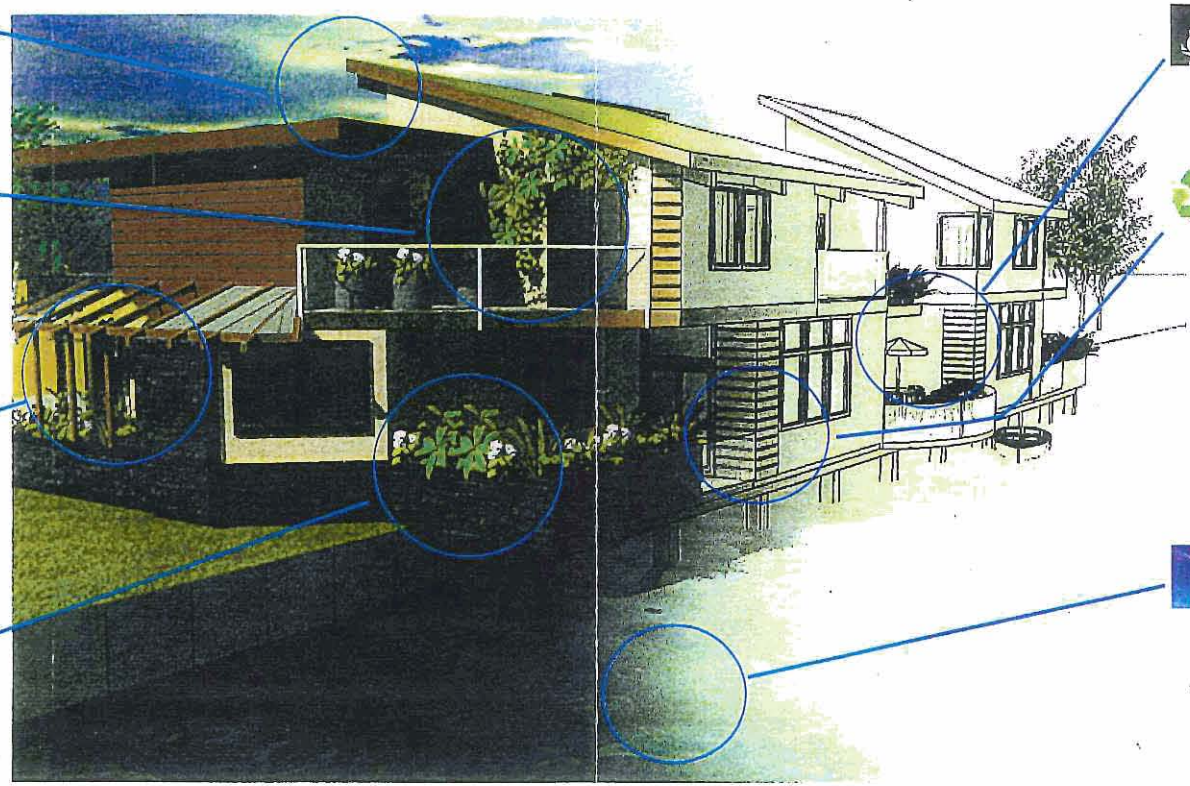
-Urban Agricultural Food Production
- Maximize use of Vertical Surfaces
- Insulative Layer

ENSUITE GREENHOUSE

-Local Sustainable Food Production
-Improved Air Quality
-Year Round Growing Potential

DECK PLANTERS

-Container Gardening
-Attract Birds and Insects
-Increase Capacity for Food Production



COMMON OUTDOOR SPACES

-Informal Community Interaction
-Potential for Shared Food Production

SUSTAINABLE BUILDING MATERIALS

-Potential for:
-Recycled Building Materials
-Lime Plaster Finishes
-Fly Ash Concrete Mass
-Local Material Sourcing
-Low E Argon Glazing
-Standard Material Sourcing
- S.I.P and ICF Panels

RENEWABLE ENERGY SYSTEMS

-Water Source Geoexchange Heating
-Passive Solar Sunspaces
-Photovoltaic Solar Panels
-Solar Hot Water Systems
-Potential Wind Power

ANATOMY OF A COMMON PASSIVE SOLAR SUNSPACE

EXAMPLE OF SUNPATH MIDDAY
IN LATE OCTOBER
45° N LATITUDE
123° W LONGITUDE

LIVING GREEN ROOF

- Water Retention and Filtering
- Minimized Reflectance Emissivity
- Insulation
- Carbon Sequestration
- Rainwater Collection

PHOTOVOLTAIC AND SOLAR HOT WATER

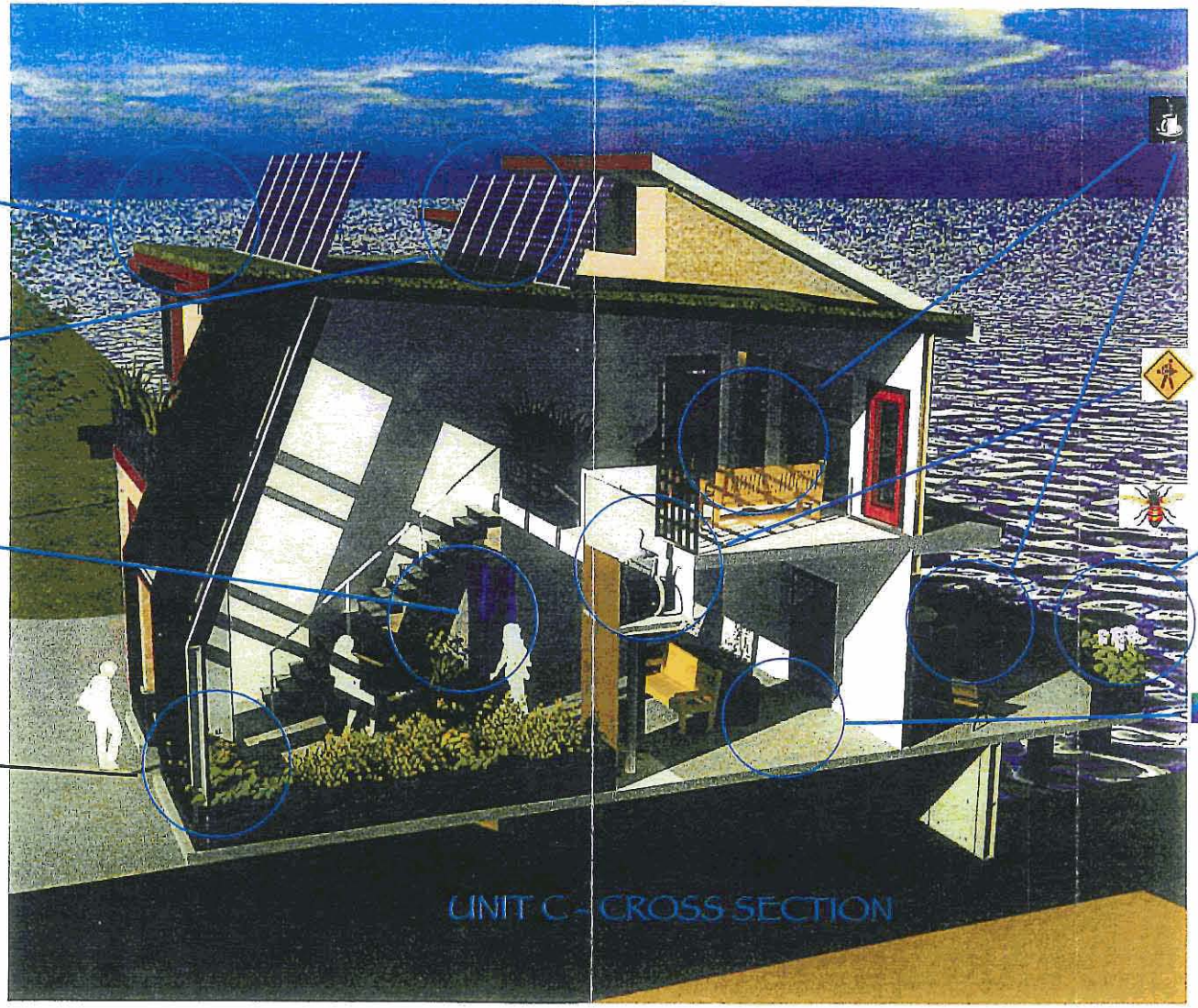
- Renewable Green Energy Source
- Reduction in Carbon Footprint
- Energy Self Sufficiency

Rainwater Collection

- Renewable Green Water Source
- Reduction in Local Infrastructure Dependency
- Mass for Thermal Storage
- Water for Food Production

Food Production

- Sustainable Self Reliant Healthy Food Source
- Year Round Growing Potential



Common Social Spaces

- Informal areas for socialization
- Healthy Community Interaction

Accessibility Lift

- Universally Inclusive

Oceanside Plantings

- Encourage Interaction Between Insects and Aquatic Species

Thermal Mass

- Multi Media Heat Storage
- Minimize Temperature Extremes

ANDERSON GREENPLAN

www.greenplan.ca

Site Plan Legend

S1 – 6 Float Homes *
S2 – 17 Residential Dwellings
S3 – Principles of Universal Design
S4 – Community Trail Connections
S5 – Community Identity Signage
S6 – Open Playing Field
S7 - The Sunset Gazebo
S8 – Seaside Community Farmer's Market
S9 - Marina Multipurpose Room
S10 - Community Lookout Tower
S11 – Fishing Pier *
S12 – Sunrise Deck
S13 – Walking Trail Benches
S14 – Passive Solar Sunspaces
S15 – Rooftop Decks on Float Homes *
S16 - Ground Level Patios
S17 – Transit Shelters
S18 – Bike Racks
S19 – Green Streets
S20 – Landscaping Camouflages Parking
S21 – Traffic Calming Entrance
S22- Deck Planters
S23 - Deck Overlooking Public Domain

E1 – Re – introduce Native Species
E2 – Green Roof Carbon Sequestration
E3 – Sea Edge Vegetation
E4 – Permaculture Plantings
E5 – Green Streets
E6 – Remediate Former Boat Works
E7 – Passive Solar Thermal
E8 – Geoexchange and Solar Thermal
E9 – Photovoltaic Panels
E10 – Wind Turbines on Breakwater *
E11 – Community Shared Ride System
E12 – Bicycle Transportation
E13 – Respect Riparian Areas
E14 – Rainwater Collection
E15 – Pervious Pavers
E16 – Minimal Servicing Requirements
E17 – Community Composting
E18 – Community Recycling

F1 – Marina Employment
F2 – Fishing and Sightseeing Charters
F3 - Ecotourism
F4 – Site Tour Kiosk
F5 - Dock Side Seafood / Produce Market
F6 – Home Based Office Business Centre
F7 – Multipurpose Room

*Not Visible on Close Up Site Plan (D)

F2
F3
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F6
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R2

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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF OCTOBER 18, 2011

DATE:	October 12, 2011	**FILE NO:**	19-A-11BE
FROM:	Nino Morano, Bylaw Enforcement Officer	**BYLAW NO:**	
SUBJECT:	2915 Cameron Taggart Road – Unsworth Vineyards Liquor Licence: Winery Lounge and Special Event Area Endorsement		

Recommendation/Action:
That the EASC provide direction in this matter.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: *(Reviewed by Finance Division: N/A)*

Background:
The Liquor Control and Licencing Branch (LCLB) have forwarded to the CVRD a copy of the "Application for a Winery Lounge and a Special Event Area Endorsement Licence #304212" from Unsworth Vineyards located at 2915 Cameron Taggart Road which is in the ALR.

After reviewing this licence application, concerns were raised regarding the hours of operation and size of events planned for this property.

The LCLB was contacted with the purpose of comparison with other related businesses in the CVRD. The following is the request hours in the application as well as information provided by the LCLB on other similar businesses:

Unsworth Vineyards:	10am – 12am (proposed)
Merridale Cidery:	10am – 8pm (except 10pm Fridays and Saturdays)
Cherry Point Vineyards:	10am – 12am Food Primary (unofficial) 9am – 11pm Liquor Sales (unofficial)
Glenterra Vinyards:	9am – 11pm All Liquor Operations (unofficial)

The application identifies the Special Event Area for the purpose of hosting special events such as "...wedding receptions, parties, concerts and festivals in the designated interior lounge/SEA and exterior patio areas of the winery.". This licence application only authorizes small events in this area with a seating capacity of 52 persons, interior and patio combined. LCLB assured that any event larger than this capacity would require a Special Occasion Licence which may or may not be forwarded to the CVRD for referral.

The main concern is over the potential of noise disturbance from future events although apparently very few residences would likely be affected due to significant distance between them. This office has responded to complaints such as these in the past in other areas and has usually resulted in a resolution pleasing to both the business and the affected residents. This office has not received complaints of this nature since 2005 throughout the nine (9) Electoral Areas.

Other concerns include increased traffic and greater potential for impaired driving offences.

The EASC may either provide a recommendation and subsequently a Board resolution or choose to "opt out" of the process and not provide a recommendation for this application.

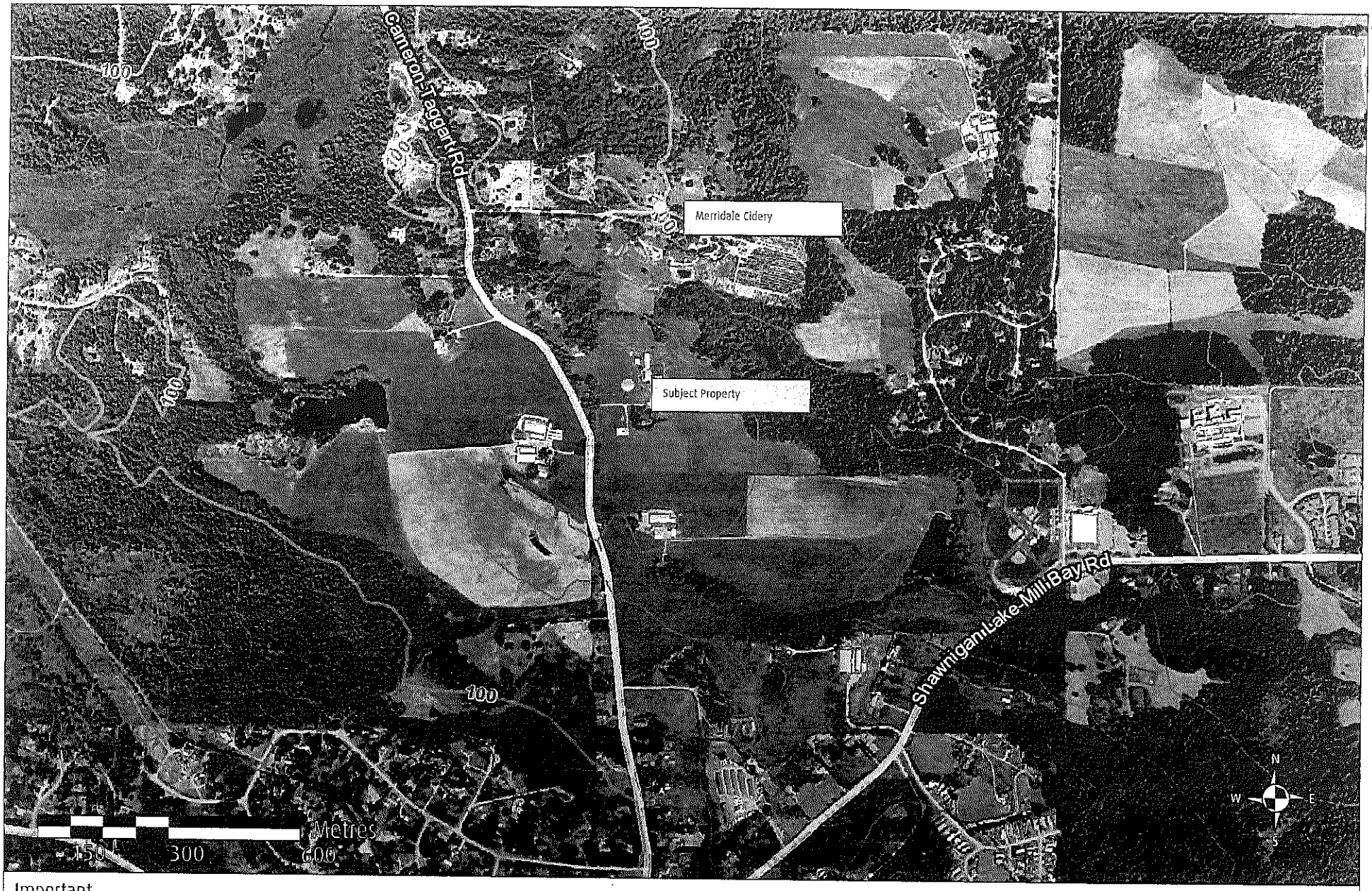
Submitted by,

Nino Morano
Bylaw Enforcement Officer
Inspections and Enforcement Division
Planning and Development Department

Reviewed by:
Division Manager:

Approved by:
General Manager:

NM/ca



Important

This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

Printed Wed, Oct 12, 2011

2915 Cameron Taggart Road

Unsworth Vineyards

Regional Community Atlas

Capital Regional District
gis@crd.bc.ca
http://www.crd.bc.ca

BRITISH COLUMBIA
The Best Place on Earth

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SEP 30 2011

September 27, 2011

Job #13675761-12 and 13

Cowichan Valley Regional District
Mr. Tom Anderson
Unsworth Vineyards
175 Ingram Street
Duncan BC V9L1N8

Dear Mr. Anderson:

Re: Application for a Winery Lounge and a Special Event Area Endorsement
Licence #304212
Winery Name: Unsworth Vineyards
Licensee Name: Unsworth Vineyards Ltd.
Located at: 2915 Cameron-Taggart Road in Mill Bay
Local Government: Cowichan Valley Regional District

The above-noted winery has applied to the Liquor Control and Licensing Branch (the Branch) for a winery lounge and a special event area endorsement to be located at the winery site. The Branch has completed the initial review of the application to determine applicant suitability and eligibility of the establishment type for licensing a winery lounge and a special event area. As part of that process, a Branch Compliance and Enforcement Officer has completed a site visit of the proposed endorsement locations.

Having determined applicant eligibility, the application is now proceeding to the Site and Community Assessment approval stage which is the stage for Local Government input.

The Board for Cowichan Valley Regional District is requested to consider the application and provide a Resolution with their comments and recommendation with respect to the licence endorsement application. The details needed in the Resolution are somewhat specific and the Branch would be pleased to assist you in the development of the process. To assist with Council's assessment of the statutory criteria that must be considered, Branch staff has prepared a summary report for review and consideration by Council. The summary report is based on information provided by the applicant and by Branch staff.

The Board has 90 days to either provide comments to the general manager, or to advise that they wish to "opt out" of the process. Additional time over the 90 days can be approved by the Branch if the request is received in writing prior to the end of the 90 day period.

Ministry of Public Safety and Solicitor General
Liquor Control and Licensing Branch
Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8
Telephone: 250 952-5787
Facsimile: 250 952-7066
Location:
4th Floor, 3350 Douglas Street
Victoria BC
http:// www.pssg.gov.bc.ca/lclb

Upon receipt of a Board resolution, the Branch will review the resolution to determine if all regulatory criteria have been met in accordance with section 10 of the Liquor Control and Licensing Regulations and, if recommended by Local Government, assess whether the granting of the licence endorsement would be contrary to the public interest.

Upon decision of the general manager as to whether to grant SCA approval, the applicant and the Local Government will be advised in writing.

An application granted SCA approval proceeds to the construction/renovation stage of the licence endorsement process, whereby the lounge and special event area floor plans are reviewed (copies attached) and if approved in principle, the applicant may proceed with construction/renovation of the approved site. This is followed by the final stages of the licence endorsement process.

Further details of the liquor licensing endorsement application process can be found in the "Role of Local Government and First Nations in the Provincial Liquor Licensing Process" guidelines, previously sent to you and also available on the Branch website at **http://www.pssg.gov.bc.ca/lclb/**

If you have any questions regarding this application please contact me at 250 952-7052.

Yours sincerely,

Joan Fredericks
Senior Licensing Analyst

Enclosures

Copy: Liquor Inspector, Rob Sabayn

BRITISH COLUMBIA The Best Place on Earth	REVISED **APPLICATION SUMMARY** For Applicant and Local Government/First Nation

Date: September 26, 2011 **Job # 13675761-12 and 13**

Created by: Joan Fredericks
Senior Licensing Analyst

Re: Application for a Winery Lounge Endorsement Area and a Special Event Area Endorsement
Winery Name: Unsworth Vineyards
Licensee Name: Unsworth Vineyards Ltd.
Located at: 2915 Cameron-Taggart Road in Mill Bay

1. APPLICATION INFORMATION

Date Complete Applications Received: September 6, 2011

Local Government or First Nation Jurisdiction: Cowichan Valley Regional District

The primary business focus of the proposed areas: Food and Beverage

Person Capacity/Occupant Load (person capacity is patrons plus staff) Requested for the Winery Lounge and the Winery Special Event Area Endorsements:

- Winery Lounge: Interior – 41 persons and Patio – 34 persons.
- Special Event Area: Interior – 28 persons and Patio – 24 persons.

Hours Requested for the Winery Lounge and the Winery Special Event Area Endorsements:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
12 Midnight	12 Midnight	12 Midnight	12 Midnight	12 Midnight	12 Midnight	12 Midnight

Statutory Prohibitions to Consider: none identified

The Winery Lounge Endorsement Area:
A winery lounge endorsement area, if approved, will allow a licensed winery to sell and serve wine by the glass or bottle that is manufactured and bottled in BC. Food and non-alcoholic beverages must be available at reasonable prices to customers. Hours of service and capacity are subject to local government consideration and comment.
Minors are not permitted unless accompanied by a parent or guardian.

Winery Special Event Area:
A winery special event area (SEA) endorsement, if approved, will allow the licensed winery to host events such as wedding receptions, parties, concerts and festivals in the designated interior lounge/SEA and exterior patio areas of the winery. The winery may sell and serve their own wine, other BC wines, cider and wine coolers by the glass or bottle. A reasonable variety of food

items and non-alcoholic beverages must always be available to patrons at reasonable prices. Minors are permitted in a winery special event area when accompanied by a parent or guardian

2. APPLICANT SUITABILITY INFORMATION (Fit and Proper)

Applicant has met the eligibility and suitability requirements for this type of endorsement as stated in the Liquor Control and Licensing Act.

3. LOCATION/SITE FACTORS

The legal description of the site is: PID # 009-487-450, Part N1/2, Section 4, Range 7, and Shawnigan District except Plans 21718 & VIP59990

The Winery Lounge endorsement area is proposed to be located within the house on the property (see site plan attached). This area would be open for dinner and lunch and includes an outdoor patio area that abuts the interior lounge on the south side of the building. The patio area is made up of a covered deck space and an open deck space.

The Special Event Area endorsement area is proposed to be located within the tasting room beside the winery manufacturing facility. This area would be for small private dinners, such as wine tasting dinners, business dinners and family functions. This area is not intended for everyday use and will used for no more than about 20 people at a time. There is a proposal for an elevated, wooden patio, bordered with railings and planters. The entrance and exit point for patrons will be via the interior area.

The following sections are compiled from information provided by the applicant except where indicated otherwise.

The Applicant's "Letter of Intent" (attached) provides information relative to the categories noted below. The information or statements included in the letter of intent have not been confirmed unless otherwise stated in this report.

a) Target Market
b) Hospitality/Tourism Development Factor
c) Benefits to the Community
d) Traffic in the Vicinity
e) Noise in the Community
f) Parking Issues
g) Municipal Zoning
h) Commercial/Residential/Light or Heavy Industrial Neighbourhoods

The following information is provided by both the applicant and the Liquor Control and Licensing Branch

i) Distance measure used for public buildings and other liquor primary licensed establishments is one mile (map attached).

j) Social Facilities and Public Buildings within the distance measure of one mile radius identified by the applicant are two public parks and the Kerry Park Recreation Centre.

k) The only establishment within the distance measure of one mile from the proposed location is Merridale Winery and Distillery.

The following information is provided by Liquor Control and Licensing Branch except where indicated otherwise.

Contravention Statistics
The Liquor Control and Licensing Branch compiles contravention statistics on the identified liquor primary and liquor primary – club establishments and wineries with lounge endorsements within a one mile radius. No proven contraventions were identified.

POPULATION AND SOCIO-ECONOMIC INFORMATION:

- Circle population statistics for 2006 are available from BC Stats by emailing your request to BC.Stats@gov.bc.ca
- BC Stats Community Facts includes the BC Benefits recipient and EI Beneficiary statistics and is available at http://www.bcstats.gov.bc.ca/data/dd/facsheet/facsheet.asp
- Statistics Canada Population breakdown by categories is available at: http://www12.statcan.ca/census-recensement/2006/dp-pd/prof/92-591/index.cfm?Lang=E

4. PUBLIC INTEREST
In providing its resolution on the proposed Winery Lounge and Special Event Area Endorsements, local government must consider and comment on each of the regulatory criteria indicated below.

The written comments must be provided to the general manager by way of a resolution within 90 days after the local government receives notice of the application, or any further period authorized by the general manager in writing.

Regulatory Criteria local government or First Nation must consider and comment on:

(a) the location of the winery lounge and special event areas;

(b) the proximity of the establishment to other social or recreational facilities and public buildings;

(c) the person capacity of the proposed areas;

(d) the hours of liquor service of the establishment;

(e) traffic, noise, parking and zoning; and

(f) the impact on the community if the application is approved.

The local government or first nation must gather the views of residents in accordance with section 11.1 (2) (c) of the Act and include in their resolution:

(i) the views of the residents (including business owners),

(ii) the method used to gather the views of the residents, and

(iii) comments and recommendations respecting the views of the residents;

A sample resolution template and comments are enclosed as attachments 2 and 3 to this report for reference purposes.

For use by Liquor Control and Licensing Branch:

REGULATORY CONSIDERATIONS

Liquor Control and Licensing Act, sections: 11, 16 and 18
Liquor Control and Licensing Regulations sections: 4, 5, 6, 8, 10

POLICY CONSIDERATIONS

Class of Licence
Applicant Eligibility Assessment
Site and Community Assessment
Building Assessment and Issue of a Licence

PART 2: Licensee Information

Winery Licence #: 304212

Winery Manufacturer Name: UNSWORTH VINEYARDS LTD.

Winery Manufacturer Address:

Street	City	Province	Postal Code
2915 Cameron-Taggart Road	Mill Bay	BC	V0R 2P2

Licensee Name *(as shown on winery licence)*: Unsworth Vineyards Ltd.

Contact Name: Tim Turyk Title/Position: President

Phone: 604-319-7801 Fax: 604-583-4940 Email: timturyk@belcofish.com

Mailing Address *(if different from above)*:

Street	City	Province	Postal Code
6891 Cypress Street	Vancouver	BC	V6P 5L9

PART 3: Endorsement Information

1. **Winery Lounge Endorsement**

Legal description of endorsement site: same as Manufacturing site

(Legal description and parcel identifier (PID) or Strata Plan number of the endorsement site if located on separate legal parcel than manufacturing site. It is on the property tax notice or can be obtained from the Land Titles office.)

Local government or First Nation: Cowichan Valley Regional District (CVRD) - Special Area EVENT

	Area 1	Area 2	Area 3	Area 4
Proposed interior capacity:	41	(20) 28		

	Patio 1	Patio 2	Patio 3	Patio 4
Proposed patio capacity:	34	(16) 24 (ACTUAL PLANNED)		

(occupant load is required on the floor plan you provide)

1. Describe the intended use of the patio (e.g., if entertainment or games will take place on the patio):

Food and Wine Service only, limited special events.

2. Describe the perimeter that will control entry and exit (e.g. fencing, planters, hedges):

Patio will be elevated and bordered with railings and planters. There will only be one entrance and exit point for patrons, which will be via the interior area.

3. Describe floor composition (e.g., grass, gravel, flooring):

Wood decking

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Note: The person capacity (patrons plus staff) of a licensed area(s) must equal the occupant load. Capacity must be approved by LCLB and is subject to local government/First Nation comment. (See Part 8 for an explanation of the application process.) See Part 5, #5 of this application for floor plan occupant load requirements. (There may be size restrictions if located on ALR land.)

...Please see page 3 for the proposed hours of sale for your Winery Lounge Endorsement

3. **Composition of the Neighbourhood.** The composition of the neighbourhood is best characterized as *(check all that apply)*:

- [ ] Commercial
- [ ] Residential
- [ ] Industrial
- [ ] Light Industrial
- [ ] Urban
- [ ] Downtown
- [ ] Suburban
- [ ] Rural
- [x] Agricultural Land Reserve (ALR)
- [ ] First Nations' Land
- [ ] Other *(please specify)*:

4. **Provide a street map of the area surrounding your winery which identifies the following social and public facilities within a reasonable distance* (see below):**
   - All other licensed liquor primary or liquor primary club establishments
   - Churches
   - Clubs
   - Schools (K-12, colleges, universities)
   - Preschools
   - Day care centres
   - Health care facilities
   - Seniors facilities
   - Recreational/sports facilities
   - Police stations
   - Fire halls
   - Libraries
   - Government bulidings
   - Any other relevant local public or private facilities

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***Note:** What constitutes a reasonable distance will vary depending on individual circumstances.
Reasonable Distance Guidelines:
- In a densely populated city or municipality, reasonable distance is probably a 2 block radius;
- In a pocket community having no adjacent developed regional areas (e.g. Gold River, Tumbler Ridge, Whistler, Valemont) reasonable distance is probably the whole community;
- In a rural area having large acre parcels, reasonable distance is probably up to 8 km (five miles);
- In a moderately populated area of developed subdivisions, suburbs, reasonable distance is probably 1.5 or 2 km (1 mile).

On the same map, please mark the boundaries of the neighbourhood of the proposed location as per the reasonable distance guidelines above. State what distance measure you chose and explain your reasoning.

This is a large acre parcel so we used the rural reasonable distance of 8km.

5. **Benefits to the Community**

Briefly describe the community/market need you are addressing by providing an additional licensed area within the community (e.g. the proposed lounge will support tourism activities at the winery OR there are currently no licensed establishments in the area).

The purposed winery lounge will add to a small developing cluster of local wineries and cideries which support tourism and sustainable agriculture in the area. The winery lounge will also further support the ALR use of the land in providing an additional outlet for use of farm products (both wine and produce) with a strong focus on sustainable and local agriculture (i.e. using local farms and sustainable seafood.)

PART 2: Licensee Information

Winery Licence #: 304212

Winery Manufacturer Name: UNSWORTH VINEYARDS LTD.

Winery Manufacturer Address:

Street	City	Province	Postal Code
2915 Cameron-Taggart Road	Mill Bay	BC	V0R 2P2

Licensee Name *(as shown on winery licence)*: Unsworth Vineyards Ltd.

Contact Name: Tim Turyk Title/Position: President

Phone: 604-319-7801 Fax: 604-583-4940 Email: timturyk@belcofish.com

Mailing Address *(if different from above)*:

Street	City	Province	Postal Code
6891 Cypress Street	Vancouver	BC	V6P 5L9

PART 3: Endorsement Information

1. **Winery Lounge Endorsement**

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Local government or First Nation: Cowichan Valley Regional District (CVRD)

Special Area EVENT

	Area 1	Area 2	Area 3	Area 4
Proposed interior capacity:	41	(20) 28		

	Patio 1	Patio 2	Patio 3	Patio 4
Proposed patio capacity:	34	(16) 24		

(ACTUAL PLANNED)

(occupant load is required on the floor plan you provide)

1. Describe the intended use of the patio (e.g., if entertainment or games will take place on the patio):

Food and Wine Service only, limited special events.

2. Describe the perimeter that will control entry and exit (e.g. fencing, planters, hedges):

Patio will be elevated and bordered with railings and planters. There will only be one entrance and exit point for patrons, which will be via the interior area.

3. Describe floor composition (e.g., grass, gravel, flooring):

Wood decking

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Note: The person capacity (patrons plus staff) of a licensed area(s) must equal the occupant load. Capacity must be approved by LCLB and is subject to local government/First Nation comment. (See Part 8 for an explanation of the application process.) See Part 5, #5 of this application for floor plan occupant load requirements. (There may be size restrictions if located on ALR land.)

...Please see page 3 for the proposed hours of sale for your Winery Lounge Endorsement

3. **Composition of the Neighbourhood.** The composition of the neighbourhood is best characterized as *(check all that apply)*:

- [ ] Commercial
- [ ] Residential
- [ ] Industrial
- [ ] Light Industrial
- [ ] Urban
- [ ] Downtown
- [ ] Suburban
- [ ] Rural
- [x] Agricultural Land Reserve (ALR)
- [ ] First Nations' Land
- [ ] Other *(please specify)*:

4. **Provide a street map of the area surrounding your winery which identifies the following social and public facilities within a reasonable distance* (see below):**
   - All other licensed liquor primary or liquor primary club establishments
   - Churches
   - Clubs
   - Schools (K-12, colleges, universities)
   - Preschools
   - Day care centres
   - Health care facilities
   - Seniors facilities
   - Recreational/sports facilities
   - Police stations
   - Fire halls
   - Libraries
   - Government buildings
   - Any other relevant local public or private facilities

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***Note:** What constitutes a reasonable distance will vary depending on individual circumstances.
Reasonable Distance Guidelines:
- In a densely populated city or municipality, reasonable distance is probably a 2 block radius;
- In a pocket community having no adjacent developed regional areas (e.g. Gold River, Tumbler Ridge, Whistler, Valemont) reasonable distance is probably the whole community;
- In a rural area having large acre parcels, reasonable distance is probably up to 8 km (five miles);
- In a moderately populated area of developed subdivisions, suburbs, reasonable distance is probably 1.5 or 2 km (1 mile).

On the same map, please mark the boundaries of the neighbourhood of the proposed location as per the reasonable distance guidelines above. State what distance measure you chose and explain your reasoning.

This is a large acre parcel so we used the rural reasonable distance of 8km.

5. **Benefits to the Community**

Briefly describe the community/market need you are addressing by providing an additional licensed area within the community (e.g. the proposed lounge will support tourism activities at the winery OR there are currently no licensed establishments in the area).

The purposed winery lounge will add to a small developing cluster of local wineries and cideries which support tourism and sustainable agriculture in the area. The winery lounge will also further support the ALR use of the land in providing an additional outlet for use of farm products (both wine and produce) with a strong focus on sustainable and local agriculture (i.e. using local farms and sustainable seafood.)

Fredericks, Joan SG:EX

From: Tim Turyk [timturyk@belcofish.com]
Sent: Thursday, August 4, 2011 2:58 PM
To: Fredericks, Joan SG:EX
Subject: RE: Question re tasting area

Hi Joan

I finally am couriering the winery lounge/special events application to you today. I have been awaiting the engineers stampled occupant load drawings and finally received them this morning.

You will see that I have applied for two indoor/outdoor areas for the endorsement. Area 1 is in the house, and Area 2 is in the tasting room. Area 1 would be open for dinner, and lunch in winery tour season. Area 2 would be for small private dinners such as wine tasting dinners, business dinners, family get togethers. The plan would be for no more than about 20 people, but the engineer took the maximum space and load to arrive at his occupant load. But I thought I would let you know that it is not intended for every day use, nor is it feasible to serve that many people in that location.

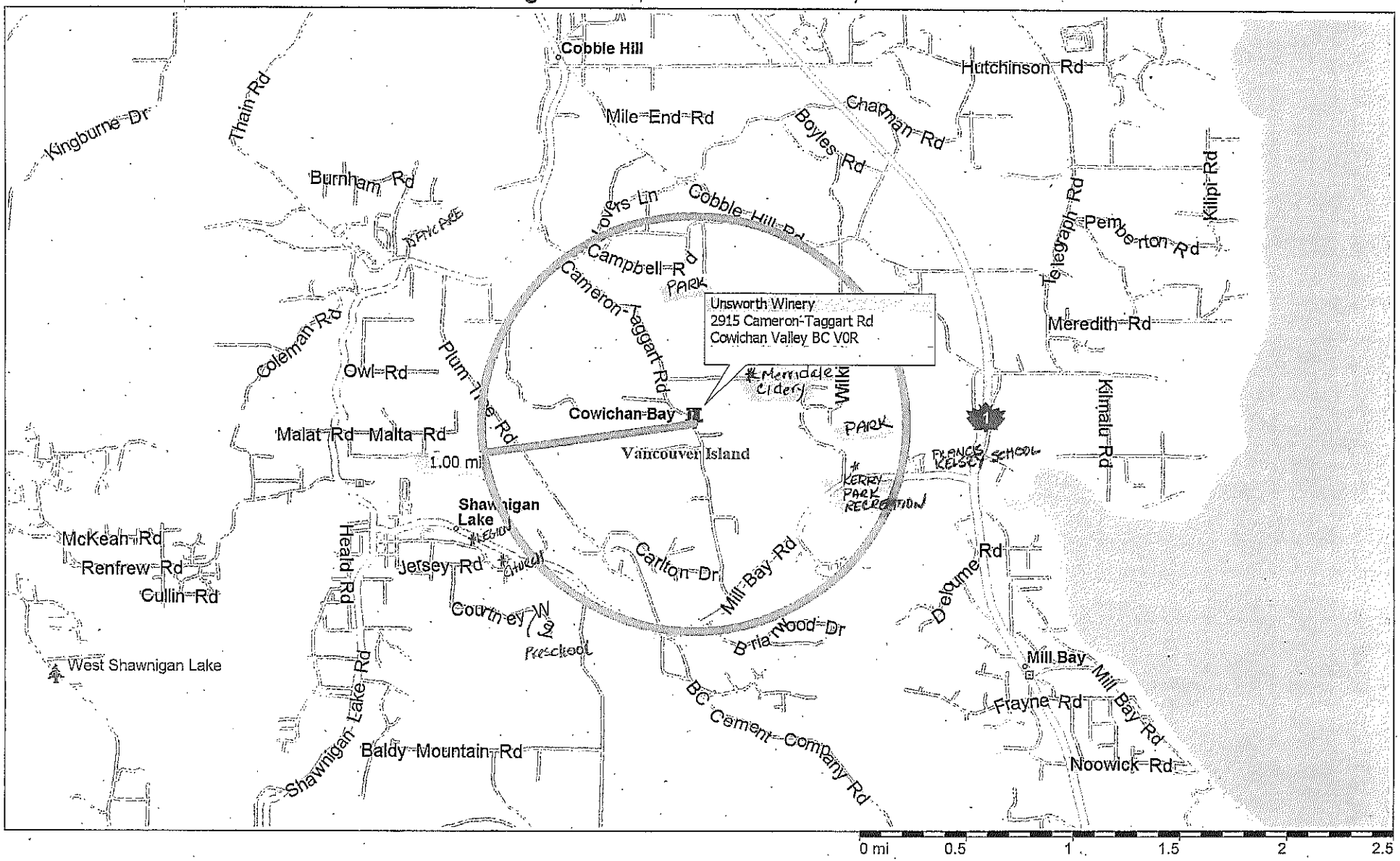
The tasting room should be completed in a couple of weeks at which time we will arrange for final inspection, as we plan to coincide the opening of the tasting room with the Cowichan Wine Festival Sept 16 - 18th. We also plan to have a local restaurant prepare some food items to serve on site to pair with our wines. Would this require us to to get a Special Occasions Licence? The winery lounge certainly wont be completed by then, but perhaps the Picnic/Tour area covers this?

Best regards
Tim

----Original Message-----
From: Fredericks, Joan SG:EX [mailto:Joan.Fredericks@gov.bc.ca]
Sent: Thursday, July 21, 2011 10:22 AM
To: 'Tim Turyk'
Subject: RE: Question re tasting area

> Great - Wait till you have it all – then send as I probably would not get to it till next week anyway.
> Joan
>
> ---
>
> **From:** Tim Turyk [mailto:timturyk@belcofish.com]
> **Sent:** Thursday, July 21, 2011 10:03 AM
> **To:** Fredericks, Joan SG:EX
> **Subject:** RE: Question re tasting area
>
> I am waiting on a stamped occupant load drawing from the engineer. He is on holidays til next week sometime. I could send everything else and then send that when I get it?
>
> -----Original Message-----
> **From:** Fredericks, Joan SG:EX [mailto:Joan.Fredericks@gov.bc.ca]
> **Sent:** Thursday, July 21, 2011 9:55 AM
> **To:** 'Tim Turyk'
> **Subject:** RE: Question re tasting area

Shawnigan Lake, British Columbia, Canada



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ATTACHMENT 2

Sample Resolution Template for a Winery Lounge or Special Event Area Endorsement

General Manager, Liquor Control and Licensing Branch

RE: Application for a winery lounge or special event area endorsement at: (address of proposed establishment)

At the (council/board) meeting held on (date), the (council/board) passed the following resolution with respect to the application for the above named Winery licence:

"Be it resolved that:
1. The (council/board) (recommends/does not recommend) the issuance of the winery lounge or special event area endorsement for the following reasons: (detail and explain reasons for recommendation)

4. The (council's/board's) comments on the prescribed considerations are as follows: (see the following page for sample comments for each criterion – a comment on each must be included in the resolution. Where a staff report has been prepared that addresses the criteria this can be used to provide Council's comments provided the staff report is referenced in the resolution and there is a clear statement that Council endorsed the comments in the report.)

(a) The location of the winery lounge or special event area (provide comments)
(b) The proximity of the winery lounge or special event area to other social or recreational facilities and public buildings (provide comments)
(c) In the case of a winery lounge, the person capacity of the winery lounge (provide comments)
(d) hours of liquor service of the winery lounge or special event area
(e) traffic, noise, parking and zoning, and
(f) The impact on the community if the application is approved (provide comments)

If the operation of the winery lounge or special event area may affect nearby residents, the local government must gather the views of residents of an area determined by the local government or first nation.

If the local government or first nation wishes to provide comments to the general manager, it must provide the following in writing:

(a) Its comments addressing the critieria in subsection (9);
(b) If it has gathered the views of residents under subsection (10),

(i) the views of the residents*
(ii) the method used to gather the views of the residents*, and
(iii) it's comments and recommendations respecting the views of the residents*
(iv) The reasons for its recommendations.

*** Note: "residents" includes business owners**

3. The (council's/board's) comments on the views of residents are as follows: (describe the views of residents, the method used to gather the views and provide comments and recommendations with respect to the views. If the views of residents were not gathered, provide reasons).

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the (council/board) of (local government/First Nation) on (date).

Sincerely,

(signature)
(name and title of official)
(local government/First Nation)

Note:

- All of the items outlined above in points 1, 2 (a) through (f) and 3 must be addressed in the resolution in order for the resolution to comply with section 10 of the Liquor Control and Licensing Regulation.
- Any report presented by an advisory body or sub-committee to the council or board may be attached to the resolution.

ATTACHMENT 3

Sample Resolution for a Winery Lounge or Special Event Area Endorsement Application

The following are examples that illustrate the type of comments that local government and First Nations might provide to demonstrate they have taken into consideration each of the criterion in reaching their final recommendation. Comments may be a mix of positive, negative and neutral observations relevant to each criterion. The final recommendation is the result of balancing these 'pros and cons'.

The list is not intended to illustrate every possible comment as the variations are endless, given the wide range of applications and local circumstances.

It is important that the resolution include the comment and not refer to a staff report, as the general manager cannot suppose that the local government considered all the criteria unless comment on each criterion is specifically addressed in the resolution itself.

Local government or First Nation staff may wish to contact the Liquor Control and Licensing Branch for assistance on drafting the content of a resolution before it is presented to local government or First Nation to avoid resolutions that do not comply with the regulations.

(a) The location of the winery lounge or special event area:

The location of the winery lounge is within the primary manufacturing facility. It has an interior and a patio area. It is located in a remote location and is suitable for such an endorsement.

(b) The proximity of the winery lounge to other social or recreational facilities and public buildings:

The only nearby social, recreational and public buildings do not conflict with the operation of a winery lounge.
– or -
The proposed location of the winery lounge is across a lane from a church with an attached retirement facility and church hall routinely used for youth group gatherings. The proximity of the proposed winery lounge is considered compatible with the neighbouring facilities.

(c) The person capacity of the winery lounge:

The maximum person capacity of the winery lounge is 65 persons as per building authorities.

(d) Hours of liquor service of the winery lounge:
Hours of liquor service are proposed to be from 4 PM to 10 PM daily. A larger capacity or later hours is not supported given the few number of police on duty to respond to concerns.

(e) Traffic, noise, parking and zoning:

Traffic in the area is not an issue. The road is located away from the main road resulting in noise not being an issue. Ample parking is available at the winery. Zoning permits a winery lounge for the sale and service of wine by the glass or bottle.

(f) The impact on the community if the application is approved:

If the application is approved, the impact is expected to be positive in that it will support the growth in tourism and offer a new social venue for residents.

The Council's comments on the views of residents are as follows:

The views of residents within a half mile* of the proposed winery lounge area were gathered by way of *written comments that were received in response to a public notice posted at the site and newspaper advertisements placed in two consecutive editions of the local newspaper. Residents were given 30 days from the date of the first newspaper advertisement to provide their written views. Residents were also given an opportunity to provide comments at the public meeting of Council held on date.

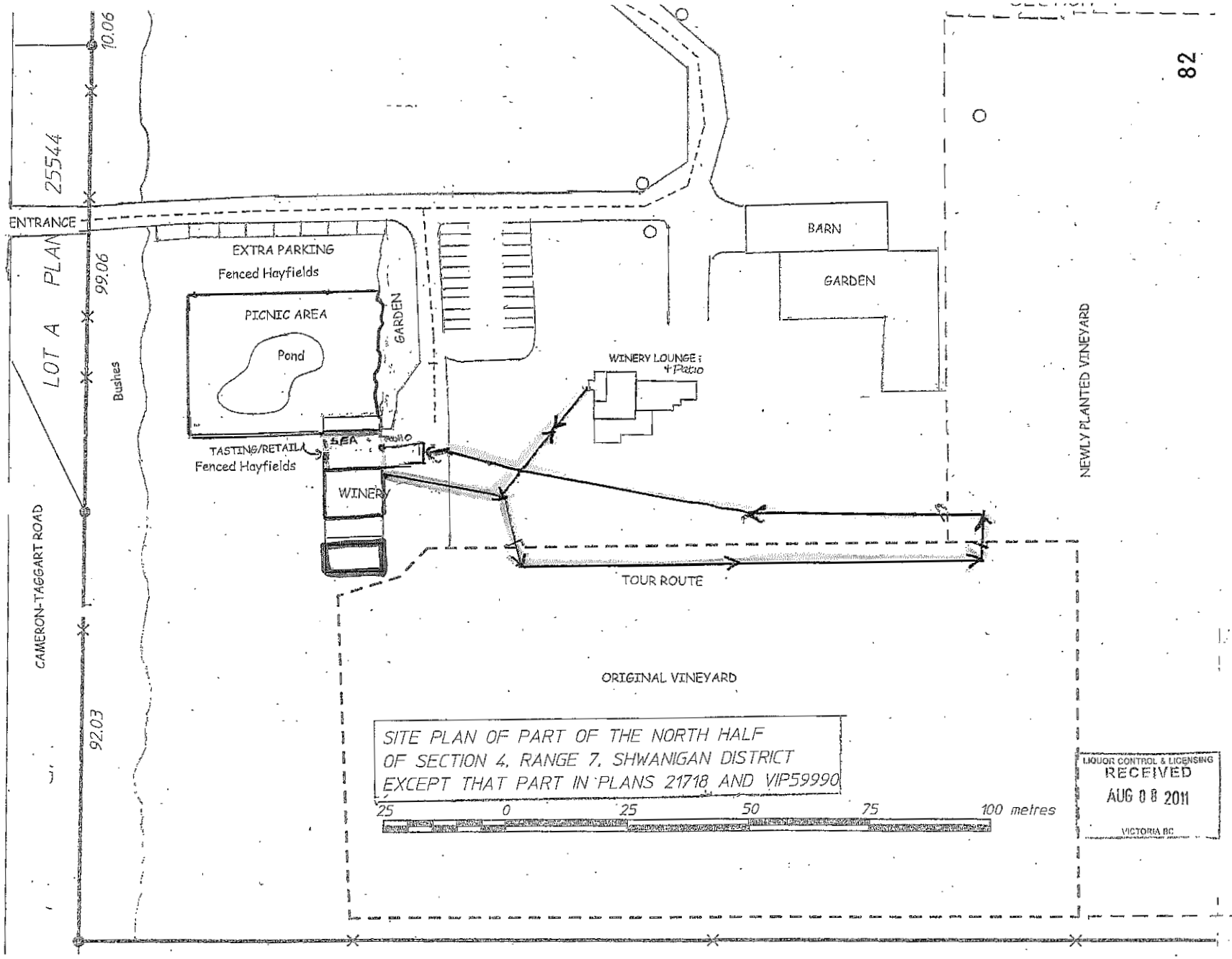
A total of 63 responses were received from businesses and residents. Of the responses received, 21 were in support of the application citing the creation of additional jobs and a new entertainment venue for the area as their primary reasons. A total of 42 letters were received in opposition to the application. The primary reason cited by those in opposition was the proposed closing hours. A number of business residents in the area also cited the lack of parking as an area of concern.

The following examples illustrate one option that Council may complete their comments on the views of residents based upon the preceding fact pattern.

> Based upon the input received by residents within a half mile of the proposed winery lounge there is a two to one ratio of opposed residents to residents that support the application. The opposition to this endorsement comes from both homeowners and businesses. Council is of the view that with both the residential and business communities' opposition to this proposed establishment that the issuance of a winery lounge endorsement would be contrary to the community standard for this area.
>
> Despite the potential creation of additional jobs and a new entertainment venue for the area Council is unable to support the issuance of the endorsement. Council recommends that a licence not be issued.

*** The local government or First Nation determines the appropriate area to be included and the method for gathering those views**

SITE PLAN



PICNIC AREA DIMENSIONS:
30 m. x 40 m = 1200 sq metres
less 300 sq m. pond = 900 sq metres
Boundaried by garden & fenced hayfields

WINERY LOUNGE

AREA #1:	686 sq.ft inside
	695 sq.ft outside
~~AREA #2:~~ SEA #2 (Special Event Area)	695 sq.ft inside
	400 sq ft outside

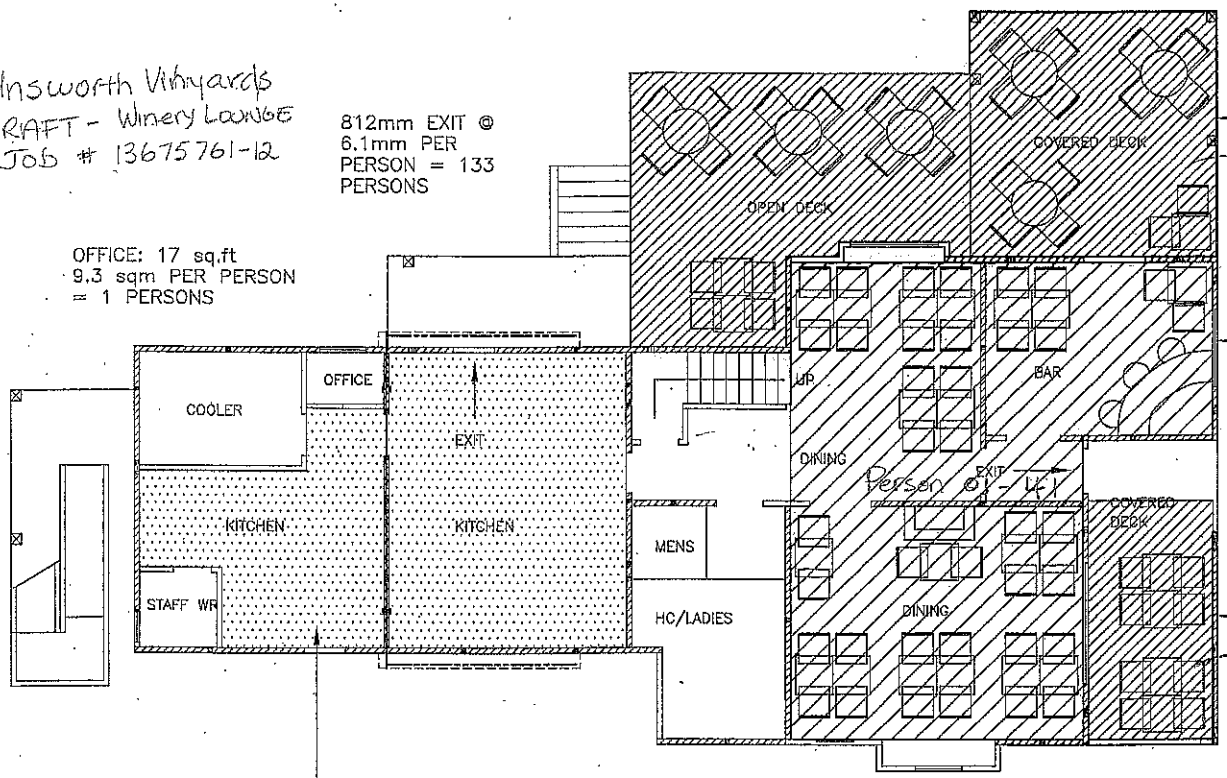
UNSWORTH VINEYARDS LTD.
2915 CAMERON-TAGGART ROAD
MILL BAY, B.C., V0R 2P2

LIQUOR CONTROL & LICENSING
RECEIVED
AUG 08 2011
VICTORIA BC

Unsworth Vinyards
DRAFT - Winery Lounge
Job # 13675761-12

812mm EXIT @
6.1mm PER
PERSON = 133
PERSONS

OFFICE: 17 sq.ft
9.3 sqm PER PERSON
= 1 PERSONS



KITCHEN: 478 sq.ft
9.3 sqm PER PERSON
= 5 PERSONS

MAIN FLOOR PLAN

INDOOR DINING AREA: 686 sq.ft
1.2 sqm PER PERSON = 53
PERSONS
OUTDOOR DINING AREA: 695 sq.ft
1.2 sqm PER PERSON = 53
PERSONS

TOTAL FIXED SEATS = 41 INSIDE + 34 OUTSIDE = 75 PERSONS

STAFF WASHROOM =
1 WC / 1 LAV

MENS WASHROOM =
1 WC / 1 LAV

HC/LADIES WASHROOM
=
1 WC / 1 LAV +
1 HC WC

ADDITIONAL WASHROOMS IN TASTING ROOM BUILDING 45 M WEST

LIQUOR CONTROL & LICENSING
RECEIVED
AUG 08 2011
VICTORIA BC

AREA 1.

PROFESSIONAL ENGINEER
PROVINCE OF BRITISH COLUMBIA
M.A. JOHNSON
#16407
JUL 29 2011

Murray Johnson Engineering Ltd
Specialising in Codes, Fire & Life Safety, and Fire Protection Systems
212 Fifth Avenue
New Westminster, B.C.
V3L 1R4
email: murjo@telus.net Cell: (604) 961-2859
Fax: (604) 526-3338 Phone: (604) 526-3335

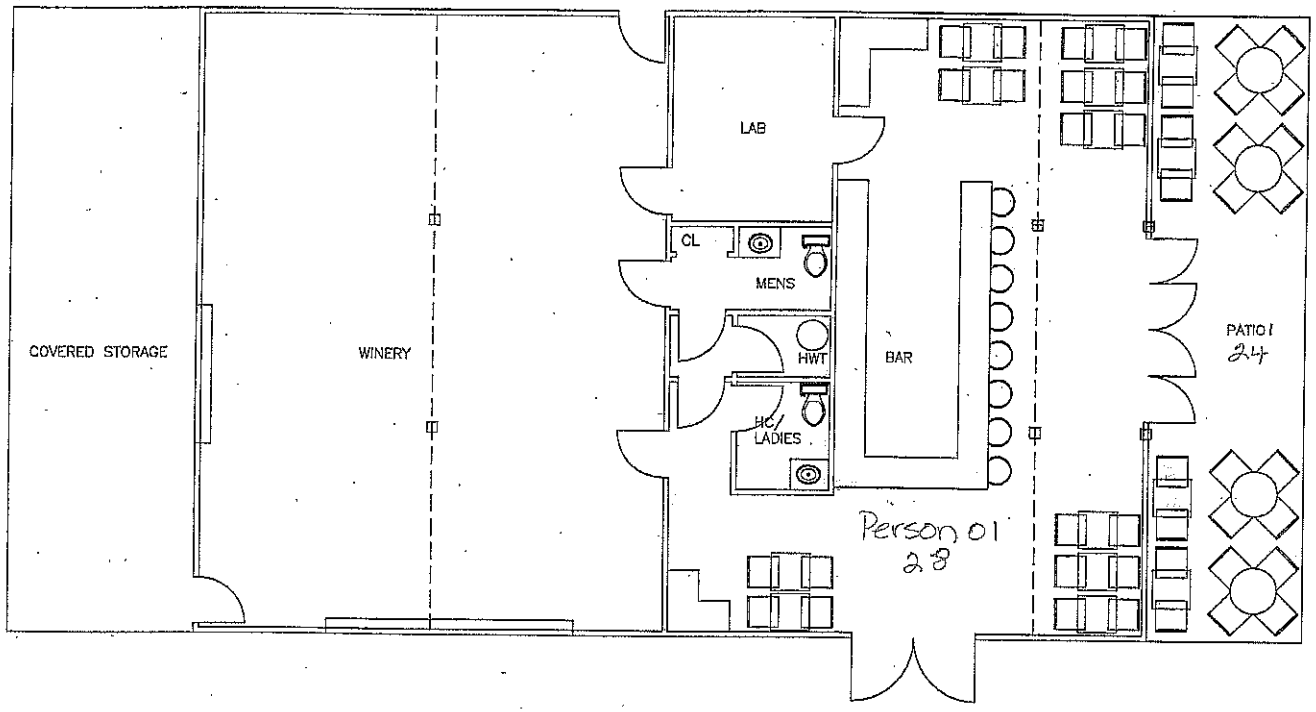
Project
COBBLE HILL VINYARD RESTAURANT
2915 CAMERON-TAGGERT ROAD,
COBBLE HILL, B.C.

Dwg. Title
RESTAURANT FLOOR PLAN - SEATING

Date 2011-07-29	Drawing No. SP-1
Drawn By TM	
SCALE 1/8" = 1'-0"	
Project No. 11-812	Of 2

AREA 2

84



SEATING NOT IN ACTUAL PLANS

Unsworth Vineyards
DRAFT — Special Event AREA
JOB #13675761-13

MENS WASHROOM = 1 WC / 1 LAV

HC/LADIES WASHROOM = 1 LAV + 1 HC WC

SEATING = 28 INSIDE + 24 OUTSIDE = 52 PERSONS

INDOOR DINING AREA: 695 sq.ft
1.2 sqm PER PERSON = 53 PERSONS

OUTDOOR PATIO DINING AREA: 400 sq.ft
1.2 sqm PER PERSON = 30 PERSONS

FLOOR PLAN

ADDITIONAL WASHROOMS IN RESTAURANT BUILDING 45 M EAST

PROFESSIONAL ENGINEER PROVINCE OF BRITISH COLUMBIA M.A. JOHNSON # 16407

JUL 29 2011

Murray Johnson Engineering Ltd
Specialising in Codes, Fire & Life Safety, and Fire Protection Systems
212 Fifth Avenue
New Westminster, B.C.
V3L 1R4
email: murjo@telus.net Cell: (604) 961-2859
Fax: (604) 526-3338 Phone: (604) 526-3335

Project: ~~COBBLE HILL VINYARD~~ Unsworth Vineyards
RESTAURANT
2915 CAMERON-TAGGERT ROAD, COBBLE HILL, B.C.

Dwg. Title: WINERY TASTING ROOM PLAN – SEATING

Date: 2011-07-29	Drawing No. SP-2
Drawn By: TM	
SCALE: 1/8" = 1'-0"	
Project No.: 11-812	Of 2

R3

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF OCTOBER 18, 2011

DATE: October 18, 2011 **FILE NO: 1-D-11DP**

FROM: Rob Conway, Manager
Development Services Division **BYLAWS NO:**

SUBJECT: Development Permit Condition for LED Message Sign - Super 8/Smitty's

---

Recommendation/Action:
Committee direction is requested.

Relation to the Corporate Strategic Plan: N/a

Financial Impact: *(Reviewed by Finance Division: N/a)*

Background:
At the September 20, 2011 Electoral Area Services Committee meeting, the Committee heard a delegation from Webb Signs Ltd. and a representative of the owner of a commercial property at the corner of Chaster Road and the Trans Canada Highway where the Super 8 hotel, Smitty's restaurant and Roadhouse pub are located. The delegation was requesting an amendment to a development permit condition for an LED message sign that would reduce the time period the sign message is allowed to change from no more than once every five minutes to no more than 3 to 5 times every five minutes.

As some members of the Committee hadn't had an opportunity to view the sign prior to the meeting, the following motion to table the matter until October 18th was passed:

> ***That the request by Webb Signs to amend the Development Permit regarding Application No. 1-D-11DP (Super 8/Smitty's) be tabled until the next EASC meeting.***

A copy of the delegation's request letter, the development permit that was issued for the sign, and a letter from staff regarding the requested permit condition change are attached.

Options:

1. That Development Permit 1-D-11DP be amended to reduce the time period the LED message sign is permitted to change from once every five minutes to once every minute.

2. That no change to Development Permit 1-D-11DP be authorized at this time, but that the permitted interval for the sign message change be re-considered following a pending review of the CVRD Sign Bylaw and establishment of consistent criteria for LED and electronic message signs.

Submitted by,

Rob Conway, MCIP
Manager, Development Services Division
Planning and Development Department

RC/ca

Approved by
General Manager:

Signature

WEBB SIGNS

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

August 29, 2011

Attn: Rob Conway

Dear Rob Conway

Re: Development Permit NO. 1-D-11DP (Super 8 – Smitty's)

This letter is being written in regards to the above noted permits terms and conditions stated under number 4. The development shall be carried out subject to the following conditions "The LED messages on the sign shall be static, changing no more than once every five minutes".

We ask that an adjustment be put forth by way of an amendment to the permit allowing for the following conditions "The LED messages on the sign shall be static changing no more than three to five times in every five minutes".

The reasoning for this request is that there are several LED message centers near to the LED message center in question that are moving, flashing, scrolling and changing every few seconds and although trying to respect the area and division that the property is situated in we feel it unfair that the three businesses at the advertising location (Super 8 Hotel, Smitty's Restaurant and The Roadhouse Pub) are not able to utilize the advertising ability based on the current restriction. Furthermore the sign limitation only allows a 2 digit input with a maximum of 1 minute and 39 seconds (99 seconds) delay between each message.

Thank you,

Aimee Webb
Webb Signs Ltd

Webb Signs Ltd 1065 Canada Ave. Duncan B.C V9L 1V2 www.summitcanada.ca
Phone: 250-746-1060 Fax: 250-746-1066 Email: accounts@summitcanada.com

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 1-D-11DP

DATE: MARCH 17, 2011

TO: 0786355 B.C. LTD.

ADDRESS: 250 TERMINAL AVENUE NORTH

NANAIMO, BC V9S 4J5

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to any and all buildings, structures and other development located on those lands within the Regional District as described below (legal description):

   Lot 1, of Section 13, Range 7, Quamichan District, Plan 2298, Except Part in Plans 40941 and 1036RW (PID: 000-459-925)
3. Authorization is hereby given for the replacement of a letter board sign with an LED digital message sign in accordance with the conditions and schedules below.
4. The development shall be carried out subject to the following conditions:
   - The LED messages on the sign shall be static, changing no more than once every five minutes.
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedules are attached and form part of this Permit:
   - Schedule A – Sign Detail and Location Plan.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY SECTION 7(a) OF CVRD DEVELOPMENT APPLICATION AND PROCEDURES AND FEES BYLAW No. 3275.

Tom Anderson, MCIP
General Manager, Planning and Development Department

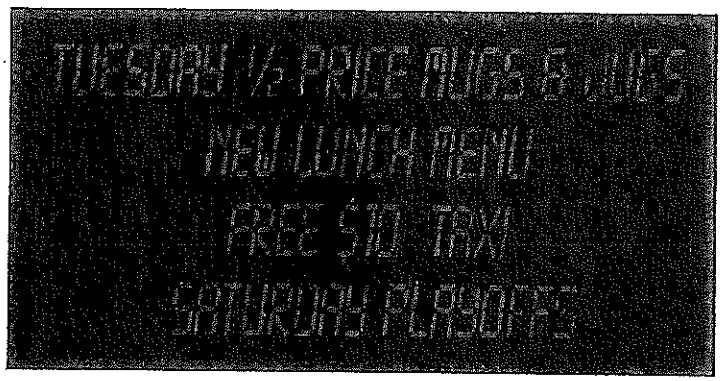
NOTE: Subject to the terms of this Permit, if the holder of this Permit does not substantially start any construction within 2 years of its issuance, this Permit will lapse.

I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with 0786355 B.C. LTD. other than those contained in this Permit.

Signature of Owner/Agent	Witness
AIMEE WEBB.	Sec 2 / Plng & Dev
Print Name	Print Name
July 05 / 2011	July 5/11
Date	Date

8'-0"

4'-0"



DOUBLE SIDED RED LED DIGITAL MESSAGE CENTRE INSTALLED ON EXISTING PYLON SIGN

SCHEDULE A

will Remove

WEBB SIGNS

CUSTOMER APPROVAL: _____ DATE: JAN 17, 2010 PROJECT: SUPER 8 HOTEL

C·V·R·D

September 28, 2011

Webb Signs ltd.
1065 Canada Ave.
DUNCAN BC V9L 1V2

Attention: Aimee Webb

Dear Ms. Webb:

Re: Development Permit No. 1-D-11DP (Super 8 – Smitty's)

Thank you for your letter of August 29, 2011, requesting an amendment to the above-referenced development permit for an LED electronic message sign. You requested that the permit be amended to increase the frequency of the sign message from no more than once every five minutes to between 3 and 5 times every five minutes.

I expect you are aware that electronic message signs are becoming more common in the Cowichan Valley Regional District and the CVRD Sign Bylaw or development permit guidelines do not contain clear regulation regarding these types of signs. The CVRD's Electoral Area Services Committee (EASC) recently directed staff to investigate the regulation of electronic signs and to prepare draft amendments to the CVRD's Sign Bylaw to establish criteria and standards for them.

It is expected that the Sign Bylaw amendment requested by the EASC will assist in achieving a consistent approach to the regulation of electronic message signs in the Regional District. However, until the CVRD has established new regulation for electronic message signs, we are reluctant to consider amending the permit condition as requested. Once the Sign Bylaw review is completed, we would be happy to reconsider the requested amendment and determine if it is compatible with the CVRD Board's approach to this form of signage.

Should you have any questions regarding this matter, please contact me at your convenience.

Sincerely,

Rob Conway, MCIP
Manager, Development Services Division
Planning and Development Department

RC/ct

pc: Director L. Iannidinardo – Area D Cowichan Bay
Tom Anderson, General Manager, Planning and Development Department

\\Cvrdstore1\homedirs\jlendrum\Planning\2011 Letters\Rob\Webb Signs Letter re Super 8.docx

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

Toll Free: 1.800.665.3955
Tel: 250.746.2500
Fax: 250.746.2513

cowichan
www.cvrd.bc.ca

R 4

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF SEPTEMBER 20, 2011

DATE:	September 13, 2011	**FILE NO:**	F OCP
FROM:	Mike Tippett, Manager Community & Regional Planning	**BYLAW NO:**	
SUBJECT:	Amending the Electoral Area F OCP and Zoning Bylaw		

Recommendation/Action:
That CVRD Electoral Area F Official Community Plan Amendment Bylaw No. 3533 and CVRD Electoral Area F Zoning Amendment Bylaw No. 3463 be forwarded to the Board for two readings and that Directors Morrison, Kuhn and Iannidinardo be delegated to the public hearing.

Relation to the Corporate Strategic Plan:
Keeps the Plan relevant and current.

Financial Impact: *(Reviewed by Finance Division: N/A)*

Background:
The Electoral Area Services Committee directed staff several months ago to prepare OCP and zoning maintenance bylaws for three electoral areas, including Area F. This report highlights the proposed changes to the Cowichan Lake South/Skutz Falls OCP as well as Zoning Bylaw No. 2600.

Official Community Plan
The primary purpose of the proposed changes to the Area F Official Community Plan contained within draft Bylaw 3533 was to properly amend it to reflect the fact that Electoral Area I has not been a part of this Plan for several years. Despite the effort to amend this OCP at the time the separation of Area I OCP update in 2005, there were still a number of references within the Area F Plan to matters that pertain to only Electoral Area I. With the able assistance of a keen group of Area F APC members, staff over the course of three meetings went over the required changes and the amendment bylaw that is attached to this report is the outcome of these discussions.

Two other matters were tackled in the minor update of the Area F OCP: the potential for infill development between Mesachie Lake and Honeymoon Bay, and the criteria by which the CVRD Board might be prepared to consider development of an outdoor recreation park. On the former point, the OCP amendment bylaw states that the CVRD Board may consider applications outside of the ALR for no fewer than 100 homes at a time, with full community services provided by the developer. The principal goal of this policy is to encourage the development of sewer and water systems that will not only support the new development, but provides the opportunity to alleviate some of the pressures on existing CVRD services in the area that need upgrades.

On the Outdoor Recreation Park, the attached draft bylaw suggests that a 40 hectare contiguous site (perhaps in the Circle Route area) may be suitable, and invites rezoning applications. Additionally, there is the suggestion that applications for forest-related industrial uses could be entertained, again in the Circle Route vicinity, close to Mesachie Lake.

In all, there are 68 changes proposed to the OCP and these should keep the Plan relatively current until a more comprehensive review may be undertaken in a couple of years.

Zoning Bylaw

The attached Zoning Amendment Bylaw 3463 contains a few minor adjustments to regulations that will facilitate the administration of the bylaw.

Submitted by,

Approved by:
General Manager:

Mike Tippett, MCIP
Manager
Community and Regional Planning Division

MT/ca

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3533

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1945, Applicable To Electoral Area F – Cowichan Lake South/Skutz Falls

---

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

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area F – Cowichan Lake South/Skutz Falls, that being Official Community Plan Bylaw No. 1945;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1945;

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

1. **CITATION**

   This bylaw shall be cited for all purposes as **"CVRD Bylaw No. 3533 - Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (Bylaw Maintenance 2011), 2011".**

2. **AMENDMENTS**

   Cowichan Valley Regional District Official Community Plan Bylaw No. 1945, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. **CAPITAL EXPENDITURE PROGRAM**

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

READ A FIRST TIME this _____ day of _____ , 2011.

READ A SECOND TIME this _____ day of _____ , 2011.

READ A THIRD TIME this _____ day of _____ , 2011.

I hereby certify this to be a true and correct copy of Bylaw No. 3533 as given Third Reading on the _____ day of _____ , 2011.

_____ _____

Secretary Date

Exempt from approval by the Minister of Community, Sport and Cultural Development under Section 2 (a) and (b) of the *Cowichan Valley Regional District Approval Exemption Regulation* pursuant to Ministerial Order No. M036, February 21, 2011.

ADOPTED this _____ day of _____ , 2011.

_____ _____

Chairperson Secretary

C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3533

Official Community Plan Bylaw No. 1945 is hereby amended as follows:

1. The official citation of Bylaw 1945 is amended, from "CVRD West Cowichan Official Community Plan Bylaw No. 1945, 1999, Electoral Area F – Cowichan Lake South/Skutz Falls" to "Cowichan Valley Regional District Electoral Area F – Cowichan Lake South/Skutz Falls Official Community Plan Bylaw No. 1945, 1999".

Schedule A to Official Community Plan Bylaw No. 1945 is hereby amended as follows:

2. Policy 2.3 is deleted and replaced with the following:

   2.3 A The Riparian Areas Regulation Development Permit Area (DPA-1) is established in Section 15 of this Official Community Plan to protect those environmentally sensitive areas that are deemed to have the potential for development during the life of this Plan (as shown in Figures 7a, 7b and 7c). The development permit area will affect lands adjoining the Cowichan River, Cowichan Lake and tributaries, and lands identified in the provincial Sensitive Ecosystems Atlas as Environmentally Sensitive Areas. Lands in the Agricultural Land Reserve are not included in the Riparian Areas Regulation Development Permit Area.

3. Policy 2.5 is deleted.

4. Policy 2.8 is deleted and replaced with the following:

   2.8 The Regional Board supports the protection of new development from flood risks.

5. The phrase "Forest Land Reserve Act" is deleted from the first paragraph under Section 4 Forestry.

6. The phrase "Private Managed Forest Land Council" replaces "Private Forest Land Regulation" throughout the text of the Official Community Plan.

7. Under the heading Forestry Objectives, (a) is amended by deleting the phrase, "and Forest Land Reserve Act for privately owned lands" at the end of that subsection.

8. Under the heading Forestry Objectives, (b) is amended by deleting the phrase, "and the Forest Land Reserve Act" and making the necessary grammatical adjustments to the remainder of that sentence.

9. Under the heading Forestry Objectives, (c) is amended by deleting the phrase, "the Forest Land Reserve Act" and making the necessary grammatical adjustments to the remainder of that sentence.

10. Policy 4.2 is amended by adding "and secondary" to the paragraph, after the word "primary" and before the word "resource".

11. Policy 4.3 is deleted.

12. Policy 4.6 is deleted and replaced with the following:

    4.6 The Regional District Board may consider allowing, by way of zoning amendment, the creation of rustic campgrounds within the Forestry designation, subject to consideration of the following:
    - a) Provision of a major public land amenity by the proponent of the rustic campsite, including waterfront land where the Forestry parcel is on the lake shore.
    - b) Minimizing impacts on environmentally sensitive areas.
    - c) Close proximity to clean recreational waters, panoramic mountain views, or other such natural attributes.
    - d) Provision of ground sewage disposal approved by the Health authority having jurisdiction.
    - e) Provision of solid waste collection service.
    - f) Adequate adaptation to address wildfire safety concerns, including vegetation management, adequate water storage or access, and on-site emergency planning.
    - g) Adequate buffering between the rustic campground and adjacent Forestry lands.

13. Policy 4.9 is deleted and replaced with the following:

    4.9 The Cowichan Valley Regional District Board of Directors supports existing Community Forest Co-op lands and the expansion of that program.

14. The second sentence of Policy 5.3 is deleted.

15. The second paragraph of Section 6: Residential Development, is amended by deleting Youbou and Marble Bay/Sunset Beach from the places identified.

16. Section 6(a) is deleted and replaced with the following:

    a) to encourage future residential development in areas identified in this Plan as Future Development Areas;

17. Policy 6.1 is deleted and replaced with the following:

    6.1 Outside of Future Development Areas (FDAs), the Regional Board may consider designating additional lands for residential purposes, provided it would not undermine, in the opinion of the Board, the plans for FDAs and appropriate community services could be provided, and provided a significant public amenity would be provided, particularly in the case of waterfront development, where more than half of the waterfront and total parcel area would be expected to be offered to the CVRD as parkland.

18. Policy 6.2 is deleted and replaced with the following:

    6.2 For all Residential land-use designations under this Plan that follow this section, where a density policy purports to permit a maximum density of dwelling units per parcel of land, a secondary dwelling unit or secondary suite will also be permitted, as defined in the implementing zoning bylaw.

19. Policy 6.3 is deleted and replaced with the following:

    6.3 The Regional District will strive to ensure that as much new housing as possible in the Plan area is affordable for local residents.

20. Policy 6.13 is deleted and replaced with the following:

    6.13 The Regional Board may consider approving multiple family residential developments in areas designated as Residential or Future Residential Areas by way of rezoning, subject to consideration of the following:
    a) connection of the proposed development to a community water and community sewer system;
    b) consideration of the suitability of the site for the purpose, given the existing community;
    c) consideration of possible amenities that could be provided to the community in the context of the application.

21. Policy 6.14 is deleted and replaced with the following:

    6.14 Home-based businesses are encouraged throughout the Plan area, and the implementing zoning bylaw will ensure that the following provisions are met:
    a) the home-based business must be accessory to a residential use of the same parcel of land;
    b) the business will integrate appropriately into the local neighbourhood;
    and different regulations may be enacted for different zones.

22. The heading "SUBURBAN LAKEFRONT RESIDENTIAL POLICIES" is deleted and Policies 6.20 and 6.21 that follow it are also deleted.

23. Policy 6.25 is deleted and replaced with the following:

    The CVRD may consider approving the creation of a mobile or manufactured home park in the Plan Area, provided the Board believes that it would be an asset to the community, that it would be on a site that has access to regional transit services and community water and community sewer services are provided.

24. The heading "LAKEFRONT RESIDENTIAL POLICIES" is deleted and Policies 6.27, 6.28, 6.29, 6.30 and 6.31 that follow it are also deleted.

25. The heading "WATERFRONT RESIDENTIAL POLICIES" is deleted, and policy 6.34 is also deleted.

26. Policy 6.36 is amended by renaming the cited development permit area from "Watercourse Protection" to "Riparian Areas Regulation" Development Permit Area.

27. Policy 6.39 is deleted and replaced with the following:

    6.39 Manufactured or mobile Homes meeting the CSA Z 240 or A277 standards will be permitted in residential areas where single family dwelling is a permitted use.

28. Policy 6.40 is deleted.

29. Section 7: Future Development Area is amended by deleting the second paragraph under the heading and replacing it with the following:

    Lands within the Future Development Area Designation are intended to remain in Forestry or Agriculture zones until such time as comprehensive application for a neighbourhood plan and complementary zoning amendment is made, which proposes an appropriate mix of residential, commercial, light industrial, park and related land uses. The intent of permitting areas designated as Future Development Area to develop in this way is to complement the existing communities of Mesachie Lake and Honeymoon Bay, both in terms of improvements to community sewer and water systems, protection of environmental features and the provision of parkland.

30. Section 7: Future Development Area – Objectives is amended by deleting (a) and (b) and replacing them with the following:

    a) to guide new development in the vicinity of Cowichan Lake into areas where it would benefit the existing communities of Mesachie Lake and Honeymoon Bay, where public transportation is available, where existing sewer and water services are present but require upgrades, and to add to the vitality of these long-standing communities;

    b) to ensure that environmentally sensitive areas are protected through their dedication to the CVRD as public parkland, particularly along the Cowichan Lake shoreline but also along other riparian areas and in areas of rare or otherwise endangered plant communities;

31. Policy 7.2 is deleted and replaced with the following:

    7.2 Lands within the Future Development Area designation are subject to the following considerations at the time of application for a neighbourhood plan and zoning amendment:

    a) In the case of the Future Development Area next to Ashburnham Creek, the entire area shall be considered under one application;
    b) In the case of the Future Development Areas between Mesachie Lake and Honeymoon Bay, the Regional Board may consider individual applications for a neighbourhood plan and rezoning of areas that would propose not less than 100 residences in one application;
    c) Any application in a Future Development Area will require the creation of a community water and community sewer system, built by the developer and transferred to the CVRD's Engineering and Environment Department;
    d) The new community water and community sewer systems must be capable of also serving residents of the communities of Honeymoon Bay and/or Mesachie Lake who are on community systems operated by the CVRD, with the proximity of the subject land to either or both communities determining which

one(s) would be served;

e) Significant parkland dedications to the CVRD must be proposed, with an emphasis on waterfront lands which are ecologically significant or would have recreation potential, and in areas that are well below the 200 year flood construction level;

f) The neighbourhood plan will propose the creation of a development permit area to set standards for development;

g) Appropriate access to and from the site by motor vehicle as well as transit and greenways will be required.

32. Policy 7.3 is deleted.

33. Policy 8.1, part (a) is deleted and replaced with the following:

    a) the use, scale and general form and character of the proposed commercial buildings and structures should be well suited to the site and proposed uses, and be in compliance with applicable development permit area guidelines;

34. Policy 8.5 is deleted and replaced with the following:

    8.5 In determining appropriate sites for future Local Commercial outlets in Honeymoon Bay and Mesachie Lake, preference should be given to locating such uses in areas where a local need for services exists and that would allow community residents to walk to these facilities.

35. Policy 8.9 is amended by eliminating "Youbou" from the first sentence.

36. Policy 8.12 is amended by deleting the clause "or the further expansion of existing campgrounds".

37. Policy 8.13 is deleted.

38. Policy 8.14 is deleted.

39. Policy 8.16 is deleted and replaced with the following:

    8.16 A neighbourhood pub will be considered in Mesachie Lake but will de discouraged along the Highway 18 corridor.

40. The heading "WATERFRONT COMMERCIAL" is deleted, as is the sentence that immediately follows it.

41. Policies 8.17 and 8.18 are both deleted.

42. The following is added after Policy 8.18:

OUTDOOR RECREATION PARK POLICIES

POLICY 8.19
Only on lands that are designated as Forestry, the Regional Board may consider rezoning one site in Electoral Area F to the Outdoor Recreation Park 1 Zone (ORP-1), subject to a public hearing and careful consideration of the following matters:

a) The site must be at least 40 hectares in area;
b) No more than one contiguous site in Electoral Area F may be zoned as ORP-1;
c) The site must be remote from large concentrations of residences, in an attempt to minimize the effect of the sound generated by activities in on the site;
d) The site should be accessible by a good quality paved all weather public road;
e) Proof of well water and suitable sewage disposal areas must be identified in the rezoning application;

A detailed site development plan, satisfactory to the Regional Board, must be submitted at the time of application, with all proposed uses set out as to location, with adequate on-site parking to meet estimated peak demands being available, as well as sufficient sanitary facilities, either plumbed or brought in on a temporary basis;

43. That part of Section 9 – Industrial Areas – immediately below the heading is deleted and replaced by the following:

The industrial base of the Cowichan Lake area has been strongly linked with the forest industry, with sawmills being formerly located at Mesachie Lake and Honeymoon Bay. With the departure of large scale sawmilling from the Plan area, there remain opportunities for a more specialized and diverse forest-related light industry to emerge. The Forest Co-op is one mechanism to stimulate this evolution, which would enhance the local economy and provide firm support for these communities. In the Plan area, new industry should be focussed on the Mesachie Lake area in the vicinity of the new Circle Route Highway to Port Renfrew.

44. Policy 9.1 is deleted and replaced with the following:

9.1 Future industrial uses should be located in the vicinity of the new Circle Route Highway to Port Renfrew, near Mesachie Lake.

45. Policy 9.3 is deleted and the remaining policies in section 9 are renumbered accordingly.

46. Policy 9.4 is amended by deleting subsections (c) and (i) and renumbering all remaining subsections accordingly.

47. Policy 9.5 is deleted.

48. All references to the Municipal Act throughout the Plan text are changed to the Local Government Act.

49. Policy 10.2 is amended by deleting subsection (h) and removing the "and" at the end of subsection (g).

50. Policy 10.9 is deleted.

51. Policy 10.11 is amended by substituting "Electoral Area F" for "Plan area".

52. Policy 10.17 is deleted.

53. Policy 11.1 is amended by deleting "Electoral Areas "F" and "I"" and replacing it with "Electoral Area F".

54. Policy 11.3 is deleted and replaced with the following:

    11.3 Proposed greenways within the Agricultural Land Reserve will require the approval of the provincial Agricultural Land Commission.

55. Policy 12.1 is amended by deleting Youbou Road and North Shore Road from the list of major network roads.

56. Policies 12.8 and 12.9 are deleted and all subsequent policies are renumbered accordingly.

57. Policy 13.6 is amended by deleting the reference to Youbou and replacing it with Mesachie Lake.

58. Policy 13.9 is deleted and replaced with the following:

    13.9 Newly proposed community sewer systems will be designed to result in the best possible effluent quality with nutrient removal, and the Regional Board will strive to upgrade existing systems to this standard.

59. Policies 13.11 and 13.12 are deleted.

60. Policy 13.13 is amended by deleting "landfill, incineration site, or" from the policy and all policies in Section 13 are renumbered sequentially.

61. Section 14 Community Safety and Social Policies – Objectives" is deleted and replaced with the following:

    The objectives of the Regional Board pertaining to community safety and social matters are:

    a) to maintain and enhance the rural character and that of the nodal communities within Electoral Area F;
    b) to support the welcoming and safe nature of Electoral Area F;
    c) to ensure that plans are in place for minimizing risk in the case of any emergency arising;
    d) to enhance public awareness of emergency preparedness initiatives in Electoral Area F;
    e) to minimise the risk of wildfire interface throughout Electoral Area F.

62. Policy 14.2 is amended by replacing "in Policy 13.17 of this Plan" with "the policies respecting the use of road endings in Section 13".

63. Policy 14.9 is deleted and replaced with the following:

    The Regional Board supports the provision of appropriate community services for all persons with disability.

64. Section 17: "Waterfront Commercial Development Permit Area" is deleted in its entirety.

65. Section 18: Implementation and Administration – Objectives, subsection (c) is deleted and replaced with the following:

    c) to encourage the identification, protection and conservation of heritage sites, resources and features, such as the Honeymoon Bay Community Hall, and

66. Policy 18.3 is amended by deleting the table of land use designations and this table is replaced with the following:

Abbreviation	Designation Name
F	Forestry
A	Agricultural
RR	Rural Residential
SR	Suburban Residential
UR	Urban Residential
HLR	Honeymoon Bay Lakefront Residential
RC	River Corridor
FDA	Future Development Area
C	Local Commercial
SC	Service Commercial
TC	Tourist Recreational Commercial
NPC	Neighbourhood Pub Commercial
I	Industrial
P	Parks/Institutional
H	Heritage

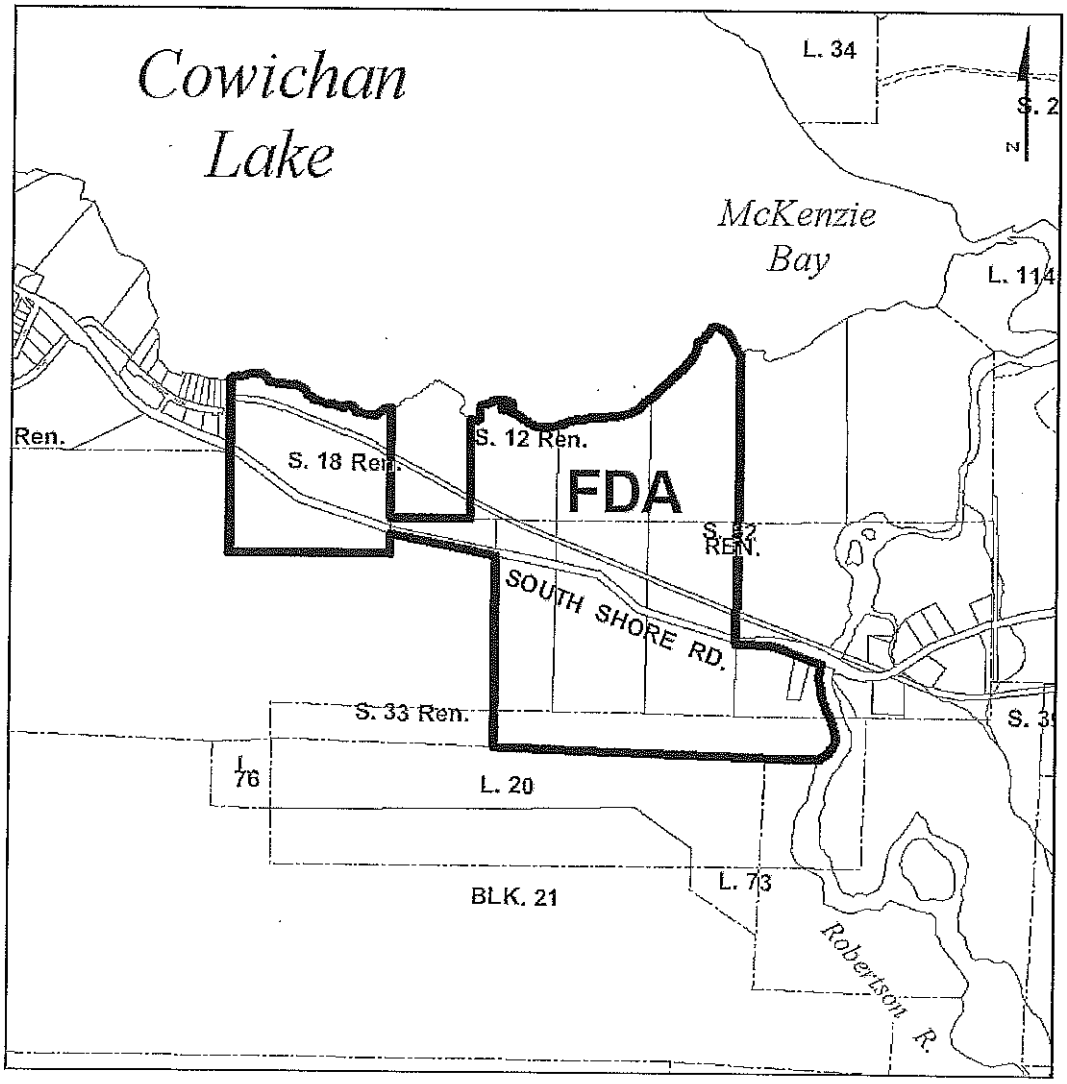
67. Policy 18.11 is amended by deleting "Youbou Community Hall, the Youbou Church, and the".

68. Schedule B to the Official Community Plan is amended by redesignating:

    1. Section 18 Ren., situated in the Cowichan Lake Land District, except 165 RW
    2. 165 RW, Section 18 Ren., situated in the Cowichan Lake Land District
    3. 165 RW, Parcel B, Section 12 Ren., situated in the Cowichan Lake Land District
    4. 165 RW, Parcel B, Section 32 Ren., situated in the Cowichan Lake Land District
    5. 165 RW, Parcel C, Section 32 Ren., situated in the Cowichan Lake Land District
    6. 165 RW, Parcel D, Section 32 Ren., situated in the Cowichan Lake Land District

7. That part of Lot 2, Plan 59274, Section 38 Ren., situated in the Cowichan Lake Land District
8. Parcel B , Section 12 Ren. and Section 32 Ren, situated in the Cowichan Lake Land District, except 165 RW (DD 43660 I)
9. Parcel C , Section 12 Ren. and Section 32 Ren, situated in the Cowichan Lake Land District, except 165 RW (DD 44940 I)
10. Parcel D , Section 12 Ren. and Section 32 Ren, situated in the Cowichan Lake Land District, except 165 RW (DD 35231 I)
11. Lot A, Plan 39074, Section 32 Ren., situated in the Cowichan Lake Land District
12. That part of Section 32 Ren. (DD 17416F), situated in the Cowichan Lake Land District, south of South Shore Road, except Plan 39074
13. Part of Sec. 33 Ren., situated in the Cowichan Lake Land District

all as shown on the schedule Z-3533 attached hereto and forming part of this Bylaw from Primary Agricultural A-1 and Primary Forestry F-1 to Future Development Area.



OCP Amendment Bylaw 3533

Updating the Electoral Area F Official Community Plan

The number heading for each point on the following images corresponds to the amendment Bylaw's various enactment numbers
– see draft bylaw in the Agenda package –

Each part of the amendment follows, with an explanation

1. **Retitle** OCP as "Area F" rather than "West Cowichan"
2. Revise **Policy 2.3** – the "Watercourse Protection DPA" does not exist in Area F (since 2006) so it should refer to the "Riparian Areas Regulation DPA"
3. **Policy 2.5** – delete it; lands over a 25% percentage of slope will be considered "Hazard Lands", but does not go on to say how this would be addressed. It is a redundant policy – the Building Division deals with this issue at the foundation permit stage.
4. **Policy 2.8** – delete it; this policy asks the Ministry of Environment to recalculate the flood levels for Cowichan Lake. MoE have said they won't and the Canada-BC Floodplain Mapping Program has ended, so the revised Policy 2.8 is a better reflection of reality
5. **Section 4** – The *Forest Land Reserve Act* was repealed in 2004 – remove from OCP
6. **Substitution** – The *Private Forest Land Regulation* was repealed in 2004 and has been replaced by the *Private Managed Forest Land Council* – update all text

Bylaw 3533: Proposed Area F OCP Amendments, continued...

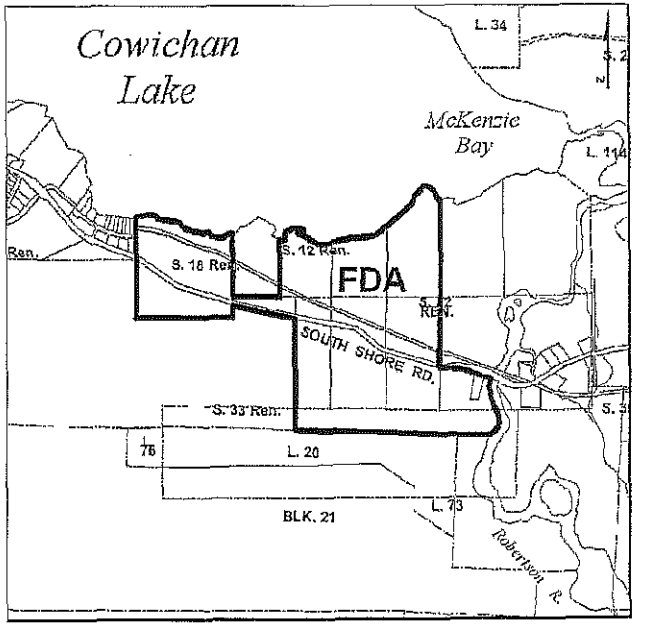
7. **Remove** reference to *Forest Land Reserve Act* (repealed 2004)
8. **Remove** reference to *Forest Land Reserve Act* (repealed 2004)
9. **Remove** reference to *Forest Land Reserve Act* (repealed 2004)
10. **Policy 4.2** – adding "secondary resource activities" to the policy makes it clear that local jobs are important and timber cutting alone is not enough
11. **Policy 4.3** – refers exclusively to the repealed *Forest Land Reserve Act,* delete
12. **Policy 4.6** – the present policy implies that camping is automatically permitted throughout Forestry lands (which the zoning does not permit); the rewritten policy turns 4.6 into an enabling policy that would require zoning amendment applications for the use to be considered
13. **Policy 4.9** – the revised wording is more generic in recognizing that there are other potential community forests than those mentioned in the old policy, and it also recognizes and supports the Forest Co-op
14. **Policy 5.3** – remove: "*The subdivision of land in the Agricultural Land Reserve shall be discouraged where it would render the land uneconomical to maintain in agricultural use.*" The APC felt that all ALR subdivision should be discouraged

Bylaw 3533: Proposed Area F OCP Amendments, continued...

15. **Section 6** – delete Area I place names from this section (Youbou, etc)
16. **6A** – the replacement of the existing section with the new one would specifically target growth to Future Development Areas rather than all lands which don't have technical constraints to development, as the current statement reads (implying development anywhere is OK)
17. **Policy 6.1** – this replacement policy is intended to firm up the top priority that the designated Future Development Areas have for residential growth. The original Policy is much more flexible

Newly proposed Bylaw 3533 Future Development Area →

(the other FDA is a smaller parcel just west of Honeymoon Bay)



Bylaw 3533: Proposed Area F OCP Amendments, continued...

18. After revising 6.1, old **Policy 6.2** was redundant (because 6.1 redefines infill) and so the new 6.2 was developed to support suites, which is not in OCP now
19. Old **Policy 6.3** is redundant because it states the obvious (VIHA approval required for sewage disposal) so the new 6.3 addresses affordable housing
20. The old **6.13** disapproved of any multiple family residential uses whereas its replacement supports consideration of this, subject to stated conditions
21. **Policy 6.14** is rewritten to focus on the policy issues related to home-based businesses , not the details including nuisance, which are in the zoning bylaw
22. "**Suburban Lakefront Residential**" is a designation that is from Electoral Area I only, so it and Policies 6.20 and 6.21 have been deleted from the F OCP
23. **Policy 6.25** now states that no more mobile/manufactured home parks will be supported in the Plan area; the new Policy 6.25 opens up the possibility of new MHPs through rezoning, subject to transit service, community sewer/community water services and community need generally
24. "**Lakefront Residential Policies**" 6.27 through 6.31 are deleted because this designation applies to Electoral Area I only
25. "**Waterfront Residential Policies**" & 6.34 apply to Area I only

Bylaw 3533: Proposed Area F OCP Amendments, continued...

26. **Policy 6.36** is reworded to correctly cite the name of the DPA in Area F
27. **Policy 6.39** as presently worded is incorrect -- mobile homes by definition do not meet the *Building Code*, they meet CSA standards. New Policy 6.39 states this and properly implements what was intended – permitted in SFR areas
28. **Policy 6.40** (a notwithstanding policy to density provisions in a few designations) is removed because the new Policy 6.2 addresses suites better
29. **Section 7** is altered because a new Future Development Area has been identified next to Honeymoon Bay, as was discussed earlier and shown on the map. The new paragraph elaborates on the purpose of the FDAs
30. **FDA Objectives** are altered by focusing on the importance of community water and sewer services as an integral component of any new development, and by highlighting the preference for dedicating sensitive land to the CVRD

Bylaw 3533: Proposed Area F OCP Amendments, continued...

31. **Policy 7.2** is modified in view of the expansion of FDA lands on the map: - only the Ashburnham Creek site is required to be developed all at once, the other FDA lands may be developed in 100 dwelling unit increments; provision of both a community water system and a community sewer system are required, with additional capacity for residents of the existing community; public parkland expectations are set out including dedication of sensitive and much waterfront land; a neighbourhood plan is required and good transportation is too. What is removed (specific mention of hazard lands and wildfire threats) will be covered under the larger Neighbourhood Plan that is required
32. **Policy 7.3** is deleted because it says that any sewage disposal system must be approved, this is redundant because the CVRD would operate any new system
33. **Policy 8.1(a)** is amended by using "form and character" rather than "design" and adding that the proposed structure must be well-suited to the site
34. **Policy 8.5** is amended by deleting Youbou and also by establishing a proximity to residential use criterion in lieu of proximity to existing commercial use
35. **Policy 8.9** change simply removes "Youbou"

Bylaw 3533: Proposed Area F OCP Amendments, continued...

36. **Policy 8.12** is amended by removing the prohibition on the expansion of any existing campgrounds in Residential areas
37. **Policy 8.13** is eliminated because it refers to Electoral Area I only
38. **Policy 8.14** is deleted because this contingency policy respecting a C-4 rezoning at Beaver Lake has been implemented years ago in an approved rezoning
39. **Policy 8.16** is amended by considering support of a new neighbourhood pub only in the Mesachie Lake area, while continuing to discourage this on Hwy 18
40. **Waterfront Commercial** designation does not exist in Electoral Area F
41. **Policies 8.17 and 8.18** only applied to Waterfront Commercial lands
42. **Outdoor Recreation Park Policies** are introduced for the first time to this OCP, which set out the criteria for consideration of the rezoning of lands for this use. An ORP Zone already exists in the Zoning Bylaw and this policy gives direction as to the circumstances in which it may be used
43. **Industrial Areas** has to be rewritten because the mill at Youbou no longer exists and that community is no longer part of this Plan's area

Bylaw 3533: Proposed Area F OCP Amendments, continued...

44. **Policy 9.1** is rewritten because Meade Creek is in Electoral Area I, the industrial site in Honeymoon Bay is under consideration for redevelopment to non-industrial purposes, and the northern part of the Circle Route may be an appropriate part of the Plan area to consider future industrial uses
45. **Policy 9.3** is deleted because Meade Creek is in Electoral Area I
46. **Policy 9.4 (c)** refers to future industrial use not fronting onto major network roads, but in the vicinity of the north part of the Circle Route, there is no alternative; and **9.4(i)** requires pedestrian walkways through industrial areas, which seems to be redundant in the area just south of Mesachie Lake, so these two considerations for rezoning would be removed from the policy
47. **Policy 9.5** is deleted because adamant language in a policy "*...shall be prohibited*" is inappropriate, notwithstanding the general undesirability of increasing light industrial uses along Highway 18
48. The ***Municipal Act*** was retitled to the ***Local Government Act*** after the original F&I OCP was adopted
49. **(h)** from **Policy 10.2** is deleted because none of Area F is on the north shore of Cowichan Lake

Bylaw 3533: Proposed Area F OCP Amendments, continued...

50. **Policy 10.9** is deleted because the Goat Islands are now in private hands and some are being developed for residential use – park use is not likely
51. The reference to "**Electoral Area F**" substitutes for "Plan Area"
52. **Policy 10.17** is deleted because the Bald Mountain Peninsula is in Electoral Area I (and much of it is now a CVRD community park)
53. **Policy 11.1** is changed by removing an existing reference to Electoral Area I
54. **Policy 11.3** is rewritten to remove the reference to the now-defunct Forest Land Commission
55. **Policy 12.1** is amended by deleting North Shore Road from the list of major network roads (it is in Electoral Area I)
56. **Policies 12.8 and 12.9** are both deleted because Youbou Road is in Area I
57. **Policy 13.6** is amended by deleting Youbou and adding Mesachie Lake to the areas that the CVRD should consider making community sewer investments
58. **Policy 13.9** is changed by removing the reference to "secondary treatment" with optional "tertiary treatment" and replacing it with "the best possible effluent quality with nutrient removal

Bylaw 3533: Proposed Area F OCP Amendments, continued...

59. **Policy 13.11** refers to disposal of solid waste in the area, which is not permitted, and **Policy 13.12** refers to the CVRD providing bear-proofed garbage containers for tourists, but a function doesn't exist, both are removed
60. **Policy 13.13** is amended by removing the reference to "incineration site"
61. **Section 14**'s objectives are reworded with the intent of removing (PC) wording that mentions specific sub-segments of the population, and these specific mentions are replaced with a reference to the safety of all residents
62. **Policy 14.2** is amended by replacing the vague reference to another policy with the actual intent (i.e. the use of road endings for fire fighting access)
63. **Policy 14.9** is reworded to refer generically to "persons with disability" to get away from the implied hierarchy in the old wording (mentally challenged #1)
64. **Waterfront Commercial DPA** is deleted because it only applies in Youbou
65. **Section 18(c)** is reworded by deleting the references to Youbou's heritage sites
66. **Policy 18.3** – table is replaced to reflect Area F land use designations only
67. **Policy 18.11** is amended by deleting references to Youbou buildings
68. New **Future Development Area** sites are identified by legal description+map

IN1

Minutes
The Joint South-Cowichan APC
September 22, 2011

Attendees:

June Laraman	Chair Area A	Rod Macintosh	Area B
Rod De Paiva	Chair Area C	Jens Liebgott	Area C
Graham Ross-Smith	Chair Area B	Cliff Braaten	Area A
Sara Middleton	Area B	Ken Cossey	Director Area B
John Clarke	Area B		

Regrets: Cynara De Goutiere

Meeting called to order at 7:00 p.m.
Graham Ross-Smith Chair

Directors report: Ken Cossey

1. The E.A.S.C. has recommended that the Provincial Approving Officer deny Application 10-B-10SA 2080 Cullin Rd.

2. The CVRD passed a motion to adopt a new Development Approval Information (DAI) Bylaw outlined in Section 920.01 of the local government act. After October 12th a developer will be expected to state how the development will impact the community and provide mitigating strategies.

3.Open Houses will be held on a Koksilah Land Use Plan.

4. Workshops will be held for the Area A B C APC's to discuss new OCP and Joint OCP Meetings.

Delegations:

John Beckett File no. 1-B-11RS discussed rezoning of the property at 2657 Nora Place from Rural Residential to Suburban Residential.

Mr. Craig Partridge made a presentation on his development on Renfrew Rd. The South Cowichan Joint APC would like to see a Rezoning Application before it can make any comments. Mr. Partridge and his business partner were advised to familiarise themselves with the new OCP and the policies around forestry land and the watershed.

Application 1-B-11RS Shelley Creelman - Agent John Beckett.
Motion: The South Cowichan Joint APC recommends approval of Application 1-B-11RS.
Motion Carried.

The South Cowichan APC recommends that it should not meet with a developer unless there is a Rezoning Application with the CVRD that has been referred to the APC.

Discussion was held on rules for Joint APC meeting and how they will proceed. It was determined that there were still many loose ends that needed to be resolved. For example:

- **Who should coordinate the meeting?**
- **Is it appropriate to nominate a chair and secretary at every meeting? Consensus was that the chair of the area should facilitate the meeting.**
- **Schedules for the meeting should be determined in advance. It was agreed that the third week of the month was an appropriate time due to other scheduled meetings.**
- **Should applications be reviewed at the area APCs prior to coming to the SC APC?**

C.V.R.D. planners have drafted a bylaw on Joint APC meetings for consideration by the Board.

The South Cowichan APC recommends that an OCP workshop to familiarise members with the new OCP should be scheduled for the New Year after the elections and the new commissions are in place

Minutes recorded by Sara Middleton

Meeting Adjourned 8:30 p.m.

IN 2

Area A Advisory Planning Commission Minutes

13 September 2011 at 6:30 pm

Mill Bay Fire Hall

OCT 12 2011

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

Applicants: Angela Quek, Mel Topping, Alf Webb, Shelley Creelman, and John Beckett

Regrets: David Gall

Audience: 1 public representative

Meeting called to order at 6:30 pm.

Previous minutes:
It was moved and seconded the minutes of 14 June 2011 meeting be adopted
MOTION CARRIED

New Business:
Rezoning Application No. 6-A-09RS
(Mel Topping and Angela Quek for Van Der Have/Walker) *Falcon Ridge Developments*

Purpose: To rezone five subject properties at Boulding Road and Benko Road to permit a multifamily residential development, with 98 residential strata units in a combination of housing types including 3-unit and 8-unit residences and 57-unit condominium.

Angela Quek (AYPQ Architecture) presented a visual overview of the development. Questions from APC members were answered by the agents after the presentation.
Presentation was divided into the following sections:

- Site location
- Housing capacity – diversified housing – forest lands would be buffered by trees
- Density -31 units on other lands would have the same footprint as 98 units in this project
- Services – join Mil Bay Water Works and would provide water back to the water district
- Design rationale – higher density with various housing types
- Sustainability – walking trails
- 3-D model of site plan
  4-5 stories (15 m) with ocean views
- Traffic – mostly away from residences

Summary:

Large forest buffer around site
Range of housing options with trails and pathway connections
Community gardens
Walking distance to Frayne Centre (0.7 Km)
Rural setting
Quality units with forest and ocean views
Site Coverage 7%
Ocean Views
On site sewer or hook-up to Sentinel Ridge
Will connect to MB Water or consider off-site options

Alison Garnett overview:

- on periphery of VCB
- Zoned R2 now
- Future sewer expansion not planned for this area

APC Questions and Concerns:

Roads and Pedestrian walkways

- Why not extend Boulding Road through? (No exit to Butterfield Rd and Ocean Terrace).
  - *Boulding Road has 3% grade - would be an emergency exit only. Intent to minimize traffic to Boulding Rd.*
- Benko Road not finished – 16% grade – could the developer bring grade down to 8%?
  - *Current design is to take traffic though Benko Road then back past Frayne Road – not developing all of Benko Road.*
- How far are the talks with MoT?
  - *Not far yet.*
- Error on page 3 of CVRD handout "Benko Road does not intersect with the TransCanada Highway at Frayne Centre", Frayne Road does.
- Pedestrian walkways in Mill Bay are unsafe. Would the developer consider ensuring safe walkway down Partridge Road to Mill Bay Centre? Also would the developer consider funding towards walkways on Partridge as a community benefit?
  - *Yes, this would be a good idea.*
- Traffic an important issue in Mill Bay now. There are 900 homes approved for building in this area before the proposed 98 units approximately for 200 people add 300 cars. A traffic assessment is a necessity

Water and Waste water

- Creating separate liquid waste manage systems in reality is a breakdown to getting a sewer system for Mill Bay.
- Sentinel Ridge sewer is a concern as a matter of priority - existing residents should have access before a new development.
- If wells on site how will it affect existing wells?
  - *Owners also have 5 acres on Boulding Road were wells could be drilled.*
- Does the sewer include any of the infill areas? There was a covenant for infill with a developer in close proximity to this project for 12 homes that somehow disappeared.
  - *Angela said talks have just starting with the CVRD. CVRD mentioned a connection to an existing system the developer would need to build the connection.*

Marketing

- Is there an age covenant on the properties?
  - *Sizing not clearly defined. Potential to create housing diversity – allow for downsizing and starter homes. Mel Topping prefers a mix of ages.*
- What is the mix of 1, 2, 3 bedroom units?
  - *Triplexes would provide smaller units for young people.*
  - *Size varies from 1,100 to 2,500 sq ft.*
  - *Price determines mix. – Probably from $290,000 to 550,000*
- How long is the time frame?
  - *Uncertain at this time.*
- What is the budget?
  - *Not sure – not that far along.*

Recreational provision

- *Developer has thought about common space for seniors and maybe community gardens.*
- *Trails – park trails on property for strata = private use*
- *Alison mentioned in plan there is no dedication to park or trails, common space or community gardens. A 5% land dedication or cash in lieu will be required. The proposal will also be referred to Parks.*

Strata

- Sangha development and this project could face similar issues.
- 3 Strata's or 1 – mixing different housing types in one strata creates problems
  - *Angela stated they have not really thought about this yet.*
- Building height
  - *4-5 stories – 15 metres*
- Will the project be built to LEED standards?
  - *Some aspects e.g. water recycling for landscaping, haven't considered solar heating at this time.*
- What will make the condo/apartments a special place not just cheap accommodation?
  - *Small site coverage gives large green areas = lots of opportunities.*
  - *Quality construction with forest and ocean views.*

  Answer not substantial, for example some considerations for the developer to provide are children with safe play areas, exercise and activity space for seniors.

Location

- This is not the best location for this type of project as it is too far from the service centres.
  - *Frayne Centre is owned by the applicant; it doesn't have much of a commercial area now but will expand to service the development.*
- Already have approved multifamily zoning in Ocean Terraces and Stonebridge lands in Mill Bay with enough inventory for at least the next 10 years. Is the developer aware of the zoned multifamily housing?
  - *Yes. This project would provide multifamily housing in the near future.*
- Three major commercial centres include Mill Bay Centre, Ocean Terraces and Pioneer Square and are designated within the new South Cowichan OCP.

APC Comments re 3 questions the APC could consider (page 7) and question 4. Should a neighbourhood plan be completed prior to rezoning?

- Coverage of site (small footprint) is good.
- Water, sewer, roads – not enough information.
- Many questions not answered – hope applicants will look at issues presented during meeting.
- Amenities being provided to the community? Frayne Centre could be developed.
- Can support creative use of topography. Green space private not public.
- Too many questions at this point.
- Traffic studies to be done.
- Need to tie down all the basics and address them.
- APC in agreement a neighbourhood needs to be completed. This request was submitted in a previous application in 2009.

APC Recommendation:

The Area A APC unanimously recommends to the CVRD **Rezoning Application – No. 6-A-09RS not be approved** and unanimously recommends that a neighbourhood plan and traffic study be completed.

Development Permit No. 5-A-11DP/RAR (Webb for Ogden)

Purpose: To obtain a development for a proposed 4 lot subdivision.

- Alison Garnett, CVRD Planner, provided Section 11.4.A (Landscaping, Rainwater Management and Environment Protection Guidelines) which referenced the new SCOCP Development Permit Guidelines that were applicable to this application. She also explained that this application would be considered on the existing Electoral A Zoning Bylaw No. 2000 as the new bylaw was currently being drafted.
- Alison pointed out that with the R3A zoning the minimum requirement is 0.2 ha for parcels serviced by community water system only. The applicant property is 0.94 ha.
- Community amenities are applicable for 3 lots or more according to Policy 8.1 (Social Sustainability) of the New SCOCP.
- Pre condition - Policy 11.4.10 (A) 3 (page 3) development should be located away from and should not contribute to changes in the riparian area through loss of trees and vegetation or alteration of natural processes.
- Rainwater Management Plan has not been done yet.
  Form and character guidelines are only applicable to multi family housing within the Development Permit Guidelines.

Alf Webb, the applicant, answered questions.

APC Questions and Comments:

- Property within Mill Bay Village Containment Boundary (SCOCP)
  Three strata lots located on east side of the Highway and one fee simple lot across the Highway. Bare land strata's discouraged in Village area (Policy 4.1.11)
  - *Alison stated guideline not a regulation.*
- Riparian report shows 6 lots. The current application only shows 4 –why is there a discrepancy?
  - *Riparian report from previous application. This application is accordance with MoT direction.*
- Pieces are missing how to assess the development permit?
  - *Alison stated this application was received in May (OCP) but didn't come to us until August (SCOCP) Parts missing can be put into the recommendations.*
- Was fee simple lot included for density averaging?
  - *Alf Webb explained first plan was not approved by MoT – no hooks with property across highway.*
- Unclear on density averaging including Lot D (fee simple) with no common road.
- Strata – no common property – Why a strata except to create smaller lots?
- We are not looking at form and character.
- What is the topography?
  - *Dead level.*
- How many homes per lot?
  - *One.*
- Creating another septic system on top of aquifer instead of connecting to Sentinel Ridge – why?
  - *Would require a sewer study.*
- Back half of property on east side of highway heavily treed, the septic field is located where the trees are – how will highway noise be contained?
  - *Will remove as few trees as possible. Lot C house maybe moved to front instead of on back of lot.*
- Will you accept a covenant for saving trees as noise barrier?
  - *Yes, except could present a problem if backup septic field needed to be used.*

- Multifamily on property would be a better use as it is close to Mill Bay Centre and is within UCB. Has this been considered?
  - *Culvert location creates problems for a multi-family development.*
- Will property be landscaped so it is pleasant to look at from the street?
  - *Yes.*
- The applicant stated that there were no invasive weeds on the property in "The Sustainability Checklist". The CVRD noted that there is English Ivy, Daphne/Spurge Laurel and English Holly on the subject property in the CVRD report. It is important that this is handled pre-development.

APC Recommendation
The Area A APC unanimously recommends to the CVRD **Development Permit Application – No. 5-A-11 DP be approved** with the following provisions as part of the recommendation and expression of concerns:
Recommendations:
1. That there is a Streetscape plan – landscape plan on lot frontage.
2. Removal of invasive weeds.
3. Submission of a Rainwater Management Plan.
4. Smaller house on lot C or the location changed toward front of lot. Applicant willing to consider a covenant to save trees.
5. VIHA approval as septic field is located 15 metres from drainage not 30 metres noted in the guidelines.
6. If the proposal proceeds as a bare land strata plan, proposed lot D shall be included in the bare land strata in order to comply with the minimum average lot size of 2000 sq. metres under CVRD bylaws.

Concerns:
1. CVRD allow developer to consider connecting to Sentinel Ridge sewer system.
2. This is a good site for multifamily zoning.

Other:
- SCOCP Committee Member Appointment- Margo Johnston (Alternate)

- APC discussion/input - Area B application **1-B-11RS** (Beckett for Creelman)
  Purpose: to rezone the subject property into a 2 lot subdivision.

  John Beckett and Shelley Creelman explained the application.

  There were no concerns for the representatives – application meets criteria outlined in the SCOCP.

Director Update:
1. Bamberton – Public hearing probably in October.
2. Telecommunication tower – Telus is looking for another site.
3. Eco Depot referendum – to CVRD Board on Wednesday, 14 September – will decide if on areas A, B, and C would have a vote.
4. Traffic study for South of Frayne Road.

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

Meeting adjourned at 9:50 pm.

The next regular meeting will be at 6:30 pm, **11 October 2011** at Mill Bay Fire Hall.

RECEIVED
OCT 12 2011

IN3

SHAWNIGAN LAKE PARKS COMMISSION
Regular Meeting – September 22, 2011

Attendees: Margaret Symon, Catherine Whittome, Bill Savage, Al Brunet, Gaileen Flaman, Ken Cossey, Brian Farquhar, Lori Treloar

Scribe: Lori Treloar

Guest: Brian Jackson

Meeting called to order at 6:15. Minutes approved from August 18, 2011 meeting.

Road Ends:
There was discussion about how the Parks Commission will identify and prioritize a list of 25 road ends that will be presented to the CVRD staff and MOTi . There are many factors in choosing the first and/or most important road ends to manage: conservation, recreation, encroachment and accessibility. Brian F. advised that he has been in conversation with MOTi officials and it is unlikely that they will transfer the ownership of the road ends at this time. (Incorporation, if it occurred, could have the effect of speeding the whole process.) Under statute, MoTi cannot transfer ownership. The possibility of the CVRD acquiring a permit to manage some road ends looks encouraging. With a permit from the MOTi, the CVRD can provide recreation amenities like picnic tables, docks, porta-potties etc. Margaret S. will write an article about the road ends and the Parks plan to manage them for the next issue of Shawnigan Focus. An unofficial listing of road ends will also be published to inform the community where they are and their possibilities.

Shawnigan Hills
The commission was provided with a written update on the status of the Shawnigan Hills washroom building from Michael Miller who is the project manager. Work should proceed very soon and be completed in approximately 3 months. Reserve funds will not be required for the project.

Shawnigan Beach Estates:
Gaileen F. discussed the work party on September 11 at the entrance to the Shawnigan Beach Estates. It was a very hot Sunday, but a handful of volunteers, including Ken Cossey, limbed branches and removed debris. Three truckloads of debris were removed. Graham Gidden suggested that if the Beach Estates sign was moved forward it would never be obscured and the rock support could be re-used to create a bench. Although a great idea it is perhaps too costly to consider. Other considerations were to build a trellis and plant native plants. There is some concern about who will manage the future upkeep of the area. Feedback and future partnerships from area residents are welcomed.

Old Mill Park Work Party:
No update

Silvermine Trail:
Again, the commission was provided with a written update from project manager Mike Miller. The project is almost complete. There is a suggestion to consider the acquisition of parkland bordering the area to enhance the trail system in the future. There was discussion about an official opening sponsored by the commission. Perhaps a ribbon cutting ceremony and cake etc sometime in October? Or spring?

Baldy Mountain Trail:
The commission discussed the complaint from a neighouring property owner about high water tables at his sheep farm. The farmer is concerned about downed fencing that occurs in wet areas. Brian F advised that summer students had pulled out old debris from the park trail. The CVRD will send a consultant, Trystan Wilmot, from Madrona to do a field assessment. Then the CVRD will provide recommendations.

Shawnigan Beach Estates Greenbelt:
Regarding the letter sent from the CVRD about the greenbelt areas in the Beach Estates – the map was incorrect. Could another letter be sent from the CVRD to residents that includes a correct version of the map? Brian Jackson advised that there is significant encroachment on the green belt and parkland areas. Brian F. will follow up on a few specific properties. It was suggested that the greenbelt map be displayed on the information sign near the mail boxes. Brian F. will provide the commission with an updated map. Older encroachment of parks can be dealt with. Gaileen F. suggested that it would be good to have a playground in the lower area of the Estates. (A tot lot playground is planned for Shawnigan Hills.) Brian F. advised that the property at the entrance to the Estates is not a CVRD property. It belongs to the MOTi and their budget and outlook is more in line with zeroscaping.

Summer Daycare program - Shawnigan:
A, written report was submitted to the commission by the recreation programmer detailing the success of the summer program. There were suggestions for next season included as well. One suggestion was to increase the budget.

Director:
-Ken C. advised that the Walter proposal on the North side of the Kinsol Trestle has been revised and the parkland dedication has been increased to approx. 60%. The new proposal has a fewer number of houses and more property dedicated to the river corridor. There have been two community meetings in Cowichan Station regarding the proposal.
-the Koksilah River Corridor is now identified in the budget as an area that needs attention.
-Ken C. discussed a gadget (counter) that would provide statistics for traffic in area parks. This gadget recorded an average of 276 visitors daily over 177 days in Bright Angel Park. Ken suggested that we consider buying three of these units at $600 a piece to record the numbers in our area parks. They would be mounted in an area that is well hidden. In addition, they could be moved around from park to park to gather data.
-Ken C. provided the commission with Dr Mazumder's report on the water study results from Sep 2010-Aug 2011.
-Ken C. met with members of the Parks commission at the proposed ECO Depot site prior to the meeting to identify the site and answer questions. Ken C. is willing to meet at the site with any resident who would like a tour.
-there will be an All Candidates meeting for Area B November 3rd at Shawnigan School. The panel will ask questions directly. This event is sponsored by the SRA. The panel will be comprised of reps from area groups such as the business association, the arts and culture group, the SRA, the Shawnigan Focus and others.

Budget:
Brian F. handed out an overview of speculated budget needs based on the Parks and Trails Master Plan for the next several years. He then presented the proposed 2012 budget for Area B Parks to the commission members. The budget was reviewed line by line and some amendments made that were agreed upon by the commission. We added funds for projects

such as the improvements for three road ends – this would include signage, benches and clearing; for Memory Island Fuel Management and Washroom repair; and for a playground at Shawnigan Hills. We also discussed the inadequate boat signage, and how the signs could be re-used but simplified and improved. The current taxation for parks is at the rate of 21.88 per $100,000. There was discussion around increasing the rate.

A motion was made: "We recommend a minor increase in the taxation rate for Area B parks to cover invasive species management on local parks and trails." Carried

After an extensive look at the proposed budget, the Parks Commission gave a formal nod to accept the budget as proposed.

Brian F. advised that Canada's Governor General would be visiting the Trestle September 28th and the commission members were welcome to attend.

Meeting Adjourned: 10:00 pm

IN 4

CVRD AREA F PARKS ADVISORY COMMITTEE

OCTOBER 2011 MINUTES

OCT 12 2011

Called to order at 19:05. David Lowther in the Chair.

Present: David Lowther, David Darling, Bill Bakkan, Ryan Dias, Sharon Wilcox, Brian Peters, Ian Morrison.

MSC: to approve the Agenda.

MSC: to approve the Previous Minutes.

Area Representative Report:

Ian Morrison and Brian Peters attended the Area E Parks Public Meeting in Sahtlam on September 22. Areas of mutual interest discussed were the Parks and Trails Plan and a playground on Culverton Road.

MSC: to receive the report.

Central Beach Subcommittee:

We have an estimate from Tuck Brothers for the volleyball court prep, not including nets, of $9,609.60.

MSC: to receive the report.

Lawn Bowling Committee:

Discussions with staff are ongoing regarding the land use agreement. We are awaiting a decision on October 18.

MSC: to accept the report.

Staff Report:

Ryan Dias presented the 2012 Park Budget Planning Draft for discussion.

MSC: to accept the Draft as amended.

October 2011 Minutes (2):

Unfinished Business:

MSC: that Staff be instructed to negotiate a Land Use Agreement with the Lawn Bowling Club with a five year term and an annual fee of one dollar.

MSC: to cover CVRD legal costs related to the land use agreement from the 2012 Area F Parks budget.

MSC: to remove emergency response supplies currently stored in the clubhouse to another location.

MSC: that the Land Use Agreement include a water meter installed at the tenant's expense and the Parks Commission donate water costs for two years, with the issue to be revisited in the 2014 Budget.

New Business:

David Darling assumed the Chair.

MSC: to authorize installation of a water faucet by the driveway into Mesachie Lake Park at a cost of approximately six hundred dollars.

David Lowther resumed the Chair.

MSC: to approve the proposed Mayo Lake improvements subject to Staff investigation.

MSC: to adjourn at 20:40.

IN 5

Shawnigan Lake

Parks and Recreation Commission

Area B

August 18, 2011

RECEIVED
OCT 12 2011

Meeting called to order at 7:05 pm.

In Attendance :

Lori Treloar, Catherine Whittome, Al Brunet, Bill Savage, Margaret Symon, Ken Cossey, Guest Brian Jackson

Margaret- Gave the commission a review of the road end tour, on the West Arm of the lake. A number of road ends

were identified for possible future acquisition. Again thanks to Brian Jackson for supplying the boat for the tour.

It was also brought to our attention that Bob Webb is no longer with the Ministry of Transportation and

Infrastructure. The new area manager is Chris Gordon. Chris Gordon is not aware of any interest in the acquisition of

road ends adjacent to Shawnigan Lake. Another road end tour is scheduled for August 31th at 5:40pm.

We will meet at West Shawnigan Lake Park and will visit as many road ends as possible along the west side of

Shawnigan Lake.

Shawnigan Hills

Park- Tender will be closed on August 29th 2011. The committee requests an update regarding the hydro situation

at the park. There has also been a request, from the public, for tennis courts at Shawnigan Hills Park. However

Phase 1- Does not include tennis courts. Consideration from the commission will occur at future meeting.

Beach Estates- The CVRD would like to know if the Commission would set aside money from the budget for greenbelts.

Norbury Rd- Two new docks have been constructed on this road end, by a neighbor who does not own lakefront property.

Norbury Rd may be one of the road ends that we look at for acquisition.

East Shawnigan

Lake Rd- The fence on the 1400 block of East Shawnigan Lake Rd requires an update from the Bylaw Enforcement Officer. We

would like a report regarding the situation.

Bill- Recently talked to Sargeant Rob Webb regarding a new boathouse for the police boat. It would be much more

convenient to have the RCMP boat closer to the detachment for a number of reasons. More consultation is required

regarding this matter.

Kinsol Trestle- Some possible improvements for the next year would include: more direction signs, benches, and trashcans.

Also some safety improvements should take place. A Risk Management Assessment is required.

IN6

MINUTES OF AREA A PARKS AND RECREATION COMMISSION
7PM SEPTEMBER 22, 2011
CROCKS HALL BOARDROOM, BRENTWOOD COLLEGE SCHOOL

OCT 1 4 2011

Regrets: Dave Gall, Kim Harrison. Absent: Clyde Ogilvie

Motion to adopt minutes of June 23, 2011 meeting seconded and carried. Vice chair to forward to staff.

A. Continuing business:

1. Kerry Village strata recently held their AGM and a large majority voted in favour of not allowing the CVRD's Hollings Creek trail to be extended along their N-S ROW. This means that the trail effectively dead-ends at the SE corner of Kerry Village with no public access. There is informal access from trails through the Garnett property (Stonebridge lands) It will be up to Kerry Village if they wish to prevent access through their ROW by installing a fence. **The PRC recommends the following**:

a) That staff continue to maintain the trail, as it is a valuable asset to the community.
b) That a complete loop back to the same trail is constructed near Kerry Village so that it does not just dead-end
c) That the board includes a requirement to extend the trail through to a public access point under any Stonebridge DPA.

2. Deloume park construction is underway and the first phase should be completed this Fall. **We request** Ryan Dias or another staff member attends our next meeting (October 20) to discuss playground equipment selection. This will help with local community fund raising for the equipment. Once a selection has been made, a meeting with the Mill Springs parents group will be organised. Director Harrison and the PRC chair will attend with other interested PRC members.
We also request that the split rail fencing be extended part way along the lot lines next to the adjacent two lots on the park side of the boundary. Mill Springs strata rules do not allow fences to be constructed from a point near the house to the front lot line so adjacent owners cannot protect their front and side yards from stray balls etc.

3. Huckleberry park improvements (new equipment) are underway

B. The PRC went in camera to discuss a potential property acquisition and rose without minutes.

C. Director Harrison updated us on various development proposals:

1. The Benko/Butterfield rezoning application does not include any public trails, parks or other community amenities. For these and other reasons, the APC recently recommended that the board reject the application.

2. The Ogden (Partridge Road) subdivision application, if it proceeds, will most likely include 5% cash in lieu for park acquisition as noted in June 2011. The APC recommended that a landscape plan be developed. We discussed the urgent need for a sidewalk on Partridge. The road is used as shortcut between the TCH and Mill Bay

Plaza and also as a convenient way of walking between upper Frayne Rd area and the Plaza. This application is an excellent opportunity to "kick start" a sidewalk, much as the Mill Bay marina project will do for a waterfront walkway.

Motion: **We recommend that the board require a sidewalk to be installed along the frontage at the applicant's expense.** Seconded and carried unanimously.

3. CVRD is in discussion and negotiations with Bamberton (under their industrial lands application) to lease the Southlands as a park. The PRC support this concept.

D. 2012 Budget.
We expect to review and participate in the 2012 PRC budget preparation and expect to put this on our agenda for October's meeting.

E. Any other business:
None

F. Adjournment: 8:30pm

G. Next meeting October 20, 2011

IN 7

MINUTES OF AREA A PARKS AND RECREATION COMMISSION
7PM THURSDAY JUNE 23, 2011
NEW DINING HALL BOARDROOM, BRENTWOOD COLLEGE SCHOOL

Apologies for absence from Greg Farley and Clyde Ogilvie

Minutes of April 2011 meeting approved and forwarded to CVRD

1. New communications policy from CVRD parks staff was well received by Commission and we appreciate the feedback. **We request staff** continue to forward their staff action meeting minutes

2. Financial statement to May 2011 was reviewed and found in order, no further action at this time.

3. MB Community League have decided not to continue a dialogue with CVRD re their owned lot on Partridge Rd, which we had visited in April 2011. PRC expressed disappointment, as the land is considered a valuable natural resource for the community.

4. The Deloume Park equipment selection review was tabled to at least September. **We request** Ryan Dias (or other staff member) attend in the Fall to advise us.

5. The trail and linear park known as E and W Deloume trail is in poor condition and not passable throughout. It is hard to know whether the water district lands and roads are located on the trail or if we have a separate access. There is confusion where the trail actually runs. **We request staff** carry out trail maintenance and clearly sign the trail.

6. Part of the new Hollings Creek trail that runs behind the water board office is very steep and may pose a hazard. **We request staff** investigate and consider stairs for this section.

7. Our Area director updated us on local planning issues

8. The trail signs for Rat Lake have been removed. **We request staff** replace them.

9. If a 4-lot subdivision on Partridge Rd is approved, we will receive 5% cash in lieu for future park acquisition.

10. Next meeting: September 22, 2011

11. Adjournment at 8:30pm

C·V·R·D

MEMORANDUM

DATE: October 5, 2011

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

FROM: Brian Duncan, Manager, Inspections and Enforcement Division

SUBJECT: **BUILDING REPORT FOR THE MONTH OF SEPTEMBER, 2011**

There were 53 Building Permits and 0 Demolition Permit(s) issued during the month of September, 2011 with a total value of $9,551,590.

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				1,454,050	31,010		12	65	1,485,060	9,779,200
"B"		3,775,000		1,134,500	211,180	122,000	16	83	5,242,680	11,094,203
"C"				217,650			1	33	217,650	5,299,755
"D"					239,960		3	45	239,960	4,896,950
"E"				379,280	357,640		5	35	736,920	4,733,560
"F"				258,800	7,500		3	24	266,300	1,859,535
"G"				305,880	6,000		3	26	311,880	2,256,120
"H"				337,360	373,180		7	29	710,540	3,825,060
"I"				292,120	48,480		3	24	340,600	2,860,960
Total	$ -	$ 3,775,000	$ -	$ 4,379,640	$ 1,274,950	$ 122,000	53	364	$ 9,551,590	$ 46,605,343

B. Duncan, RBO
Manager, Inspections and Enforcement Division
Planning and Development Department

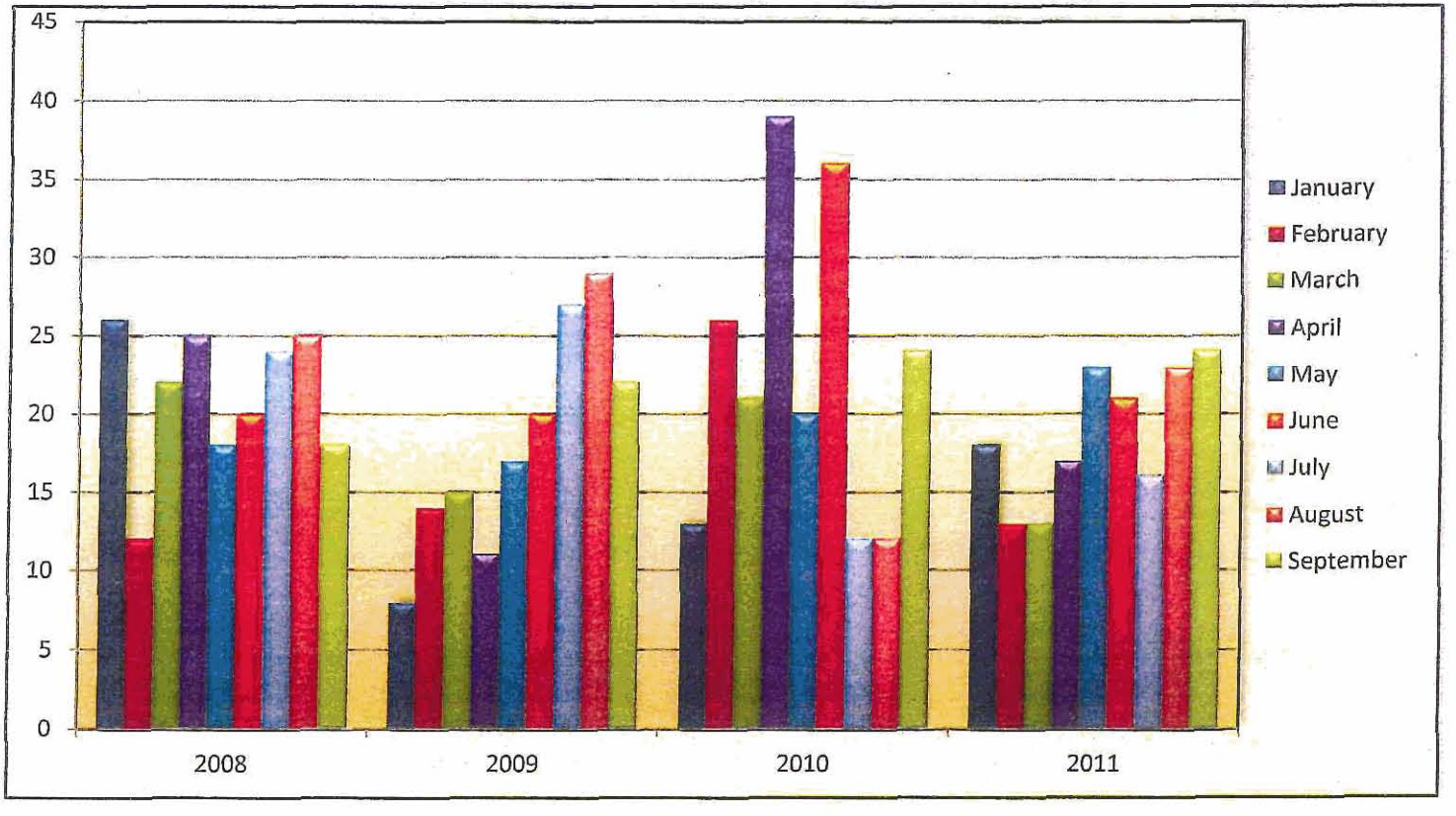
BD/db

NOTE: For a comparison of New Housing Starts from 2008 to 2011, see page 2
For a comparison of Total Number of Building Permits from 2008 to 2011, see page 3

C·V·R·D

Total of New Housing Starts

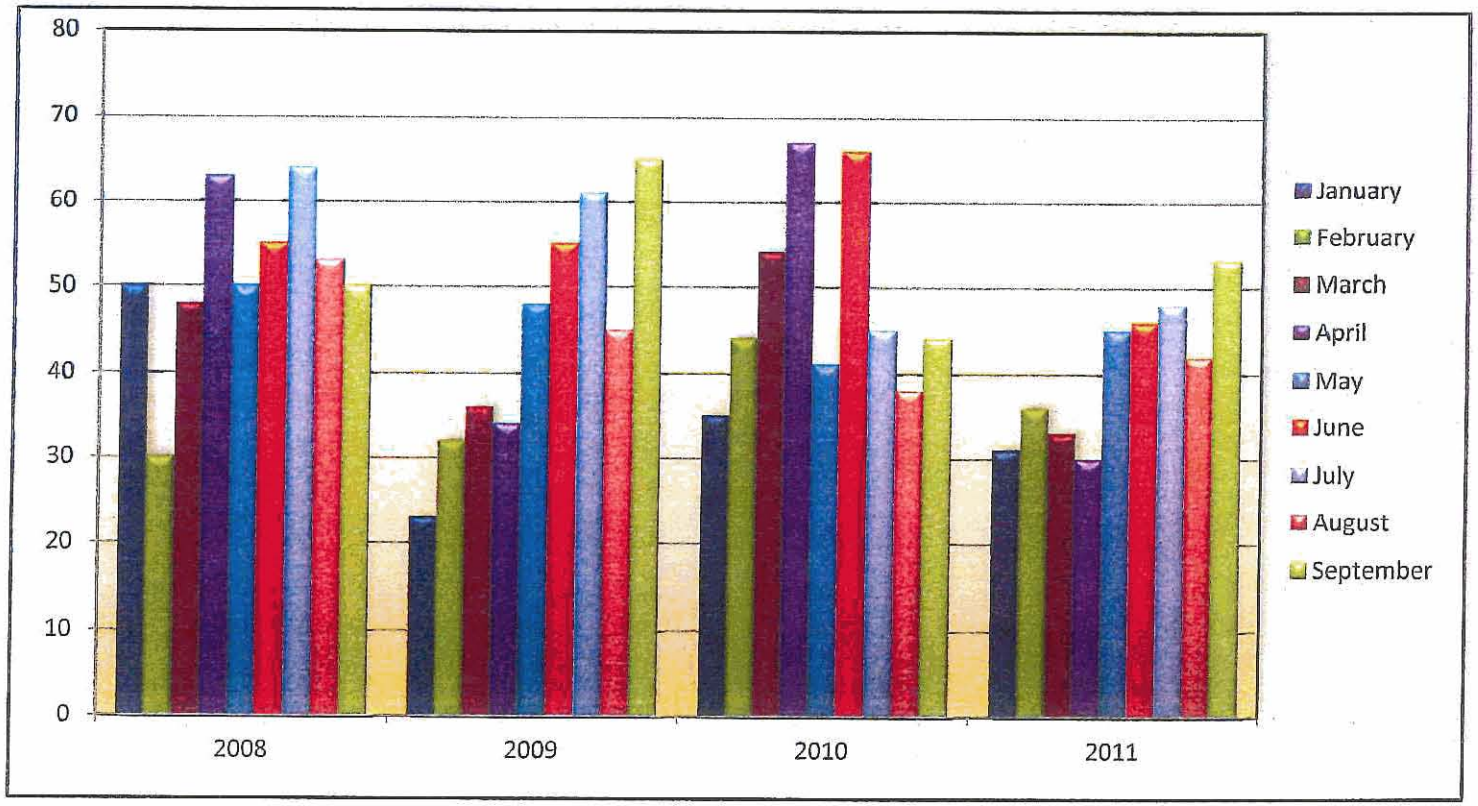
	2008	2009	2010	2011
January	26	8	13	18
February	12	14	26	13
March	22	15	21	13
April	25	11	39	17
May	18	17	20	23
June	20	20	36	21
July	24	27	12	16
August	25	29	12	23
September	18	22	24	24
YTD Totals	**190**	**163**	**203**	**168**



C·V·R·D

Total Building Permits Issued

	2008	2009	2010	2011
January	50	23	35	31
February	30	32	44	36
March	48	36	54	33
April	63	34	67	30
May	50	48	41	45
June	55	55	66	46
July	64	61	45	48
August	53	45	38	42
September	50	65	44	53
YTD Totals	**463**	**399**	**434**	**364**



IN9

BRITISH COLUMBIA
Ministry of Environment

07 October 2011

Surrey File No: 26250-20/Compliance/Evans Redi-Mix Ltd./400 Block Trans Canada Highway, Malahat

Evans Redi-Mix Ltd.
4975 Koksilah Road
Duncan, BC V9L 6P1

Attention: David Howells, Managing Director

Dear David Howells:

Re: Soil relocation
400 Block Trans Canada Highway, Malahat, BC
PID: 027 736 024

Thank you for your letter of 25 August 2011 in response to our letter dated 05 July 2011 (attached) regarding relocation of soil to the above-noted land (the Site). Your letter advises that soil deposited at the Site originates mainly from projects undertaken by the District of Saanich, Engineering Department Public Works Division, which involve excavations within existing road rights-of-way and easements.

We understand that the procedure Evans Redi-Mix Ltd. uses to assess acceptability of soil for deposit at the Site relies on District of Saanich Engineering Department staff to identify contaminated material [as per their letter from Mike Ippen (unsigned) dated 05 November 2010 and addressed to Capital City Paving Ltd.], olfactory and visual inspections conducted at the Capital City Paving Ltd. transfer station and screening for hydrocarbons using PetroFLAG®.

We recommend that you obtain advice from a qualified professional respecting soil acceptance screening procedures as it appears that Evans Redi-Mix Ltd. relies mainly on its clients' assertions to determine whether soil is suitable for acceptance. We are aware of similar cases where legal action has ensued because of that practice. You may also wish to obtain legal advice on how your current acceptance procedure may affect liability exposure should contaminated soil inadvertently be deposited on property owned by Evans Redi-Mix Ltd. Provisions regarding liability for remediation respecting site owners, operators, transporters, contractors and others are set out in Division 3 of Part 4 of the *Environmental Management Act* (Act) and Part 7 of the Contaminated Sites Regulation. Information on this topic is also available at: http://www.env.gov.bc.ca/epd/remediation/liability/index.htm.

By copy of this letter, we urge the other parties involved in the generation, handling and disposal of soil to seek the advice of a qualified professional regarding the adequacy of their soil

Ministry of Environment
Environmental Protection Division
Environmental Management Branch
Land Remediation Section
Mailing/Location Address:
2nd Floor, 10470 152 Street
SURREY BC V3R 0Y3
Telephone: (604) 582-5200
Facsimile: (604) 584-9751
http://www.gov.bc.ca/env/

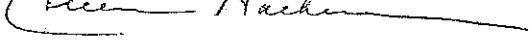
screening procedures to ensure compliance with soil relocation and waste disposal provisions of the Act and regulations (information regarding those provisions is provided in the attached letter dated 05 July 2011). These parties may also wish to obtain legal advice on how their screening procedures may affect their liability exposure.

Based on the limited information provided regarding the procedure used by Evans Redi-Mix Ltd., we are concerned that it may not be adequate to identify soil with substance concentrations which would trigger the requirement for a soil relocation agreement or require disposal at an authorized facility [see Contaminated Sites Regulation (CSR) Schedule 7]. Information regarding past and present land uses at and in the vicinity of where the soil originates is critical to assessing the potential for contamination and potential contaminants of concern. It is not known if this type of information is being assessed. Also, some contaminants are not readily identifiable by visual or olfactory observation. As well, PetroFLAG® testing may not be effective in satisfactorily identifying all contaminants of concern and/or concentrations of concern. For example, the PetroFLAG® test is not particularly sensitive to volatile hydrocarbons. VPH (Volatile Petroleum Hydrocarbon) concentrations exceeding 200 mg/kg (CSR Schedule 7 Col II or III) would not likely be identified using that screening device, particularly with a pass/fail criterion of 1000 mg/kg, which appears to be the value used.

Please note that "contaminated soil storage, treatment or disposal" is specified in Item H7 of Schedule 2 of the CSR and as such properties where this activity has occurred are subject to site profile provisions in that regulation. Information on the site profile process is available at: http://www.env.gov.bc.ca/epd/remediation/site_profiles/index.htm

Please contact the undersigned at 604 582 5337 (toll free via Enquiry BC at 1 800 663 7867) if you have any questions regarding this letter or, for those receiving hard copy only, if you wish to receive it in electronic form with active hyperlinks to the web pages.

Sincerely,



Coleen Hackinen
Senior Contaminated Sites Officer

attach: Ministry letter dated 05 July 2011 re: 400 Block Trans Canada Highway, Malahat, BC

cc: Dave Dalby, Evans Redi-Mix Ltd., 837 Burdett Ave, Victoria, BC V8W 1B3
Dave Boudewyn, Capital City Paving Ltd. 6588 Bryn Rd., Saanichton, BC V8M 1X6
Mike Ippen, Manager, Public Works, District of Saanich Engineering Dept. via email mike.ippen@saanich.ca
Nino Morano, Cowichan Valley Regional District, via email nmorano@cvrd.ca
Sue Hallatt, Planner, Planning & Protective Services, Regional Planning, Capital Regional District via email shallatt@crd.bc.ca
Andrea Miskelly, MoE, Regional Operations, Nanaimo, via email andrea.miskelly@gov.bc.ca

BRITISH COLUMBIA
Ministry of Environment

05 July 2011

Surrey File: 26250-20/Compliance/400 block TransCanada Hwy, Malahat

REGISTERED MAIL

Evans Redi-Mix Ltd.
837 Burdett Avenue
Victoria, BC V8W 1B3

Attention: David Howells, Director

Dear David Howells:

Re: 400 Block Trans Canada Highway, Malahat, BC
PID: 027 736 024

This letter is directed to your attention as a representative of Evans Redi-Mix Ltd. which holds title to the above-noted land (the Site).

Staff from Ministry of Environment, Land Remediation Section visited the Site on 06 June 2011. Substantial quantities of imported soil were noted. Please be advised that we intend to list this property on the ministry's Site Registry and indicate the presence of imported soil of unknown quality unless you provide documentation by 05 September 2011 which demonstrates that soil relocation agreements under section 55 of the *Environmental Management Act* were not required.

Please be advised that regulatory provisions in British Columbia involving soil and/or waste deposition include, in part, the following:

1. Relocation of soil is subject to provisions of section 55 of the *Environmental Management Act* (Act) and Part 8 of the Contaminated Sites Regulation. Pursuant to section 120(17)(i) of the Act, a person who contravenes section 55(1) [contaminated soil relocation] of the Act commits an offence and is liable on conviction to a fine not

Ministry of Environment
Environmental Protection Division
Environmental Management Branch
Land Remediation Section
Mailing/Location Address:
2nd Floor, 10470 152 Street
SURREY BC V3R 0Y3
Telephone: (604) 582-5200
Facsimile: (604) 584-9751
http://www.env.gov.bc.ca/epd/remediation

exceeding $200,000 or imprisonment for not more than 6 months, or both. Where contaminated soil is classified as hazardous waste, requirements of the Hazardous Waste Regulation apply.

2. Provisions regarding waste disposal are set out in section 6 of the Act. Pursuant to section 120(3)(a) of the Act, a person who contravenes section 6(2), (3), or (4) [waste disposal], commits an offence and is liable on conviction to a fine not exceeding $1,000,000 or imprisonment for not more than 6 months, or both.

Access to the Act and regulations (e.g. Contaminated Sites Regulation, Hazardous Waste Regulation), as well as protocols and information regarding soil relocation, liability, the Site Registry and other contaminated sites topics is available through the Land Remediation Section website at: http://www.env.gov.bc.ca/epd/remediation/. Information regarding soil relocation is available at: http://www.env.gov.bc.ca/epd/remediation/soil-relocation/index.htm. Fact Sheet #41 (Relocation of soils from Contaminated Sites) is attached for your convenience. Copies of the Act and regulations may also be obtained from the Queen's Printer (Customer Service 250 387 3309).

Please contact the undersigned at 604 582 5337 (toll free via Enquiry BC at 1 800 663 7867) if you have any questions regarding this letter.

Sincerely,

Coleen Hackinen
Senior Contaminated Sites Officer

attach: Fact Sheet #41

cc: Dave Dalby, Evans Redi-Mix Ltd., 837 Burdett Ave, Victoria, BC V8W 1B3
Nino Morano, Cowichan Valley Regional District, via email
Andrea Miskelly, MOE, Regional Operations, Nanaimo via email

BRITISH COLUMBIA

COPY
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OCT 11 2011

REGISTERED MAIL

Regional File: 26250-20/6670
Victoria File: 26250-20/6670
Site ID: 6670

October 3, 2011

Murray Rankin, Q.C.
Heenan Blaikie LLP
514 – 737 Yates Street
Victoria, BC V8W 1L6

Lund Small Holdings Ltd., Inc. No. BC0242077
2nd Floor, 749 Yates Street
Victoria, BC V8W 1L6

Re: Lund Soils Stock Pile – District Lot 78, Malahat District (PID: 009-359-311)

It has recently come to my attention that the above referenced property continues to be used for the purpose of storing contaminated soil. However, your letter dated September 24, 2007, confirmed the intention of your clients, ORCA Environmental Corporation, Shoal Point Management Ltd. and Lund Small Holdings Ltd. (the property owner), to fully remediate the site and to apply for a Certificate of Compliance (CoC) pursuant to the requirements of the *Environmental Management Act (EMA)*, S.B.C. 2003, c. 53. Our records indicate that a CoC for the site has neither been applied for nor issued.

You are directed, pursuant to *EMA* c. 53, s. 54 (3) (d), to submit a status update regarding the disposition of the stockpiled soils at District Lot 78, Malahat District, and a plan of action outlining the activities required to complete remediation at the site. You are further directed to provide, no later than October 17, 2011, a schedule for completion and submission of these items to the director. If you require clarification please contact the undersigned at (250) 387-2218 or Julia Brooke at (250) 387-9929.

This letter is without prejudice to requirements that have been, or may be, imposed pursuant to the *Environmental Management Act.*

Yours truly,

Doug Walton
for Director, *Environmental Management Act*

cc: Nino Morano, CVRD, Inspection and Enforcement
175 Ingram Street, Duncan, BC V9L 1N8

Coleen Hackinen, Land Remediation Section, Surrey

Julia Brooke, Land Remediation Section, Victoria

BRITISH COLUMBIA
Ministry of Environment

12 October 2011

Surrey File: 26250-20/Compliance/Sooke Lake Road Holdings Inc.

REGISTERED MAIL

Sooke Lake Road Holdings Inc.
c/o Tim Schober Law Corporation
201 – 19 Dallas Road
Victoria, BC V8V 5A6

Attention: Rodney Bergman, Director
Thomas Wikstrom, Director

Dear Rodney Bergman and Thomas Wikstrom:

Re: 1875 Sooke Lake Road, Shawnigan Lake, BC
PID: 009 351 744

This letter is directed to your attention as representatives of Sooke Lake Road Holdings Inc. which holds title to the above-noted land (the Site).

Staff from Ministry of Environment, Land Remediation Section visited the Site on 06 June 2011. Our interest was regarding soil deposition in the area outside of the *Mines Act* permit footprint. Substantial quantities of soil and some waste (broken asphalt, concrete, piping, brick, etc.) were noted in areas which we understand are not part of the *Mines Act* permit area. Deposition of soil and waste within those areas are subject to provisions of the *Environmental Management Act*.

Please be advised that we intend to list this property on the provincial Site Registry and indicate the presence of imported soil of unknown quality unless you provide documentation within 60 days of the date of this letter which demonstrates that soil relocation agreements under section 55 of the *Environmental Management Act* were not required.

Regarding land outside of the *Mines Act* permit footprint, please be advised that regulatory provisions in British Columbia involving soil and/or waste deposition include, in part, the following:

1. Relocation of soil is subject to provisions of section 55 of the *Environmental Management Act* (Act) and Part 8 of the Contaminated Sites Regulation. Pursuant to section 120(17)(i) of the Act, a person who contravenes section 55(1) [contaminated soil relocation] of the Act commits an offence and is liable on conviction to a fine not exceeding $200,000 or imprisonment for not more than 6 months, or both. Where contaminated soil is classified as hazardous waste, requirements of the Hazardous Waste Regulation apply.

2. Provisions regarding waste disposal are set out in section 6 of the Act. Pursuant to section 120(3)(a) of the Act, a person who contravenes section 6(2), (3), or (4) [waste disposal], commits an offence and is liable on conviction to a fine not exceeding $1,000,000 or imprisonment for not more than 6 months, or both.

Access to the Act and regulations (e.g. Contaminated Sites Regulation, Hazardous Waste Regulation), as well as protocols and information regarding soil relocation, liability, the Site Registry and other contaminated sites topics is available through the Land Remediation Section website at: http://www.env.gov.bc.ca/epd/remediation/. Information regarding soil relocation is available at: http://www.env.gov.bc.ca/epd/remediation/soil-relocation/index.htm. Fact Sheet #41 (Relocation of soils from Contaminated Sites) is attached for your convenience. Copies of the Act and regulations may also be obtained from the Queen's Printer (Customer Service 250 387 3309).

Please contact the undersigned at 604 582 5337 (toll free via Enquiry BC at 1 800 663 7867) if you have any questions regarding soil relocation or other contaminated sites provisions of the Act and regulations.

Please direct any enquiries regarding waste disposal to the Ministry of Environment's Regional Operations Branch, Vancouver Island Regional Office in Nanaimo (250 751 3100).

Sincerely,

Coleen Hackinen
Senior Contaminated Sites Officer

attach: Fact Sheet #41

cc: Rodney Bergman, 658 Canterbury Road, Victoria, BC V8Z 1Z7 (with attachment)
Thomas Wikstrom, 635 Roseridge Place, Victoria, BC V8Z 2Z1 (with attachment)
Nino Morano, Cowichan Valley Regional District, Duncan via email
Andrea Miskelly, MOE, Regional Operations Branch, Nanaimo via email
Michael Olsen, MEM, Mining Operations Branch, Victoria via email

BRITISH COLUMBIA
Ministry of Environment

13 October 2011

Victoria File: 26250-20/13434
SITE No.: 13434

Spectacle Lake Developments Ltd.
3rd Floor – 612 View Street
Victoria, BC V8W 1J5

Attention: Dolaura and Charles Boas, Directors

Dear Dolaura and Charles Boas:

Re: 784 Holker Road, Malahat, BC
PID: 002 062 364

This letter is in follow up to our letter dated 06 July 2011 which requested that you provide documentation by 06 September 2011 which demonstrates that soil relocation agreements under section 55 of the *Environmental Management Act* were not required respecting the imported soil which has been deposited on the above-noted property.

We have not received a response to our 06 July 2011 letter. The above-noted property has therefore been listed on the provincial Site Registry under SITE No.13434. Please refer to this site number in any future correspondence with the MoE Land Remediation Section regarding this property.

Please note that "contaminated soil storage, treatment or disposal" is specified in Item H7 of Schedule 2 of the Contaminated Sites Regulation and as such, properties where this activity has occurred are subject to site profile provisions in that regulation. Information on the site profile process is available at: http://www.env.gov.bc.ca/epd/remediation/site_profiles/index.htm

Ministry of Environment
Environmental Protection Division
Environmental Management Branch
Land Remediation Section
Mailing/Location Address:
2nd Floor, 10470 152 Street
SURREY BC V3R 0Y3
Telephone: (604) 582-5200
Facsimile: (604) 584-9751
http://www.env.gov.bc.ca/epd/remediation

Please contact the undersigned at 604 582 5337 (toll free via Enquiry BC at 1 800 663 7867) if you have any questions regarding this letter.

Sincerely,

Coleen Hackinen
Senior Contaminated Sites Officer

cc: Dolaura and Charles Boas, Directors, Spectacle Lake Developments Ltd., 850 Trans Canada Highway, Malahat, BC V0R 2L0
Nino Morano, Cowichan Valley Regional District, via email
Andrea Miskelly, MOE, Regional Operations, Nanaimo via email