



## **Special ELECTORAL AREA SERVICES COMMITTEE MEETING**

Wednesday,  
November 23, 2011  
Regional District Board Room  
175 Ingram Street, Duncan, BC

3:00 pm

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### **A G E N D A**

	<u>Pages</u>
1. <b><u>APPROVAL OF AGENDA</u></b>	1
2. <b><u>ADOPTION OF MINUTES</u></b> M1 Minutes of November 15, 2011 EASC Meeting	TBD
3. <b><u>BUSINESS ARISING FROM MINUTES</u></b>	
4. <b><u>STAFF REPORTS</u></b>	
R1 Rob Conway, Manager, regarding Application No. 1-B-11RS (Applicant: John Beckett)	2-27
R2 Alison Garnett, Planner I, regarding Application No. 1-F-11DP (Applicant: David Hignell)	28-67
R3 Ron Austen, General Manager, regarding Province of BC Community Recreation \$30m Grant Program	68-83
R4 Rob Conway, Manager, regarding Re-development of Mobile Home/Manufactured Home Park at 11255 Chemainus Road	84-88
5. <b><u>NEW BUSINESS</u></b>	
6. <b><u>PUBLIC/PRESS QUESTIONS</u></b>	
7. <b><u>CLOSED SESSION</u></b> 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.	
8. <b><u>ADJOURNMENT</u></b>	

**NOTE:** A copy of the full agenda package is available at the CVRD website [www.cvrld.bc.ca](http://www.cvrld.bc.ca)

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Director L. Iannidinardo  
Director K. Cossey  
Director I. Morrison

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

Director B. Harrison  
Director L. Duncan  
Director M. Dorey



R1

## STAFF REPORT

### SPECIAL ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 23, 2011

DATE: November 17, 2011 FILE NO: 1-B-11 RS  
FROM: Rob Conway, MCIP BYLAW NO: 985 and 3510  
Manager, Development Services Division  
SUBJECT: Rezoning Application No. 1-B-11RS (Beckett for Creelman)

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#### **Recommendation/Action:**

Committee direction requested.

#### **Relation to the Corporate Strategic Plan:** N/A

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

#### **Background:**

At the November 15, 2011 EASC meeting the following resolution was passed regarding rezoning application 1-B-11RS:

***That application No. 1-B-11RS (Creelman) be tabled for up to 60 days to give the applicant an opportunity to consider an appropriate community amenity contribution in accordance with Policy 8.1 of the South Cowichan Official Community Plan.***

The applicant has since considered Policy 8.1 and the amenity he is prepared to offer with application.

#### **Proposed Amenity**

The applicant is proposing to protect trees along the north and east boundary of the proposed new lot. The buffer is proposed to be 4.57 metres wide (15 feet) and would cover an area of about 836 square metres (9,000 sq. ft.). The buffer is proposed to be protected by a covenant in favour of the CVRD. A letter and sketch outlining the proposed amenity is attached to this report.

#### **Staff Comments**

Policy 8.1 of the South Cowichan OCP has established an expectation that community amenities will be provided when lands in the Plan area are rezoned for new residential development. As the policy does not differentiate between large and small rezoning applications, the policy appears to apply to the subject application even though only one lot is proposed.

The covenant protection area offered by the applicant is not a public amenity identified in Policy 8.1. Although the list in Policy 8.1 is not exhaustive, amenities listed in the section benefit the larger community whereas the covenant area proposed would primarily benefit only the adjacent property owners. Staff does not consider the covenant area to be a "community amenity" in the sense intended by Section 8.1, although it does provide some neighbourhood and environmental benefit by protecting existing trees on the property.

The applicant contends that Policy 8.1 should not fully apply to his application as it was made prior to adoption of the South Cowichan OCP and because only one new lot is proposed. In the absence policy in the OCP that reduces the standard of community amenity expected under these circumstances, staff defer to the EASC and Board to determine if the amenity offered by the applicant adequately complies with Policy 8.1.

### **Options:**


#### **Option A:**

1. That the draft bylaws for application 1-B-11RS (Creelman) be forwarded to the Board for consideration of first and second reading;
2. That the application referrals from the Shawnigan Lake Volunteer Fire Department; Central Vancouver Island Health Authority, Ministry of Transportation and Infrastructure and School District No. 79 be accepted; and
3. That a public hearing be scheduled with the Electoral Area Directors for Areas B, A, and D appointed as delegates of the Board following submission of a draft tree protection covenant by the applicant in a form acceptable to the General Manager of the Planning and Development Department.

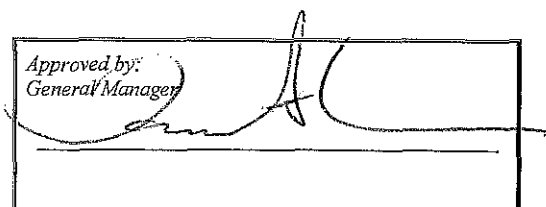
#### **Option B:**

That Application No. 1-B-11RS (Creelman) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.

Submitted by,



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



RC/ca  
attachments



**Cowichan  
Valley  
Regional  
District**

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


The Regional District does not warrant the accuracy.

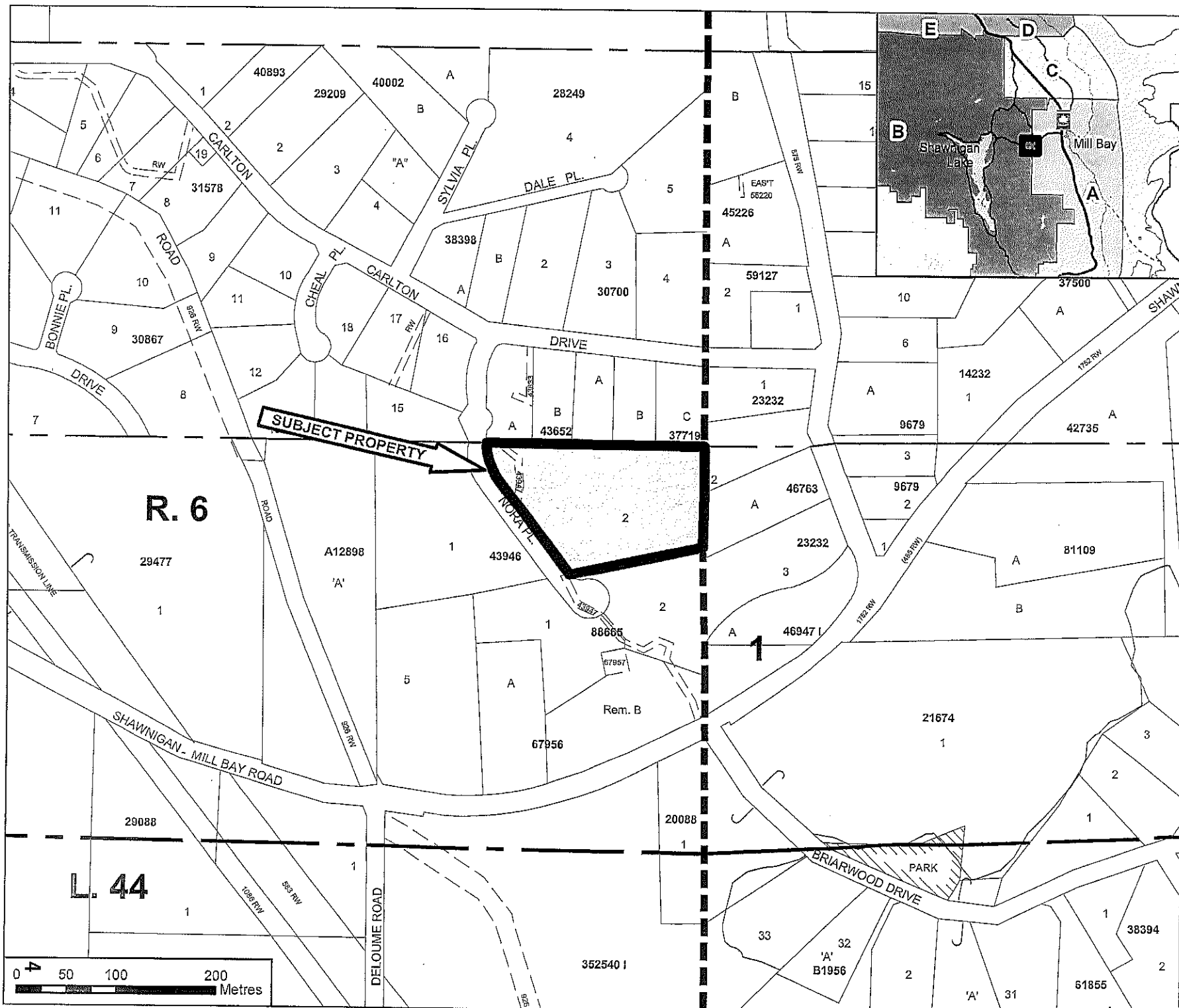
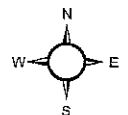
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

**File: 01-B-11-RS**

**Legend**

 Subject Property



### Community Amenity

John Beckett, and Shelley Creelman

File # 1-B-11-RS

### Protective Covenant

This covenant is offered for the benefit of the three property owners on the north side of the proposed lot (Carlton Side) and the two property owners on the east side of the proposed lot (Cameron Taggart). A 15' area that is currently heavily treed will be set aside permanently so as to provide a green belt buffer. The total lineal feet of this buffer is approximately 600' and the square footage is 9000'. The percentage of this buffer to the total area of the proposed new lot is approximately 6.7%.

Any trees that are deemed to be hazardous by an arborist will be topped or cut down as recommended and the cost will be paid for by the property owner affected by the problem trees, or as agreed with the property owner of this new proposed lot.

John Beckett

A handwritten signature in black ink, appearing to be 'J. Beckett', with a large, stylized flourish at the end.



## **SOCIAL SUSTAINABILITY - POLICIES**

**Policy 8.1:** A fundamental theme of this plan is that new residential development, should help to contribute toward necessary community amenities, to ensure that chronic amenity deficits are not perpetuated, and that new residential development does not negatively impact amenities which existing residents use. When an application is received to rezone land for residential uses within the Plan area, the Regional Board will apply amenity zoning, whereby the land density may be increased through rezoning on the condition that community amenity contributions are provided to enhance the character of the Plan area.

By applying amenity zoning:

- a. The CVRD may accept the provision of an amenity or a contribution toward an amenity on the subject property or within the VCB; or
- b. The CVRD may accept cash-in-lieu of amenities, and subsequently provide amenities within the VCB through a capital program.

The CVRD may require the amenity or amenities by the developer prior to granting a subdivision or occupancy permit, require the registration of a covenant on title to ensure the amenity is provided, include the amenity as a requirement in a housing agreement or require an irrevocable letter of credit equal to the value of the amenity contribution, to be held as a security, to cover the costs of providing the amenity in the event of default. Community amenities to be considered during a rezoning process should include but not be limited to:

- a. Subsidized, cooperative, or non-market affordable housing units;
- b. Parkland dedication in excess of the 5% required under the *Local Government Act*;
- c. Provision of open spaces and improvements for the benefit of the public;
- d. Dedication of environmentally sensitive areas;
- e. New recreational facilities or improvements to existing recreational facilities;
- f. Dedication of land or improvements for a community benefit (daycare, arts, culture, heritage, seniors centres, youth centres, transition homes, schools, fire halls, community police stations, transit shelters, train stations, community services, education, library);
- g. Sidewalk and trail improvements;
- h. Other amenity contributions approved by the Regional Board; and
- i. Cash in lieu.



## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 15, 2011

DATE: November 9, 2011

FILE No: 1-B-11 RS

FROM: Dana Leitch, Planner II

BYLAW No: 985 and  
3510

SUBJECT: Rezoning Application No. 1-B-11RS (Beckett for Creelman)

#### Recommendation/Action:

That application No. 1-B-11RS (Creelman) be tabled for up to 60 days to give the applicant an opportunity to consider an appropriate community amenity contribution in accordance with Policy 8.1 of the South Cowichan Official Community Plan.

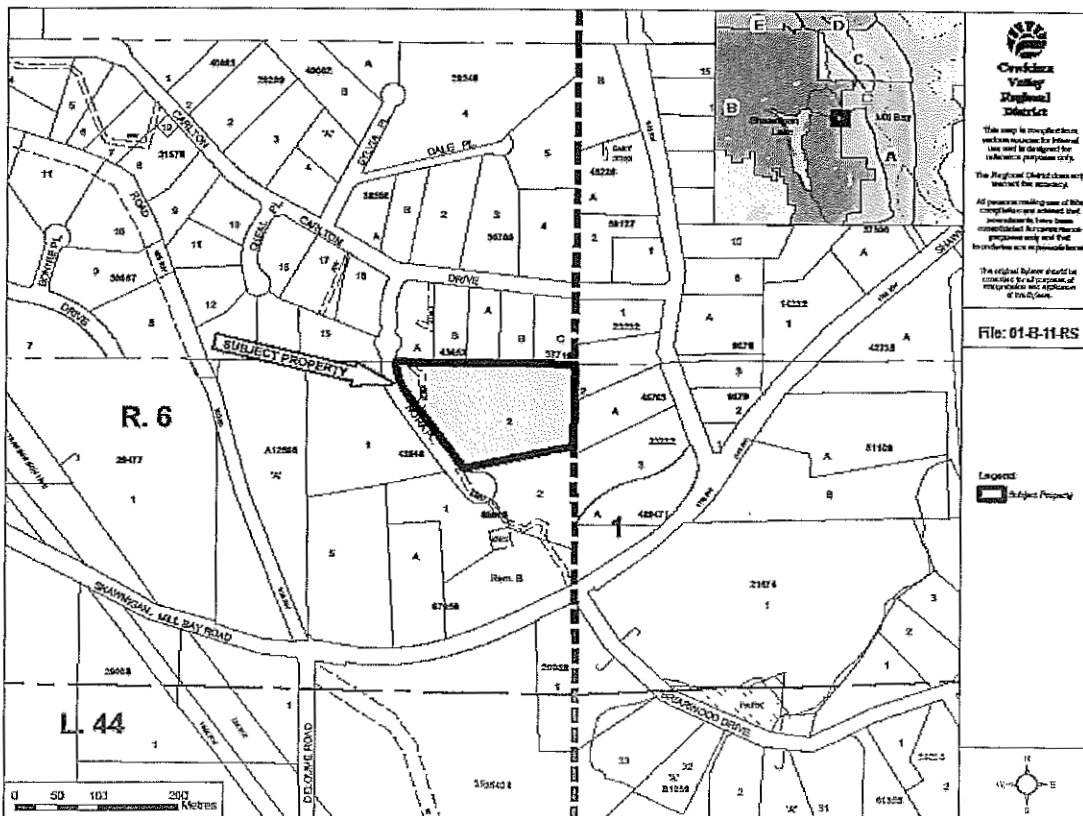
Relation to the Corporate Strategic Plan: N/A

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

#### Background:

Location: 2657 Nora Place

Legal Description: Lot 2, Section 1, Range 6, Shawnigan District, Plan 43946  
(PID: 004-623-126)





Date Application and Complete Documentation Received: May 5, 2011

Owner: Shelley Creelman

Applicant (Agent): John Beckett

Size of Parcel: 2.23 ha (5.51 acres)

Contaminated Site Profile Received: Declaration signed. No schedule 2 uses noted.

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Single Family Residential (Suburban Residential – R-2)

South: Single Family Residential (Suburban Residential – R-2)

East: Single Family Residential (Suburban Residential – R-2 & in Electoral Area A)

West: Single Family Residential (Rural Residential – R-1)

Agricultural Land Reserve Status: Outside

Environmentally Sensitive Areas: None identified in the CVRD Environmental Planning Atlas.

Archaeological Site: None identified in CVRD mapping

Existing Plan Designation: Rural Residential

Proposed Plan Designation: same as above

Existing Zoning: Residential (R-1)

Proposed Zoning: Residential (R-2)

Minimum Lot Size - Existing Zoning: 2.0 ha

Minimum Lot Size - Proposed Zoning: 1.0 ha (for parcels not served by community water or sewer systems); 0.4 ha for parcels served by a community water system only; and 0.4 ha for parcels served by a community water and a community sewer system.

Services:

Road Access: Nora Place

Water: Well

Sewage Disposal: On-site

### **Property Context:**

The subject property is a 2.23 ha (5.5 acre) residential lot located southeast of the intersection of Nora Place and Carlton Drive within Electoral Area B – Shawnigan Lake. Currently on the property is one single family home and a rental cottage serviced by an on-site well and septic field. The subject property is located outside of the Shawnigan Lake Village Containment Boundary.

The land uses surrounding the subject property primarily consists of single family residential, which are located immediately to the north, south and east. Also, there are several agricultural parcels (zoned A-1 – Primary Agricultural) beyond the residential lands to the west of the property and to the south across Shawnigan-Mill Bay Road.

Over the past 35 years many small lot residential subdivisions have developed along Carlton Drive and Nora Place. For example, a majority of the lots north along Carlton Road were created by subdivision in 1976 and 1977. The lots south of Carlton Road were created by subdivision in the late 1970s and early 1980s.

#### **Proposal:**

The applicant is proposing to rezone the property from R-1 (Rural Residential) to R-2 (Suburban Residential) for the purpose of subdividing the property into two lots of approximately 1.0 ha and 1.2 ha. The parcel is currently 2.2 hectares and has no subdivision potential under the current zoning. The attached conceptual subdivision plan shows that the applicant intends to create a new 1.2 ha (3.0 acre) parcel to the east accessed by a panhandle from Nora Place. On this new lot, the applicant wishes to construct a single family dwelling. With respect to water and sewage disposal, the applicant is proposing to service the new lot with its own well and its own septic system.

#### **Policy Context**

##### **Zoning**

The current application proposes to rezone the property from Rural Residential to Suburban Residential in order to subdivide the land to acquire one additional residential lot. The uses in each of the zones are identical with the exception of the minimum parcels sizes and one principal permitted use. The current R-1 zone permits agriculture, horticulture, and silviculture and the R-2 zone does not. The R-1 zone has a minimum parcel size of 2.0 hectares whereas the minimum parcel size in the R-2 zone is 1.0 ha (for parcels not served by community water or sewer systems) and 0.4 ha for parcels served by a community water system. Please see the attached R-1 and R-2 Zoning descriptions for a complete list of permitted uses in the R-1 and R-2 zones.

<b>Zone</b>	<b>Minimum lot size</b>
R-1 Rural Residential	2 hectares
R-2 Suburban Residential	0.4 ha with community water & sewer 0.4 ha with community water only 1 ha without community water or sewer

We also note that if the applicant is successful in this rezoning process and the property is rezoned to R-2 the new residential lot would allow a small suite or secondary suite in addition to a single family dwelling.

The lots sizes being proposed with this application comply with the minimum lot size requirements for the R-2 zone because the subject property is not presently serviced by a community water or sewer system.

##### **Official Community Plan**

The Official Community Plan outlines a number of relevant policies for consideration when evaluating proposals for new residential development outside of the Village Containment Boundary.

**Policy 13.1.2**

The Rural Residential designation is intended to accommodate a range of rural lifestyle options outside of village containment boundaries, and to provide a buffer between resource lands (agriculture and forestry) and residential parcels, to reduce the potential for land use conflicts and provide a rural housing option.

**Policy 13.1.4**

Lands designated as Rural Residential (RR) are located outside the village containment boundaries and are intended to remain rural.

**Policy 13.1.7**

To provide an additional affordable housing option, one single family dwelling and one secondary suite or secondary dwelling unit will be permitted in the Rural Residential designation, provided that:

- a) the subject parcel is at least 1.0 ha in size, or
- b) the parcel is at least 0.4 ha in size and is connected to a community water system.

**Policy 13.1.8**

The Zoning Bylaw, when implemented, will allow for a home occupation on a parcel within the Rural Residential designation where a principal single family dwelling is located, provided that the home occupation use is in keeping with the residential character of adjacent residential areas. Uses that may be unsightly or create a nuisance by noise, dust, and odour will be prohibited.

**Policy 8.1**

A fundamental theme of this plan is that new residential development, should help to contribute toward necessary community amenities, to ensure that chronic amenity deficits are not perpetuated, and that new residential development does not negatively impact amenities which existing residents use. When an application is received to rezone land for residential uses within the Plan area, the Regional Board will apply amenity zoning, whereby the land density may be increased through rezoning on the condition that community amenity contributions are provided to enhance the character of the Plan area.

By applying amenity zoning:

- a. The CVRD may accept the provision of an amenity or a contribution toward an amenity on the subject property or within the VCB; or
- b. The CVRD may accept cash-in-lieu of amenities, and subsequently provide amenities within the VCB through a capital program.

The CVRD may require the amenity or amenities by the developer prior to granting a subdivision or occupancy permit, require the registration of a covenant on title to ensure the amenity is provided, include the amenity as a requirement in a housing agreement or require an irrevocable letter of credit equal to the value of the amenity contribution, to be held as a security, to cover the costs of providing the amenity in the event of default. Community amenities to be considered during a rezoning process should include but not be limited to:

- a. Subsidized, cooperative, or non-market affordable housing units;
- b. Parkland dedication in excess of the 5% required under the *Local Government Act*;
- c. Provision of open spaces and improvements for the benefit of the public;
- d. Dedication of environmentally sensitive areas;
- e. New recreational facilities or improvements to existing recreational facilities;
- f. Dedication of land or improvements for a community benefit (daycare, arts, culture, heritage, seniors centres, youth centres, transition homes, schools, fire halls, community police stations, transit shelters, train stations, community services, education, library);

- g. Sidewalk and trail improvements;
- h. Other amenity contributions approved by the Regional Board; and
- i. Cash in lieu.

### ***Policy 8.2***

Site specific conditions, as well as the scope and scale of the project, will determine the specific community amenity contributions that will be required for a rezoning application. Criteria for determining priority among possible amenities will include:

- a. Affordable housing potential and need;
- b. Site characteristics, including natural features that are environmentally sensitive, or have heritage or recreational value;
- c. Needs of the surrounding community for schools or other amenities; and
- d. The size, location and character of the proposed development, projected population increases, and the potential impacts of the development on existing community infrastructure.

### **Referral Agency Comments**

This proposed amendment has been referred to the following external agencies for comment:

- Shawnigan Lake Volunteer Fire Department – *Approval recommended subject to the following conditions: addresses have to be clearly displayed and driveway access to both properties have to be sufficient for fire apparatus clearance and weight.*
- Vancouver Island Health Authority (VIHA) - *Interests Unaffected.*
- Ministry of Transportation and Infrastructure - *Interests Unaffected.*
- School District No. 79 - *Interests Unaffected.*
- CVRD Public Safety Department – *This property is located within the Shawnigan Lake RCMP Detachment area, is within the British Columbia Ambulance (Station 137) Mill Bay response area, and is within the boundaries of the CVRD Regional Emergency Program.*

*The Public Safety Department has the following concerns that may affect the delivery of emergency services to the proposed facility:*

- *The property is within the Shawnigan Lake Fire Protection Improvement District response area and their input may further affect Public Safety concerns/comments;*
- *The Community Wildfire Protection Plan has identified this area as a moderate risk for wildfire. Appropriate FireSmart principles must be applied; and*
- *All driveways must be designed to allow access to the largest emergency vehicle likely to be operated on the driveway. This includes fire trucks and other emergency vehicles.*
- CVRD Parks and Recreation Department – No comment received.
- CVRD Engineering and Environmental Services – *This property is outside the CVRD water and sewer service areas, but the Carlton Water Improvement District is currently negotiating a CVRD water system take over. Should this take over occur, the Engineering Department recommends that this property join the service area.*
- Malahat First Nation – no comments received.
- Cowichan Tribes – No comments received.

### **Advisory Planning Commission Comments**

The Joint South Cowichan Advisory Planning Commission reviewed this application at its meeting held on September 22, 2011 and made the following recommendation:

*That application 1-B-11 RS be approved.*

### **MOTION CARRIED**

### **Planning Division Comments**

A review of the applicant's conceptual subdivision plan indicates that it complies with the zoning bylaw regulations regarding minimum parcel size. It also appears that road frontage can be achieved. A more thorough review of the applicant's proposed subdivision plan will take place by CVRD staff when the application is formally referred to the CVRD from the Ministry of Transportation and Infrastructure.

During the application referral process the Engineering and Environment Department indicated that the Carlton Water Improvement District is currently negotiating a CVRD water system take over. The Committee should be made aware that if this system becomes a community water system (as defined in Zoning Bylaw No. 985) and the property is included in the service area, the subdivision potential of the property could increase further. This is because the R-2 zone offers a density benefit to land owners when properties are connected to a community water system. With servicing from a community water system the R-2 zone would permit the subdivision of the property into 0.4 ha (1 acre) lots and the applicant could realistically yield 4 lots after road and park dedication. A small suite or secondary suite would also be permitted on each of the new residential parcels. The Carlton Water System currently does not have enough connections to qualify as a community water system even if the CVRD takes it over. However, this could change if more users connect to the system in the future.

There is no statutory requirement for public land dedication with the subdivision plan the applicant has submitted. It should be noted that in the event the property is subdivided into 3 or more parcels of 2 ha or less in size, park land dedication or cash in lieu of land will be required in accordance with Section 941 of *The Local Government Act*.

The applicant is not proposing a public amenity with this application. A fundamental theme of the new South Cowichan Official Community Plan (SCOCP) is that rezoning for new residential development should contribute toward necessary community amenities to ensure that amenity deficits are not perpetuated and that new residential development does not negatively impact existing amenities. Within the SCOCP amenities are broadly defined and, for example, include the provision of open spaces, parkland in excess of 5% required by the *Local Government Act*, the dedication of environmentally sensitive areas, cash in lieu, sidewalk or trail improvements, new recreational facilities or improvements to existing facilities, and the provision of land for public use. SCOCP Policy 8.1 and Policy 8.2 deal specifically with amenity zoning. Even though the new residential development being proposed with this application is relatively small in scale (one additional lot) Policy 8.1 of the SCOCP suggests that some form of community amenity should be provided.

The proposed application is generally consistent with the SCOC Policies on Rural Residential lands outlined within Section 13 of the Plan. Section 13 reviews the rural residential designation in detail and specifies criteria to be considered when rezoning residential lands outside the Shawnigan Village area. Specifically, the property:

- fronts a public road;
- is not located within the Shawnigan Watershed Boundaries;
- is adjacent to existing R-2 zoned lands;
- has been designated as Rural Residential within the SCOC;
- is within a fire protection area;
- is within close proximity to Shawnigan Village
- is located within an established residential neighborhood;
- accomodates a rural residential lifestyle option outside the Village Containment Boundary; and
- the 1.0 and 1.2 ha parcels being proposed are consistent with the lot sizes in the surrounding area; and
- subdivision of this property would not result in additional parcels adjoining the Rural Resource Designation or Agricultural Designation.

While the Joint Advisory Planning Commission recommended approval of the application and the proposal is generally consistent with the Policies contained within the SCOC, Planning staff are struggling to see how this new residential development contributes towards the provision of community amenities in accordance with Policy 8.1.

It should be noted that if the rezoning application is approved and the land is subdivided and developed, the applicant will need to obtain a Development Permit from the Cowichan Valley Regional District prior to the subdivision of the land.

### **Options:**

#### **Option A:**

1. That the draft bylaws for application 1-B-11RS (Creelman) be forwarded to the Board for consideration of first and second reading;
2. That the application referrals from the Shawnigan Lake Volunteer Fire Department; Central Vancouver Island Health Authority, Ministry of Transportation and Infrastructure and School District No. 79 be accepted; and
3. That a public hearing be scheduled with the Electoral Area Directors for Areas B, A, and D appointed as delegates of the Board.

#### **Option B:**

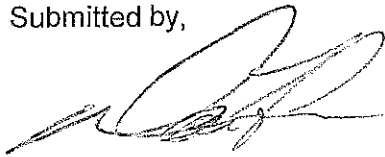
That application No. 1-B-11RS (Creelman) be tabled for up to 60 days to give the applicant an opportunity to consider an appropriate community amenity contribution in accordance with Policy 8.1 of the South Cowichan Official Community Plan.

#### **Option C:**

That Application No. 1-B-11RS (Creelman) 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 B is recommended.

Submitted by,

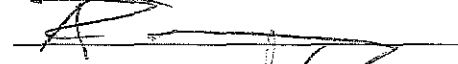


Dana Leitch  
Planner II  
Development Services Division  
Planning and Development Department

DL/ca  
attachments

**Reviewed by:**

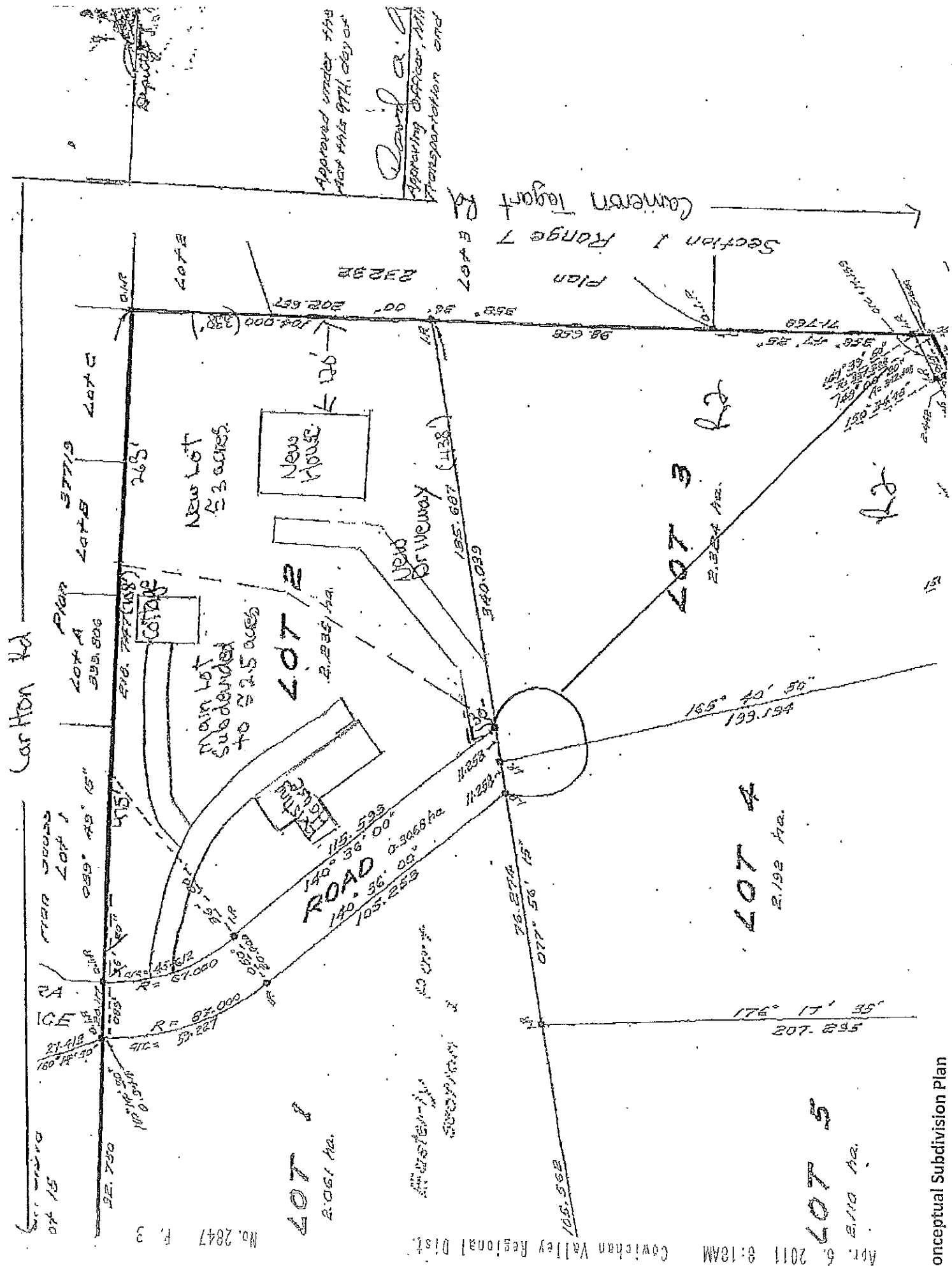
Division Manager:



**Approved by:**

General Manager:







## 8.0 RESIDENTIAL ZONES

8.1 R-1 ZONE - RURAL RESIDENTIAL(a) Permitted Uses

The following uses and no others are permitted in an R-1 Zone:

- (1) agriculture horticulture silviculture;
- (2) single family residential dwelling or mobile home;
- (3) home occupation – domestic industry;
- (4) bed and breakfast accommodation;
- (5) daycare nursery school accessory to a residential use;
- (6) small suite or secondary suite.

(b) Conditions of Use

For any parcel in an R-1 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 10 metres except for auxiliary buildings which shall not exceed a height of 7.5 metres;
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this section are set out for residential use in Column II; for agricultural and accessory uses in Column III and for accessory residential uses in Column IV:

COLUMN I Type of Parcel Line	COLUMN II Residential Use	COLUMN III Agricultural & Accessory Use	COLUMN IV Accessory Residential Use
Front Side (Interior)	7.5 metres 10% of the parcel width or 3.0 metres whichever is less	30 metres 15 metres	7.5 metres 10% of the parcel width or 3.0 metres whichever is less or 1.0 metres if the building is located in a rear yard
Side (Exterior) Rear	4.5 metres 4.5 metres	15 metres 15 metres	

### 8.3 R-2 ZONE - SUBURBAN RESIDENTIAL

#### (a) Permitted Uses

The following uses and no others are permitted in an R-2 Zone:

- (1) single family dwelling or mobile home;
- (2) agriculture horticulture;
- (3) home occupation – domestic industry;
- (4) bed and breakfast accommodation;
- (5) daycare nursery school accessory to a residential use; and
- (6) small suite or secondary suite.

#### (b) Conditions of Use

For any parcel in an R-2 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 10 metres except for auxiliary buildings which shall not exceed a height of 7.5 metres; and
- (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 III and IV:

<b>COLUMN I Type of Parcel Line</b>	<b>COLUMN II Residential Use</b>	<b>COLUMN III Agricultural &amp; Accessory Use</b>	<b>COLUMN IV Accessory Residential Use</b>
Front	7.5 metres	30 metres	7.5 metres
Side (Interior)	10% of the parcel width or 3 metres whichever is less	15 metres	10% of the parcel width or 3.0 metres whichever is less or 1.0 metres if the building is located in a rear yard
Side (Exterior)	4.5 metres	15 metres	4.5 metres
Rear	4.5 metres	15 metres	4.5 metres

**PART FOURTEEN****AREA SHAPE AND DIMENSIONS OF PARCELS**

- 14.1 With respect to the zones identified in Column I of Section 6.1 and briefly described in Column II the minimum parcel size shall except to the extent as varied by the provisions of Sections 14.2, 14.11, and 14.12 be in accordance with the following table based on the method of sewage disposal and water supply:

Zoning Classification Under Zoning Bylaw	Parcels Served by Community Water and Sewer Systems	Parcels Served by Community Water System Only	Parcels Neither Served By Community Water or Sewer
A-1 Primary Agricultural	12 ha	12 ha	12 ha
A-1A Modified Primary Agricultural	12 ha	12ha	12 ha
A-2 Secondary Agricultural	2 ha	2 ha	2 ha
F-1 Primary Forestry	80 ha	80 ha	80 ha
F-1A Primary Forestry – Kennel	20 ha	20 ha	20 ha
F-2 Secondary Forestry	4.0 ha	4.0 ha	4.0 ha
R-1 Rural Residential	2 ha	2 ha	2 ha
R-1A Limited Rural Residential	2 ha.	2 ha.	2 ha.
R-2 Suburban Residential	0.4 ha	0.4 ha	1.0 ha
R-2A Limited Suburban Residential	1.0 ha	1.0 ha	1.0 ha
R-3 Urban Residential	0.2 ha	0.2 ha	1.0 ha
R-4 Rural Community Residential	8 ha.	8 ha.	8 ha.
R-6 Urban Residential (Mobile Home)	0.8 ha	0.8 ha	1.0 ha
MP-1 Mobile Home Park	2 ha <sup>1</sup>	2 ha <sup>1</sup>	2 ha <sup>1</sup>
C-1 Village Commercial	1100 sq.m.	1675 sq.m.	1.0 ha.
C-2A Local Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-2B Local Commercial	1100 sq. m.	1675 sq. m.	0.8 ha.
C-2 Local Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-3 Service Commercial	1100 sq.m	1675 sq. m	0.8 ha
C-4 Tourist Recreation Commercial	0.8 ha	0.8 ha	0.8 ha
C-5 Neighbourhood Pub	1100 sq. m.	1675 sq. m	0.8 ha
P-1 Parks and Institutional	0.2 ha	0.4 ha	1.0 ha
P-2 Parks and Recreation	20 ha	20 ha	20 ha
I-1 Light Industrial	0.2 ha	0.4 ha	0.8 ha
I-1A Light Industrial	0.2 ha	0.4 ha	0.8 ha
I-1B (Sawmilling)	1.0 ha	1.0 ha	1.0 ha
I-1C (Light Industrial)	0.2 ha	0.4 ha	0.8 ha
I-3 Medium Industrial	0.2 ha	0.4 ha	1.0 ha
I-5 Eco-Industrial	1 ha	1 ha	1 ha



Cowichan  
Valley  
Regional  
District

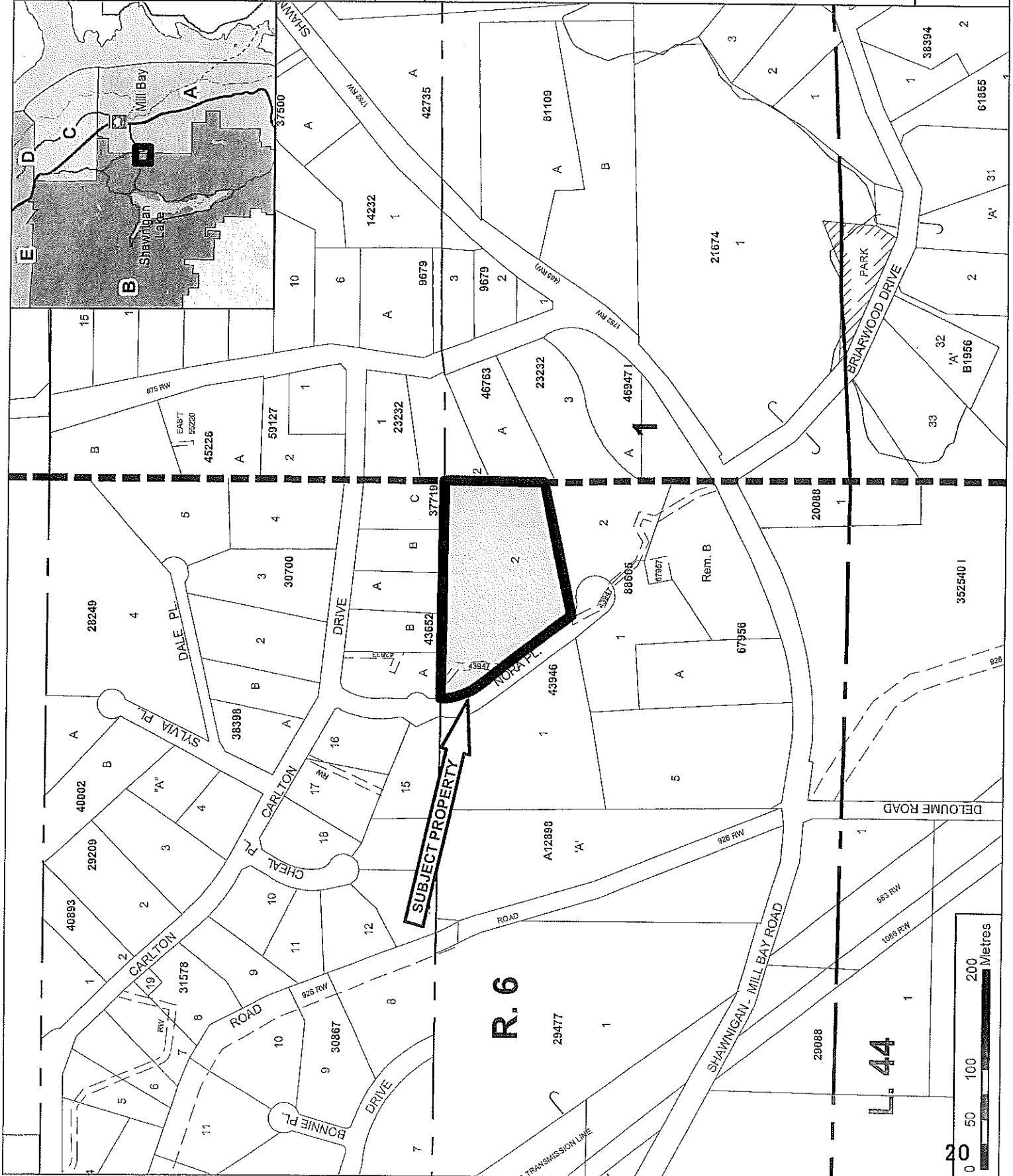
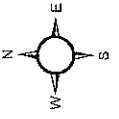
This map is compiled from various sources for internal use and is designed for reference purposes only. The Regional District does not warrant the accuracy.

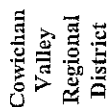
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

File: 01-B-11-RS

Legend  
 Subject Property





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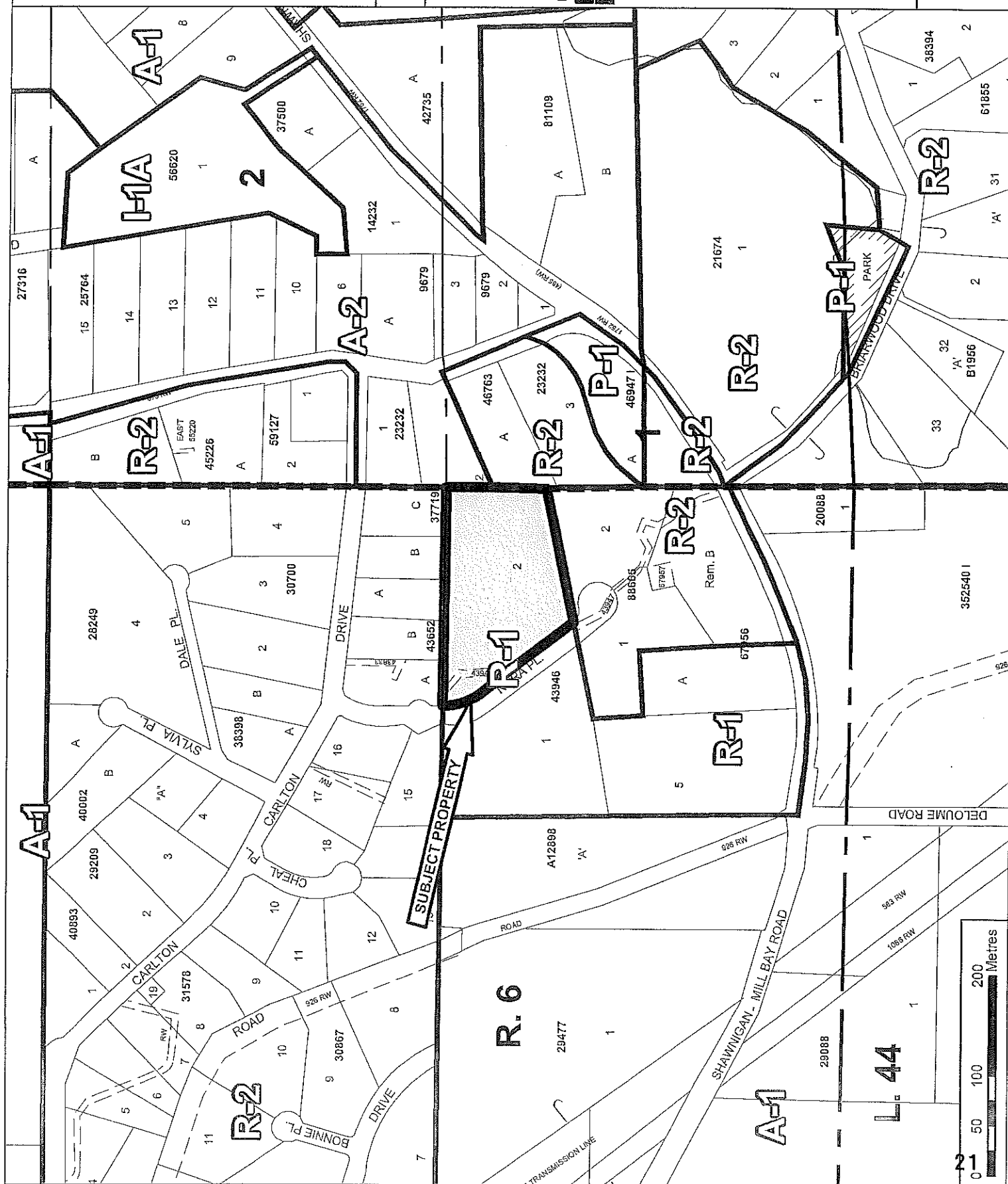
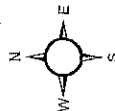
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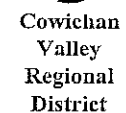
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### Legend



Zoning Electoral Area B





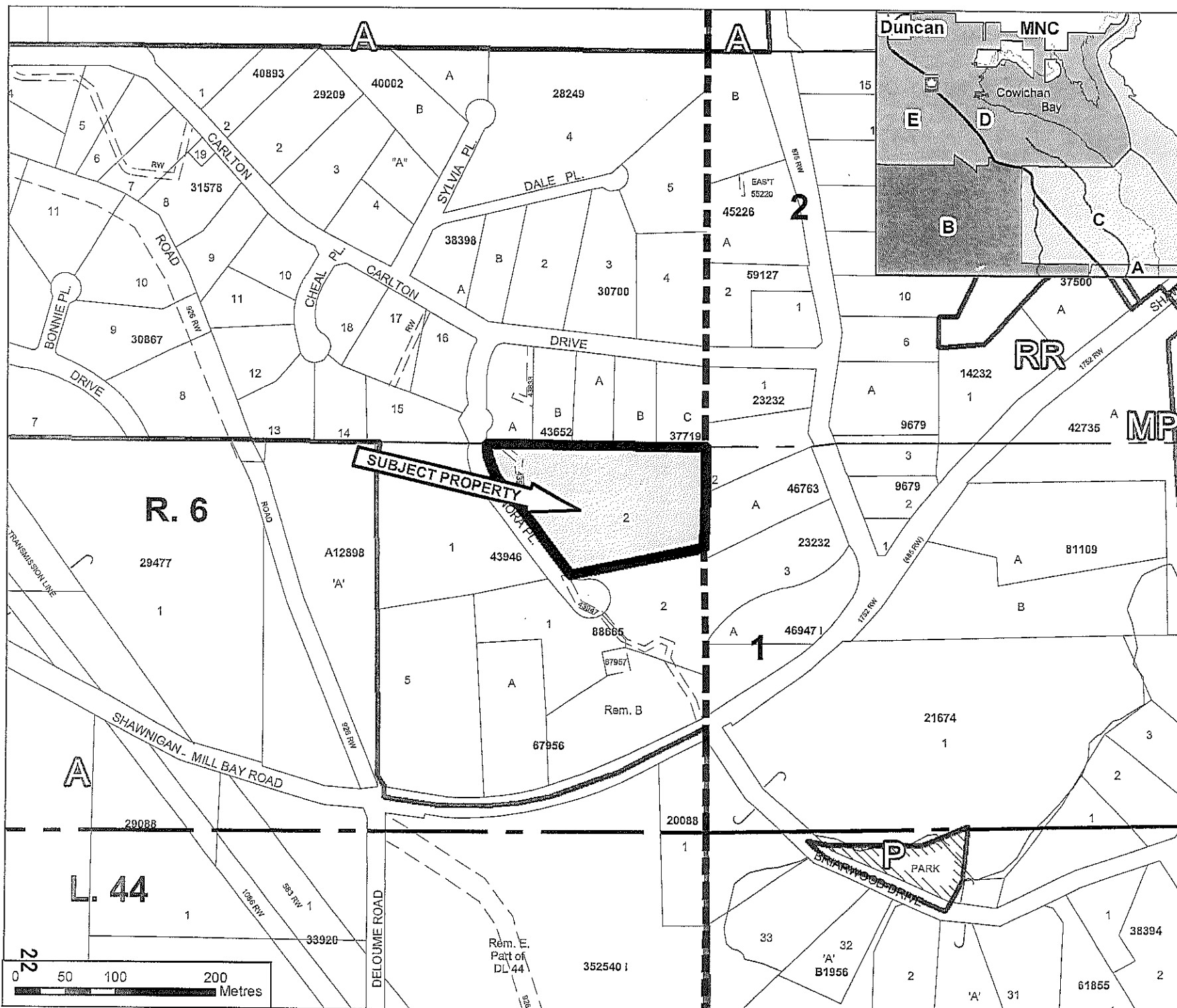
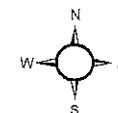
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File: 01-B-11-RS

OCP

Subject Property  
OCP Electoral Areas ABC





Cowichan  
Valley  
Regional  
District

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

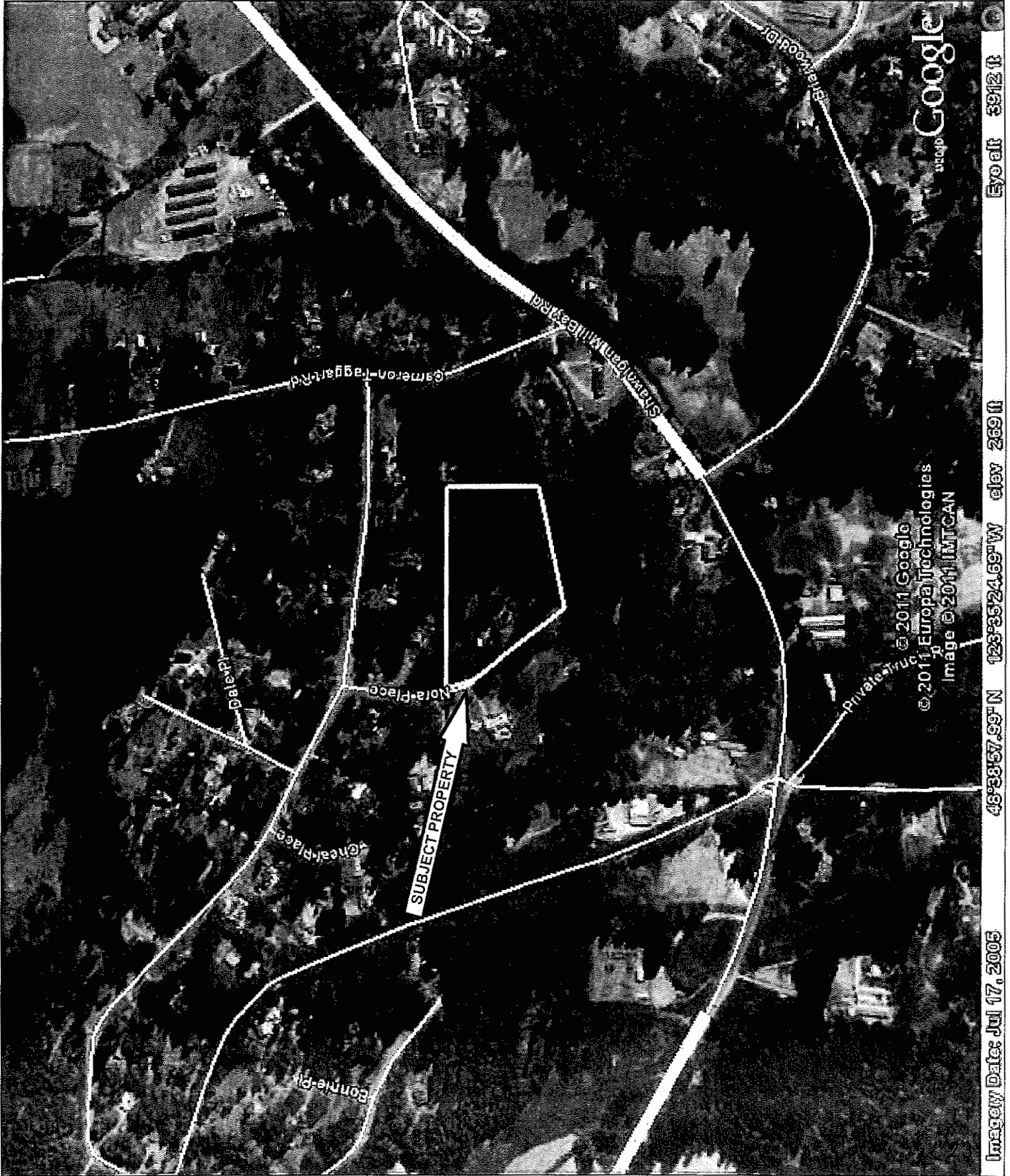
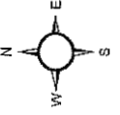
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boundaries are representational.

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

File: 01-B-11-RS

Google Earth  
Photo (2005)



Imagery Date: Jul 17, 2005

48°38'57.99" N 123°35'24.69" W elev 289 ft

Eye alt 3912 ft



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

The Regional District does not warrant the accuracy.

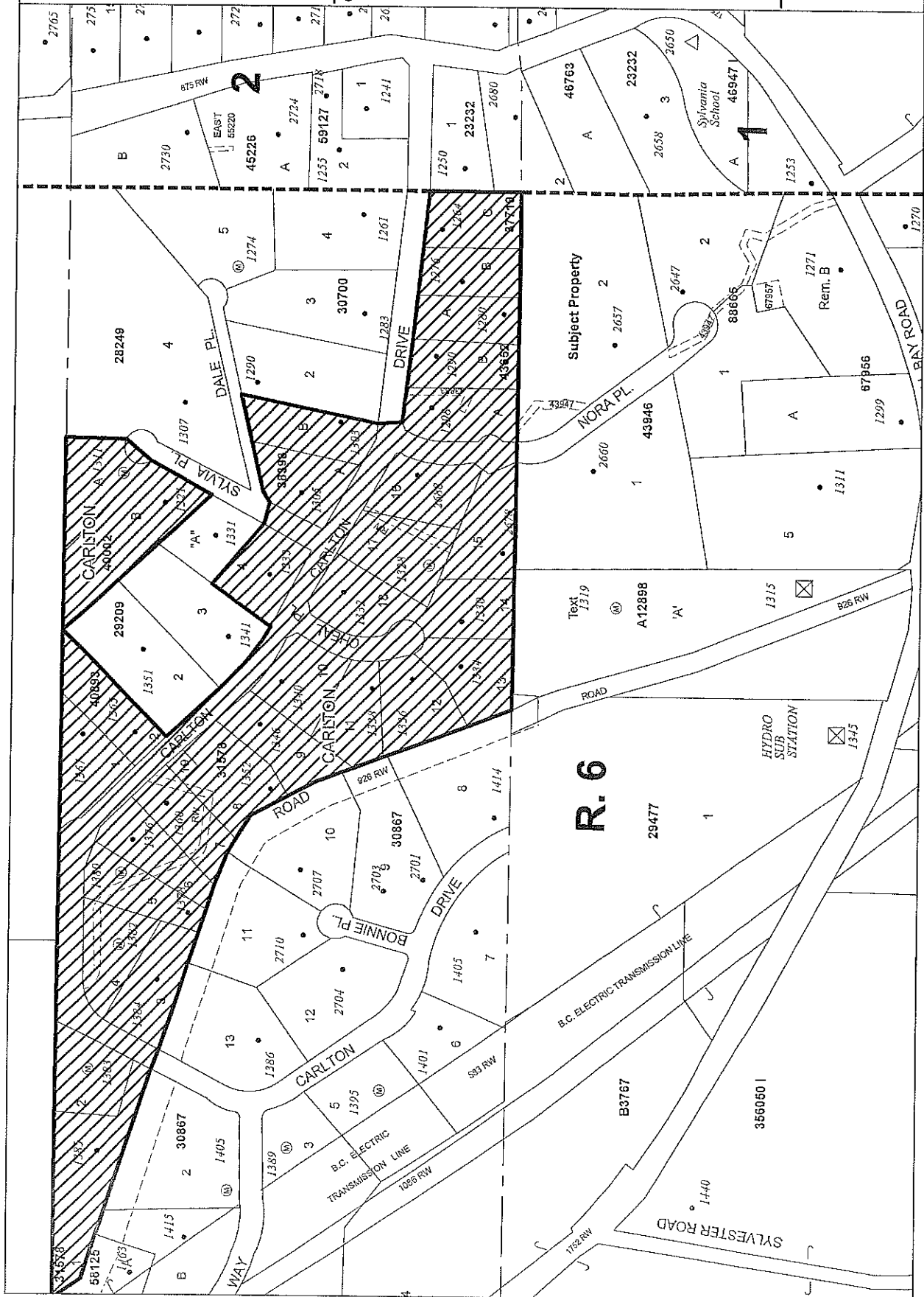
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## Carlton Water Service Area



Scale: 1:3,026







DRAFT

## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. XXXX

#### A Bylaw For The Purpose Of Amending Zoning Bylaw No. 985 Applicable To Electoral Area B – Shawnigan Lake

---

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

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area B – Shawnigan Lake, that being Zoning Bylaw No. 985;

**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 Zoning Bylaw No. 985;

**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. XXXX - Area B – Shawnigan Lake Zoning Amendment Bylaw (Creelman), 2011".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 985, as amended from time to time, is hereby amended in the following manner:

.../2

- a) That Schedule A (Zoning Map) to Electoral Area B –Shawnigan Lake No. 985 be amended by rezoning Lot 2, Section 1, Range 6, Shawnigan District, Plan 43946 as shown outlined in black and shaded in gray on Schedule Z xxxx- attached hereto and forming part of this Bylaw, from R-1 Zone (Rural Residential) to R-2 Zone- (Suburban Residential).

### 3. FORCE AND EFFECT

This bylaw shall take effect upon its adoption by the Regional Board.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

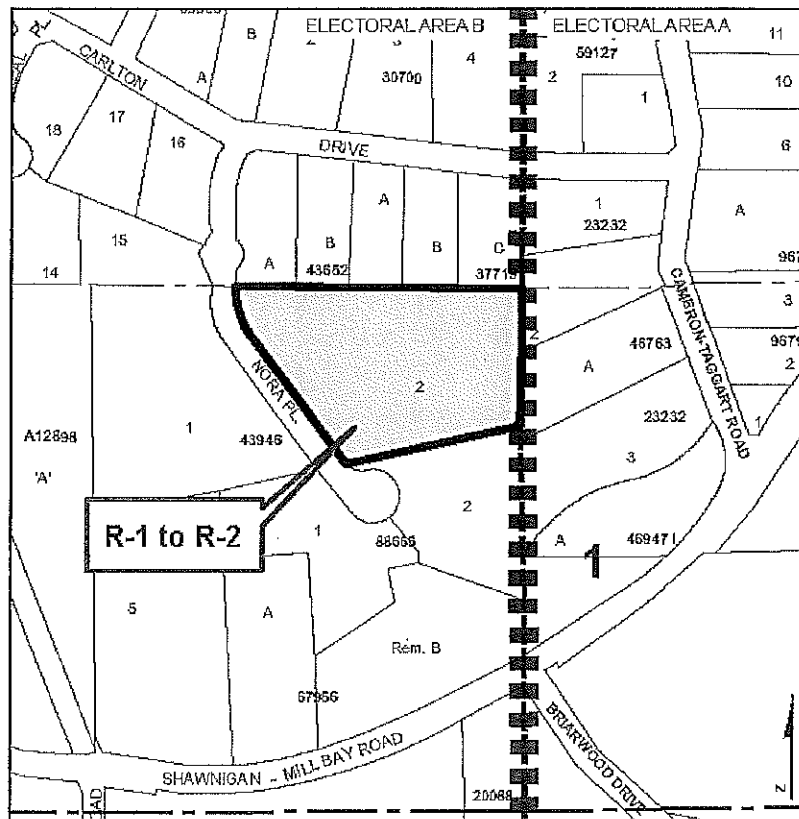
ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

PLAN NO. Z-xxxx

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. xxxx  
OF THE COWICHAN VALLEY REGIONAL DISTRICT**



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

R-1 (Rural Residential) **TO**  
R-2 (Suburban Residential) **APPLICABLE**  
**TO ELECTORAL AREA B**



## STAFF REPORT

### SPECIAL ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 23, 2011

DATE: November 15, 2011

FILE NO: 1-F-11 DP

FROM: Alison Garnett, Planner I

BYLAW NO:

SUBJECT: Development Permit Application No. 1-F-11 DP  
(Hignell)

#### Recommendation/Action:

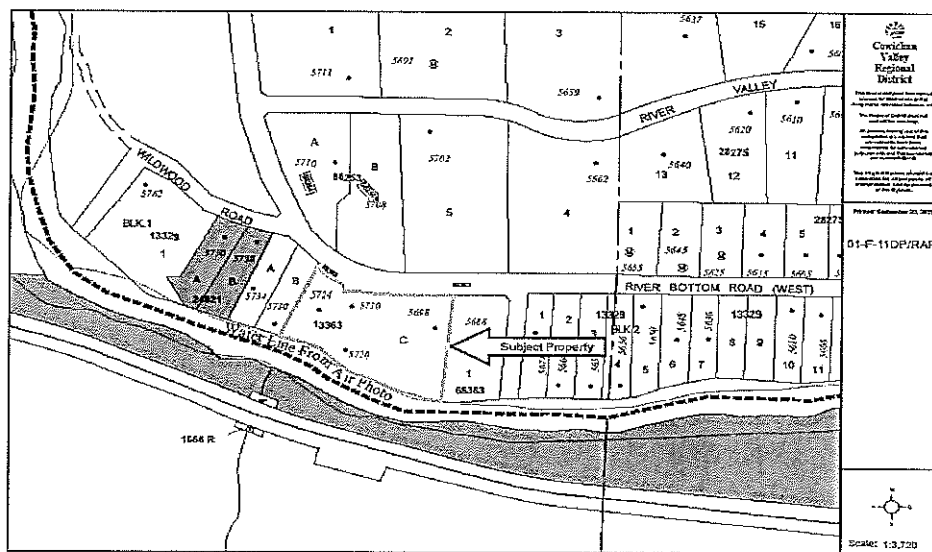
That Application No. 1-F-11DP (Hignell) be approved, and that a development permit be issued to permit the subdivision of Lot C, Section 7, Range 1, Sahtlam District, Plan 13363 except part in Plan VIP68383 (PID 004-471-661) subject to compliance with the measures and recommendations outlined in RAR assessment report No. 2145 by William Lucey, dated September 2011.

Relation to the Corporate Strategic Plan: N/A

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

#### Background:

Location of Subject Property: 5698, 5720 and 5724 Riverbottom Road (West)



<u>Legal Description:</u>	Lot C, Section 7, Range 1, Sahtlam District, Plan 13363 except part in Plan VIP68383 (PID: 004-471-661)
<u>Date Application Received:</u>	September 19, 2011
<u>Owner and Applicant:</u>	David and Valerie Hignell
<u>Size of Parcel:</u>	2.14 ha (5.2 acres)
<u>Zoning:</u>	RC-5 (River Corridor 5)
<u>Minimum Lot Size:</u>	0.4 ha (1 acre)
<u>Existing Plan Designation:</u>	River Corridor
<u>Existing Use of Property:</u>	Residential and legal non-conforming tourist accommodation.
<u>Existing Use of Surrounding Properties:</u>	North, East and West: Residential South: Cowichan River
<u>Road Access:</u>	Riverbottom Road West
<u>Water:</u>	On-site wells
<u>Sewage Disposal:</u>	On-site sewage system
<u>Contaminated Site Profile Received:</u>	Declaration pursuant to the <i>Environmental Management Act</i> signed by owners.
<u>Agricultural Land Reserve Status:</u>	The subject property is not within the ALR.
<u>Environmentally Sensitive Areas:</u>	The subject property is located along the Cowichan River. According to the <i>Hardy BBT Floodplain and Erosion Potential Mapping (1989)</i> , the subject property is located partially within Zone A (defined as land that is unconditionally unsuitable for development) and partially within Zone B (defined as conditionally suitable for development)
<u>Archaeological Sites:</u>	The CVRD has no knowledge of an archaeological site on the subject property.

**Planning Division Comments:**

The subject property is a 2.1 ha lot located on Riverbottom Road West, which the applicants are proposing to subdivide into three parcels. The land was recently rezoned from C-4 (Tourist Commercial) to RC-5 (River Corridor 5) zone, for the purpose of permitting subdivision and full time residential use. The applicants are now moving forward with the technical subdivision approval process. Since the subject property is located within the Cowichan River Development Permit Area (DPA), part of that process involves a development permit issued by the CVRD.

The applicants are proposing to create two new lots, 0.48 hectare and 0.59 hectare in size, and a 0.8 hectare remainder. Existing cabins that were previously used for tourist accommodation would effectively become the single family home on the new lots, and Sahtlam Lodge would

remain the principal residence on the center lot. No construction is proposed as part of this application, other than the introduction of two new property lines.

Official Community Plan Bylaw No. 1490 justifies the designation of the Cowichan River Development Permit Area to protect the natural environment, its ecosystems and biodiversity, and to protect development from hazardous conditions. The natural environment protection guidelines are addressed through the submission of a report by a qualified environmental professional, in accordance with the *Riparian Areas Regulation (RAR)*.

RAR Report No. 2145, prepared by William Lucey, RP Bio., is attached to this report and includes a sketch plan of subdivision on page 10. In summary, the report assigns a 30 metre Streamside Protection and Enhancement Area (SPEA) for the Cowichan River, in which no new development or disturbance could take place. The report does not provide any specific recommendations for mitigating development impacts, as no physical changes are proposed on the land. Driveways and residences are already in place for the new lots, and regardless, are located outside the 30 metre SPEA. Sahtlam Lodge is within the 30 metre area, but the location is considered legal non-conforming since its construction predates CVRD Bylaws. Finally, the RAR report states that if any construction is proposed in the future, then marking the SPEA on site using fencing or signage is important to prevent encroachment.

The Cowichan River DPA also contains General Guidelines, outlined in Section 14.3.5, and the points below will discuss how the proposed development addresses each of these guidelines. The attached excerpt from OCP Bylaw No. 1490 provides the complete guidelines. The following materials are attached to this staff report: RAR Report No. 2145,

- A. Requirement for geotechnical study-** According to the *Hardy BBT Floodplain and Erosion Potential Mapping (1989)*, the subject property is located partially within Zone A (defined as land that is unconditionally unsuitable for development) and partially within Zone B (defined as conditionally suitable for development). Previous geotechnical studies of the subject property, which were required in 1998 and 2007, sufficiently address this guideline as they provide assurance that the subject property is relatively safe from soil erosion or major channel relocation. Staff have not requested additional geotechnical assessment for the current subdivision application. Letters from CN Ryzuk engineers are enclosed with the RAR report no. 2145.
- B. Floodplain protection** – To minimize flood damage to habitable structures, a covenant was registered in the name of the CVRD in 1998, which requires floor systems to be constructed above the 73.1 metre 200 year floodplain elevation. This covenant will continue to be in force on all three lots if the subdivision is approved, and sufficiently addresses this guideline.
- C. Protection of riparian vegetation** – A 30 metre setback from the natural boundary of the Cowichan River is recommended in this guideline, in order to maintain vigorous riparian vegetation. Protection of existing soils and vegetation is reinforced by the RAR assessment's designation of a 30 metre Streamside Protection and Enhancement Area.
- D. Dedication of 30 metre riparian area** – A dedication of land may not be appropriate for the subject property, as Sahtlam Lodge is located within the 30 metre area. However, there is a covenant registered on title which prohibits the alteration of land or vegetation 15 metres from the natural boundary of the river. In addition, the development permit and associated RAR report will be registered on title, which provides protection for the 30 metre SPEA from any new development.

**Advisory Planning Commission Comments:**

This application was reviewed by the Electoral Area F Advisory Planning Commission on November 7th, 2011. The APC unanimously recommends approval of the application.

**Options:**

Option A:

That Application No. 1-F-11DP (Hignell) be approved, and that a development permit be issued to permit the subdivision of Lot C, Section 7, Range 1, Sahtlam District, Plan 13363 except part in Plan VIP68383 (PID 004-471-661) subject to compliance with the measures and recommendations outlined in RAR assessment report No. 2145 by William Lucey, dated September 2011.

Option B:

That application No. 1-F-11 DP not be approved in its current form, and that the applicant be directed to revise the proposal.

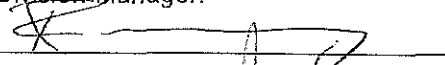
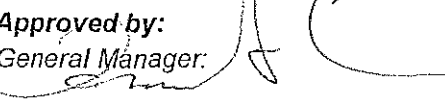
As this application appears to substantially meet the guidelines of the Cowichan River Development Permit Area, and the Area F Advisory Planning Commission has reviewed and supports the application, **Option A is recommended.**

Submitted by,



Alison Garnett,  
Planner I  
Development Services Division  
Planning and Development Department

AG/ca

<p><b>Reviewed by:</b> Division Manager:</p> 
<p><b>Approved by:</b> General Manager:</p> 



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 1-F-11DP

DATE: November 9, 2011

TO: David and Valerie Hignell DRAFT

ADDRESS: 5720 Riverbottom Road West RR#2

Duncan BC V9L 1N9

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 and only to those lands within the Regional District described below (legal description):  
*Lot C, Section 7, Range 1, Sahtlam District, Plan 13363 except part in Plan VIP68383 (PID 004-471-661)*
3. Authorization is hereby given for the 3 lot subdivision of the subject property, in accordance with the conditions listed in Section 4, below.
4. Compliance with the measures and recommendations outlined in RAR assessment report No. 2145 by William Lucey, dated September 2011.

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 Schedule is attached:  
Schedule A – RAR Report No. 2145 by William Lucey, dated September 2011.

Schedule B- Site Plan

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. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE XX DAY OF XXX, 2011.

\_\_\_\_\_  
Tom Anderson, MCIP  
Manager, Planning and Development

**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 \_\_\_\_\_ other than those contained in this Permit.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Owner/Agent

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date





**Cowichan  
Valley  
Regional  
District**

This map is compiled from various sources and is not intended to be used for legal purposes only.

The Regional District does not warrant the accuracy.

All persons making use of this map should be aware that the boundaries shown are for convenience purposes only and that boundaries are representative.

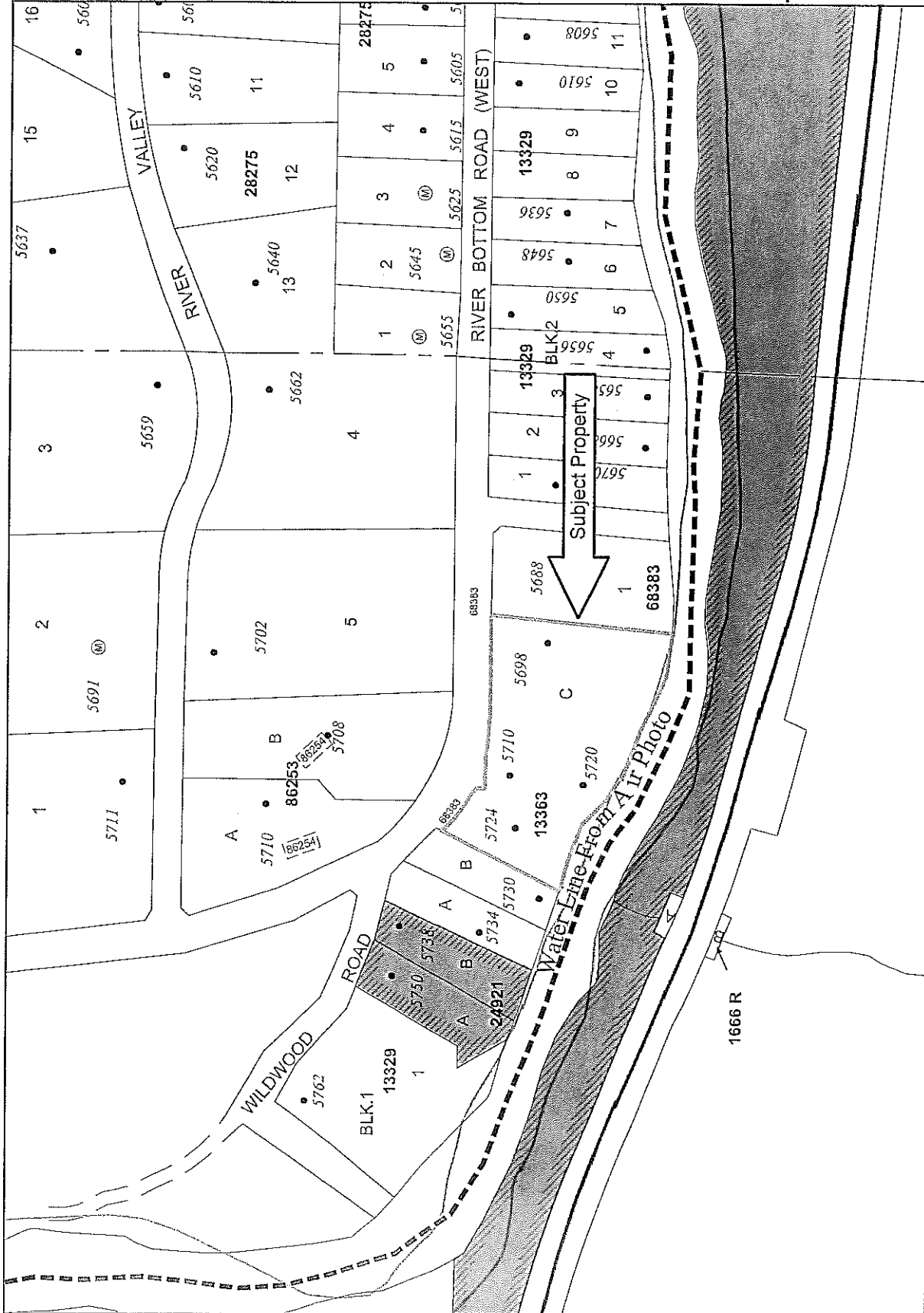
The original Bylaws should be referred to for interpretation and application of the Bylaws.

Printed: September 20, 2011

01-F-11DP/RAR



Scale: 1:3,720



# **Cowichan River**

## *Riparian Areas Regulation Assessment*



September 2011

*Prepared for: David & Valerie Hignell  
Sahtlam Lodge*

 **Aqua-Tex**  
Scientific Consulting Ltd. (1993)

  
COOPERATIVE  
riparian  
RESTORATION

Please refer to submission instructions and assessment report guidelines when completing this report.

Date September 13, 2011

### I. Primary QEP Information

First Name	William	Middle Name	Patrick
Last Name	Lucey		
Designation	R.P.Bio.	Company:	Aqua-Tex Scientific Consulting Ltd.
Registration #	1467	Email:	aqua-tex@islandnet.com
Address	390 7 <sup>th</sup> Avenue		
City	Kimberley	Postal/Zip	V1A 2Z7
Prov/state	BC	Country	Canada
		Phone #	250-427-5906

### II. Secondary QEP Information (use Form 2 for other QEPs)

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	
		Phone #	

### III. Developer Information

First Name	David and Valerie	Middle Name	
Last Name	Hignell		
Company	Sahtlam Lodge and Cabins		
Phone #	250-748-7738	Email:	cabins@SahtlamLodge.com
Address	5720 River Bottom Road West		
City	Duncan	Postal/Zip	V9L 6H9
Prov/state	B.C.	Country	Canada

### IV. Development Information

Development Type	3 lot Subdivision		
Area of Development (ha)	1.87	Riparian Length (m)	200
Lot Area (ha)	1.87	Nature of Development	subdivision
Proposed Start Date	September 2011	Proposed End Date	September 2013

### V. Location of Proposed Development

Street Address (or nearest town)	5720 Riverbottom Road West		
Local Government	Cowichan Valley Regional District	City	Duncan
Stream Name	Cowichan River		
Legal Description (PID)	004-471-661	Region	I- Vancouver Island
Stream/River Type	River	DFO Area	18-Vancouver Island
Watershed Code	920-257700		
Latitude	48°	45'	58"
Longitude	123°	53'	7"

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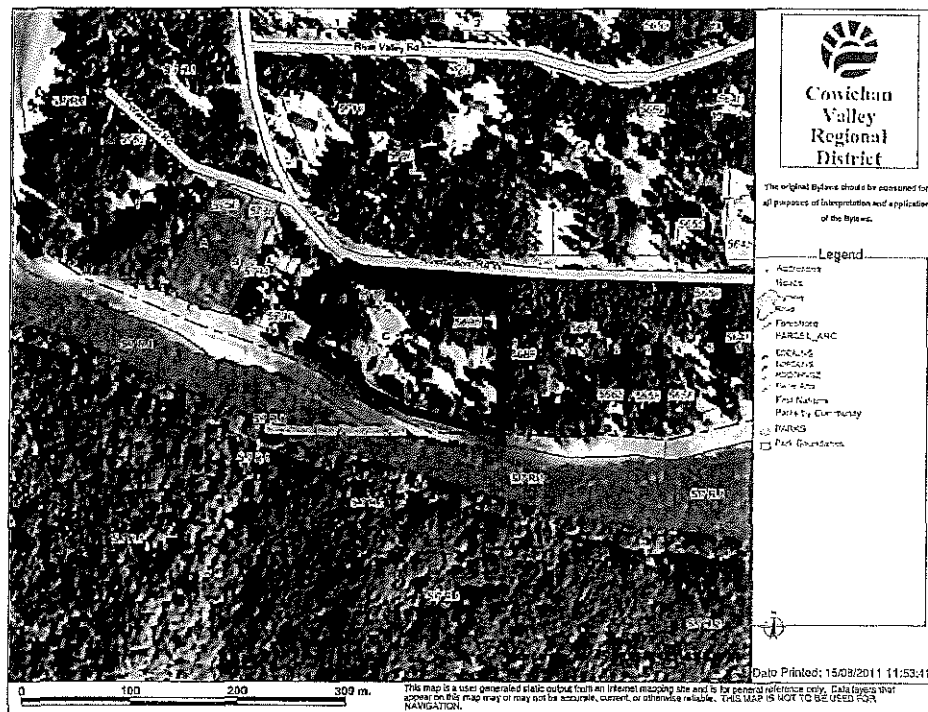
## Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

### 1.1 Fisheries Resources and Geographical Context

#### 1.1.1. 5720 Riverbottom Road and Cowichan River

The subject property, 5720 Riverbottom Road, is located in the Cowichan Valley Regional District, west of Duncan (Figure 1). The southern portion of the property is immediately adjacent to the Cowichan River (watershed code 920-257700). The property is home to the Sahtlam Lodge and Cabins, a business providing accommodations and recreational grounds for travellers. Existing structures on the site include four cabins, a lodge/office, a workshop and several small sheds/gazebos (Figure 2). The site is extensively landscaped with many pocket gardens containing domestic species and a turf grass lawn.

The Cowichan River flows southeast out of Cowichan Lake for approximately 50km prior to its outlet into Cowichan Bay. The Cowichan River is a well-known fish-bearing river that also provides recreational opportunities. The fish species in the Cowichan River include: Atlantic salmon, brook trout, brown catfish, brown trout, bull trout, chinook salmon, chum salmon, coho salmon, cutthroat trout, Dolly Varden, kokanee, lamprey, prickly sculpin, rainbow trout, steelhead and threespine stickleback (FISS database).



**Figure 1:** Key location map of 5720 Riverbottom Road (Red) north of the Cowichan River. Image Source: Cowichan Valley Regional District interactive mapping system, 2002 orthophoto.

## 1.2 Observations of stream channels and vegetation

The entire length of the property is bounded to the south by the Cowichan River, which flows past the property from west to east. At this location the river is very wide and shallow; 25 to 30m in width. The shallow, rocky streambed is dominated by boulders and cobbles and during the site assessment was visible to the eye across the entire width of the river. Significant amounts of diffluent sediment were visible on the streambed; discussion with the landowner, a resident for 25 years, indicated the sediment loading is a recent phenomenon within the past few years. Downstream of the existing dwelling closest to the river (Lodge & Office), there is a riffle approximately 30m in length.

On the subject property, the north bank of the Cowichan River is very steep and armoured with riprap. This riprap is largely comprised of large angular blast rock and broken chunks of concrete, but also contains chain link fencing, angle iron, and geotextile fabric. There is an absence of large wood in the system. The north bank also has two

groin structures constructed out of large rock and concrete; one is located approximately 65m from the western property boundary and the second is located at the eastern property boundary. There is a small stone staircase leading from the top of bank down to a concrete and stone viewing platform roughly 20m from the western property line. There is also a second stone staircase leading from the existing dwelling down to the a small riverside trail at the mid-point of the property. This bank is mostly vegetated with deciduous trees and shrubs (alder, big leaf maple, and willow) growing through the rip rap.

Dominant species present on the site include: bigleaf maple (*Acer macrophyllum*), red alder (*Alnus rubra*), Western redcedar (*Thuja plicata*), western hemlock (*Tsuga heterophylla*), Douglas-fir (*Pseudotsuga menziesii ssp. menziesii*), salal (*Gaultheria shallon*), pacific rhododendron (*R. macrophyllum*), nootka rose (*Rosa nutkana*), salmonberry (*Rubus spectabilis*), Himalayan blackberry (*Rubus discolor*), English ivy (*Hedera helix*), oceanspray (*Holodiscus discolor*), willow (*Salix ssp.*), dull Oregon-grape (*Mahonia nervosa*), sedges (*Carex ssp.*), common horsetail (*Equisetum arvense*), vanilla-leaf (*Achlys triphylla*), sword fern (*Polystichum munitum*), lady fern (*Athyrium filix-femina*) and grasses. Many domestic species were also noted during the site assessment.

The south bank of the Cowichan River is part of the Cowichan River Provincial Park. The south bank is well-vegetated with a mature mixture of coniferous and deciduous trees. This bank is gently sloped with segments of accessible floodplain.

## **1.2 Description of Proposed Development and Timeline**

This RAR Assessment Report was undertaken for subdivision of the subject property into three parcels. There is no further development proposed at this time.

## **Section 1 References**

B.C. Ministry of Environment. Fisheries Inventory Data Queries. FISS Report Generator. Data Query performed for Cowichan River watershed. October 15th, 2010.

Prichard, D (work group leader). 1998. Riparian area management: a users guide to assessing Proper Functioning Condition and the supporting science for lotic areas. TR 1737-15. Bureau of Land Management, BLM/RS/ST-98/001+1737, National Applied Resource Sciences Center, Denver, CO. 126 pp.

Rosgen, D. 1996. Applied River Morphology. Wildland Hydrology, Pagosa Springs, CO. 352 pp.

## Section 2. Results of Detailed Riparian Assessment

### ***Cowichan River***

Refer to Chapter 3 of Assessment Methodology

Date: August 22, 2011

Description of Water bodies involved (number, type)

Stream	X
Wetland	
Lake	
Ditch	
Number of reaches	1
Reach #	1

#### **Channel width and slope and Channel Type**

	Channel Width(m)	Gradient (%)
starting point	25+ *	0.15
upstream	25+	0.13
	25+	
	25+	
	25+	
downstream	25+	0.16
	25+	
	25+	
	25+	
	25+	
Total: minus high /low	25+	
mean	25+	0.15
	R/P	C/P
Channel Type	X	

I, Wm. Patrick Lucey, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Dave Hignell;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

#### **Site Potential Vegetation Type (SPVT)**

	Yes	No
SPVT Polygons		X

Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Wm. Patrick Lucey, hereby certify that:

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b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Dave Hignell;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No: 1	LC	SH	TR	Method employed if other than TR
SPVT Type			X	

Polygon No:	LC	SH	TR	Method employed if other than TR
SPVT Type				

Polygon No:	LC	SH	TR	Method employed if other than TR
SPVT Type				



## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Zone of Sensitivity (ZOS) and resultant SPEA**

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	30m						
Litter fall and insect drop ZOS (m)	15m						
Shade ZOS (m) max	30m	South bank	Yes		No	X	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)						
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report		
SPEA maximum	30m	(For ditch use table3-7)					

Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)							
Litter fall and insect drop ZOS (m)							
Shade ZOS (m) max		South bank	Yes		No		
SPEA maximum		(For ditch use table3-7)					

Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)							
Litter fall and insect drop ZOS (m)							
Shade ZOS (m) max		South bank	Yes		No		
SPEA maximum		(For ditch use table3-7)					

I, Wm. Patrick Lucey, hereby certify that:

- I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- I am qualified to carry out this part of the assessment of the development proposal made by the developer Dave Hignell;
- I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

**Comments**

\*Note- the river was too wide to safely measure. Since it is consistently greater than 25 m wide, the resulting SPEA was already at the maximum and therefore exact measurements would not alter the final result.

The river slope was determined using three elevations, taken at the water's edge by the surveyor. These values are included on the site plan. River stage elevation was taken in line with the approximate center of each of the proposed lots.

- Riffle pool – wide, shallow channel with ~30m riffle section.
- Shallow, rocky streambed dominated by boulders and cobbles.
- Significant amounts of diffluent sediment were visible on the streambed.
- North bank of the Cowichan River is very steep and armoured with riprap.
- North bank also has two groin structures constructed out of large rock and concrete.
- There are also two small stone staircases leading from the top of bank down to the riverside.
- Dominant species present on the site include: bigleaf maple (*Acer macrophyllum*), red alder (*Alnus rubra*), Western redcedar (*Thuja plicata*), western hemlock (*Tsuga heterophylla*), Douglas-fir

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

(*Pseudotsuga menziesii* ssp. *menziesii*), salal (*Gaultheria shallon*), pacific rhododendron (*R. macrophyllum*), nootka rose (*Rosa nutkana*), salmonberry (*Rubus spectabilis*), Himalayan blackberry (*Rubus discolor*), English ivy (*Hedera helix*), oceanspray (*Holodiscus discolor*), willow (*Salix* ssp.), dull Oregon-grape (*Mahonia nervosa*), sedges (*Carex* ssp.), common horsetail (*Equisetum arvense*), vanilla-leaf (*Achlys triphylla*), sword fern (*Polystichum munitum*), lady fern (*Athyrium filix-femina*) and grasses. Many domestic species were also noted during the site assessment.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

## Section 3. Site Plan

# SKETCH PLAN OF PROPOSED SUBDIVISION OF **REMAINDER LOT C, PLAN 13363.**

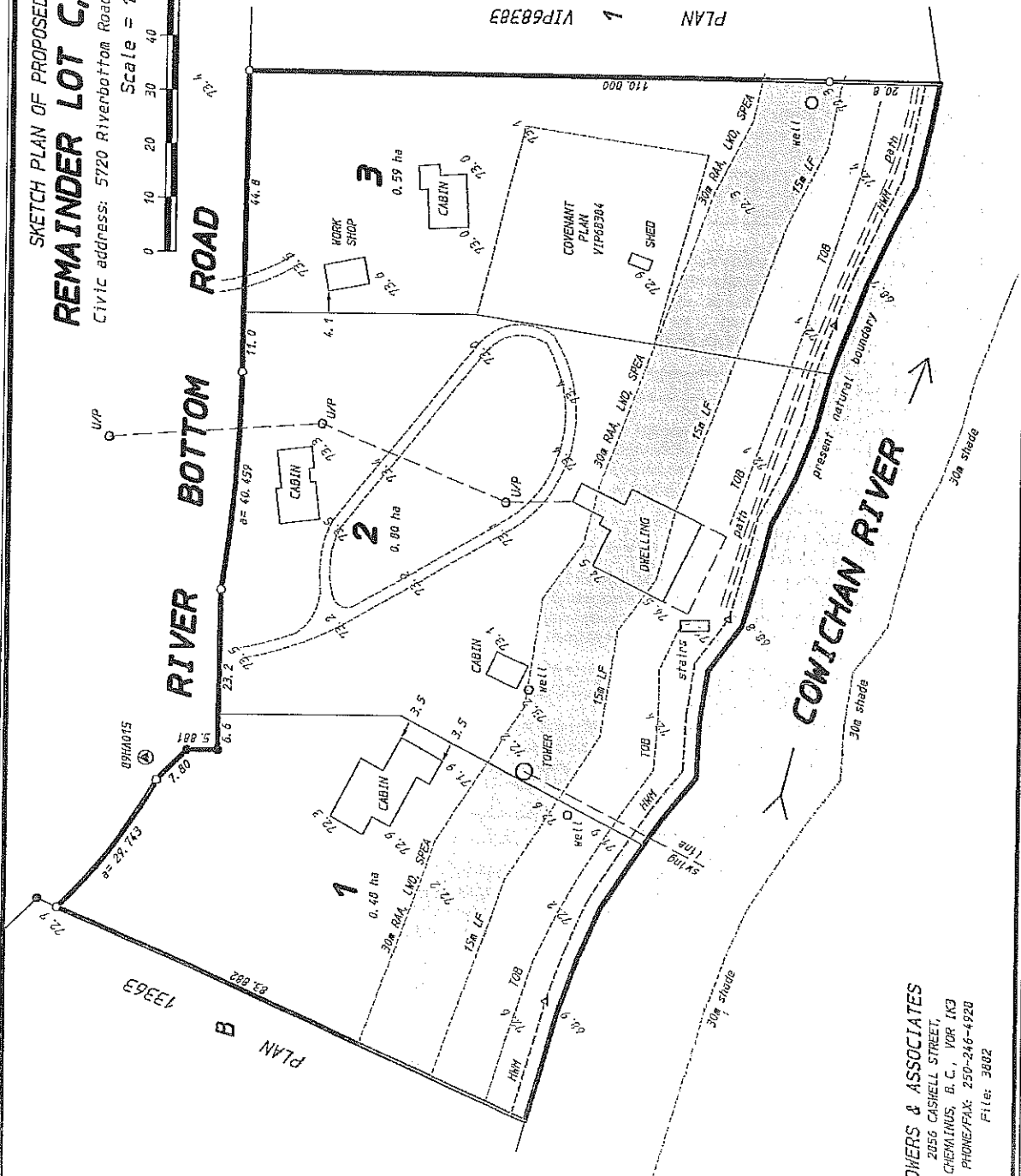
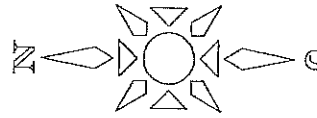
Civic address: 5720 Riverbottom Road, Duncan (PID: 004-471-661)

Scale = 1:750

0 10 20 30 40 50 metres

## LEGEND

All distances and elevations are in metres and decimals thereof.  
 Elevations are derived from Min of E. non 89H015 (elevation 73.446m).  
 Distances are approximate and subject to change upon final survey.  
 RAA denotes Riparian Assessment Area  
 HWM denotes High Water Mark  
 LWD denotes Large Woody Debris; Bank and Channel Stability  
 SPEA denotes Streamside Protection and Enhancement Area



**BOWERS & ASSOCIATES**  
 2056 CASHILL STREET,  
 CHEMINUS, B.C., V0R 1K3  
 PHONE/FAX: 250-246-4928  
 File: 3682

## Section 4. Measures to Protect and Maintain the SPEA

<b>1. Danger Trees</b>	
<p>I, <u>Wm. Patrick Lucey</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Dave Hignell</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<b>2. Windthrow</b>	
<p>I, <u>Wm. Patrick Lucey</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Dave Hignell</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<b>d. Slope Stability</b>	
<p>I, <u>Wm. Patrick Lucey</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Dave Hignell</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<b>e. Protection of Trees</b>	
<p>I, <u>Wm. Patrick Lucey</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Dave Hignell</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<b>d. Encroachment</b>	
<p>I, <u>Wm. Patrick Lucey</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer, <u>Dave Hignell</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<b>e. Sediment and Erosion Control</b>	
<p>I, <u>Wm. Patrick Lucey</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Dave Hignell</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<b>d. Stormwater Management</b>	
<p>I, <u>Wm. Patrick Lucey</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Dave Hignell</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<b>e. Floodplain Concerns (highly mobile channel)</b>	
<p>I, <u>Wm. Patrick Lucey</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Dave Hignell</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	

### ***Measures – Danger Trees in the SPEA***

The majority of coniferous and deciduous trees alongside the assessed stream appear to be in good health. In the event that any trees are considered hazardous, they can be managed so as to maximize their benefit to aquatic and terrestrial ecosystems, while minimizing their risk to people and property. Wherever possible, some or all of the tree should be left to decompose on site, especially in the SPEA to provide woody debris on the ground as small mammal and amphibian habitat and to provide a substrate for mosses. Due to the public nature of the site (*i.e.* a resort) trees are regularly inspected for hazards and managed accordingly.

Some of the possible management options for future hazardous tree management include:

- topping and/or pruning, to prevent dead branches from falling on people or property;
- where necessary, cutting most of the tree down, while leaving a large section of trunk still standing, to provide wildlife habitat/food;
- pushing a tree over and into the river and/or SPEA, preferably with its root wad intact, so as to augment the supply of large wood. The root wad helps to anchor the tree against the bank and provides micro-sites for terrestrial wildlife among the roots and in the depression.

### ***Measures – Windthrow***

There is no additional clearing planned for this site. The existing development has been in place for decades, and thus the trees have acclimated to the current wind patterns. Since this RAR is to accommodate subdivision only, and no further development is planned, windthrow measures are not required.

### ***Measures – Slope Stability***

Previous reports relating to this property were undertaken in 1998, 2007, and 2008 to determine the presence of any geological hazards as well as identifying the location of the 200-year floodplain. No geological hazards were identified other than the recognition that the Cowichan River is an active system which does flood. However, due to the location of the buildings, the “risk of erosion or channel migration posing a threat...is remote” (Ryzuk, 2007). Furthermore, “accepting that large scale migration of the active river channel that would affect the development is unlikely, we do not foresee a risk of erosional hazard to the subject site given the distance from the active channel” (Ryzuk, 2007). See attached report in Appendix 1.

### ***Measures – Protection of Trees in the SPEA***

Trees in the SPEA must be protected. In future, if development plans are made for the site, SPEA trees must be protected by ensuring that the SPEA is well-marked and that personnel and equipment do not encroach into this area. Particular attention should be paid to the layout of paved areas such as roads and driveways, to ensure that root zones are not damaged. If an arborist has recommended an appropriate perimeter for construction works around specific trees, highly visible fencing shall be installed which

delineates the “no- access zone”, and construction crews will be briefed on the tree protection program. Monitoring will be conducted during construction phases, to ensure that the trees are adequately protected.

### ***Measures – Preventing Encroachment in the SPEA***

This site is actively used for recreation, and has been for several decades. It is impractical to prevent activity within the SPEA, since the riparian area is part of the site’s attraction to visitors. Care should be taken to allow native vegetation to regenerate wherever possible and to define access points through it.

### ***Measures – Sediment and Erosion Control During Construction***

No construction activities are planned.

### ***Measures – Stormwater Management***

No development is planned. Existing stormwater infiltrates into the ground.

### ***Measures – Floodplain Concerns***

Previous reports relating to this property were undertaken in 1998, 2007, and 2008 to determine the presence of any geological hazards as well as identifying the location of the 200-year floodplain. No geological hazards were identified other than the recognition that the Cowichan River is an active system which floods. However, due to the location of the buildings, the “risk of erosion or channel migration posing a threat...is remote” (Ryzuk, 2007). Furthermore, “accepting that large scale migration of the active river channel that would affect the development is unlikely, we do not foresee a risk of erosional hazard to the subject site given the distance from the active channel” (Ryzuk, 2007). The 20-year and 200-year floodplain elevations are known; 72.3 m and 72.6 m respectively. No further measures are needed in this regard. See Appendix 1.

## ***Section 4 References***

British Columbia Ministry of Environment. 2002. Stormwater Planning: a Guidebook for British Columbia. <http://www.env.gov.bc.ca/epd/epdpa/mpp/stormwater/stormwater.html>

Department of Fisheries and Oceans Canada. 1992. Land Development Guidelines for the Protection of Aquatic Habitat.

United States Environmental Protection Agency (EPA). 1992. Storm water management for industrial activities: developing pollution prevention plans and best management practices. EPA-833-R-92-005.

## **Section 5. Environmental Monitoring**

No monitoring is required, since there is no development planned for this site.



## Section 6. Photos



Figure 3. Cowichan River on the subject property looking upsteam (west). The river is wide and shallow; 25 to 30m in width. Note the lack of large wood in the system.



Figure 4. Steep riprap, north bank. Photo looking down rock staircase which leads to a small concrete and stone viewing platform roughly 20m from the western property line.

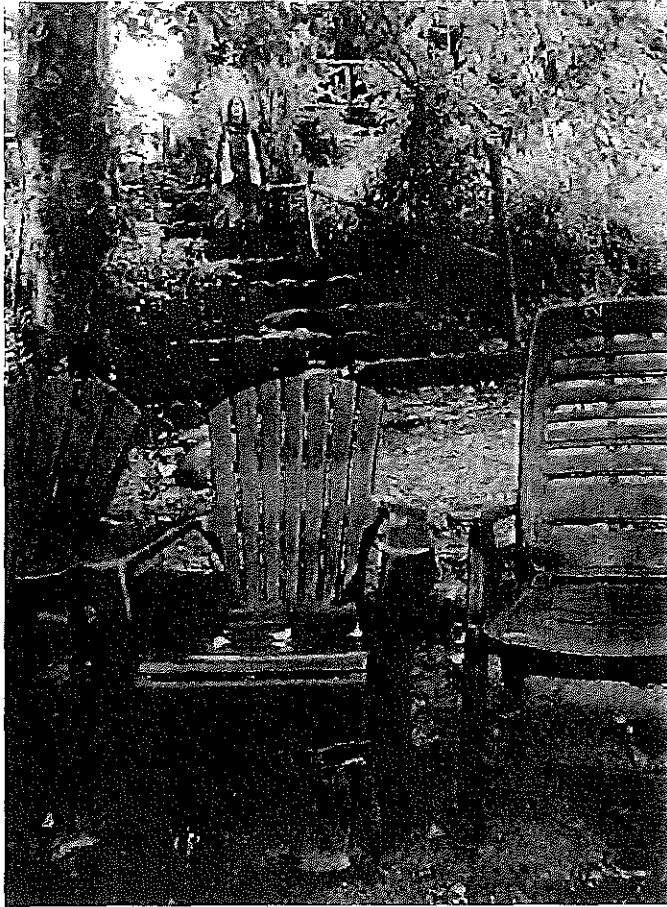


Figure 5. Stone staircase located at the approximate mid-point of the property. The person in the photo is standing at the level on the staircase indicated by the property owner, who has been on the property for 25 years, as the highest water level seen on the property in recent history.



Figure 6. Photo taken from the approximate mid-point of the property looking upstream towards a rock and cement groin structure.



Figure 7. Close up of the rock and cement groin structure.



Figure 8. Photo shows the upstream end of a riffle, approximately 30m long.



Figure 9. Downstream end of a riffle, approximately 30m long. Note the shallow, rocky streambed visible across the entire width of the river.



Figure 10. South bank of the Cowichan River; part of the Cowichan River Provincial Park. The south bank is well-vegetated with a mature mixture of coniferous and deciduous trees. This bank is gently sloped with segments of accessible floodplain.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

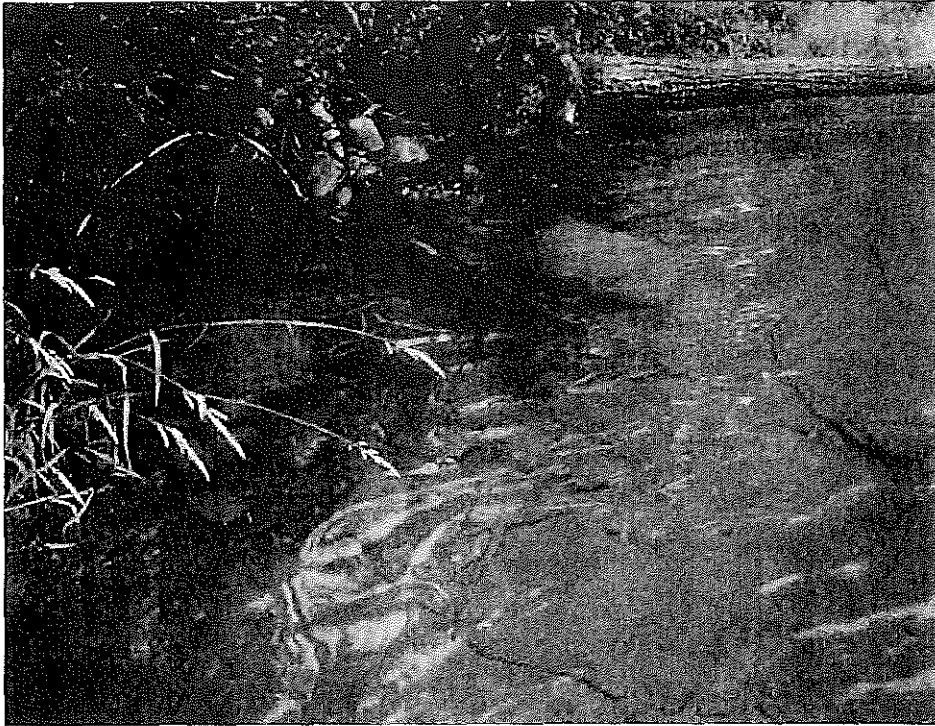


Figure 11. Photo showing the significant amounts of diffluent sediment visible on the streambed. Sediment appears during warm water periods (spring through early fall). Water clarity at the time of this assessment was excellent. Photo taken on adjacent property.





Figure 12. Main Lodge (photo courtesy of Sahltam Lodge).



Figure 13. Existing deck over the river (photo courtesy of Sahltam Lodge).

## Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date September 13, 2011

I/We Wm. Patrick Lucey

*Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)*

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer Dave Hignell, which proposal is described in section 3 of this Assessment Report (the "development proposal").
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion

that:

- a) ☐ if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR** (Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)
- b) ☒ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

**[NOTE: "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if**

(a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,

(b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and

(c) the individual is acting within that individual's area of expertise.]



## **Appendix 1: Geotechnical Reports**

**FAXED**  
16/vi/98

**C.N. RYZUK & ASSOCIATES LTD.**

Geotechnical Engineering

28 Crease Avenue Victoria, B.C. V8Z 1S3 Tel: (604) 475-3131 Fax: (604) 475-3611

June 15, 1998

File No: 8-2391-1

Sahtlam Lodge and Cabins  
R.R. #2  
5720 Riverbottom Road  
DUNCAN, B.C.  
V9L 1N9

Attention: Mr. D. Hignell

Dear Sir,

Re: Proposed Two Lot Subdivision  
5720 Riverbottom Road - Duncan, B.C.  
BCMOTH File: 06-002-16122

As requested, we have attended the referenced site and also collected and reviewed available information relating to possible geological hazards associated with the site. We understand that as a condition of subdivision approval, the B.C. Ministry of Transportation and Highways has required that a geological hazard assessment of the site be carried out with the intent of defining safe building sites on each of the proposed lots.

The project site is located along the southern edge of a relatively broad, flat valley of the meandering Cowichan River. At the project site, the Cowichan River is located along the extreme southern edge of the valley which is defended by bedrock, with the project site located to the north side of the river, between the river's edge and Riverbottom Road.

We understand that the proposed subdivision involves generally dividing the existing approximately 3.0 ha (7.4 acre), so as to create a new approximately 0.9 ha (2.2 acre) lot along the extreme eastern edge of the property. The soils at the site are generally gravelly materials, likely fluvial sands and gravels resulting from past meandering of the river over the relatively flat valley bottom. No evidence of ongoing erosion

Continued ....

June 15, 1998

Sahtlam Lodge and Cabins  
Page 2

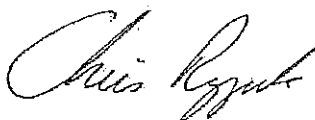
was visible along the northern/adjacent shoreline of the Cowichan River which appeared to be comprised of 150 to 200 m minus sandy gravelly materials.

Our observations at the site indicate that the only geological hazard that one might be concerned with in regard to possible future development, is that of flooding associated with the Cowichan River. We understand that flooding has generally been avoided by upstream control structures. As well, recent flood plain mapping of the Cowichan River compiled by the B.C. Ministry of Environment (Sheet 2 of 2 of Dwg. 91-33-2, File 92-4800-S.2, dated September 30, 1997) indicates that most of the existing site, the exception being a portion of the west end, is above the 200 year flood level.

In review of the available information, we note a July 9, 1997 letter from B.C. Ministry of Environment Lands & Parks, wherein they suggest the terms of a covenant that should be placed at the site relating to possible future development (identifying minimum floor levels, setback distances). We expect that over time, some erosion of the river banks may occur. As well, there is always a remote possibility of alterations in upstream conditions which could affect the course of the river. However, we expect that if the requirement set forth in the noted letter from B.C. Ministry of Environment Lands & Parks is adhered to, the site is safe from a geological hazard considering a 10% probability of such occurring in 50 years.

We hope the preceding information is suitable for your purposes at present, and that it is consistent with your account of our discussions in the past. If we can provide further information or clarification at this time, please call us. Thank you for this opportunity to be of service to you.

Yours very truly,  
C.N. Ryzuk & Associates Ltd.



C.N. Ryzuk, P.Eng.  
Geotechnical Engineer



CNR/ses

133/8-2391-1.ltr

cc: B.C. Ministry of Transportation and Highways (by fax)  
(South Island District)

Attn: Mr. B. Hacking, District Development Technician

**C.N. RYZUK & ASSOCIATES LTD.**

Geotechnical/Materials Engineering

28 Crease Avenue Victoria, B.C. V8Z 1S3 Tel: (250) 475-3131 Fax: (250) 475-3611

August 8, 2007  
File No: 8-2391-2

Sathlam Lodge and Cabins  
R.R. #2, 5720 Riverbottom Road  
Duncan, BC  
V9L 1N9

Attn: Mr. D. Hignell

Dear Sir:

Re: Proposed Addition to Cabin  
5720 Riverbottom Road - Duncan, B.C.

As requested, we attended the referenced site on June 15 to assess the geotechnical conditions as they relate to the proposed addition to one of the existing cabins. The property is located within the Cowichan River Development Permit Area, which is a designated area along much of the river corridor where development activities are regulated to reduce the risk associated with bank erosion and flooding hazards. We have had previous involvement at this site, dating back to 1998, at which time we assessed another portion of the property for proposed development. We have recently reviewed relevant available information such as historical stereo sets of B.C. government aerial photographs, erosion hazard reports and floodplain maps, with the objective to determine whether the referenced property would be considered safe for the use intended with respect to the proposed addition. Our comments and recommendations are presented herein, and are subject to the attached Terms of Engagement.

The site is generally located on the south side or left bank (looking downstream) of Cowichan River, is bounded to the east and west by similar residential/recreational properties, and to the north by Riverbottom Road. A main residence (lodge) and a number of accessory buildings (cabins) are present on the site, with relatively large coniferous trees noted about the property. We understand that the proposed addition would be located on the west side of the existing structure some 32 m from the edge of bank and would occupy a footprint of some 95 to 140 m<sup>2</sup>.

In the vicinity of the cabin site, the river channel is characteristically unconfined in the upstream and downstream areas, however, is relatively confined adjacent to the site, with evidence that the opposite bank is bedrock controlled. The sediment transport regime of the river adjacent to the site is such that sediment is carried from the upper portion of the reach through to beyond the next

C.N. Ryzuk & Associates Ltd.

Continued ....

August 8, 2007

Proposed Addition to Cabin  
5720 Riverbottom Road - Duncan, B.C.  
Page 2

bend, with the upstream and downstream sections being considered depositional reaches and the section in between, adjacent to the site, being a transport reach. There is evidence of recent lateral and vertical instability in the channel both upstream and downstream where the channel is less confined, however, the section of channel or reach adjacent to the site shows no indication of lateral or vertical instability itself.

We have reviewed the historical air photos (from 1958, 1972, 1993, and 2005 orthophoto) which confirm that there has been substantial channel migration upstream and downstream of the subject site, however, the most recent photos indicate that channel restabilization is occurring in these areas. However, as noted, the subject site is on the inside bend of a bedrock controlled, partially confined reach that is not prone to substantial channel change. This is reflected in the photographs which confirm that there has been essentially no detectable changes in river morphology adjacent to the site over the period of photo record reviewed (from 1958 to present), which is consistent with our past experience in the area in which we have not observed any significant changes since our involvement in 1998.

Numerous studies have been undertaken to assess the erosion and flood hazard adjacent to Cowichan River. In 1989, erosion hazard mapping was undertaken by Hardy BBT Ltd. which resulted in the designation of three hazard zones: reflecting an increased risk to development due to flooding and bank erosion. Generic recommendations were provided on to basis of each of the hazard zones, however, the recommendations at that time were based on relatively sparse surveys.

Additional more detailed floodplain mapping was undertaken by the Federal and Provincial Governments in 1997, with 1:5,000 scale floodplain maps clearly delineating the 1 : 20 and 1 : 200 year return period flood levels along Riverbottom Road. The 0.6 m provision for freeboard is due to hydrologic and hydraulic uncertainties in the calculations and accommodates potential for waves, surges etc.. The floodplain mapping with respect to the subject property indicates that the 1 : 20 and 1 : 200 year return period flood elevations are 72.3 m and 72.6 m Geodetic, respectively.

Based on our past experience and considering the site conditions, we believe that the risk of erosion, or channel migration posing a threat to the proposed addition is remote. We do not expect river bed aggradation to result in vertical instability and it is unlikely that large scale channel changes laterally would occur for 1:200 year design event. Accepting that large scale migration of the active river channel that would affect the development is unlikely, we do not foresee a risk of erosional hazard to the subject site given the distance from the active channel. Furthermore, we do not expect the water velocities to be sufficient enough to cause extensive soil erosion during a design event where water levels may be to the depth indicated above. It is possible that some finer grained soils comprising flower gardens etc. may be washed away, however this is considered insignificant in terms of hazard to the proposed development. It is our opinion, however, that the

August 8, 2007

Proposed Addition to Cabin  
5720 Riverbottom Road - Duncan, B.C.  
Page 3

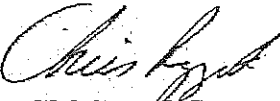
underside of floor joist should be located above the predicted 200 year flood level to minimize flood flow damage to the habitable structure.

Section 56 of the Community Charter requires a report certified by a qualified professional stating that the land may be used safely for the use intended is required prior to issuance of a building permit. In such an instance that the land is only safe for the use intended subject to certain conditions specified in the professional's report, then it would be necessary for the owner of the land to covenant to use the land as is safe for the use intended and as specified in the professional's report.

Considering the above, it is our opinion that development as proposed is not subject to hazard from major channel relocation nor is it at risk due to soil erosion within the active channel or nearer during a 1:200 year flood event. However, on the basis of the predicted flood water elevations, we suggest that for the land to be used safely for the use intended, it would be necessary to maintain the finished floor elevations of the addition higher than the predicted 200 year return period flood water elevation. As well, the building cladding below the flood level should be resistant to damage by wetting, and the building foundation walls should be detailed to permit inflow of flood waters (to equilibrate hydrostatic pressure). In similar situations, a crawlspace with the foundations at a lower elevation and the underside of the main floor above the flood water elevation has been a viable option, although no electrical connection or utilities/facilities affected by water should be below the 200 year flood level unless waterproofed. It is important for any future owners to recognize that the proposed development is within a flood plain that is expected to be inundated during flood events. As such, it may be necessary to register a covenant advising any future owners of the risk of flooding so that the crawlspaces do not end up being used as storage for items that could be water damaged.

We hope the preceding information is suitable for your purposes at present, and that it is consistent with your account of our discussions in this regard. If we can provide further information or clarification at this time, please call us. Thank you for this opportunity to be of service to you.

Yours very truly,  
C.N. Ryzuk & Associates Ltd.

  
S.W. Moore, P.Geo.  
Geoscientist

/SWM

*Attachment - Terms of Engagement*

C.N. Ryzuk & Associates Ltd.



#### POLICY 14.2.6 RESIDENTIAL APPLICATION REQUIREMENTS

Before issuing a development permit on a parcel within the Allenby Road Development Permit Area zoned for residential use with a maximum dwelling density standard equal to or greater than 12 units per hectare of parcel area, the Regional District, in determining what conditions or requirements it will impose in the development permit, shall require the applicant to furnish, at his/her own expense, information which shall include:

- 1) A description of the project;
- 2) a) Site plan(s) to scale, which illustrate the following:
  - Location of the project;
  - A landscaping plan identifying the plant species or general species type proposed for all landscaped areas;
  - All existing and proposed property boundaries;
  - Location of existing and proposed buildings;
  - Building separation distances and associated percentage areas of unprotected openings in an exposing building face;
  - Vehicular access points and parking areas;
  - Pedestrian access points, sidewalks and pathways;
  - Exterior Lighting;
  - Fencing or screening.
- b) Elevations or perspectives to scale, illustrating proposed building design and landscaping.

#### POLICY 14.2.7 EXEMPTIONS

The guidelines listed in POLICY 14.2.5 shall not apply to:

- a) Subdivision of land;
- b) Interior renovations to existing buildings.

#### 14.3 COWICHAN RIVER DEVELOPMENT PERMIT AREA

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to any of the following activities occurring in the Cowichan River Development Permit Area, where such activities are directly or indirectly related to existing or proposed residential, commercial or industrial land uses in any Zone or Land Use Designation:

- a) removal, alteration, disruption or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of nonstructural impervious or semi-impervious surfaces;
- e) flood protection works;
- f) construction of roads, trails, docks, wharves and bridges;
- g) provision and maintenance of sewer and water services;
- h) development of drainage systems;
- i) development of utility corridors;
- j) subdivision as defined in section 872 of the *Local Government Act*.

#### 14.3.1 CATEGORY

This development permit area is designated pursuant to Sections 919.1(1)(a) and 919.1(1)(b) of the *Local Government Act* – protection of the natural environment, its ecosystems and biological diversity, and the protection of development from hazardous conditions.

#### 14.3.2 DEFINITIONS

For the purposes of this Development Permit Area, the terms used herein have the same meaning that they do under the *Riparian Areas Regulation* (BC Reg. 376/2004).

#### 14.3.3 JUSTIFICATION

- a) Significant areas along the Cowichan River upstream of Duncan are subject to flooding and later channel movement (erosion and channel shifting);
- b) Flooding and erosion hazards in the Cowichan River corridor are known to occur and have been described in:
  - (i) “Assessment of Flooding and Erosion Potential of Cowichan River near Riverbottom Road” by Hardy BBT Ltd (consulting engineers), which includes a natural hazard map, showing areas where river erosion and flooding are likely to occur, the various zones and specifications of which form the basis of some of the guidelines below (“Hardy BBT Report”);
  - (ii) “Drawings 91-19-1 through 91-19-6”, prepared for parts of the Cowichan River under the Canada-BC Floodplain Mapping Agreement (“Cowichan River Floodplain Maps”), which specify flood construction levels for buildings in the mapped areas.
- c) The Cowichan is now designated as a Heritage River, in recognition of its cultural importance and also because it is a major spawning, migration and rearing watercourse for fish species.
- d) Provincial and Federal “Best Management Practises” for protection of riparian areas require a regulatory process to become effective.
- e) The province of British Columbia’s *Riparian Areas Regulation (RAR)*, under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the *RAR*, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP). A development permit area is the preferred way to implement the *RAR*.

#### 14.3.4 SCOPE OF COWICHAN RIVER DEVELOPMENT PERMIT AREA

The Cowichan River Development Permit Area applies to all lands shown on Figure 14.

For the purposes of the Riparian Areas Regulation development permit guidelines (Section 13.3.6), notwithstanding the areas indicated on Figure 14, the actual Riparian Areas Regulation Development Permit Area will in every case be measured on the ground, and it will be:

- a) for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark;
- b) for a 3:1 (vertical/horizontal) ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and
- c) for a 3:1 (vertical/horizontal) ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.



#### 14.3.5. GENERAL GUIDELINES

- a) Whether a subject property is in the floodplain as shown on the Cowichan River Floodplain Maps or not, if it is located in either Zones "A" or "B" as described in the "Hardy BBT Report", a geotechnical site study will be required, conducted by an engineer with experience in hydrological and geotechnical matters. The report will provide a detailed assessment of erosion and flooding potential of the site, which may include any limitations or constraints upon development that should be imposed, establish specific construction elevations and erosion control works, and consider the effects upon adjacent properties.
- b) Where a subject property is located within the floodplain as shown on the "Cowichan River Floodplain Maps", buildings and structures will be subject to the flood construction levels specified on the maps, administered under Section 56 of the *Community Charter*.
- c) In order to maintain vigorous riparian vegetation, buildings and structures should be set back as far as possible from the Cowichan River and its tributaries, preferably a minimum of 30 metres from the natural boundary/high water mark.
- d) Where land is being subdivided or rezoned, riparian vegetation leave strips at least 30 metres in width from the natural boundary/high water mark should be protected in perpetuity by dedication to the CVRD or a land trust, at the time of subdivision or rezoning.

#### 14.3.6. RIPARIAN AREAS REGULATION GUIDELINES

Prior to undertaking any of the development activities listed in Section 13.3 above, an owner of property within the Cowichan River Development Permit Area shall apply to the CVRD for a development permit, and if the development is proposed in an area described in Section 13.3.4 (a), (b), or (c), the application shall also meet the following guidelines:

- a) A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
  - i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
  - ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there are measures identified to protect the integrity of those areas from the effects of development; and
  - iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
  - iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area has been authorised in relation to the development proposal.

- b) Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:
  - a dedication back to the Crown Provincial,
  - gifting to a nature protection organisation (tax receipts may be issued),
  - the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
  - management/windthrow of hazard trees;
  - drip zone analysis;
  - erosion and stormwater runoff control measures;
  - slope stability enhancement.
- c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;
- d) If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;
- e) Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the *RAR* in their reports;
- f) The CVRD Board requires the QEP report to have regard for "Develop With Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia", published by the Ministry of Environment.

#### 14.3.7 EXEMPTIONS

In the following circumstance, a development permit is not required:

- a) where development is proposed more than 30 metres away from the natural boundary of the Cowichan River, would not occur in either Zones A or B of the Hardy BBT report area, and any proposed construction level is at least equal to the flood construction level specified on the Cowichan River Floodplain maps, Drawings 91-19-1 through 91-19-6;
- b) renovations, repairs and maintenance to existing buildings that are protected by Section 911 of the *Local Government Act*;
- c) minor interior and exterior renovations to existing buildings, excluding any additions or increases in building volume;
- d) minor removal of invasive non-native vegetation such as Gorse, Scotch Broom, Himalayan Blackberry and their immediate replacement with native vegetation;

In the following circumstance, guidelines 13.3.5 (a) through (d) above do not apply; however, Section 13.3.6 would apply for a residential accessory building or structure:

- e) the construction of accessory residential or agricultural structures that are less than 50 square metres in area.

#### 14.3.8 CONCURRENT DEVELOPMENT PERMIT AREAS

Where more than one development permit area applies to land in the Cowichan River Development Permit Area, a single development permit may be issued. Where other DPA guidelines would conflict with those of the Cowichan River Development Permit Area, the Riparian Areas Regulation guidelines (Section 13.3.6) shall prevail.

#### 14.3.9 VIOLATION

Every person who:

- a) violates any provision of this Development Permit Area;
  - b) causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
  - c) neglects to do or refrains from doing any act or thing required under this Development Permit Area;
  - d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
  - e) fails to comply with an order, direction or notice given under this Development Permit Area; or
  - f) prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;
- commits an offence under this Bylaw. Each day's continuance of an offence constitutes a new and distinct offence.

#### 14.3.10 FLOOD CONSTRUCTION LEVELS

The Board will not give relaxations to the flood construction levels in any circumstance.

#### 14.3.11 APPLICATION REQUIREMENTS

The applicant for a development permit will supply the following information in, written and/or graphic form, to the CVRD at the time of application:

- a) a written description of the proposed project;
- b) a map or maps which illustrate:
  - the location of the subject property, showing all boundaries and proposed boundaries;
  - all watercourses and waterbodies;
  - proposed setback distances from lot lines and watercourses/waterbodies, to the nearest centimetre for any buildings and structures that may be proposed;
  - location of the top of bank, for any ravine or incised watercourse;
  - areas of existing tree/vegetation cover (including photographs where appropriate);
  - all existing and proposed buildings and structures;
  - location of sewage treatment equipment (septic tanks, RBC, disposal field, both existing and proposed);
  - all other features of the land, including roads and impervious areas.
- c) if the subject property is located in Zones A or B of the Hardy BBT Report, a study prepared by a professional engineer with experience in the hydrological and geotechnical field, pursuant to Section 13.3.5(a);
- d) if development on the subject property is proposed within the area described in Section 13.3.4 (a) through (c), a report prepared by a Qualified Environmental Professional (QEP) pursuant to Section 13.3.6 will also be required.



R3

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 23, 2011

DATE: November 14, 2011 FILE NO:  
FROM: Ron Austen, General Manager, BYLAW No:  
Parks, Recreation and Culture Department  
SUBJECT: Province of BC Community Recreation \$30m Grant Program

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#### Recommendation/Action:


That the Board Chair and Corporate Secretary be authorized to execute the necessary documents for submission to the Province of BC Ministry of Community, Sport and Cultural Development Local Government Infrastructure and Finance Branch for Community Recreation Program funding of the CVRD Bright Angel Park, Aquannis Centre and Elsie Miles School Project upgrades.

#### Relation to the Corporate Strategic Plan:

A "Safe and Healthy Community", identified under the Corporate Strategic Plan, lists one of the key objectives being to "Promote individual and community wellness" with three associated strategic actions:

1. Promote a healthy lifestyle strategy to help residents live healthier lives through taking part in parks, recreation and culture services.
2. Develop an accessibility strategy to ensure that all people have access to quality recreation and cultural services and facilities.
3. Increase participation in parks, recreation, and culture program, events and activities.

Under "Sustainable Infrastructure" one of the key objectives is for "Well maintained public facilities".

Financial Impact: (Reviewed by Finance Division: )

The Community Recreation Grant Program provides an opportunity and incentive to assist in addressing both needed and aging infrastructure. The three projects recommended by staff could be completed with the grant funding or with the inclusion of funds currently budgeted.

#### Background:

The Province of BC will be providing early in 2012, \$30m in funding to communities to give BC families greater access to recreational infrastructure so they can enjoy the benefits of increased physical activity and community involvement.

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Applications for this grant program have now been sent out to BC's municipalities and regional districts. Submissions from local governments (one only from municipalities and up to three from regional districts) may now be submitted with an application deadline of Dec. 28/11.

Per project, funding is up to approximately \$400,000.

With input from staff and Electoral Area Directors, a list of potential recreation infrastructure projects has been generated. As always, the list of potential projects far exceeds funding and application limits. Based on the grant criteria (attached), need and community impact, staff recommend that the following projects be considered in priority order: Project #1 Bright Angel Park Upgrade; Project #2 Aquannis Centre Upgrade; and Project #3 Elsie Miles School Community Centre Upgrade.

**Application Selection Criteria:**

Project selection funding criteria will be focused on the following:

- 1) Extent to which the project(s) will advance the principle of the community being more physically active.
  - Increased physical activity levels in the community
  - Improved accessibility and participation for the inactive or specific populations;
  - Improved capacity of existing facilities.
- 2) Extent to which the project(s) will improve the health and social benefits of the community.
  - Improved economic growth and/or creation of jobs
  - Advancement of the long term goals of the community as identified in long term community plans.

The project review and prioritization process to date has been a staff initiative. It is critical that Directors apply additional input to ensure that community, equity and other important considerations are factored in to the final application list.

**Project Descriptions:**

**1.) Bright Angel Park upgrades (\$500,000)**

Bright Angel Park is considered a sub regional Park funded by the five electoral areas of A,B,C,D and E. Public use surveys in recent years have determined that visitations to this park encapsulate both residents from across the region as well as visitors to the Cowichan Valley, primarily from the greater Victoria area. The park is managed under a 30 year lease with the province of British Columbia, which was taken over by the CVRD back in 2001 from the Bright Angel Park Society. At the time CVRD assumed management of the site, it included a number of park amenities that had been in service for a number of years: Suspension bridge, picnic shelter, playground, caretaker residence, community playfield and parking areas. The proposed improvements include a new washroom building, new outdoor fitness trail/equipment, wheelchair accessible playground, dog off leash trail, parking improvements, trail upgrades debt and new park signage/benches/park furniture.

**Meeting Program Criteria**

- Provides multi-use recreation facilities access and opportunities for physical activity for all age groups.
- Increases awareness of physical activity opportunities. Provides occlusive barrier free facilities and amenities that meet the needs of children and youth, families, seniors and people with disabilities, first nations people, ethnic communities and people of low income.
- Promotes healthy living where people live, work, learn and play.
- Supports healthy families BC and age friendly BC.
- Ensures accessible opportunities for those of all ages, gender, income, and abilities.
- Improve live-ability attractiveness of the community for economic benefit growth.
- Opportunity for shared use agreements across sectors (i.e. school groups, first nations, Cowichan Station Community Association).
- Will be an opportunity to bring energy efficiency and green technology into this area.
- Encourages sport hosting by improving services and accessibility for larger events.

**2) Aquannis Centre Upgrade at Island Savings Centre -- \$400,000 - \$500,000**

This initiative will allow for badly needed expansion of youth outreach programs, childcare, provide for an improved access/expansion for gymnastics, multi-purpose recreation space, and also allow for new teaching of child care as a learning centre partnership with Vancouver Island University.

**Meeting Program Criteria**

- It advances physical activity for aboriginal population, children, youth and adults through increased programming space both for childcare and multi use.
- Provides community health benefits through increased recreation programs and increased service to at-risk-teens, as well as creation of local employment for the construction phase and ongoing programming & teaching.
- By providing childcare it supports the provincial Families First program, and allows parent(s) to participate in recreation programs.
- Creates additional multi-use space, as other facilities are operating at capacity most times.
- Encourages shared use agreements: Ministry of Health (Childcare) and Ministry of Education (VIU teaching/learning).

**3) Elsie Miles School Community Centre annex modifications and additions (\$550,000)**

To create a gathering place for the community through expanded community recreation programs, outdoor play space and green space for the Shawnigan Lake Village Core. Proposed modifications and additions include upgrades to the existing building to meet current building codes, installation of new playground, site landscaping, and trail connectivity through property from village core to the Shawnigan Lake Recreation Centre, construction of an outdoor amphitheatre, and repairs to fenced area/parking.

**Meeting Program Criteria**

- Provides community health benefits through increased trails and green space within the village core.
- Opportunities to enhance childcare program which supports the provincial Families First program.
- Rehabilitates community infrastructure not currently being used to its fullest potential.
- Creates multi-use as other facilities are often used to capacity.
- Will increase amenities to meet the needs of the community as a whole, promoting space for more family/community outdoor events.
- Improves live-ability and attractiveness of the community by providing services for all ages.
- Encourages sport hosting by improving services and accessibility for larger events such as the Subaru Triathlon Half Iron Man.
- Will be an opportunity to bring energy efficiency and green technology into this area.

**Other Projects: (Projects 4 – 12)**

**4) Arbutus Park upgrades and additions (\$500,000)**

Arbutus Park in electoral area I is a popular seasonal destination Park for not only the residents of Youbou/Meades Creek, but for visitors to the area including other parts of the Cowichan Valley as well as greater Victoria, as this is one of the few public parks on Cowichan Lake. The aging facilities within this park require the replacement and/or renovation to a number of the amenities in order to continue serving the demands of this popular waterfront Park. Replacement park amenities and improvements include a new wash/change room facility, new playground, picnic shelter, safety railings along the concrete retaining wall, swimming dock upgrade, and parking expansion to accommodate school buses and drop off.

**Meeting Program Criteria**

- Rehabilitates community infrastructure not currently being used to its fullest potential.
- Creates multi-use space as other facilities are often used to capacity.
- Will increase amenities to meet the needs of the community as a whole, promoting space for more family/community outdoor events.
- Improves live-ability and attractiveness of the community by providing services for all ages.

**5) Replacement of the Honeymoon Bay Hall gym floor for \$100,000 - \$150,000**

The current wooden floor is approximately 50 years old and has been repaired and refinished many times and it is now beyond repair. The floor does have many issues with cracks and holes and needs to be replaced with a sports type floor. The floor replacement is a large cost for this community and will probably only be replaced with the benefit of a grant.

- This improvement would allow for additional recreation activities such as: Indoor roller skating, floor hockey, volleyball, pickle ball, as well as new community programming for fitness classes, etc. A new floor would benefit all users from children to seniors.

**6) Shawnigan Hills Athletic Park upgrades (\$500,000)**

The work on the Shawnigan Hills Athletic Park upgrade is a multiyear program that currently is funded under the Electoral Area B Community Parks function. The next phases of work are inclusive of a new playground, picnic shelter, tennis courts, field lighting, parking lot upgrades, and new signage.

- Provides multi-use recreation facilities that increase access and opportunities for physical activity for all age groups.
- Increases awareness of physical activity opportunities. Provides occlusive barrier free facilities and amenities that meet the needs of children and youth, adults, seniors and people with disabilities, first nations people, ethnic communities and people of low income.

**7) Improvements to infrastructure at Island Savings Centre sports areas -\$520,000**

This item is a grouping of infrastructure needs to replace very aged areas of the facility. It includes: Ice plant roof replacement \$200,000, arena & gymnasium ceiling upgrade \$170,000, generator replacement \$80,000 and North exterior wall cladding \$70,000.

- The replacement and improvements to the aged facility will help sustain recreation activities.
- Will ensure that the facility can properly operate and be utilized as an Emergency Response Centre when called upon.
- Improves the attractiveness of the community and sporting events to the facility.

**8) Installation of Acousitc panels/materials in the Cowichan Lake Sports Arena and curling rink for \$100,000**

This facility upgrade would help with the recreation experience and possibly attract new facility events/programs that are offered by improving the sound and public announcement system for the 2 facilities.

**9) Replace Cowichan Lake Sports Arena compressors for \$60,000**

The current compressors are 40 years old and need replacing. A new compressor would operate more efficiently and cut down on energy costs.



**10) Replacing the Island Savings Centre parking lot with environmentally friendly areas at \$650,000**

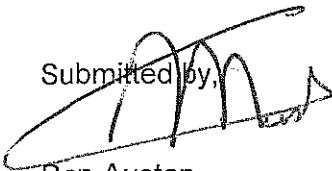
Although the need for a major upgrade to the Island Savings Centre parking lot is required, the parking lot upgrade project would not, in staff's opinion, qualify for the Province of BC Community Recreation Grant Program funding.

**11) Theatre equipment replacement items (speakers and multimedia switching hardware) for a total of \$167,000**

Although the need for a major upgrade to the Cowichan Theatre equipment upgrade project is required, the Cowichan Theatre equipment upgrade project would not, in staff's opinion, qualify for Province of BC Community Recreation Grant Program funding.

**12) Honeymoon Bay Tennis Court Resurfacing Project at \$85,000**

Submitted by,



Ron Austen  
General Manager  
Parks, Recreation and Culture Department



Ministry of Community,  
Sport and Cultural  
Development

Local Government Infrastructure  
and Finance Branch  
PO Box 9838 Stn Prov Govt  
(4<sup>th</sup> Floor - 800 Johnson Street)  
Victoria, BC V8W 9T1

CIRCULAR

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Circular No. 11:15  
ARCS File #: 195-20

October 21, 2011

To: All Mayors in Council; Chief Administrative Officers;  
Corporate Officers and Financial Officers

**Re: Community Recreation Program - Application Intake**

The Province of British Columbia will provide \$30 million in funding to communities to give B.C. families greater access to recreational infrastructure so they can enjoy the benefits of increased physical activity and community involvement.

The program aims to invest in those capital projects that make communities healthier, more active places in which to live.

The Local Government Infrastructure and Finance Branch will be partnering with the Ministry of Community, Sport and Cultural Development's Sports Branch, and the Ministry of Health – Chronic Disease/Injury Prevention and Built Environment Branch for their expertise and knowledge.

Applications for this program may be submitted between October 21, 2011 and December 28, 2011. For an application package, please go to the website:  
[http://www.cscd.gov.bc.ca/lgd/infra/infrastructure\\_grants/community\\_recreation\\_program.htm](http://www.cscd.gov.bc.ca/lgd/infra/infrastructure_grants/community_recreation_program.htm).

Municipalities may submit **one** application, regional districts may submit up to **three** applications for funding.

If you need further information about the Community Recreation Program, please contact the Local Government Infrastructure and Finance Branch, Ministry of Community, Sport and Cultural Development by telephone at: 250-387-4060 or email: [Infra@gov.bc.ca](mailto:Infra@gov.bc.ca).

*Original signed by:*

Renée Audy  
A/Director  
Infrastructure and Engineering

# Community Recreation Program

## Program Guide



**October, 2011**



Ministry of  
Community, Sport and  
Cultural Development

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## 1 Program Overview

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### 1.1 Purpose

British Columbians, as a whole, live healthier lifestyles than other Canadians. However, many are still not physically active enough to reap the health benefits. The Community Recreation Program (Program) was developed to address the unique challenges faced by communities in British Columbia with respect to sustainability and meeting their recreational infrastructure needs.

The Program aims to invest in those capital projects that make communities healthier, more active places in which to live. Specifically, projects will be selected based on their contribution towards:

- Extent to which the community is advancing the principle of being more physically active; and
- Providing community health benefits.

By providing communities with funding assistance for the construction of recreational infrastructure, the Program supports healthier families through increased physical activity by providing greater access to recreation facilities such as recreation centres, trails, bike paths, walkways and playgrounds.

The Community Recreation Program supports the provincial Families First and the BC Jobs agenda. By increasing the availability of recreational spaces and providing opportunities for people of all ages to participate in physical activity and improving community infrastructure, the Program supports the creation of communities that attract families and economic activity.

### 1.2 Amount of Grant

The Program will provide funding to municipalities and regional districts, noting that priority will be given to smaller communities. The cost-sharing formula will be up to 80% provincial contribution, with the balance being the applicant contribution. The program has no defined funding cap. Applicants will be required to look closely at the amount of funding being requested and identify what is the minimum provincial contribution that will allow the project to move forward.

In addition, a key Program objective is to maximize funding for as many communities as possible. Applicants should consider provincial contribution limits identified in past provincial programs, such as Towns for Tomorrow (up to \$400,000) when submitting an application. However, consideration will still be given to applications of any value provided they meet program criteria.

Under the Community Recreation Program, applicants will be required to utilize internal funding sources to meet their contribution. This may include monies from the Gas Tax Agreement Community Works Fund, local sources (e.g. borrowing, reserve funds, development cost charges), Small Community and Regional District Unconditional Grant Programs and other third party sources.

## 2 Eligibility

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### 2.1 Eligible Applicants

An eligible applicant must be:

- An incorporated municipality; or
- A regional district. A regional district may submit an application for a community that is not incorporated. A community, for the purpose of application to the program, is considered to be a settlement area within a regional district electoral area or a proposed or established service area.

### 2.2 Application Limit

- Each municipality is allowed to submit **one application**.
- Each regional district is allowed to submit **three applications**.

### 2.3 Eligible Projects

Eligible projects must:

- be for construction, renewal, expansion or material enhancement of community public infrastructure;
- not be started (construction) prior to application;
- stipulate a construction completion date of no later than March 31, 2015;
- be duly authorized by a resolution of the applicant's Municipal Council or Regional District Board;
- be consistent with the planning practices and guidelines of British Columbia; and
- meet the requirements of all applicable federal and provincial legislation.

## Project Categories

Eligible projects include, but are not limited to:

- **Recreation and Sport Projects** – sports or indoor recreation infrastructure (See section 3.4 - excludes facilities used primarily by professional athletes), community recreation spaces, community gardens, fields, and parks.
- **Bike Paths** – capital projects that provide on-street cycling facilities.
- **Walkways** – capital projects that improve sidewalks or pedestrian crossings.
- **Greenways** – multi-use activity (i.e. walking, cycling and other recreational activities such as cross country skiing, jogging or in-line skating) trails. Rails to trails projects, which can provide tourism and economic opportunities, will also be considered.
- **Amenities** – vehicle parking for cyclists, bicycle lock-ups and storage, on road yarrows, changing facilities, signage, lighting, seating, water fountains, barriers from traffic, and enhancements to improve accessibility.
- **Capital projects that get children and youth playing again in our communities and parks** – provide access to schools, playgrounds, parks, natural areas, youth centres and other recreational centres.

### 2.4 Ineligible Projects

Projects will be deemed ineligible if:

- Construction has already begun prior to the submission of the application;
- The project is considered routine maintenance or repair;
- The project is submitted by an ineligible applicant (see section 2.1); or
- The project will be completed after March 31, 2015.

## **2.5 Eligible Costs**

Eligible costs are defined as all direct costs properly and reasonably incurred and paid solely and specifically in relation to the project. Such costs would normally be capitalized in the records of the local government.

Eligible costs include:

- Design costs;
- Engineering costs;
- Construction costs;
- The use of a local government's own workforce if used for project construction; and
- Other costs that, in the opinion of the Province, are considered to be direct and necessary for the successful implementation of the Project.

Committed engineering or design costs are eligible for reimbursement provided construction has not commenced.

Only those itemized project costs approved by the Province will be funded. Any grants that may be approved will be based on the net cost to the applicant; that is, net of contributions from other local governments, provincial agencies, or the federal government.

## **2.6 Ineligible Costs**

Ineligible costs include:

- Administration or administrative overhead charges;
- Any costs that are not capitalized under PSAB 3150 (Tangible Capital Assets);
- Any equipment that is not permanently installed;
- The cost of any goods and services which are received through donations or in kind; and
- Land acquisition.



### 3 Application Process

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#### 3.1 How to Apply

**Step 1:** Download and read the Community Recreation Program Guide available from the web at: [http://www.cscd.gov.bc.ca/lgd/infra/infrastructure\\_grants/community\\_recreation\\_program.htm](http://www.cscd.gov.bc.ca/lgd/infra/infrastructure_grants/community_recreation_program.htm).

**Step 2:** Download the Application Form, Application Checklist, and the Certification Form from the web: [http://www.cscd.gov.bc.ca/lgd/infra/infrastructure\\_grants/community\\_recreation\\_program.htm](http://www.cscd.gov.bc.ca/lgd/infra/infrastructure_grants/community_recreation_program.htm).

**Step 3:** The Application Form, Application Checklist and Certification Form are protected Word® Documents that should be completed electronically. Please note that the area below each question will expand as necessary to provide additional space to answer a question.

**Step 4:** Save the completed Application Form with the following filename format, using the applicant's name, then REC (Program reference) and date completed (yymmdd). For example: *Elkford\_REC\_111220.doc*

**Step 5:** Using the Application Checklist as a guide, prepare and copy any supporting documentation that will be submitted with the Application Form (e.g. detailed cost estimates, work plan, consultant's proposal, site plan, council resolution, map). Include the completed Application Checklist with the application package. Supporting documentation should be submitted electronically.

**Step 6:** Email the completed Application Form, Application Checklist and any supporting documentation to the Ministry at: [infra@gov.bc.ca](mailto:infra@gov.bc.ca).

**Step 7:** Complete a Certification Form, then print, sign and mail it to the Ministry. By signing this form, the applicant is certifying that the information contained in the application is correct, and complete. (see 3.4 for mailing address)

Once all required materials have been received by the Ministry, notification will be sent advising applicants that their application package is complete and eligible for assessment.

### 3.2 Application Guidelines

For each project an applicant must submit a completed Application Form, signed Certification Form and mandatory supporting documentation. Applicants are responsible for ensuring that full and accurate information is submitted to the Ministry. Applications with incomplete information will not be considered. Please contact Ministry staff if you have questions about the materials required.

Applicants should be aware that information collected is subject to the *Freedom of Information and Protection of Privacy Act*. The information being collected is for the purpose of administering the Community Recreation Program and will be used for the purpose of evaluating eligibility under the Program. Any questions about the collection, use or disclosure of this information should be directed to the contacts at the end of this guide.

If it is not possible to complete the Application Form electronically, please contact the Ministry.

### 3.3 Application Selection Criteria

Project selection criteria will be focused on the following:

- 1) **Extent to which the community is advancing the principle of being more physically active; and**
- 2) **Providing community health benefits.**

The table below provides questions/information and examples that further define the above mentioned selection criteria. Specifically it identifies information/questions that should be addressed in the application and/or through supporting documentation.

Selection Criteria	Examples
<p><b>Extent to which the community is advancing the principle of being more physically active</b> (see Section C of application form)</p> <p>Describe how this project increases physical activity levels in the community.</p> <p>Describe how the project improves access and participation for the inactive or specific populations.</p> <p>Describe how the existing community</p>	<ul style="list-style-type: none"> <li>• Provides opportunities for community sport and recreation clubs/ organizations to expand or develop new programming;</li> <li>• Provides multi-use recreation facilities that increase access and opportunities for physical activity;</li> <li>• Improves overall walkability/wheelchair access of the community and increases access to parks, green spaces and the natural environment;</li> <li>• Links travel networks to promote self-propelled travel;</li> <li>• Promotes active transportation</li> <li>• Increase awareness of physical activity opportunities;</li> <li>• Provides inclusive, barrier-free facilities and amenities</li> </ul>

Selection Criteria	Examples
<p>facilities are used to capacity and therefore new infrastructure is required to increase sport and recreation activity.</p> <p>Describe the strategy that will be used to maximize the long-term usage and accessibility of the infrastructure.</p> <p>Describe how the project encourages innovative approaches.</p>	<p>that meet the needs of children and youth, caregivers with children, seniors and people with disabilities, First Nations people, ethnic communities and people of low income; and</p> <ul style="list-style-type: none"> <li>• Promotes the development of compact and complete communities that enhance mobility and allow people to be active.</li> <li>• Shared-use agreements across sectors (e.g. education, health, other)</li> </ul>
<p><b>Community health benefits</b> (see Section C of application form)</p> <p>Describe the health and social benefits of the project.</p> <p>Describe how the project supports economic growth and/or creation of jobs.</p> <p>Describe how this project will advance the long term goals of the community as identified in long term community plans.</p> <p>Describe the extent to which the project aligns with existing provincial community healthy living initiatives and strategies.</p> <p>Describe any environmental benefits and contributions of the project.</p>	<ul style="list-style-type: none"> <li>• Promotes healthy living where people live, work, learn and play;</li> <li>• Promotes community collaboration and shared-use agreements;</li> <li>• Ensures accessible opportunities for those of all ages, gender, income, and abilities;</li> <li>• Creates local employment opportunities;</li> <li>• Improves liveability and attractiveness of the community for economic benefit/growth;</li> <li>• Linkages with Official Community Plan, Sustainability Plan, ect.</li> <li>• Supports Healthy Families BC, Age-friendly BC, Northern Sport Strategy, ect.</li> <li>• Assists signatory local governments in meeting their British Columbia Climate Action Charter goals; abd</li> <li>• Features energy efficiency and green building principles.</li> </ul>
<p><b>Additional Criteria</b> (see Section D of application form)</p> <p>Financial Criteria</p> <p>Partnerships</p> <p>Risk Management</p>	<ul style="list-style-type: none"> <li>• Council/Board resolution supporting project</li> <li>• Financial plan/business plan that identifies capital cost and on-going operation and maintenance costs</li> <li>• The ability of the applicant to finance their share of the project cost to completion</li> <li>• Priority may be given to small and rural communities.</li> </ul>



R4

## STAFF REPORT

### SPECIAL ELECTORAL AREA SERVICES COMMITTEE OF NOVEMBER 23, 2011

DATE: November 16, 2011 FILE No: 1-G-11SA  
FROM: Rob Conway, MCIP BYLAW No:  
Manager, Development Services Division  
SUBJECT: Re-Development of Mobile Home/Manufactured Home Park at 11255  
Chemainus Road

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**Recommendation/Action:**

For Information.

**Relation to the Corporate Strategic Plan:** N/A

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

**Background:**

This report is being provided to update the Electoral Services Committee regarding a proposed re-development of a non-conforming mobile home park in Saltair.

In 2007 the Seaside Trailer Park at 11255 Chemainus Road was sold. Shortly after the sale the new owners began evicting residents of the 13 mobile homes situated on the property. As many of the trailers were not CSA certified, they could not be re-located so the evictions resulted in the owners losing any investment they had in their homes. In addition, many of the residents were low income seniors without the family support or financial resources to easily relocate. The displacement resulted in significant hardship to the residents.

The owners of the Seaside Trailer Park purportedly closed it with the intention of developing a single family dwelling on the property. The owners' plans have apparently changed and they now wish to develop it for a manufactured home park.

**Proposed Development:**

In March of 2011, the CVRD received a subdivision referral for a 27 lot manufactured home park. Upon reviewing the application, staff determined it did not comply with the applicable Zoning and Mobile Home Park Bylaw. The Bylaws require 2.0 ha. for mobile home parks whereas the subject land is only 1.8 ha. The Ministry of Transportation and the applicant were advised the subdivision could not be approved as it is not large enough to comply with the minimum lot size for the use.

The applicant subsequently argued that the manufactured home park is a "lawful non-conforming use" and have submitted a letter from the previous owner of the property confirming that between 2002 and 2007 there were 15 mobile home pads and 13 mobile homes on the property. Section 911 of the *Local Government Act* provides protection for uses that existed prior to zoning and allows such uses to continue indefinitely provided the non-conforming use is not discontinued for a consecutive period of six months or more. Although the 13 mobile homes have been gone from the property for approximately three years, common law has established that it is the mobile home pads that have lawful non-conforming protection. Since the pads still exist, it is possible the property has lawful non-conforming status and the property owners are entitled to place up to 15 mobile homes or manufactured homes on the property.

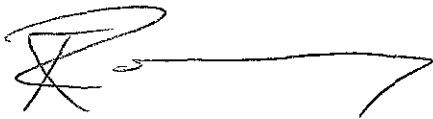
**Staff Comments:**

It is difficult to determine with certainty if the mobile home park is legal non-conforming or not. These determinations are typically made on the basis of evidence. Where a property owner and local government cannot agree, it is common for the Courts to make the determination.

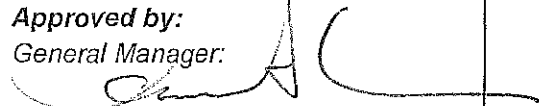
In the case at hand, it is plausible that there is lawful non-conforming protection for 15 dwellings. Given that the property is zoned for manufactured home park and there is a basis for the owners' legal non-conforming claim, staff are inclined to accept the owners' request and allow re-development of the 15 manufactured homes to proceed. The purpose of this report is to advise the Committee of this intention.

Prior to any development, the owner will require a mobile home park permit and subdivision approval. Issues such as servicing, fire protection, site layout and landscape buffers will be addressed through these processes. It should also be noted that 5% parkland dedication or cash-in-lieu is required, for subdivision, to the Parks and Trails Division, and the Area G Parks Commission will be consulted.

Submitted by,



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

<p><b>Approved by:</b> <b>General Manager:</b></p> 
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RC/ca  
attachments



Cowichan  
Valley  
Regional  
District

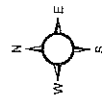
This map is compiled from various sources for internal use and is designed for reference purposes only.

The Regional District does not warrant the accuracy.

All persons making use of this map should be aware that amendments have been consolidated for convenience purposes only and that boundaries are representative.

The original Bylaws should be consulted for details on interpretation and application of the Bylaws.

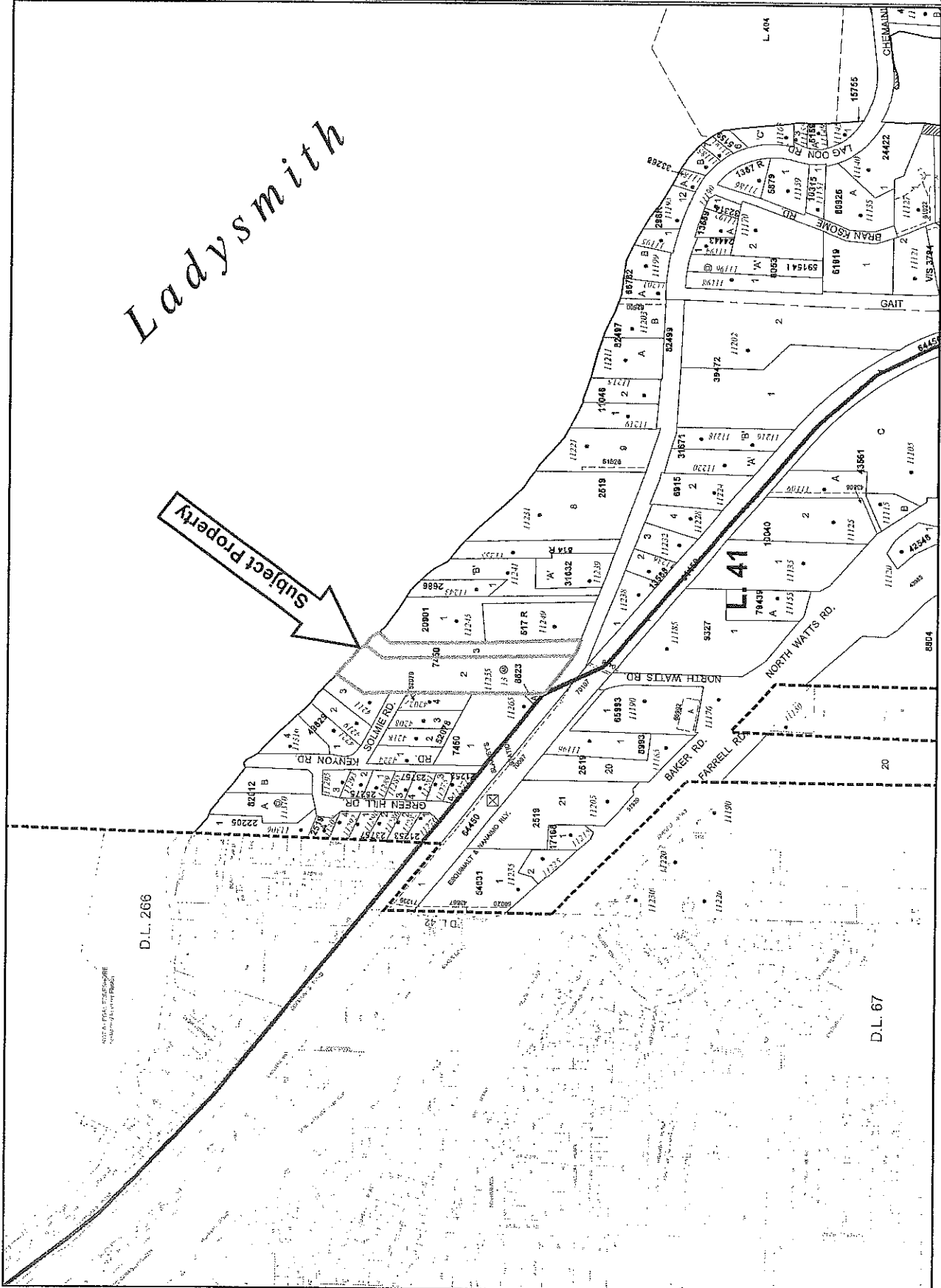
Printed: April 7, 2011



Scale: 1:7,194

Ladysmith

Subject Property



PROPOSED BARE LAND STRATA PLAN OF  
LOTS 2 & 3, PLAN 7450 AND LOT A, PLAN 8823.  
ALL WITHIN DISTRICT LOT 41, OYSTER DISTRICT.

10 0 10 20 30  
 SCALE=1:500. All distances are in metres.

Total project area = +/-1.03 Ha.  
 Allowable Dwelling Units = 27 (15x1.03)

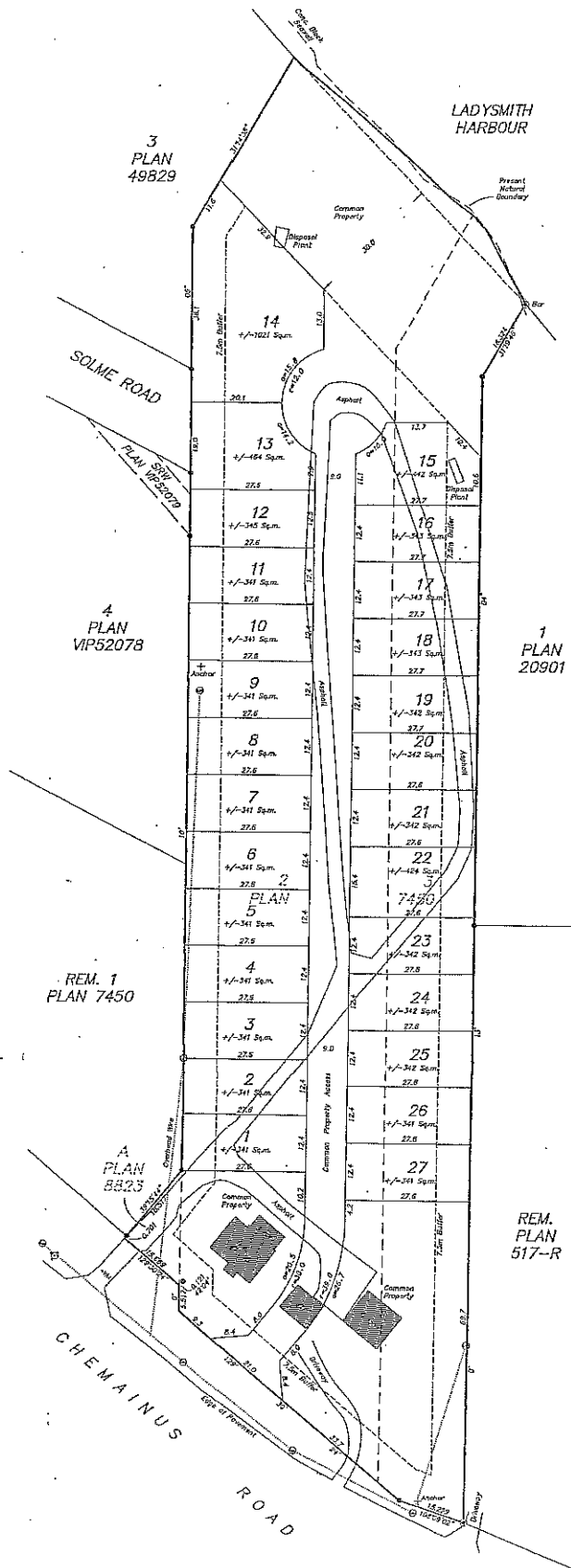
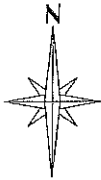
Lot 2 is subject to  
 Statutory Right of Way E798328 & E798329

NOTE:  
 Dimensions, areas & design concept are subject to vary.  
 Proposed lot layout and development design is subject to  
 approval by the approving authorities. Existing buildings  
 to be removed.

LEGEND

- Denotes standard iron post found
- ⊙ Denotes non-standard post found
- ⊕ Denotes utility pole
- ⊗ Denotes fire hydrant
- ⊙ Denotes water meter
- ⊕ Denotes water valve

*Abandoned*



This Plan has been filed  
 in the Oyster District.

File: OYD-Karen-PROJ  
 Date: March 14, 2011  
 Island Land Surveying Ltd.  
 1-12 Cordova Avenue  
 Victoria, B.C. V8V 1T3  
 Tel: 250.475.1215 Fax: 250.475.1216  
 www.islandlandsurveying.com

Proposed

**PROPOSED BARE LAND STRATA PLAN OF  
LOTS 2 & 3, PLAN 7450 AND LOT A, PLAN 8823,  
ALL WITHIN DISTRICT LOT 41, OYSTER DISTRICT.**

1:10  
SCALE 1:1000. All distances are in metres.

Total project area is 47-1.53 Ha  
Allowable Dwelling Units = 27 (1501.53)

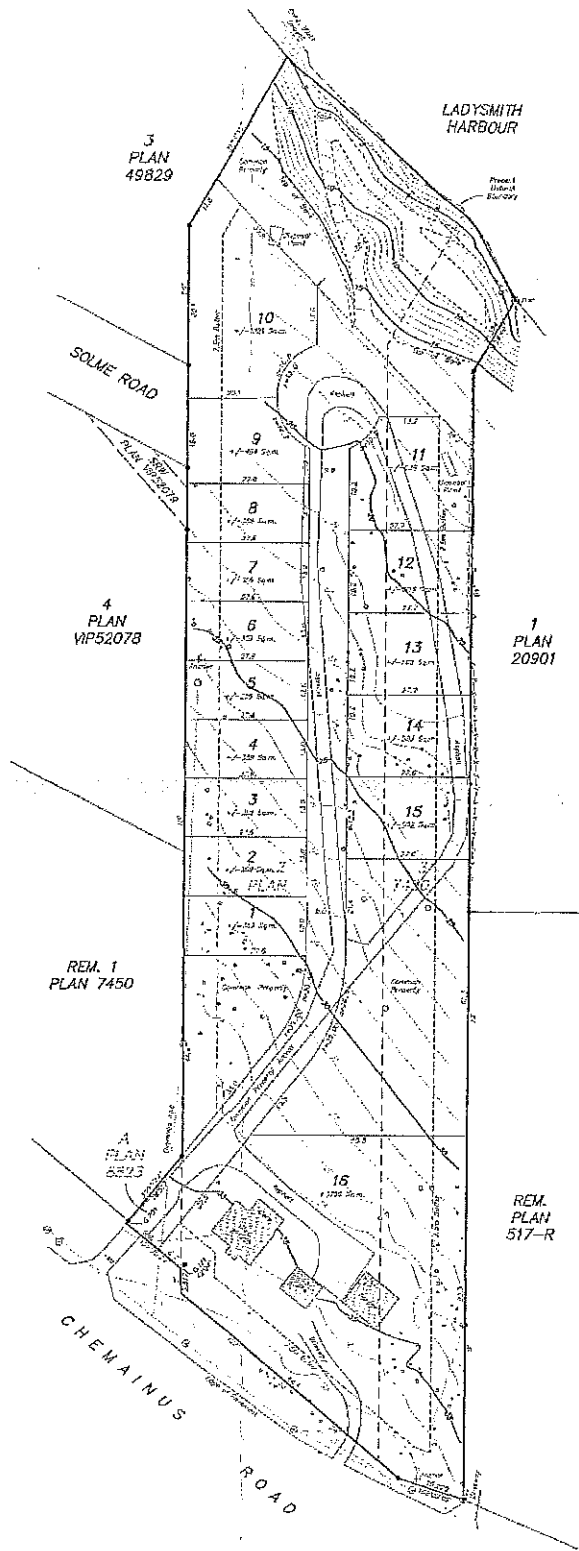
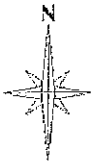
Lot 2 is subject to  
Statutory Right of Way (SR5028 & CR5023)

**NOTE:**  
Overlaid areas & design covered are subject to any  
franchise for layout and development design is subject to  
approval by the approving authority. Existing buildings  
to be removed.

**LEGEND**

- Denotes standard post road
- Denotes non-standard post road
- Denotes utility pole
- Denotes fire hydrant
- Denotes water meter
- Denotes water valve
- Denotes fence line
- Denotes deep bush location

Contours shown are based upon geotechnical data  
Old survey completed only 4th day of March, 2011.



See Plan No. 410-100  
Cassidy, Oyster District

Plan No. 410-100-2009  
Title, November 2, 2011  
Island Land Surveying Ltd.  
1-18 Shirley Drive  
Nanaimo, B.C. V9S 1K6  
Tel: 250-754-1111 Fax: 250-754-1112  
www.islandlandsurveying.ca