C·V·R·D

ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
February 7, 2012
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

A G E N D A

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8. NEW BUSINESS

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9. PUBLIC/PRESS QUESTIONS

10. CLOSED SESSION

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

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11. ADJOURNMENT

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

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Director M. Walker	Director M. Marcotte	Director P. Weaver
Director B. Fraser	Director G. Giles	Director L. Duncan
Director I. Morrison	Director L. Iannidinardo	Director M. Dorey

M1

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, January 17, 2012 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

Director M. Walker, Chair
Director L. Iannidinardo
Director M. Marcotte
Director P. Weaver
Director G. Giles
Director I. Morrison
Director M. Dorey
Director B. Fraser
Director L. Duncan

CVRD STAFF

Mike Tippett, Acting General Manager
Rob Conway, Manager
Brian Farquhar, Manager
Sybille Sanderson, Acting General Manager
Grant Breckenridge, Acting Manager
Dana Leitch, Planner II
Alison Garnett, Planner I
Rachelle Rondeau, Planner I
Maddy Koch, Planning Technician
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included: add two items of listed New Business, add one item of Closed Session new business, move agenda items R1 to R5 after D1, and remove Staff Report R16.

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

MOTION CARRIED

M1 - Minutes

It was Moved and Seconded that the Minutes of the November 23, 2011, Special EASC meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 – Morris Wadds

Morris Wadds, delegate, was present regarding proposed subdivision at 1065 Braithwaite Drive (Application No. 1-C-11DP (Hugo). Mr. Wadds distributed additional material to support his concerns regarding increased rainwater runoff that would negatively impact the use of their barnyard located at 3740 Telegraph Road which is located below the property proposed to be subdivided. Mr. Wadds requested that application be rejected.

The Committee directed questions to the delegate.

STAFF REPORTS

R1 - Hugo

Maddy Koch, Planning Technician, presented Staff Report dated January 10, 2012, regarding Application No. 1-C-11DP (Francis and Sanja Hugo) to subdivide property located at 1065 Braithwaite Drive into a 0.4 hectare lot and a 0.3802 hectare lot.

The Committee directed questions to staff.

Francis Hugo, applicant, was present and provided further information to the application. Mr. .Hugo stated that he concurs with staff recommendation.

It was Moved and Seconded
That Application No. 1-C-11DP made by J.Francis & Sanja Hugo for the purpose of subdividing the property into a 0.3802 hectare lot and a 0.4 hectare lot be approved subject to:

1. A covenant being registered to protect a 30 metre agricultural buffer between the subject property and the property directly north of the subject property, within which no dwelling, building or structure may be located, and no vegetation may be removed, except invasive species, dry underbrush which poses a fire hazard, and dangerous trees identified by an International Society of Arboriculture Certified Arborist.
2. Compliance with a drainage plan, to be prepared by a Professional Engineer with experience in drainage, at the time of any future building permit application, which outlines measures that must be taken to ensure post-development runoff does not exceed pre-development runoff for a five year storm event.

MOTION CARRIED

R2 - Ker

Maddy Koch, Planning Technician, presented staff report dated January 4, 2012, regarding Application No. 2-E-11ALR (Ker/Sunrise Educational Society) to construct a 213.7 sq.m. addition to the existing school assembly hall located at 4344 Peters Road, to provide meeting and classroom space.

There were no questions to staff or the applicant.

It was Moved and Seconded
That Application No. 2-E-11ALR, submitted by Michael Ker for Sunrise Educational Society, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a 213.7 square metre addition to an existing assembly hall for the purpose of providing additional administration, faculty and classroom space, be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

MOTION CARRIED

R3 - Wyatt

Rachelle Rondeau, Planner I, presented staff report dated January 10, 2012, regarding Application No. 9-A-11DP/RAR (Wyatt/Malahat Holdings) to permit subdivision of the property located on the TCH south of Butterfield and Kwelle Roads.

The Committee directed questions to staff.

It was Moved and Seconded
That Application No. 9-A-11DP/RAR submitted by Mark Wyatt on behalf of Malahat Holdings Ltd. Inc. for subdivision of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 (PID: 009-359-320) that would permit subdivision of the property along the Trans Canada Highway boundary be approved, subject to:

a) Development on the lots to implement rainwater management techniques that would maximize onsite infiltration such as infiltration galleries for dwellings and principal buildings and to maintain as much native vegetation as possible; and
b) Removal of any invasive species on the properties.

MOTION CARRIED

R4 - Laird

Alison Garnett, Planner I, presented staff report dated January 6, 2012, regarding Application No. 1-G-10RS (Laird/Christie) to create a new residential zone that would permit a seven lot residential bareland strata subdivision located at 10830 Chemainus Road.

The Committee directed questions to staff.

Hal Laird, owner, was present. The Committee directed questions to the owner.

It was Moved and Seconded
That draft bylaws for Application No. 1-G-10RS (Laird/Christie) be prepared and presented at a future EASC meeting, and to proceed to a public hearing thereafter, subject to the following:

1. That a professional engineer prepare an operational plan plus financial plan for ongoing maintenance of the proposed private sewage treatment system, and a draft covenant is submitted to ensure maintenance recommendations are implemented, prior to public hearing.
2. That the drainage study be revised such that all proposed rain water management infrastructure is removed from the proposed park area and relocated to strata property.
3. That a draft covenant be submitted respecting parkland dedication and public access, prior to a public hearing.
4. That a draft covenant be submitted to ensure dedication of a private road to BC MoT at time of subdivision, to prevent duplication of access points along Chemainus Road.
5. That the applicants agree in writing to the costs associated with installation of a fire hydrant, in a location suitable to the CVRD.
6. That if this application proceeds to subdivision approval process, that the request for an Archaeological Overview Assessment be forwarded to BC MoT, and the results of any assessment be communicated to the

Stz'uminus First Nation.

7. That application referrals from Vancouver Island Health Authority, Ministry of Transportation and Infrastructure, Chemainus Volunteer Fire Department, School District No. 79 and Chemainus First Nation be accepted.
8. That a Certificate of Compliance or authorized release be issued by the Ministry of Environment, prior to adoption of bylaws.

MOTION CARRIED

It was Moved and Seconded
That Application No. 1-G-10RS (Laird/Christie) be forwarded to the Engineering and Environmental Services Department for further information and advice.

MOTION CARRIED

R5 - Beckett

Dana Leitch, Planner II, presented Application No. 1-B-11RS (Beckett/Creelman) to rezone property located at 2657 Nora Place from R-1 to R-2 to allow subdivision into two lots.

The Committee directed questions to staff.

It was Moved and Seconded

1. That Application No. 1-B-11RS (Beckett/Creelman) be approved subject to the applicant providing an amenity contribution of 1% of the assessed value of the newly subdivided lot.
2. That the appropriate amendment bylaws for Application No,1-B-11RS be forwarded to the Board for consideration of first and second reading.
3. That the application referrals to the Shawnigan Lake Volunteer Fire Department; Central Vancouver Island Health Authority, Ministry of Transportation and Infrastructure and School District No. 79, be accepted.
4. That a public hearing be scheduled with Directors Fraser, Walker, and Iannidinardo appointed as delegates of the Board.

MOTION CARRIED

It was Moved and Seconded

1. That Application No. 1-B-11RS (Beckett/Creelman) be approved subject to the applicant providing an amenity contribution of 1% of the assessed value of the newly subdivided lot, plus a 15 metre buffer covenant be provided.
2. That the appropriate amendment bylaws for Application No,1-B-11RS be forwarded to the Board for consideration of first and second reading.
3. That the application referrals to the Shawnigan Lake Volunteer Fire Department; Central Vancouver Island Health Authority, Ministry of Transportation and Infrastructure and School District No. 79, be accepted.
4. That a public hearing be scheduled with Directors Fraser, Walker, and Iannidinardo appointed as delegates of the Board.

MOTION DEFEATED

DELEGATIONS

D2 - Green

Howard Green was present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Mr. Green requested that the application be denied.

D3 - Hayes

Maureen Hayes was present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Ms. Hayes requested that the crematorium property be converted to parkland for public use.

D4 - Knodel

Jane McAllister and Norman Knodel were present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Mr. Knodel requested that the illegal commercial activity not be legitimized.

D5 - Hayes

Maureen Hayes spoke on behalf of Hilary Stead. Ms. Hayes read a letter from Hilary Stead respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Ms. Hayes requested that the CVRD abide by the OCP and close the illegal operation.

D6 - Ashton

Philip Ashton was present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Mr. Ashton requested that the facility be returned to its original zoning and requested that the application be denied due to safety concerns.

D7 - Dinham

Rikki Dinham was present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Mr. Dinham requested that the application be denied.

D8 - Chalifour

Roy Chalifour was present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Mr. Chalifour requested that the land remain in the R-2 Rural Zone.

D9 - Hunter

Jeff Hunter was present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Mr. Hunter requested that the application be denied.

D10 - Prowse

Sally Prowse was present respecting opposition to Application No. 2-E-11RS (Johel/Mayo) to permit a second crematorium at 4695 Cowichan Lake Road. Ms. Prowse requested that the facility be relocated due to environmental concerns.

STAFF REPORTS

R6 - Johel

Dana Leitch, Planner II, presented staff report dated January 11, 2012, regarding Application No. 2-E-11RS (Johel/Khalsa Diwan Society) to amend the zoning of property at 4695 Cowichan Lake Road to permit a second crematorium on the eastern portion of the site.

Dave Mayo and Dave Johel, applicants, were present, and provided further information to the application. The applicants requested that the application be tabled for 90 days instead of 30 as recommended in the staff report.

The Committee directed questions to staff and applicants.

It was Moved and Seconded
That Application No. 2-E-11RS (Khalsa Diwan Societies) be denied, and further that the owners of Lot 1, Section 9, Range 7, Sahtlam District, Plan 32483 (PID: 000-152-609, 4695 Cowichan Lake Road) be requested to cease all commercial crematorium operations immediately.

MOTION CARRIED

R7 – Application 6-A-09RS

It was Moved and Seconded
That Application No. 6-A-09RS (Topping/Quek) be re-referred to the Area A Advisory Planning Commission once the applicants have completed traffic, transit and engineering studies, furthered discussions with CVRD departments and service providers, and consulted the community.

MOTION CARRIED

R8 – Fire/Emergency Agreement

Sybille Sanderson, A/General Manager, presented staff report dated January 11, 2012, regarding Fire Protection and Emergency Response Service Agreement.

It was Moved and Seconded
That the Board Chair and Corporate Secretary be authorized to sign the five year Fire Protection and Emergency Response Services Agreement between the CVRD and the Capital Regional District.

MOTION CARRIED

R9 – Stebbings Rd Water Towers

Sybille Sanderson, A/General Manager, presented staff report dated January 10, 2012, regarding Transfer of Ownership and Statutory Rights of Way, Stebbings Road Water Towers.

It was Moved and Seconded

1. That the Regional Board accept transfer of ownership to the Cowichan Valley Regional District and Statutory Rights of Way access to two water storage tanks located at Lot 2, District Lot 132, Malahat District, Plan VIP 75146, PID 025-642-324;
2. That the Chair and Corporate Secretary be authorized to execute the statutory rights of way to access two water storage tanks located at Lot 2, District Lot 132, Malahat District, Plan VIP 75146, PID 025-642-324; and
3. That the Chair and Corporate Secretary be authorized to execute the Bill of Sale (Absolute) transferring ownership of the water storage tanks from Pat Lintaman Design Ltd (Inc. No. BC0338205), and Anchorage Projects Ltd (Inc. No. BC0787945) to the Cowichan Valley Regional District.

MOTION CARRIED

R10 – Fire Chief Appointment

Sybille Sanderson, A/General Manager, presented staff report dated December 20, 2011, regarding CVRD Honeymoon Bay Fire Rescue Chief Appointment.

It was Moved and Seconded
That the appointment of Keith Bird as Acting Fire Chief to the CVRD Honeymoon Bay Fire Rescue for a term to expire December 31, 2012, be approved; and further that retiring Fire Chief John Rowley remain in the Department in an advisory position until the summer of 2012.

MOTION CARRIED

R11 – Cherry Blossom Est.

Rob Conway, Manager, presented staff report dated January 11, 2012, regarding Application No. 7-E-07RS (Cherry Blossom Estates) and issues respecting registration of the required covenant on the property prior to adoption of the amendment bylaws.

It was Moved and Seconded

1. That *CVRD Bylaw No. 3284 – Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw* (Cherry Blossom Estates), be adopted.
2. That second and third reading of *CVRD Bylaw No. 3285 – Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw* (Cherry Blossom Estates), be rescinded.
3. That CVRD Zoning Amendment Bylaw No. 3285 be amended by incorporating covenant requirements into the bylaw as described in the CVRD January 11, 2012 Staff Report.
4. That CVRD Zoning Amendment Bylaw No. 3285, as amended, be forwarded to the Board for consideration of second reading.
5. That notice be issued that the public hearing for CVRD Zoning Amendment Bylaw No. 3285 will be waived in accordance with Section 893 of the *Local Government Act;* and further, that after the close of the notification period, that CVRD Zoning Amendment Bylaw No. 3285 be forwarded to the Board for consideration of third reading and adoption.

MOTION CARRIED

R12 – Fisher Road parkland

It was Moved and Seconded
That an easement be granted in favour of Cobble Hill Improvement District for access across lands owned by the Cowichan Valley Regional District known as Fisher Road Pedestrian Crossing Park, legally described as Block 1475, Plan 56724 and Lot A, Section 13, Range 6, Plan VIP48879, Shawnigan Land District, Plan VIP81077.

MOTION CARRIED

R13 – Shawnigan Wharf Park

It was Moved and Seconded
That the Province be requested to amend the current 30 year water lot lease (DL 1, Lease #102999; Aug 31/89 – Aug 30/19) in Shawnigan Wharf Park, to include an RCMP boat house adjacent to the existing Fire Department's boat house, and that the Board Chair and Corporate Secretary be authorized to sign the required lease document amendments.

MOTION CARRIED

R14 – Parks Maintenance Contracts

It was Moved and Seconded
That the request by Easy Living Holdings Limited to assign their existing parks maintenance contracts to another parks maintenance contracting business, be denied.

MOTION CARRIED

R15 – Capital Purchasing Policy

Brian Farquhar, Manager, presented staff report dated January 9, 2012, from Ryan Dias, Parks Operations Superintendent, regarding Expenditure preauthorization of community parks 2012 capital funds.

It was Moved and Seconded
That the Capital Purchasing Policy be waived to allow expenditures to proceed on the following Community Parks capital projects prior to the adoption of the CVRD 2012 Five Year Financial Plan:

- Electoral Area B – Phase 2 and 3 works at Shawnigan Hills Athletic Park in the amount of $74,179;
- Electoral Area C – Construction of a washroom building at Quarry Nature Park in the amount of $141,820;
- South Cowichan Parks - Mill Bay Historic Church – Phase 1 Rehabilitation in the amount of $112,264;

And further, that a public meeting be held with respect to providing an update on the intended work plan for 2012 for the Mill Bay Historic Church.

MOTION CARRIED

R16 – Mill Bay Marina

Staff Report dated January 11, 2012, from Rob Conway, Manager, regarding amendment to Mill Bay Marina development permit was removed from the agenda.

R17 – Bylaw Enforcement Report

Grant Breckenridge, Acting Manager, presented staff report dated January 10, 2012, from Nino Morano, Bylaw Enforcement Officer, regarding the 2011 bylaw enforcement report.

It was Moved and Seconded
That staff report dated January 10, 2012, from Nino Morano, Bylaw Enforcement Officer, regarding 2011 Bylaw Enforcement Report, be received and filed.

MOTION CARRIED

R18 – CV Trap and Skeet Club Special Shoot

It was Moved and Seconded
That the request by Cowichan Valley Trap and Skeet Club to hold three Special Event competitive shoots in 2012 (March 31-April 1, April 21-22, and June 1-2), be approved.

MOTION CARRIED

R19 – EASC 2012 schedule

It was Moved and Seconded
That the 2012 Electoral Area Services Committee meeting schedule be received and filed.

MOTION CARRIED

CORRESPONDENCE

C1 – Signs on Hydro poles

It was Moved and Seconded
That the Board Chair forward a letter to BC Hydro requesting that they remove any illegal signage attached to hydro poles located within the Cowichan Valley.

MOTION CARRIED

INFORMATION

IN1 to IN5 – Grants in Aid

It was Moved and Seconded

That a grant in aid, Area C – Cobble Hill, in the amount of $1,000 be given to Cowichan Secondary School to provide two $500 bursaries for graduating students from Area C.

That a grant in aid, Area C – Cobble Hill, in the amount of $1,500 be given to Frances Kelsey School to provide three $500 bursaries for graduating students from Area C.

hat a grant in aid, Area D – Cowichan Bay, in the amount of $1,000 be given to Cowichan Secondary School to provide two $500 bursaries for graduating students from Area D.

That a grant in aid, Area D – Cowichan Bay, in the amount of $1,000 be given to Frances Kelsey School to provide two $500 bursaries for graduating students from Area D.

That a grant in aid, Area D – Cowichan Bay, in the amount of $500 be given to Cowichan Therapeutic Riding Association to assist with their equine based therapeutic services program.

MOTION CARRIED

IN6 – Newsletter re ALR

It was Moved and Seconded
That the newsletter from Bull, Housser & Tupper, LLP regarding strengthening the Agricultural Land Commission, be received and filed.

MOTION CARRIED

IN7 to IN13 – Commission Minutes

It was Moved and Seconded that the following commission minutes be received and filed:

- Area I APC minutes of December 6, 2011
- Area I Parks minutes of January 10, 2012
- Area B Parks minutes of December 8, 2011
- Area D Parks minutes of November 21, 2011
- Area E Parks minutes of November 29, 2011
- Area G Parks minutes of November 7, 2011
- Area C Parks minutes of November 29, 2011

MOTION CARRIED

IN14 – Parks Member Resignation

It was Moved and Seconded
That the resignation of Dan Massen from the Area C Parks Commission be accepted, and that a letter of appreciation for service on the Commission be forwarded to Mr. Massen.

MOTION CARRIED

IN15 – Building Report

It was Moved and Seconded
That the November 2011 Building Report be received and filed.

MOTION CARRIED

NEW BUSINESS

NB1 – Building Report

It was Moved and Seconded
That the add-on material respecting agenda item R6 (Application 2-E-11RS), be received and filed.

MOTION CARRIED

NB2 – Building Report

It was Moved and Seconded
That the December 2011 Building Report be received and filed.

MOTION CARRIED

NB3 – Wildcrafting in CVRD parks

Brian Farquhar, Manager, Parks and Trails Division, advised EASC members of the situation in CVRD parks where members of the public are collecting and harvesting wildflowers and herbs. He noted that this act is not permitted in CVRD community parks and that staff will be erecting signs at parks of particular concern advising of the illegal use. Mr. Farquhar noted that people wishing to collect wildflowers could forward a formal request to his attention and he would then prepare a staff report to EASC.

Director Marcotte stated that at least three signs should be erected at Yellow Point Park. Mr. Farquhar requested that Directors forward their requests for signs to him.

CLOSED SESSION

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

MOTION CARRIED

The Committee moved into Closed Session at 6:47 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 7:25 pm.

Chair

Recording Secretary

D1

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE: Dec 1/11

NAME OF APPLICANT: Robert Ross

ADDRESS OF APPLICANT: 2943 Mountain Road

PHONE NO.: 250-715-0177

REPRESENTING: Myself
Name of Organization

MEETING DATE: Feb. 7 /2012

COMMITTEE/BOARD NAME: EASC

NO. ATTENDING: 1

NO. WISHING TO MAKE A PRESENTATION: 1

TOPIC TO BE PRESENTED:
see attached

Original:
Board:
Committee: EASC - Feb. 7
Directed by:
File #
Contact for:
Date: DEC 8

NATURE OF REQUEST/CONCERN:
see attached

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

DATE: December 1st, 2011
TO: C.V.R.D. Board of Directors and Committee
FROM: Robert Ross , Electoral Area E

RE: PROVING TO THE BOARD THAT MY MOBILE HOME COMPLIES WITH RESOLUTION NO. 09-216.16 IN ORDER TO OBTAIN A BUILDING PERMIT

In 1972 mobile homes must by law be CSA Z-240 compliant, which was brought into existence to ensure mobile homes were safe to travel down our roadways.

Kent Industries Ltd. (the mobile home manufacturer) was registered as a CSA member as of September 1974 according to CSA International.

The mobile home in question was manufactured in 1974 but sold in 1975. Therefore, the mobile home had to comply with 1975 standards.

Inside the mobile home is the CSA Sticker information (see picture) proving that it was CSA compliant.

On the outside, unfortunately the CSAZ-240 sticker is still attached but has been sun-drenched to the point of not being readable. The CVRD's building inspectors are adamant in reading this sticker or they won't allow it. They will however allow it as an "accessory building". I question if this is the Board's original intention of this Resolution No. 09-216.16 to change the "use " of an older mobile home or control their movement within the CVRD's jurisdiction or what?

I am not asking to alter or challenge this policy but I am asking for common sense to prevail, considering all the time, effort and money spent to upgrade the mobile while attempting to resolve this matter. Obviously the chronological time proves that it had a CSA Z-240 sticker and thus compliant to the CVRD's Board Resolution No. 09-216.16. It frustrates me that as a taxpayer this has been such an issue that it puts my $40,000 mortgaged monies and efforts into despair without any concerns.

Meanwhile, I have proceeded to upgrade the mobile home to comply with all other regulating bodies without any issues. So there are no safety nor health concerns. The CVRD's Bylaw Enforcement Officer - Mr. Nino Morano also adds that there are no neighboring properties complaining. Is it not the CVRD's mandate to ensure safety, health and ensure quiet enjoyment to neighboring properties? So I again question this policy as to its validity and purpose? Since the CSA-Z240 compliance was or is not their jurisdiction but the Ministry of Transport's. Remember, the CSA Z240 was created to ensure mobile homes were built to be safely transported down our roadways. The peculiar thing is that in the moving process the Ministry of Transport nor the licensed moving company even enquired about this sticker! So why is the CVRD? I realize it is a control mechanism but I think the Board would agree that the taxpayer's monies would

be better spent in a more important fiscal manner. I now that I have spent far too much time on this along with the CVRD's Representatives.

I'd hate to impose on the court system to decide, but just so you know - that will be the next option. I am not anxious to proceed in this direction; however, I'm also not interested in paying for a "storage building" without a realistic reason nor compassion.

Thank-you for your attention in this matter.
Robert Ross

COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

D2

REQUEST FOR DELEGATION

APPLICATION DATE: 31 Jan. 2012

NAME OF APPLICANT: ~~Cowichan Station~~ Alison Nicholson

ADDRESS OF APPLICANT: 3961 Riverside Rd.

PHONE NO.: 250-701-0143

REPRESENTING: Cowichan Station Area Association
Name of Organization

MEETING DATE: 7 Feb 2012

COMMITTEE/BOARD NAME: EASC

NO. ATTENDING: ?

NO. WISHING TO MAKE A PRESENTATION: 1

TOPIC TO BE PRESENTED:

Cowichan Station Area Association Update – the Hub at Cowichan Station: Progress, Issues & Opportunities

NATURE OF REQUEST/CONCERN:

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

R1

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 7 2012

DATE:	January 27, 2012	**FILE NO:**	2-B-11DVP
FROM:	Maddy Koch, Planning Technician	**BYLAW NO:**	985
SUBJECT:	Development Variance Permit Application No. 2-B-11DVP (Arbutus Mountain Estates c/o Mark Johnson)		

Recommendation/Action:
That Application No. 2-B-11DVP (Arbutus Mountain Est.) for a variance to Section 9.21 of the CVRD's Mobile Home Park Bylaw not be approved until revised to include:

- designation of proposed lots 40-46 as landscaped common property;
- provision of an electrically-serviced storage building, no less than 15 square metres in area, at a location chosen by the strata council;
- provision of a fully-fenced playground- including benches, tables and other amenities- of no less than 150 square metres on the common property recreation area south of Lot 82.

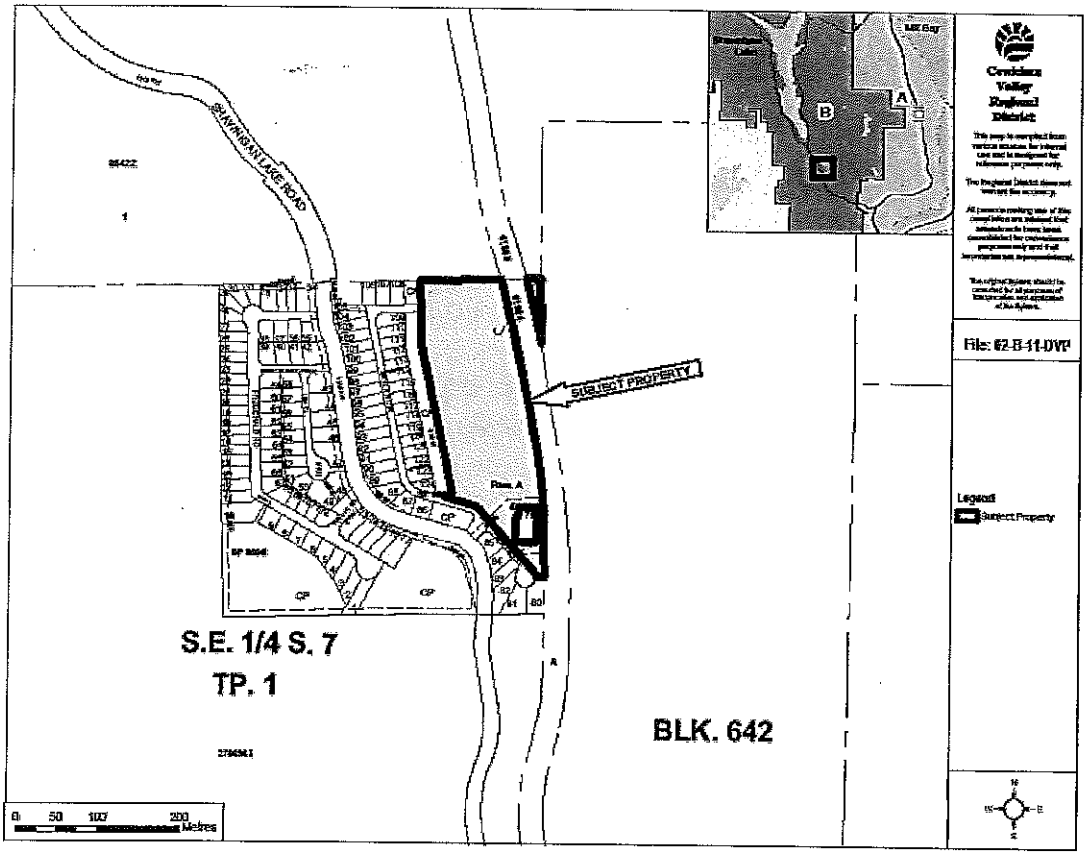
Relation to the Corporate Strategic Plan: N/A

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

Background:

Location of Subject Property:	Skylar Circle
Legal Description:	Lot A, Section 7, Township 1, Malahat District, Plan 4777 except that part in Strata Plan VIS6696 (Ph 1 and 2)
Date Application Received:	September 13, 2011
Owner:	Arbutus Mountain Estates Ltd. (Inc. No. BC0703934)
Applicant:	Mark Johnston of MH Johnston & Associates Inc.
Size of Lot:	±3.5 ha (±8.6 acres)
Zoning:	Mobile Home Park Zone (MP-1)
Minimum Lot Size:	2 ha (5 acres)
Plan Designation:	Mobile Home Park (MP)

Existing Use of Property: Vacant Land



Use of Surrounding Properties:

North	Forestry Land
South	Mobile Home Park
East	Transportation Right of Way and Forestry Land
West	Mobile Home Park

Road Access: Skylar Circle

Water: Within the Arbutus Mountain Estates Water System Establishment service area

Sewage Disposal: Within the Arbutus Mountain Estates Sewer System Establishment service area

*Please note that the CVRD Engineering & Environmental Services department has indicated that, at this time, it is uncertain whether or not these service systems are capable of supporting all of the proposed lots *

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: The CVRD's Environmental Planning Atlas identifies a wetland on the subject property.

Archaeological Site: None identified

The Proposal:

The applicant intends to develop Phase 3 of the "Estates at Shawnigan Station" subdivision. To date, Phases 1 and 2 of the subdivision have been completed, resulting in 77 manufactured home lots on the west side of Shawnigan Lake Road and 45 lots on the east side of the road. The current plan for Phase 3 proposes a further 51 lots.

CVRD Mobile Home Park Bylaw No. 275 requires that at least one communal storage site, amounting to approximately 27 square metres per mobile home site, be located within the development. The applicant is requesting to relax this requirement through a variance process and to develop the area that would otherwise be used as a communal storage site with 15 additional lots. If granted as proposed, this variance would allow the applicants to develop 66 new lots during Phase 3 instead of the 51 that are currently possible.

Under the Mobile Home Park Bylaw, the owner is required to provide a total of 4,671 square metres of storage space for the 173 mobile home park lots. This required area would increase to 5,076 square metres if 15 more lots were added, as proposed. This development variance permit application is proposing to reduce the required area for a Mobile Home Park communal storage area from 5,076 square metres to 0 square metres.

Planning Department Comments:

The applicant contends additional residences are a better use of the subject lands for the following reasons:

- Each existing and proposed home in the development has a garage;
- private storage facilities are available;
- additional homes would contribute to the strata's tax base
- common property would draw from the strata's tax base and require management;
- the additional lots would provide needed "affordable housing" units (please note that lots in Phase two are being sold for between $375,638 and $439,900 Source: http://www.southshawniganstation.com/pdf/Price_List.pdf)

Staff agree that a storage site may not be the best use of the land. However, replacement of the storage area with 15 additional housing units does not necessarily constitute a better land use, and it eliminates the option to use this area for RV and boat storage, or other uses the Strata may consider beneficial to the residents in the future.

Staff recommend the application be amended to include provision of proposed Lots 40 to 46 as common property, to allow the strata use of the site as they see fit. This site is located adjacent to proposed common property and a lot dedicated to the water utility. The site's topography poses challenges for residential development as it is a plateau underlain by bedrock. In accordance with the developer's plans, the bedrock would be blasted to create level construction sites for the proposed homes. Because the site plateaus, it has the potential to be used for a number of non-residential purposes without requiring blasting. As the site is dominated by Scottish broom, it is recommended that any approval also include invasive species removal and replacement with native vegetation as part of a landscaping plan for the common property.

The Shawnigan Station Strata submitted a letter expressing that they are supportive of the variance, subject to the developer proving a playground and a small storage shed. Provision of these amenities was agreed to by the developer, and staff recommend this be included in the

revised application. Please note that the letter (which is attached to this report) does not make any mention of common property provision.

Surrounding Property Owner Notification and Response:

Adjacent property owners were notified of the development proposal. Two responses were received, with one being supportive of the variance and one being conditionally supportive.

Options:

1. That application No. 2-B-11DVP for a variance to Section 9.21 of the CVRD's Mobile Home Park Bylaw **not be approved until revised** to include:

    - designation of proposed lots 40-46 as landscaped common property;
    - provision of an electrically-serviced storage building, no less than 15 square metres in area, at a location chosen by the strata council;
    - provision of a fully-fenced playground- including benches, tables and other amenities- of no less than 150 square metres on the common property recreation area south of Lot 82.

2. That application No. 2-B-11DVP for a variance to Section 9.21 of the CVRD's Mobile Home Park Bylaw **not be approved until revised** to include:

    - provision of an electrically-serviced storage building, no less than 15 square metres in area, at a location chosen by the strata council;
    - provision of a fully-fenced playground- including benches, tables and other amenities- of no less than 150 square metres on the common property recreation area south of Lot 82.

3. That application No. 2-B-11DVP for a variance to Section 9.21 of the CVRD's Mobile Home Park Bylaw **be denied.**

Option 1 is recommended.

Submitted by,

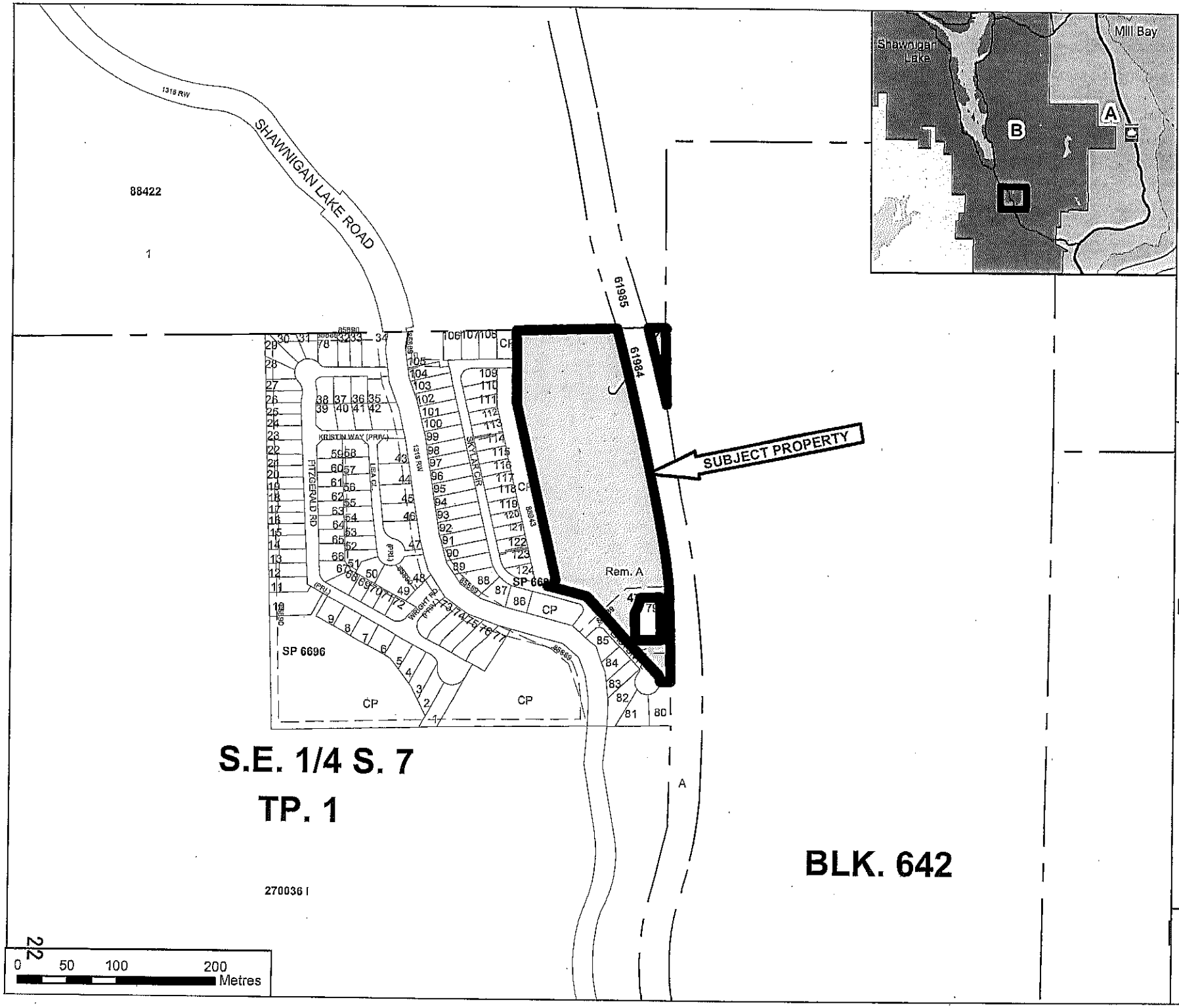
Maddy Koch

Maddy Koch
Planning Technician
Planning and Development Department

MK/ca

Reviewed by:
Division Manager:

Approved by:
General Manager:



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.

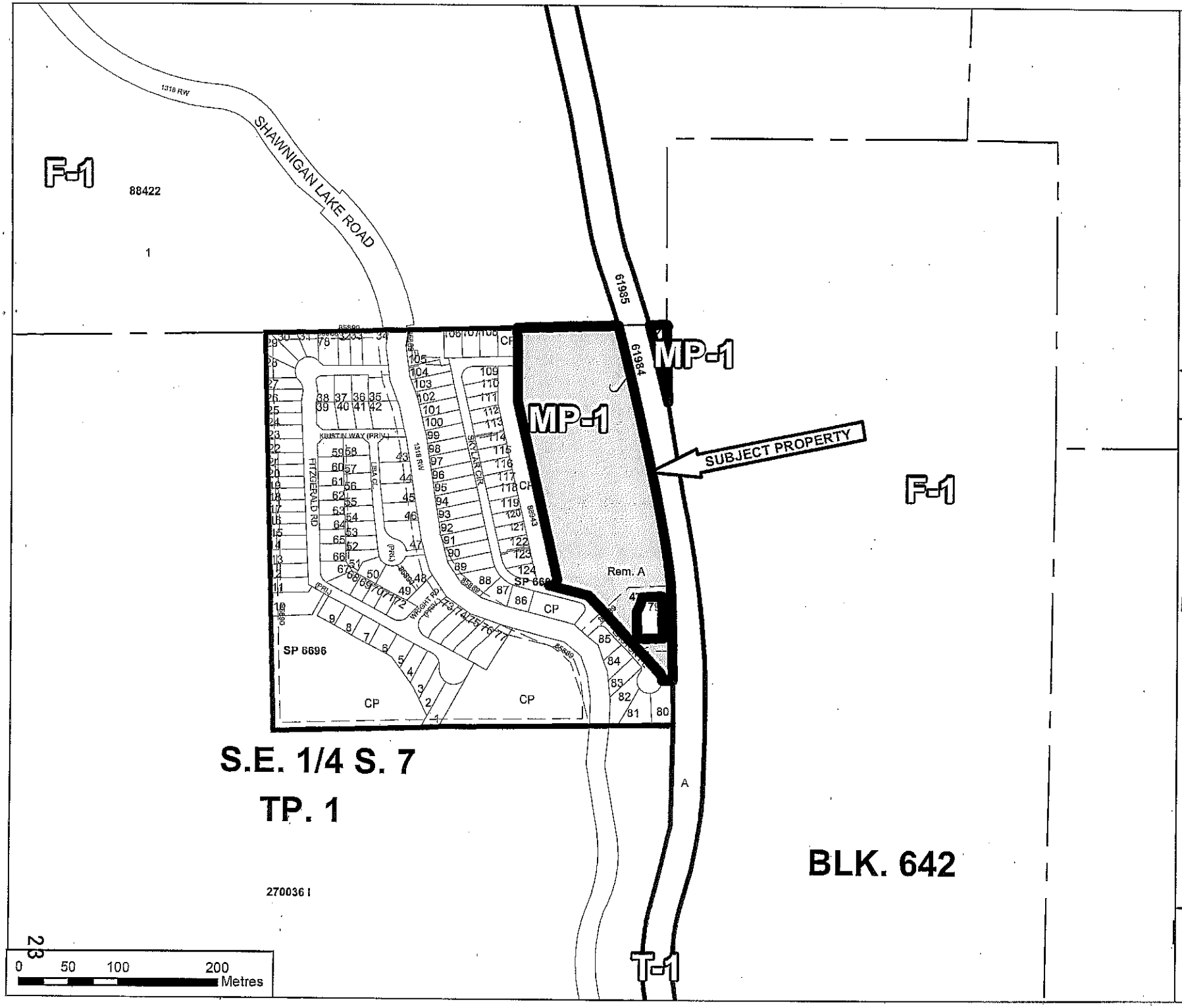
The original Bylaws should be consulted for all purposes of interpretation and applicaton of the Bylaws.

File: 02-B-11-DVP

Legend

Subject Property

N W E S



Cowichan Valley Regional District

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File: 02-B-11-DVP

ZONING

Legend

Subject Property

N W E S

8.7 MP-1 ZONE - MOBILE HOME PARK

(a) Permitted Uses

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

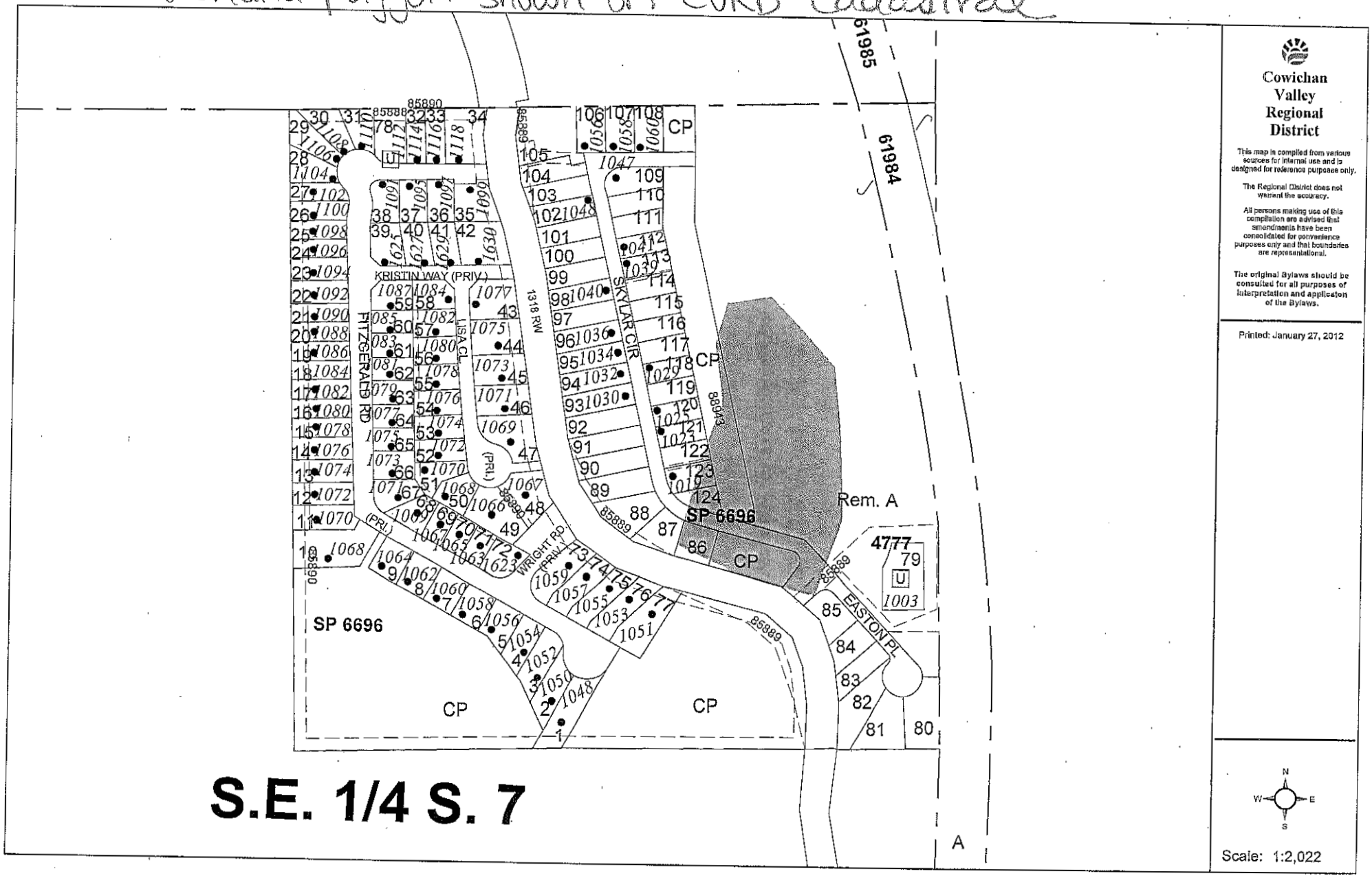
(1) mobile home park;
(2) home occupation - service industry; and
(3) daycare or nursery school.

(b) Density

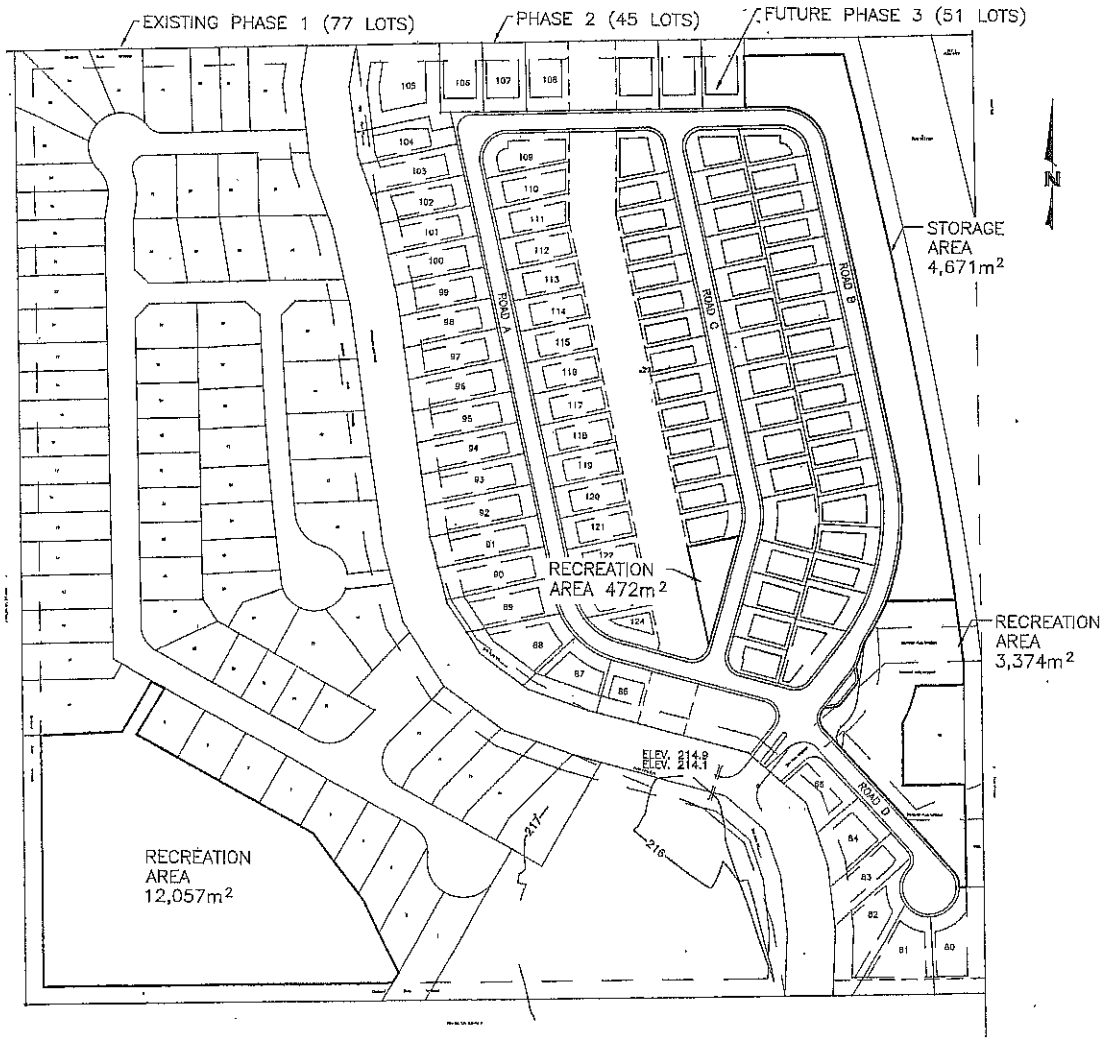
For any parcel in the MP-1 zone:

The maximum density of dwelling units shall not exceed 15 units per hectare of parcel area.

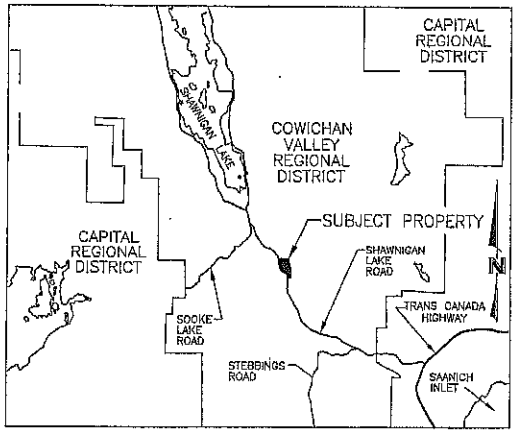
Wetland polygon shown on CVRD cadastral



The Layout that is currently possible (note the storage area)



SITE DATA
TOTAL LOTS = 173
TOTAL PARK AREA = 158,477 m²
BYLAW STORAGE AREA = 4,671 m²
STORAGE AREA = 4,671 m²
BYLAW RECREATION AREA = 15,848 m² (10%)
RECREATION AREA = 15,903 m²



LOCATION PLAN
NTS

1:2000 0 40 120m

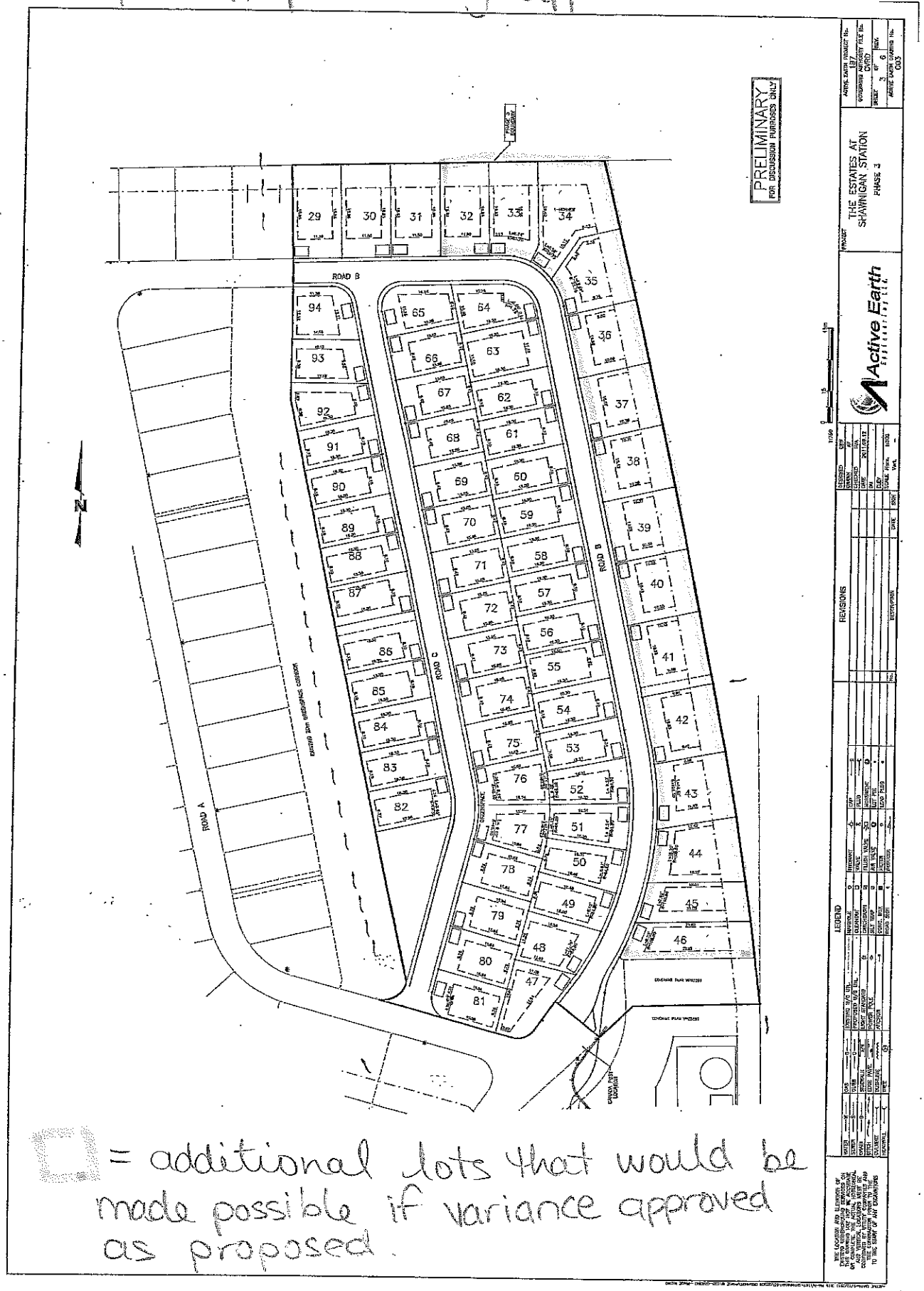
THE ESTATES AT SHAWNIGAN STATION

FIGURE 1. STORAGE PLAN AND RECREATION AREA PLAN

Active Earth Engineering Ltd.

PROJECT NO:	
DATE:	April 29 2011
DRAWN: BWD	CHECKED: MJA
SCALE:	1:2000
DWG No. 197 – 01	ISSUE:

Layout Proposed by Applicant



= additional lots that would be made possible if variance approved as proposed.

(b) the storage and disposal of flammable liquids and oils;
(c) the installations, maintenance, carriage, and use of compressed gas systems;

shall be in accordance with the regulations of the Fire Marshall Act.

9.15 The minimum parcel size required for a mobile home park shall be a minimum of 2 hectares (5 acres). (#543 - May 14, 1980).

9.16 The maximum number of mobile home sites shall

(a) comply with the electoral area zoning by-law or
(b) be a maximum of 15 (6) times the number of useable hectares (acres) contained in the entire mobile home park.

9.17 The minimum area of each mobile home site shall be not less than

(a) 325 square metres (3500 sq.ft.) for spaces intended for single wide mobile homes, but in no case shall the width of the space be less than 12 metres (40 ft.)
(b) 460 square metres (5000 sq.ft.) for spaces intended for double wide mobile homes, but in no case shall the width of the space be less than 14.5 metres (48 ft.)
(c) In the case of a mobile home site abutting a cul-de-sac, the minimum frontage shall be 7.6 metres (25 ft.) and the minimum site area shall be as required in (a) & (b) above.

9.18 A valid access permit must be obtained from the Ministry of Transportation and Highways for access onto any public highway with such access being for the safe purpose of allowing entry to and access from the mobile home park. (#543 - May 14, 1980).

9.19 The internal street system within a mobile home park shall be as follows:

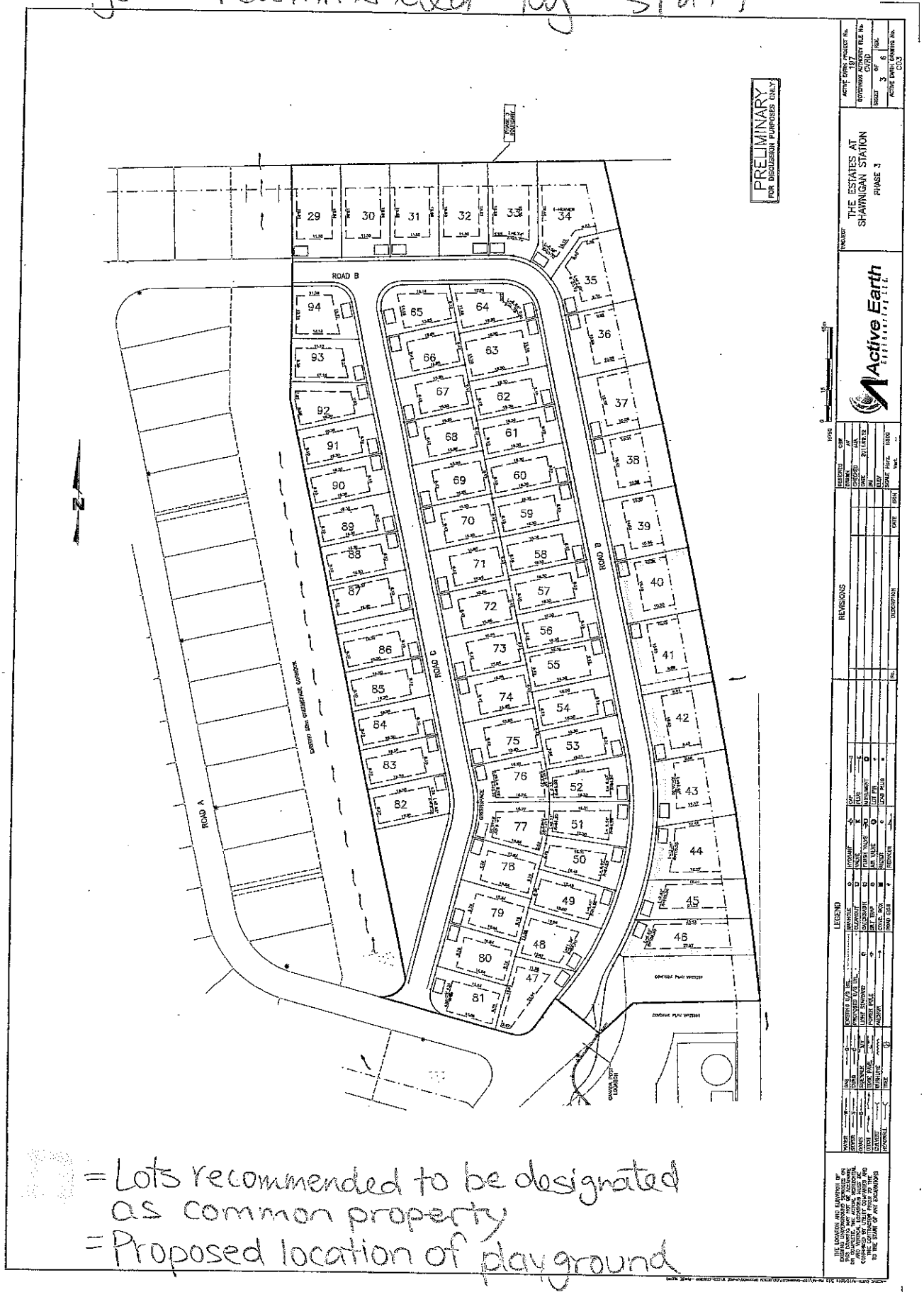
	R/W Width Minimum *	Pavement Width
Collector streets	12 metres (40 ft.)	7 metres (24 ft.)
Minor streets	9 metres (30 ft.)	6.5 metres (22 ft.)

* Minimum right-of-way width may have to be increased on the need for surface drainage and space for sewer installations.

9.20 A mobile home park shall not include a mobile home sales area or other lands on which mobile homes are placed for the purpose of sale, storage, or inspection.

9.21 At least one open communal storage site having a surface area of a minimum average of 27 square metres (300 sq.ft.) for each mobile home site will be located within each mobile home park. The communal storage site shall be located in a section of the park where it will not create a nuisance as to site, sound, or smell, be adequately landscaped, provide adequate security, and not be located in or on any buffer or recreation area. No buildings or structures, other than a carport, shall be constructed in the open communal storage site. Not more than fifty percent (50%) of the communal storage site may be developed with carports. (#543 - May 14, 1980).

Layout recommended by staff



= Lots recommended to be designated as common property

= Proposed location of playground

Couverdon

October 25, 2011

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

Your File No. 2-B-11DVP

Attn: Maddy Koch, Planning Technician
Development Services Division
Planning and Development Department

Re: Development Variance Permit Application 2-B-11DVP (Johnston)
Estates at Shawnigan Station – Lot A, Section 7, Township 1, Malahat district, Plan 4777
Except that part in Strata Plan VIS66966 (Ph 1 and 2)

Thank you for the notification and the opportunity to comment on the above noted Development Variance Permit Application (2-B-11DVP) for the Estates at Shawnigan Station.

TimberWest Forest Corp. has no objection to allowing the proposed variance to Section 9.21 of CVRD Mobile Home Park Bylaw No. 275 as outlined in your letter dated October 18, 2011.

Should you require any further input please feel free to contact our Couverdon Real Estate team.

Sincerely,

Murray Brandon

Murray Brandon
Project Manager
Couverdon Real Estate

#3 - 4890 Rutherford Road
Nanaimo, British Columbia
Canada V9T 4Z4
Tel: 250 729 3733
Fax: 250 729 3782
Cell: 250 246 0425
Email: murray.brandon@couverdon.com

CORNERSTONE PROPERTIES LTD.
#301 - 1001 Cloverdale Ave., Victoria, B.C. V8X 4C9
email: info@cornerstoneproperties.bc.ca
webpage: www.cornerstoneproperties.bc.ca
Tel: (250) 475-2005 Fax: (250) 475-2008

RECEIVED
JAN 12 2012

TO Maddy Koch, Planning Technician
Development Services Division
Planning & Development Department
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC V9L 1N8

January 10, 2012

EMAIL mkoch@cvrd.bc.ca

REGARDING **2-B-11DVP (Johnson)**

Dear Ms. Koch,

This letter is in response to the letter received October 25th 2011 advising the Owners of Strata Plan VIS6696 of the Development Permit Variance application regarding phase 3 of The Estates at Shawnigan Station. The details regarding replacement of the communal storage area, required by section 9.21 of the CVRD Mobile Home Bylaw No. 275 (the 5,076 m² of common property), with 15 additional lots were discussed at a strata council meeting on December 20th. The outcome of the discussion was a motion in favour of the variance pending the developers (Arbutus Mountain Estates) acceptance of the following conditions:

1. A playground and amenities such as benches and table to be installed within the "recreation area" adjacent to lot 82. The playground area to be no less that 150 m² *and fully fenced. Inclusion of the strata in the planning and design of the park be mandatory.*

2. A fully secured storage building with electrical service, no less than 15 m², to be built at a location on the common property, as chosen by the strata. The appearance of the building to fit with the general building scheme of the subdivision.

3. All costs associated with the noted conditions be covered by the developer (Arbutus Mountain Estates).

Select members of the council met with the Mike Kelly (Arbutus Mountain Estate) and Mark Johnston (M.H. Johnston & Associates) on December 5th to discuss the variance and the strata's requests. Arbutus Mountain Estates has agreed with the above conditions, stating a

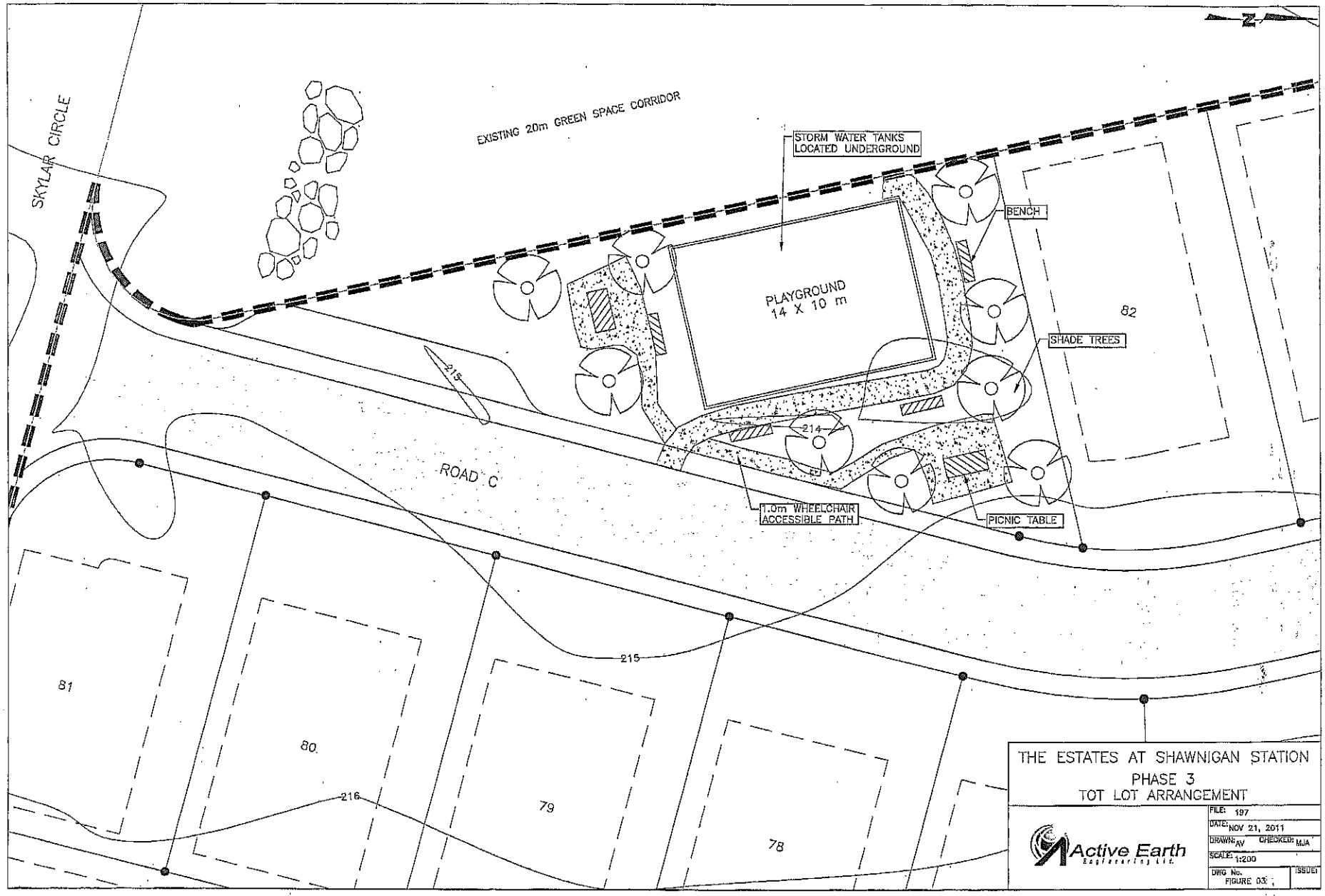
budget of no less than $20,000 will be provided for playground infrastructure, not including installation costs.

In summary, the strata would like to express our support for the development of 15 homes additional on the common property previously designated for storage, in lieu of the amenities being provided by the developer. If you have any questions please do not hesitate to contact the council.

Yours truly,

Bill Cole (President)
Strata Plan VIS6696
bill.duramax.cole@gmail.com

Tim Smith (Vice President)
Strata Plan VIS 6696
gotimsmith@gmail.com


SKYLAR CIRCLE
EXISTING 20m GREEN SPACE CORRIDOR
STORM WATER TANKS LOCATED UNDERGROUND
BENCH
PLAYGROUND 14 X 10 m
SHADE TREES
82
215
214
ROAD C
1.0m WHEELCHAIR ACCESSIBLE PATH
PICNIC TABLE
215
81
80
216
79
78
THE ESTATES AT SHAWNIGAN STATION
PHASE 3
TOT LOT ARRANGEMENT
Active Earth Engineering Ltd.
FILE: 197
DATE: NOV 21, 2011
DRAWN: AV
CHECKED: MJA
SCALE: 1:200
DWG No. FIGURE 03
ISSUE:

R2

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 7, 2012

DATE:	February 1, 2012	**FILE NO:**	7-B-11DP/RAR
FROM:	Rachelle Rondeau, Planner I	**BYLAW NO:**	3510
SUBJECT:	Development Permit Application 7-B-11DP/RAR (Don Mann Excavating)		

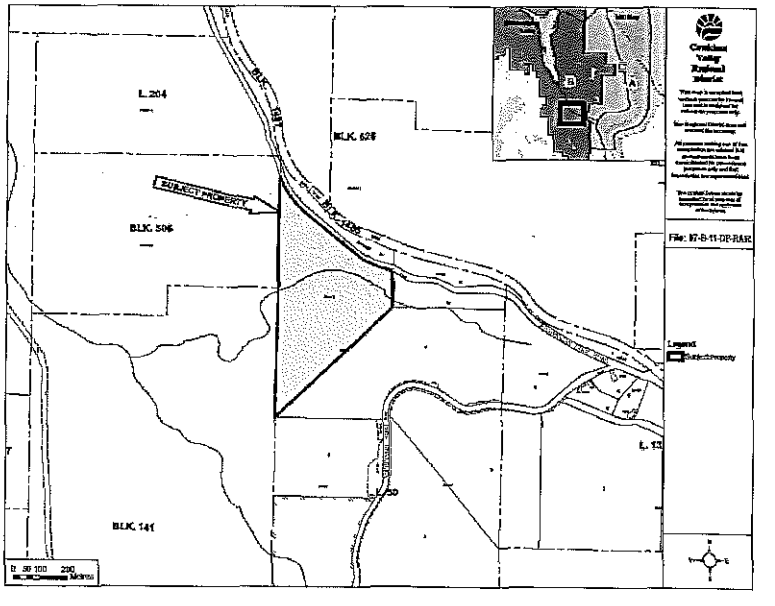
Recommendation/Action:
That Application No. 7-B-11DP/RAR, submitted by Jordan Mann on behalf of Don Mann Excavating Ltd. for deposit of fill and restoration of land within the riparian area described in RAR Report No. 2147 on Lot 6, District Lot 50, Malahat District, Plan VIP85007, Except Part in Plan EPP13409 (PID 027-514-382), be approved subject to:

a) Compliance with RAR Assessment Report No. 2147 prepared by Wm. Patrick Lucey R.P.Bio and the restoration letter prepared by Aqua-Tex Scientific Consulting dated September 21, 2011;
b) Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the restoration described by the Qualified Environmental Professional.
c) That covenant FB174939 be amended to reflect the new Riparian Areas Regulation report and Streamside Protection and Enhancement Areas.

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

Financial Impact: *N/A*

Location Map:



Background:
To consider a Development Permit application to permit restoration of a recently filled area within the Riparian Areas Regulation (RAR) assessment area (30 metres from a stream).

Location of Subject Property: Shawnigan Lake Road, west of Stebbings Road

Legal Description: Lot 6, District Lot 50, Malahat District, Plan VIP85007, Except Part in Plan EPP13409

Date Application and Complete Documentation Received: October 5, 2011, Revised RAR report January 2012

Owner: Don Mann Excavating Ltd.

Applicant: Jordan Mann

Size of Parcels: 17.8 ha (44 acres)

Existing Zoning: F-1 (Primary Forestry)

Minimum Lot Size Under Existing Zoning: 80 ha

Existing Plan Designation: Rural Resource

Existing Use of Property: Vacant

Existing Use of Surrounding Properties:

North:	Shawnigan Lake Road
South:	Gravel Pit (Zoned F-1)
East:	Gravel Pit (Zoned F-1)
West:	Forestry

Services:

Road Access:	Shawnigan Lake Road
Water:	N/a (no structures)
Sewage Disposal:	N/a (no structures)

Agricultural Land Reserve Status: Property is not within the ALR

Environmentally Sensitive Areas: There is a stream (Van Horne Creek) and tributaries on the property, therefore a Riparian Areas Regulation Assessment was conducted. Van Horne Creek is a tributary to Shawnigan Creek, which is a fish bearing stream.

Archaeological Site: CVRD has no record of archaeological sites on the subject property.

The Proposal:
Two piles of fill approximately 226 and 1569 cubic yards respectively were deposited on the subject property in the early fall of 2010, which extended into the Riparian Area Regulation assessment area of Van Horne Creek. The Bylaw Enforcement Officer advised the owners that a Development Permit is required pursuant to the Riparian Area Regulation and the associated guidelines of the South Cowichan Rural Development Permit Area (DPA).

The application proposes to legalize the fill that was deposited and to allow restoration of portions of the Streamside Protection and Enhancement Area (SPEA) where fill has been deposited.

Property Context:
The subject property is a 17.8 ha (44 acre) parcel of land zoned F-1. Its parent parcel was subdivided in 2008 by Island Timberlands to create seven ± 20 ha lots. At the time, an RAR Development Permit was required as part of the subdivision process. The RAR report that was conducted was based on the simple assessment methodology which identified 30 m SPEAs for all streams on the property, and a requirement of the Development Permit was registration of a covenant to protect these SPEAs. A condition of the covenant is that the SPEA is protected and preserved in its natural or existing state, and that no development (including deposit of fill, removal of vegetation, or introduction of deleterious substances) is permitted in the SPEA.

The RAR report submitted with the current Development Permit application indicates that the area where fill has been deposited was previously logged with a thin buffer of trees left along Van Horne Creek (Stream Reach 2), and the southern boundary of the stream having a moderate to well-treed slope.

The site has recently been used for storage of fill and woody debris which was being chipped for composting. A site visit indicated that the subject fill piles have settled, and that one has been covered with straw to reduce erosion of the pile, and a silt fence has been constructed at the base of the pile. The other file pile does not extend into the SPEA, and was meant as a temporary pile of material to be used in road construction on the property. No other restoration has occurred to date.

Policy Context:

Zoning
The subject property is zoned F-1 (Primary Forestry), which permits "*management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry land log sorting operations*" as well as other uses. Please see the attached excerpt from Zoning Bylaw No. 985 for a complete list of permitted uses.

Official Community Plan
The South Cowichan Official Community Plan, Bylaw No. 3510, supports protection of the natural environment. The following objectives are derived from the Natural Environment Objectives section of the OCP.

A. To conserve, manage and protect water supplies for human use and natural ecosystems;
C. To protect environmentally significant and sensitive areas, including terrestrial, freshwater and marine ecosystems, wildlife habitat, and species and ecosystems at risk;
D. To ensure long-term protection of clean air, water, and land.

Further to these objectives, CVRD Bylaw No. 3510 establishes guidelines for the protection of the natural environment through the Riparian Area Regulation guidelines of the South Cowichan Rural Development Permit Area (DPA). Development permit applications are to be reviewed for compliance with the guidelines. In the case of the RAR DP, the principal requirement is creation of an RAR report by a Qualified Environmental Professional, who submits the report to the Ministry of Forests, Lands and Natural Resource Operations.

Development Permit Guidelines:
Approximately 226 and 1569 cubic yards of fill were deposited along the easternmost segment of Stream Reach 2 and one of which is approximately 80 metres long by 4 metres wide and intrudes 2-4 metres inside the SPEA. The RAR report indicates that the fill pile is stable and the face is sloped at 50%. The location of the fill is in area that had been logged by a previous owner. The other fill pile does not extend into the SPEA.

There are four riparian areas on the subject property:

- Tributary A (10 m SPEA), stream which extends from Shawnigan Lake Road south to Van Horne Creek;
- Stream Reach 1 (15 m SPEA), which is the portion of Van Horne Creek running north south;
- Stream Reach 2 (segment 1 has a 15 m SPEA and segment 2 has a 30 m SPEA), which is the portion of Van Horne Creek running east west, which due to its form was treated as a wetland for the purposes of the RAR; and
- Tributary B (10 m SPEA), which is located on the south-east edge of the property.

Stream reach 2 is the portion of Van Horne Creek that runs east/west and is treated as a wetland in the RAR report because it is braided over its floodplain. The QEP indicates that the wetland comprises a mix of dense shrub understorey with numerous mature alder, some moderate aged cedar, and maple trees. North of the wetland, between the wetland and Shawnigan Lake Road, is treed with a mix of deciduous trees and mature conifers. The QEP indicated that there is currently no erosion or sediment-laden runoff reaching Van Horne Creek, and that there is a good vegetative buffer between the fill pile and the stream channel. This was confirmed by a site visit.

Typically RAR assessment reports assess riparian areas and recommend measures to keep the riparian area intact during and after development. For this property, a simple assessment was conducted for the subdivision when no construction or land alterations were proposed, and a detailed assessment has now been conducted as a result of the works (soil deposit) within the riparian assessment area.

As a result of the detailed assessment, smaller SPEAs were established based on the RAR methodology. However, the existing covenant protects what at that time was the SPEA (30 metres). The QEP advises that the soil deposit from one of the piles extends 2-4 metres into the 15 m SPEA, and that it would be more damaging to remove this soil rather than leaving it and restoring the area. The other fill pile does not extend into the SPEA.

Specific measures recommended by the QEP in his report of September 21, 2011 for restoration are noted below:

- The entire fill area should be re-seeded within a 'Fall Rye', as well as an erosion control seed mix (e.g., Saanich #2). The slope should be covered with a mulch mix, such as hay or straw;
- The toe-of-slope should be planted with a native shrub or conifer species mix such as cedar, Douglas-Fir, salal, salmonberry, Oregon grape or alder to provide additional soil stability;
- The existing silt fence should be repaired where necessary;
- Fill material and slope stability should be monitored to ensure the slope remains stable, and that there is no erosion of soil material into the riparian areas.

For the purposes of Section 24.4.10A – Riparian Protection Guidelines of the OCP, no new development is proposed in terms of buildings, structures, roads or trails, therefore emphasis of this development permit application is on submission of the required Riparian Areas Regulation assessment and restoration of the disturbed areas (Guidelines 1 and 3 of Section 24.4.10A).

Advisory Planning Commission Comments:

Development Permit applications pursuant to only the guidelines of the Riparian Areas Regulation are delegated to staff to issue therefore this application was not referred to the Advisory Planning Commission (APC). However, because it affects a breach of covenant, the application has been referred to the Electoral Area Services Committee.

Development Services Division Comments:
The deposit of fill within the riparian assessment area is in contravention of the covenant registered to the property. However, a detailed assessment has been conducted which established smaller SPEAs. One of the filled areas extends into the now 15 metre SPEA, and the QEP has recommended measures to restore the area. Although new SPEAs have been established for the streams on the property, no further development is permitted within 30 metres of the streams as a condition of the covenant. Section 6.0 of the covenant – Enforcement – requires that a breach of the covenant be remedied within a certain time-frame. The applicants have engaged the services of the QEP to identify the SPEAs for all streams on the property, and have agreed to restore the filled area as recommended by the QEP.

Options:

1. That application 7-B-11DP/RAR, submitted by Jordan Mann on behalf of Don Mann Excavating Ltd. for deposit of fill and restoration of land within the riparian area described in RAR Report No. 2147 on Lot 6, District Lot 50, Malahat District, Plan VIP85007, Except Part in Plan EPP13409 (PID 027-514-382), be approved subject to:
   a) Compliance with RAR Assessment Report No. 2147 prepared by Wm. Patrick Lucey R.P.Bio and the letter prepared by Aqua-Tex Scientific Consulting dated September 21, 2011;
   b) Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the restoration described by the Qualified Environmental Professional.
   c) That covenant FB174939 be amended to reflect the new Riparian Areas Regulation report and Streamside Protection and Enhancement Areas.

2. That application No. 7-B-11DP/RAR submitted by Jordan Mann on behalf of Don Mann Excavating Ltd. for deposit of fill and restoration of land within the riparian area described in RAR Report No. 2147 on Lot 6, District Lot 50, Malahat District, Plan VIP85007, Except Part in Plan EPP13409 (PID: 027-514-382), be denied, and the applicant be required to remove the fill and restore the area.

Option 1 is recommended.

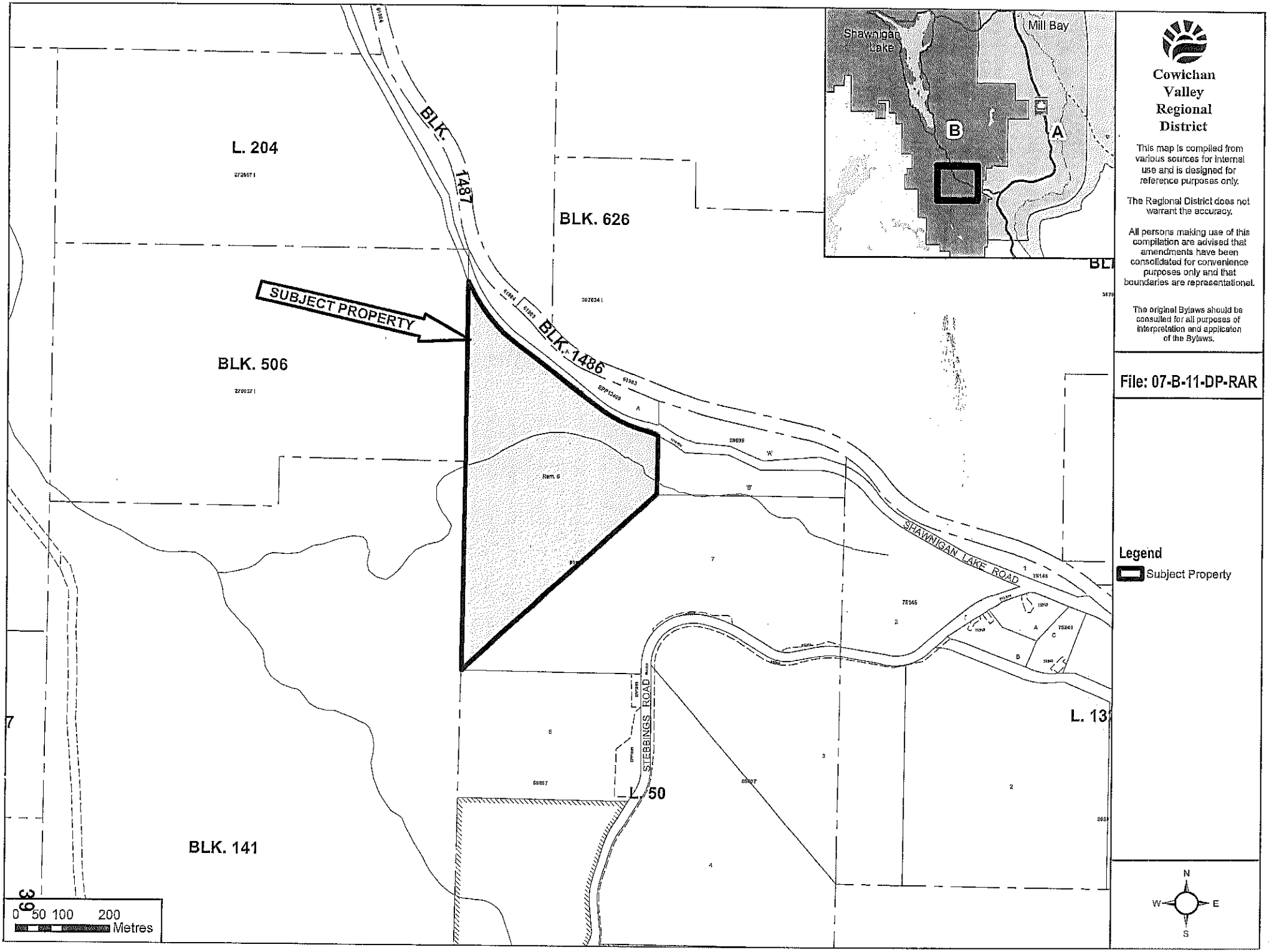
Submitted by,

Rachelle Rondeau,
Planner I,
Development Services Division
Planning and Development Department

RR/ca

Reviewed by:
Division Manager:

Approved by:
General Manager:


Cowichan Valley Regional District
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File: 07-B-11-DP-RAR
Legend
Subject Property
SUBJECT PROPERTY
L. 204
BLK. 506
BLK. 626
BLK. 1487
BLK. 1486
BLK. 141
L. 50
L. 13
SHAWNIGAN LAKE ROAD
STEBBINGS ROAD
Rem. 6
Shawnigan Lake
Mill Bay
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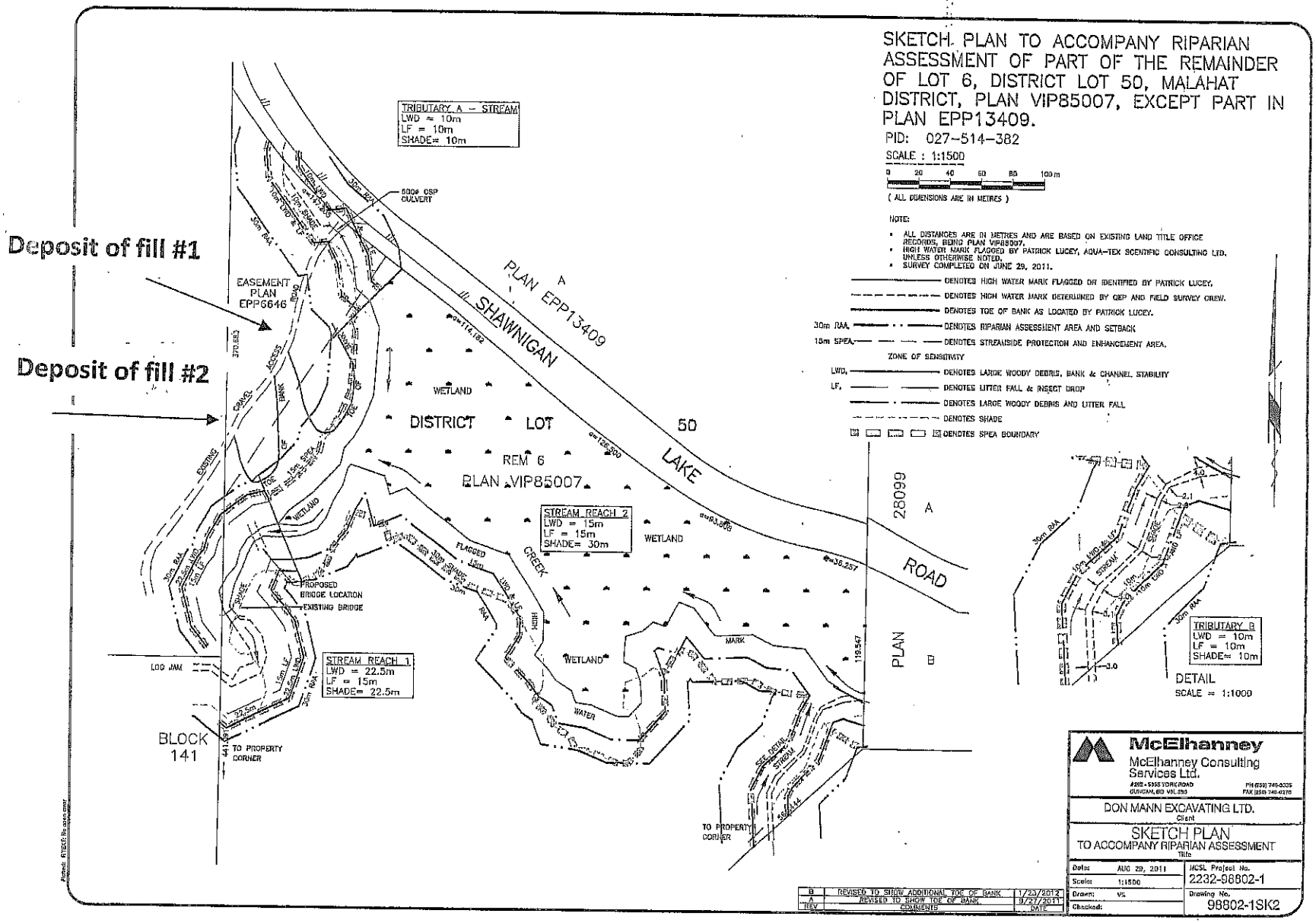
SKETCH PLAN TO ACCOMPANY RIPARIAN ASSESSMENT OF PART OF THE REMAINDER OF LOT 6, DISTRICT LOT 50, MALAHAT DISTRICT, PLAN VIP85007, EXCEPT PART IN PLAN EPP13409.
PID: 027-514-382
SCALE : 1:1500
0 20 40 60 80 100 m
(ALL DIMENSIONS ARE IN METRES)
NOTE:
ALL DISTANCES ARE IN METRES AND ARE BASED ON EXISTING LAND TITLE OFFICE RECORDS, BEING PLAN VIP85007.
HIGH WATER MARK FLAGGED BY PATRICK LUCEY, AQUA-TEX SCENTIFIC CONSULTING LTD. UNLESS OTHERWISE NOTED.
SURVEY COMPLETED ON JUNE 29, 2011.
DENOTES HIGH WATER MARK FLAGGED OR IDENTIFIED BY PATRICK LUCEY.
DENOTES HIGH WATER MARK DETERMINED BY GEP AND FIELD SURVEY CREW.
DENOTES TOE OF BANK AS LOCATED BY PATRICK LUCEY.
30m RAA DENOTES RIPARIAN ASSESSMENT AREA AND SETBACK
15m SPEA DENOTES STREAMSIDE PROTECTION AND ENHANCEMENT AREA.
ZONE OF SENSITIVITY
LWD DENOTES LARGE WOODY DEBRIS, BANK & CHANNEL STABILITY
LF DENOTES LITTER FALL & INSECT DROP
DENOTES LARGE WOODY DEBRIS AND LITTER FALL
DENOTES SHADE
DENOTES SPEA BOUNDARY
Deposit of fill #1
Deposit of fill #2
TRIBUTARY A - STREAM
LWD = 10m
LF = 10m
SHADE= 10m
600ø CSP CULVERT
EASEMENT PLAN EPP6646
PLAN EPP13409
SHAWNIGAN LAKE ROAD
DISTRICT LOT 50
REM 6
PLAN VIP85007
WETLAND
STREAM REACH 2
LWD = 15m
LF = 15m
SHADE= 30m
FLAGGED CREEK
PROPOSED BRIDGE LOCATION
EXISTING BRIDGE
STREAM REACH 1
LWD = 22.5m
LF = 15m
SHADE= 22.5m
LOG JAM
BLOCK 141
TO PROPERTY CORNER
28099
PLAN B
TRIBUTARY B
LWD = 10m
LF = 10m
SHADE= 10m
DETAIL
SCALE = 1:1000
McElhanney
McElhanney Consulting Services Ltd.
DON MANN EXCAVATING LTD.
Client
SKETCH PLAN
TO ACCOMPANY RIPARIAN ASSESSMENT
Title
Date: AUG 29, 2011
Scale: 1:1500
Drawn: VS
Checked:
MCSL Project No. 2232-98802-1
Drawing No. 98802-1SK2
B REVISED TO SHOW ADDITIONAL TOE OF BANK 1/23/2012
A REVISED TO SHOW TOE OF BANK 9/27/2011
REV COMMENTS DATE

Cowichan Valley Regional District

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File: 07-B-11-DP-RAR

Google Earth Photo (2010)

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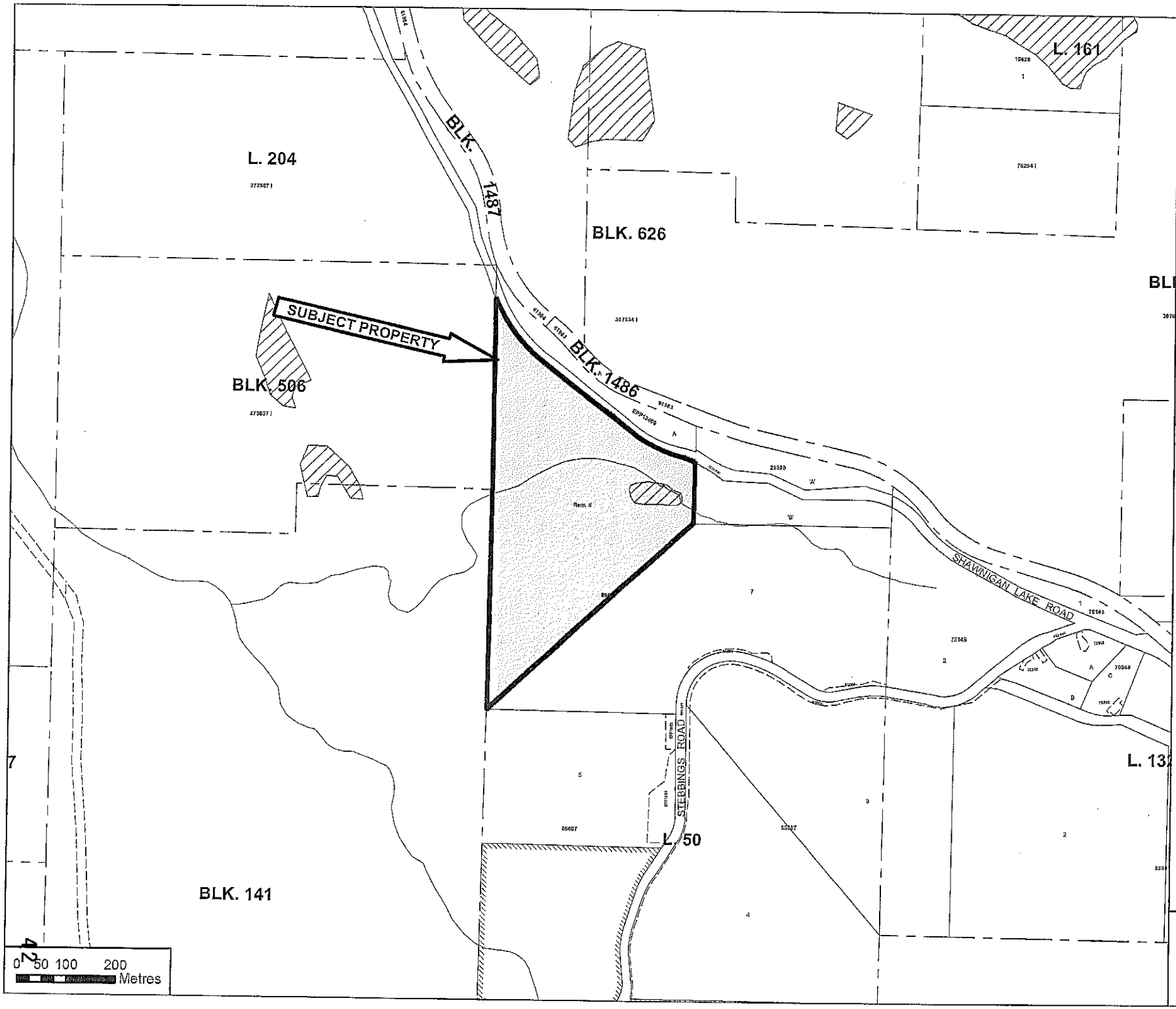

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File: 07-B-11-DP-RAR

Sensitive Ecosystem Inventory

Legend

- Subject Property
- SEI 2004

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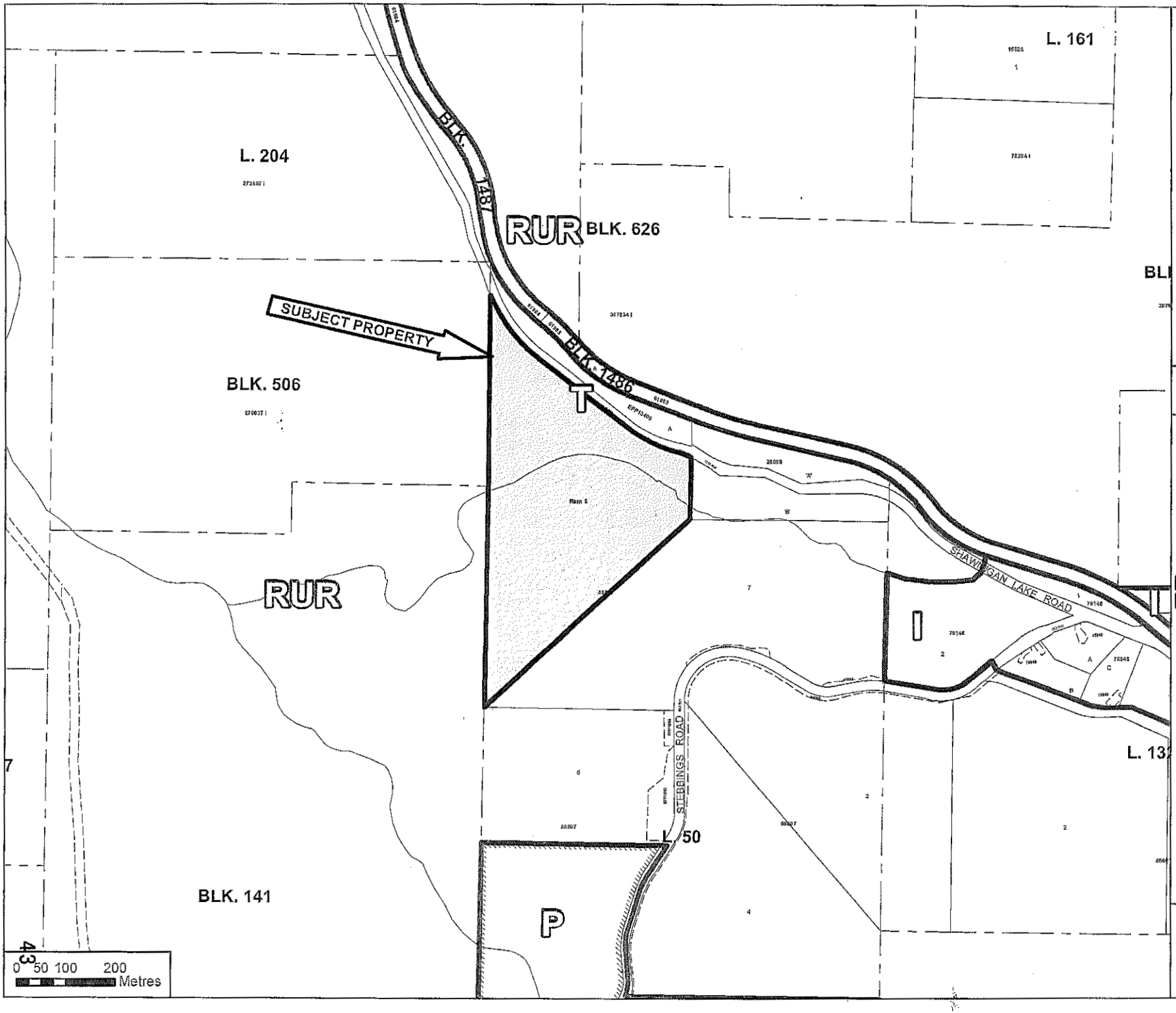

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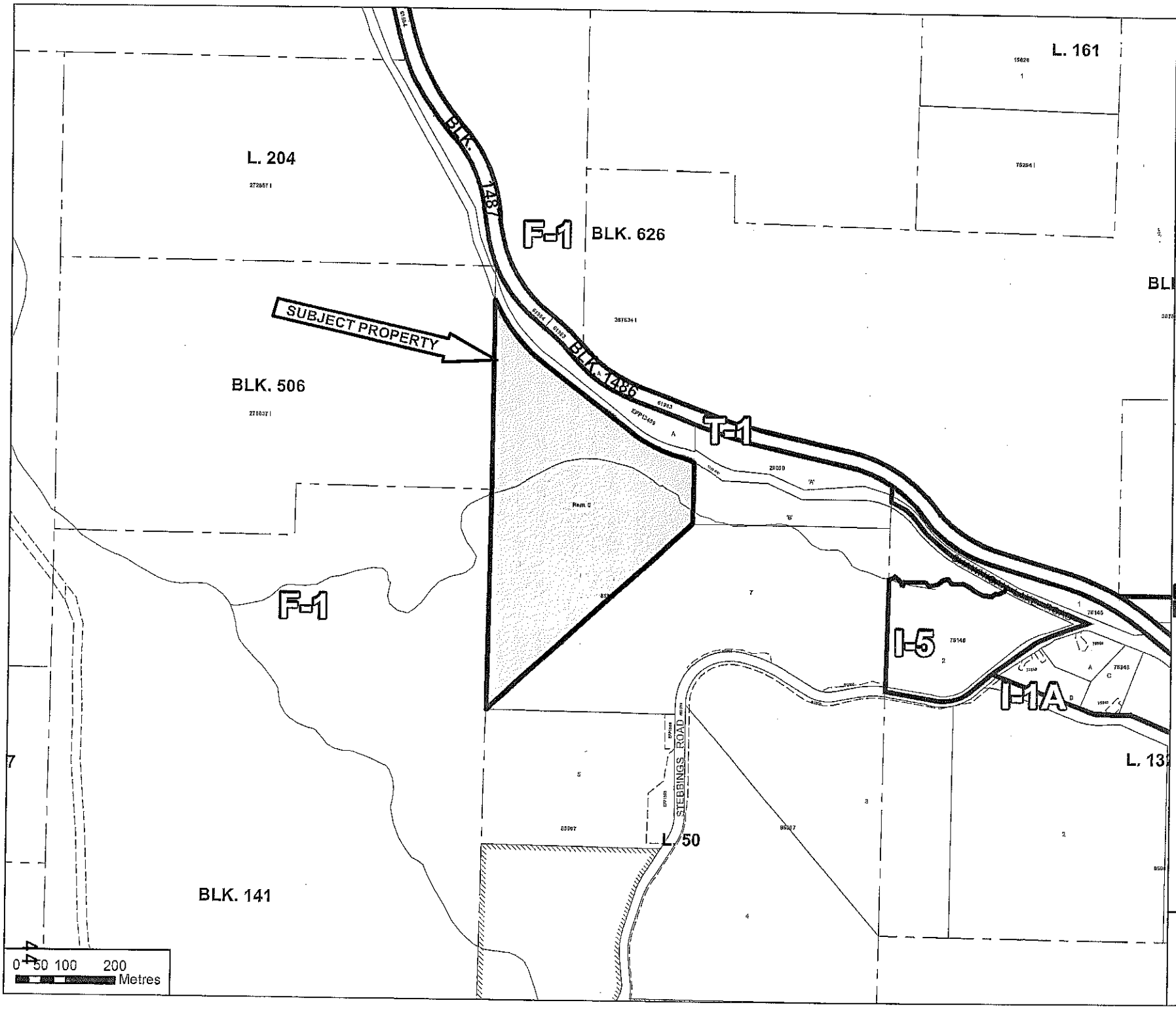
File: 07-B-11-DP-RAR

OCP

Legend

- Subject Property
- OCP Electoral Areas ABC

N W E S



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File: 07-B-11-DP-RAR

ZONING

Legend

- Subject Property
- Zoning Electoral Area B

7.4 F-1 ZONE – PRIMARY FORESTRY

(a) Permitted Uses

The following uses and no others are permitted in an F-1 zone:

(1) management and harvesting of primary forest products excluding sawmilling and all manufacturing and dry land log sorting operations;
(2) extraction crushing milling concentration for shipment of mineral resources or aggregate materials excluding all manufacturing;
(3) single family residential dwelling or mobile home;
(4) agriculture silviculture horticulture;
(5) home occupation – domestic industry;
(6) bed and breakfast accommodation;
(7) secondary suite or small suite on parcels that are less than 10.0 hectares in area;
(8) secondary suite or a second single family dwelling on parcels that are 10.0 hectares or more in area.

(b) Conditions of Use

For any parcel in an F-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 15 metres;
(3) the setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory uses in Column II and for agricultural stable and accessory uses in Column III:

COLUMN I **Type of Parcel Line**	**COLUMN II** **Residential & Accessory Uses**	**COLUMN III** **Agricultural & Accessory Uses**
Front	7.5 metres	30 metres
Side (Interior)	3.0 metres	15 metres
Side (Exterior)	4.5 metres	30 metres
Rear	7.5 metres	15 metres

Sept. 21 2011, QEP recommendation

- Although there is a minor intrusion of the fill material into the riparian management zone, the original forest floor had been fully disturbed by recent logging (Figure 3). The stability of the fill slope, together with the absence of any sediment beyond the existing toe-of-slope suggests that there is minimal likelihood of sediment loading into the riparian management zone.
- Removing the fill material at this juncture would likely increase disturbance and increase the risk of sediment loading into the riparian management zone. It should be noted, however, that we have observed the fill material only during the spring through autumn period. Thus, although we did not observe the site during the winter of 2010/2011, there was no evidence of any sediment movement beyond the silt fence at the toe-of-slope, indicating slope surface stability.
- The only segment of the slope that intrudes into the riparian management zone (SPEA) is along the eastern edge (Figure 4). There is no fisheries regulatory concern along the northern edge of the fill material given the considerable distance between the toe-of-slope and stream channel (>30 metres). The area between the toe-of-slope and stream channel is densely vegetated and has a shallow slope.
- The entire fill area should be re-seeded with a 'Fall Rye', as well as an erosion control seed mix (e.g., Saanich #2). The slope should be covered with a mulch mix, such as hay or straw (Figure 6).
- The toe-of-slope should be planted with a native shrub or conifer species mix, such as cedar, Douglas-fir, salal, salmonberry, Oregon grape, or alder, to provide additional soil stability.
- The existing silt fence should be repaired, where necessary, as it has performed well to this juncture in retaining minor quantities of sediment at the toe-of-slope.
- The vegetation within the riparian management zone is stable and consists largely of shrubs, low ground cover, and an edge of larger conifers.
- The fill material should be checked over the winter period to confirm that there has been no loss of slope stability or erosion of soil material into the riparian management zone; this may only be done after major storm events, where there has been in excess of 20 mm of rain in a 24 hour period.
- The fill slope should be photographed at the toe-of-slope to confirm that there has been no erosion of soil into the riparian management zone.
- Should further slope stability be required a single row of angular rock should be installed at the toe-of-slope (Figure 3 and 4); this rock should be in the 0.5 to 1.0 metre size range. The rock should be placed in a shallow trench such that 25 to 50% of the rock is buried, to prevent it moving down-slope. This work should only be required if there is evidence, over the winter, that there has been some slope instability and there is the possibility of sediment movement into the riparian management zone.
- It is recommended that the existing bridge be re-located (Figure 1), together with the access road, to contain both on the property. A Section 9 Notification has been authorized by Brian Epps, Water Planner, Ministry of Forest, Lands & Natural

R3

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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF FEBRUARY 7, 2012

DATE:	January 31, 2012	**FILE NO:**	5-A-11DP
FROM:	Alison Garnett, Planner I,	**BYLAW NO:**	2000
SUBJECT:	Development Permit Application No. 5-A-11DP (Alf Webb for Ogden)		

Recommendation/Action:
That Application No. 5-A-11DP (Webb/Ogden) be approved, and that a development permit, pursuant to the Mill Bay Village Development Permit Area, be issued to Alf Webb on behalf of Reginald and Doris Ogden for Lot 11, Block F, Section 1, Range 9, Shawnigan District, Plan 1720 except Part in Plan 22573 and Plan 50586 (PID: 000-639-583), for the 4 lot subdivision of the subject property, subject to the following:

1. Receipt of a letter of credit, covering 100% of the cost of invasive plant species removal, appropriate disposal, and two years successive treatments;
2. Compliance with a rain and stormwater management plan, to be prepared by a Qualified Professional Engineer at the time of any future building permit application, which is designed to:
   - Promote the use of low impact development techniques
   - Maximize infiltration from frequently occurring rain events and not permit the volume of drainage flows from exceeding pre development levels
   - Maintain or improve water quality from the development site
   - Maintain the site's discharge hydrogeology from a 5 year peak flow event
   - Locate rain and storm water management facilities so as to minimize impacts to natural areas.
3. Compliance with Riparian Areas Regulation report no. 1976, prepared by Paul Harder, RP Bio, dated April 5, 2011.

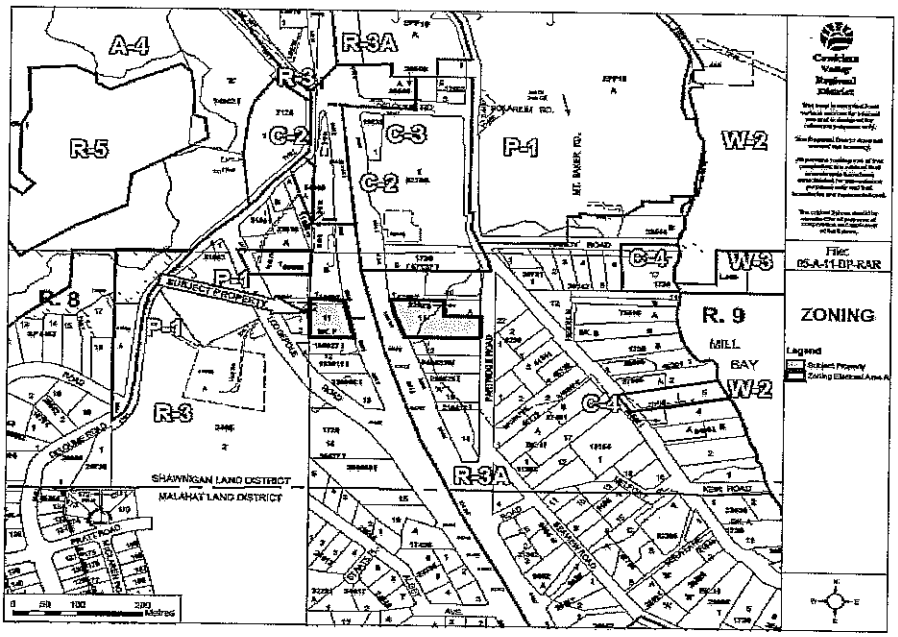
Relation to the Corporate Strategic Plan: N/A

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

Background:

Location of Subject Property:	2660 Partridge Road
Legal Description:	Lot 11, Block F, Section 1, Range 9, Shawnigan Distr Plan 1720 except Part in Plan 22573 and Plan 505 (PID: 000-639-583)
Date Application and Complete Documentation Received:	May 13, 2011
Owner:	Reg and Doris Ogden

Applicant:	Alf Webb
Size of Parcel:	0.94 ha (2.3 acres)
Existing Zoning:	R-3A (Urban Residential limited height)



Minimum Lot Size Under Existing Zoning:	0.2 hectares with community water connection 0.1675 ha with community water and sewer system
Existing Plan Designation:	Village Residential
Existing Use of Property:	Residential
Existing Use of Surrounding Properties:	North: Residential South: Residential East: Residential West: Residential
Services:	
Road Access:	Partridge Road and Lodgepole Road
Water:	Mill Bay Waterworks
Sewage Disposal:	On-site septic
Environmentally Sensitive Areas:	A qualified environmental professional has identified a drainage/watercourse on the property, which has been confirmed by staff site visit.
Fire Protection	Mill Bay Volunteer Fire Department
Archaeological Sites:	None identified

The Proposal:
An application has been made to the Regional Board to issue a Development Permit in accordance with the requirements of the Mill Bay Village Development Permit policies contained within Official Community Plan Bylaw No. 3510 for the purpose of subdividing the subject property.

Background:
The subject property is a 0.9 hectare lot, separated into two parts by the Trans Canada Highway. The portion of the property on the west side of the highway is treed, with no existing buildings, and fronts onto Lodgepole Road. The portion on the east side is 5826 m^2, fronts onto Partridge Road, and currently has one single family residence.

The application proposes to subdivide the property into four lots. Using the density averaging provision of the Bareland Strata Regulation, the potential lot yield of the 0.9 ha lot is 4. Lot D, the only lot located on the western side of the Highway, would essentially be an independent lot, connected to Mill Bay Waterworks District and serviced by an engineered septic system. The three proposed lots on the east side of the highway would also be connected to Mill Bay Waterworks, but would share a common strata road and a common septic system. Proposed lot sizes are 1708 m^2, 1634 m^2 and 1263 m^2.

Policy Context
Development Permit Guidelines:
The subject property is within the Mill Bay Village Development Permit Area (DPA), as defined in Official Community Plan Bylaw No. 3510. The Mill Bay Village DPA was established to protect the natural environment and to establish objectives and guidelines for new development, including subdivision, in the Mill Bay area. Proposed subdivision of land within the Mill Bay DPA requires a development permit prior to receiving subdivision approval from the Ministry of Transportation and Infrastructure.

The following section identifies applicable guidelines from the Mill Bay DPA (in italics) and how they are addressed in the subject application.

11.4.1 (A) General Guidelines

1. *In all cases where a development permit is required, the eradication of invasive weeds, such as English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, and other non-native invasive weeds listed by the Coastal Invasive Plant Committee and the BC Landscape and Nursery Association, will be a requirement of the development permit.*

Staff have identified English Ivy, Daphne/Spurge-Laurel and English Holly on the subject property. As the subject property is relatively small, removal of these invasive plants appears feasible. We recommend that a bond be posted to cover the cost of initial removal and proper disposal of invasive plant species on the site, and follow up treatments for two years.

11.4.5 (A) Landscaping, Rainwater Management and Environmental Protection

3. *Runoff from the development must be strictly limited to prevent rainwater flows from damaging roads, surrounding properties and sensitive watershed features. Pervious surfaces should predominate, to encourage infiltration of water. The removal of trees*

should only be allowed where necessary and where alternate vegetation and water retention measures can be achieved.

The proposed creation of three new lots will result in increased rainwater flows, through the addition of three homes and accessory structures, the private road and driveways. Tree removal will be required on proposed lot D, for the house site and septic system, as the entire lot is currently treed. There are potential building sites on Lots C and B where limited tree removal would be required, although the proposed septic field will require tree removal.

Staff recommend that a rainwater management plan be prepared by a qualified engineer for each of the news lots, with recommendations to minimize pervious surfaces, techniques to encourage on-site infiltration, and other measures to ensure post development rain water flows to match predevelopment flows for a five year storm event. Submission, review and implementation of a plan for each lot would be required at building permit stage.

11.4.10 (A) *Riparian Protection Guidelines (Freshwater)*

1. *For lands within 30 metres of a fish-bearing watercourse, or a watercourse that is connected by surface water to a fresh-water, fish bearing watercourse, a qualified environmental professional will be retained at the expense of the applicant, for the purpose of preparing a Riparian Areas Report...and determine the Streamside Protection and Enhancement Area (SPEA) and any measures that must be taken to protect the SPEA.*
2. *Proposed lots that are part of or adjacent to riparian areas should be large enough to not only contain a building site that does not require a SPEA to be crossed by a driveway, and large enough to accommodate a reasonable usable yard area between the proposed building envelope and the edge of the SPEA, a maximum of 7.5 metres in depth measured perpendicularly from the edge of the building envelope.*
3. *For development located within 30 metres of a watercourse, including a seasonal watercourse, whether fish bearing or not, development should be located away from and should not contribute to changes in the riparian area through loss of trees and vegetation or alteration of natural processes. These changes may diminish the ability of the riparian area to function as a water storage and purification area and to help prevent hazardous flooding and erosion conditions. Development may be required to provide mitigation measures and restoration to already damaged riparian areas.*
4. *Road, trail and utility crossing of watercourses and riparian areas must be kept to a minimum, and crossing points should be chosen for low impact, in particular to avoid critical habitats of sensitive species.*
5. *Pedestrian/cycle and road crossings of watercourses must have a low impact design; i.e., boardwalk or bridge.*
6. *Sewage tanks and fields should be setback a minimum of 30 metres from the high water mark of a watercourse.*
7. *Recommendations in the Ministry of Environment's Best Management Practices Development will be carried out in accordance with the Ministry of Environment's Develop with Care: Environmental Guidelines for Urban and Rural Land Development in BC should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. Onsite rainwater management techniques that do not impact surrounding lands should be used, rather than the culverting or ditching of water runoff. Effective impervious surfaces should be limited through appropriate building, landscape and driveway design that can absorb runoff. Figures for total site imperviousness may be required.*

A Riparian Area Regulation assessment report was prepared for the subject property by Paul Harder, RP Bio. The report defines the watercourse located on the parent parcel as an unnamed ditch resulting from highway drainage, which exits the property by culvert, and eventually flows into the creek alongside Handy Road before reaching Mill Bay. During a site visit by staff in the summer months there was no visible water or watercourse channel.
A modest 2 metre Streamside Protection and Enhancement Area (SPEA) was assigned to the watercourse, due to lack of fish habitat values upstream or on the subject property. However, to provide some water quality protection, no trees or vegetation can be damaged or removed, and no materials can be removed or deposited from the SPEA. Potential encroachment into the SPEA during and following house construction can be avoided by visibly identifying its location on the site prior to construction.

Proposed lot C presents a difficult site on which to build, as the largest building area (at the western end of the lot) requires a crossing of the drainage/watercourse. As shown on the attached subject property map with imaging, the western part of proposed lot C and B contains mature maples and cedars and understory ferns. The applicant is proposing to build a smaller footprint house on lot C located closer to the private road, which would avoid a driveway bridge, and result in the removal of fewer trees. This proposed siting will require a development variance permit to relax the 15 metre watercourse setback in Zoning Bylaw No. 2000, and does not meet the setback guidelines of this development permit area. Nevertheless, staff are supportive of a building site on the east side of the drainage, as this location will require less overall site disturbance.

The proposed common septic field is located only 15 metres from the watercourse drainage, which is not consistent with the 30 metre distance noted in the guidelines. However, the Vancouver Island Health Authority is ultimately responsible for approving the location of the septic field.

Zoning Compliance:
The subject property is designated Village Residential by OCP Bylaw 3510, and zoned R-3A by Zoning Bylaw No. 2000. The R3-A zoning permits a minimum lot size of 0.2 hectares with a connection to a community water supply, such as Mill Bay Waterworks. If a community sewer system were available, the minimum lot size in the R-3A zone would be reduced to 0.1675 ha.

In this application "lot averaging" has been used in accordance with the Bareland Strata Regulation, whereby individual lots within the development may be less than the minimum specified by the Zoning Bylaw, provided the overall density in the development does not exceed what could be achieved by conventional fee simple subdivision. Because lot averaging has been used, three of the lots are less than the minimum 2,000 square metres specified by the zoning.

Parkland Dedication:
Section 941 of the *Local Government Act* requires subdivision involving three or more new lots to dedicate 5% of the land area for parkland purposes. The Area A Parks Commission and Parks and Trails Division recommend 5% cash in lieu of land dedication. The Commission further noted the urgent need for a sidewalk along Partridge Road.

Advisory Planning Commission Comments:

The Area A Advisory Planning Commission recommended that the application be approved with the following provisions:

1. That there is a Streetscape plan - Landscape plan on lot frontage
2. Removal of invasive weeds
3. Submission of a Rainwater Management Plan
4. Small house on lot C or the location changed toward front of lot. Applicant willing to consider a covenant to save trees
5. VIHA approval of septic field is located 15 metes from drainage not 30 metres noted in the guidelines.
6. If the proposal proceeds as a bareland strata plan, proposed lot D shall be included in the bare land strata in order to comply with the minimum average lot size of 2000 square metres under CVRD Bylaws.

Concerns:

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

Planning Department Comments

The Area A APC has raised valid issues, however, these matters are outside of the scope of these development permit guidelines and the subdivision review process. As the application appears to substantially meet the Mill Bay Village Development Permit Area guidelines, staff recommend the application be approved subject to the conditions listed in Option A, below.

Options

A. That application No. 5-A-11DP **be approved**, and that a development permit, pursuant to the Mill Bay Village Development Permit Area, be issued to Alf Webb on behalf of Reginald and Doris Ogden for Lot 11, Block F, Section 1, Range 9, Shawnigan District, Plan 1720 except Part in Plan 22573 and Plan 50586 (PID: 000-639-583), for the 4 lot subdivision of the subject property, subject to the following:

1. Receipt of a letter of credit, covering 100% of the cost of invasive plant species removal, appropriate disposal, and two years successive treatments;
2. Compliance with a rain and stormwater management plan, to be prepared by a Qualified Professional Engineer at the time of any future building permit application, which is designed to:
    - Promote the use of low impact development techniques
    - Maximize infiltration from frequently occurring rain events and not permit the volume of drainage flows from exceeding pre development levels
    - Maintain or improve water quality from the development site
    - Maintain the site's discharge hydrogeology from a 5 year peak flow event
    - Locate rain and storm water management facilities so as to minimize impacts to natural areas
3. Compliance with Riparian Areas Regulation report no. 1976, prepared by Paul Harder, RP Bio, dated April 5, 2011.

B. That application No. 5-A-11DP for a development permit, pursuant to the Mill Bay Village Development Permit Area, be issued to Alf Webb on behalf of Reginald and Doris Ogden for Lot 11, Block F, Section 1, Range 9, Shawnigan District, Plan 1720 except Part in Plan 22573 and Plan 50586 (PID: 000-639-583), **be revised**.

Staff recommends Option A.

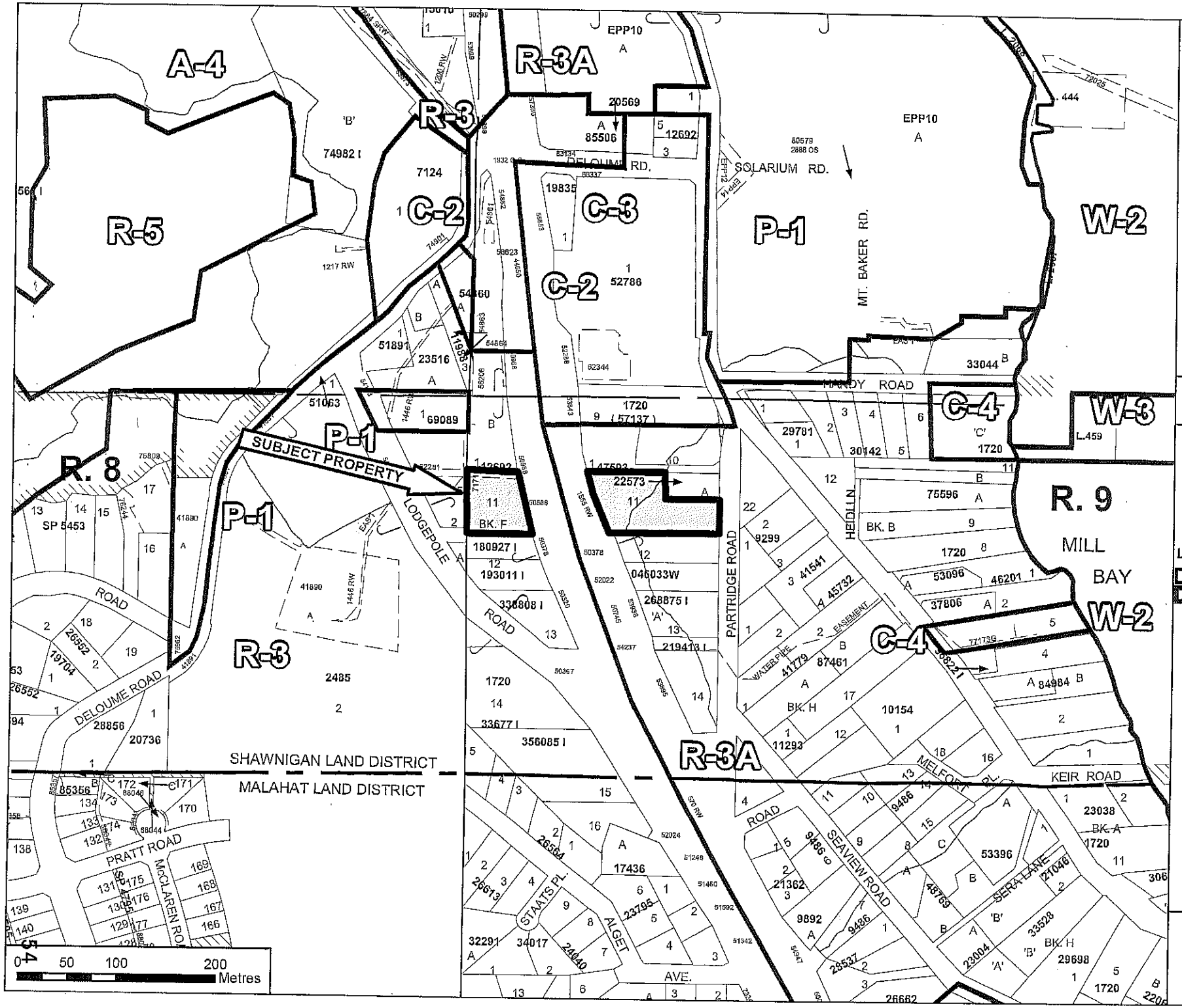
Submitted by,

Alison Garnett
Planner I
Development Services Division
Planning and Development Department

AG/ca
Attachments

Reviewed by:
Division Manager:

Approved by:
General Manager:



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File: 05-A-11-DP-RAR

ZONING

Legend

- Subject Property
- Zoning Electoral Area A

Cowichan Valley Regional District

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File: 05-A-11-DP-RAR

Google Earth Photo (2005)

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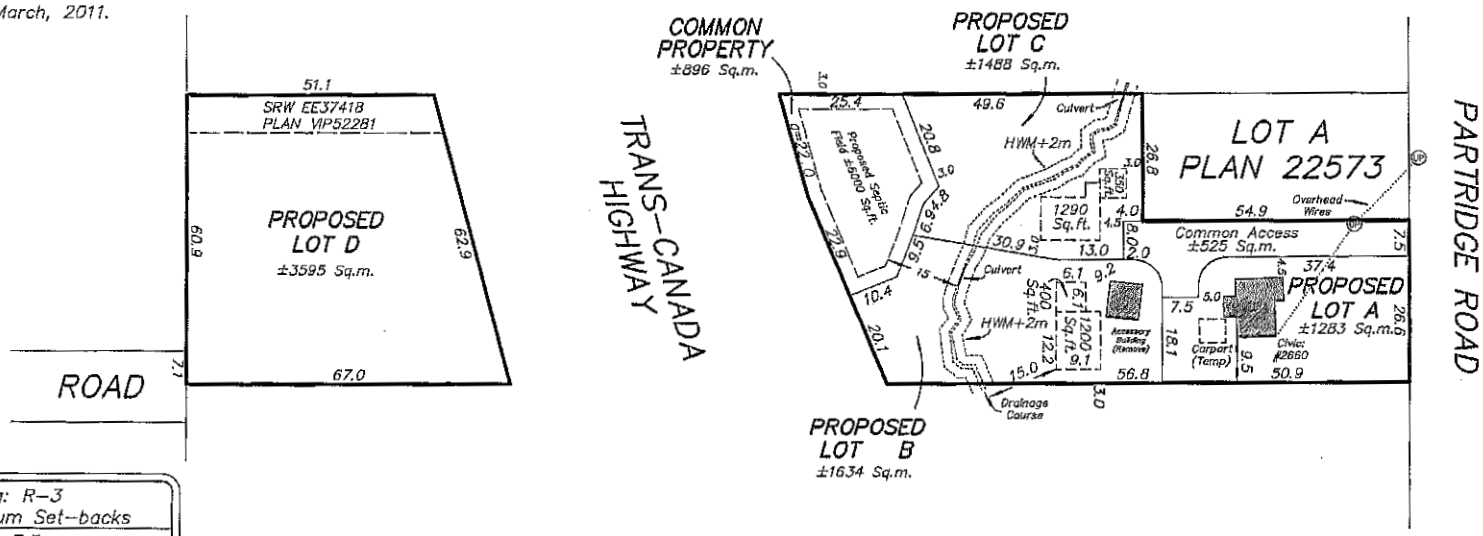
SKETCH PLAN OF PROPOSED BARE LAND STRATA DEVELOPMENT UPON LOT 11, BLOCK F, SECTION 1, RANGE 9, SHAWNIGAN DISTRICT, PLAN 1720 EXCEPT PART IN PLAN 22573 AND 50586.

SCALE=1:1000 All distances are in metres

0 20 40 60 80 100

NOTE: Lot dimensions and areas shown may vary upon completion of a Legal Survey.
Building envelopes, areas, dimensions & design concept are preliminary and are subject to vary.

Field survey dated this 30th day of March, 2011.



File: MD-WEBB-11-1720-7	Zoning: R-3 Minimum Set-backs
Date: October 4, 2011	Front: 7.5m Rear: 4.5m Interior Side: 3.0m Exterior Side: 4.5m
Island Land Surveying Ltd. 1-15 Cadillac Avenue Victoria, B.C. V8Z 1T3 Tel 250.475.1515 Fax 250.475.1516 www.islandsurveying.ca	

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Regulation: Assessment Report

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

Date 2011-04-05

RAR #1976

I. Primary QEP Information

First Name	Paul	Middle Name A	
Last Name	Harder		
Designation	RP Bio	Company P. A. Harder and Associates Ltd.	
Registration #	710	Email paharder@shaw.ca	
Address	612 Downey Road		
City	Victoria	Postal/Zip V8L 5M6	Phone # 250 656 7783
Prov/state	BC	Country Canada	

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

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

III. Developer Information

First Name	Alf	Middle Name	
Last Name	Webb		
Company	Alf Webb Holdings Ltd.		
Phone #	250 715-6610	Email webbalf@gmail.com	
Address	PO Box 71		
City	Mill Bay	Postal/Zip V0R 2P0	
Prov/state	BC	Country CANADA	

IV. Development Information

Development Type	4 Lot Subdivision Application		
Area of Development (ha)	1.17	Riparian Length (m)	75
Lot Area (ha)	.17; .11; .12 and .13 ha	Nature of Development	New
Proposed Start Date	May 2011	Proposed End Date	May 2013

V. Location of Proposed Development

Street Address (or nearest town)	2660 Partridge Road		
Local Government	CVRD	City Millbay	
Stream Name	Unnamed Ditch from Hwy Drainage – Marked as watercourse on CVRD map – Flows into creek flowing parallel to Handy Road		
Legal Description (PID)	Lot 11 Block F Sec 1; Range 9 DP 1720 Except part in Plan 22573 and Plan 5058	Region Cowichan Valley Regional District	
Stream/River Type	Ditch	DFO Area Vancouver Island	
Watershed Code	NA		
Latitude	48 38 58	Longitude	123 33 28

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

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

CVRD has identified an unnamed watercourse on the subject property located at 2660 Partridge Road, Millbay. This water course originates from road side drainage collected along the west side of the Island Highway. The drainage is culverted across the highway at the top end of Partridge Road and flows parallel to the north side of Partridge Road. The drainage crosses into the back of the properties along lower Partridge Road and then work s it way down slope into a former remnant stream channel located near the paved parking lot of the Mill Bay Shopping Centre before draining into an unnamed creek that flows east in Millbay on the north side of Handy Road.

This water course flows from south to north across the middle section of the property at 2660 Partridge Road. The channel has been ditched through a grassed lawn area on the adjoining properties located up slope of the subject property. The maximum channel width observed in eth upstream sections of the channel was 25 cm with a maximum channel depth of approximately 30 cm. It was estimated that the maximum flow volume present in this section of the channel during March 2011 was approximately 0.25 L per second during rainstorm events. The water course is defined as a shallow ditch as it enters onto the subject property. There was no surface flow evident on the property during the 2 inspections conducted in March 2011.

The drainage flows into an existing culvert located on the north boundary of the 2660 Partridge Road property. Downstream of the culvert the channel is characterized as a remnant stream channel. It appears that the drainage patterns in this are were substantially different before the construction of the existing highway and the Mill Bay shopping centre. The downstream end of the "remnant stream channel" has been in-filled as it enters the road side ditch flowing parallel to the north side of Partridge Road. There was no water flow in this section of the channel during the March 2011 inspections.

Al of the drainage from the ditch that flows through the subject property and the adjacent ditches along Partridge Road and the Island Highway is collected into a series of buried pipes and culverts near the shopping centre before day lighting on the north side of Handy Road.

There are no fish habitat values in the ditch drainage flowing through 2660

Partridge Road. Fish could be present in eth downstream reach of creek flowing parallel to Handy Road. Fish access upstream of the Partridge Road is prevented by a series of high gradient culverts and underground piping networks.

Section 2. Results of Riparian Assessment (SPEA width)2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: 2011-04-11

Description of Water bodies involved (number, type): MAN MADE DITCH - UNNAMED

Stream	
Wetland	
Lake	
Ditch	Ditch
Number of reaches	One
Reach #	One

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

	Channel Width(m)		Gradient (%)
starting point	0.35		
upstream	0.30		
	0.30		
	0.30		
	0.30		
downstream	0.30		
	0.35		
	0.35		
	0.30		
	0.30		
	0.30		
Total: minus high /low	280		
mean	31		
	R/P	C/P	S/P
Channel Type	R/P		

I, Paul Harder *(name of qualified environmental professional)*, 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 Alf Webb Holdings Ltd.. *(name of developer)*;
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		NO	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, *(name of qualified environmental professional)*, hereby certify that:

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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:	TR			Method employed if other than TR
	LC	SH	TR	
SPVT Type				

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

Polygon No:				Method employed if other than TR
SPVT Type				

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)	2.0						
Litter fall and insect drop ZOS (m)	2.0						
Shade ZOS (m) max	2.0	South bank	Yes		No	NO	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)				Manmade, seasonal flow and No significant headwater		
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report		
SPEA maximum	**2.0**	(For ditch use table3-7)					

Segment No:	2	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)	2.0						
Litter fall and insect drop ZOS (m)	2.0						
Shade ZOS (m) max	2.0	South bank	Yes		No	No	
SPEA maximum	**2.0**	(For ditch use table3-7)					

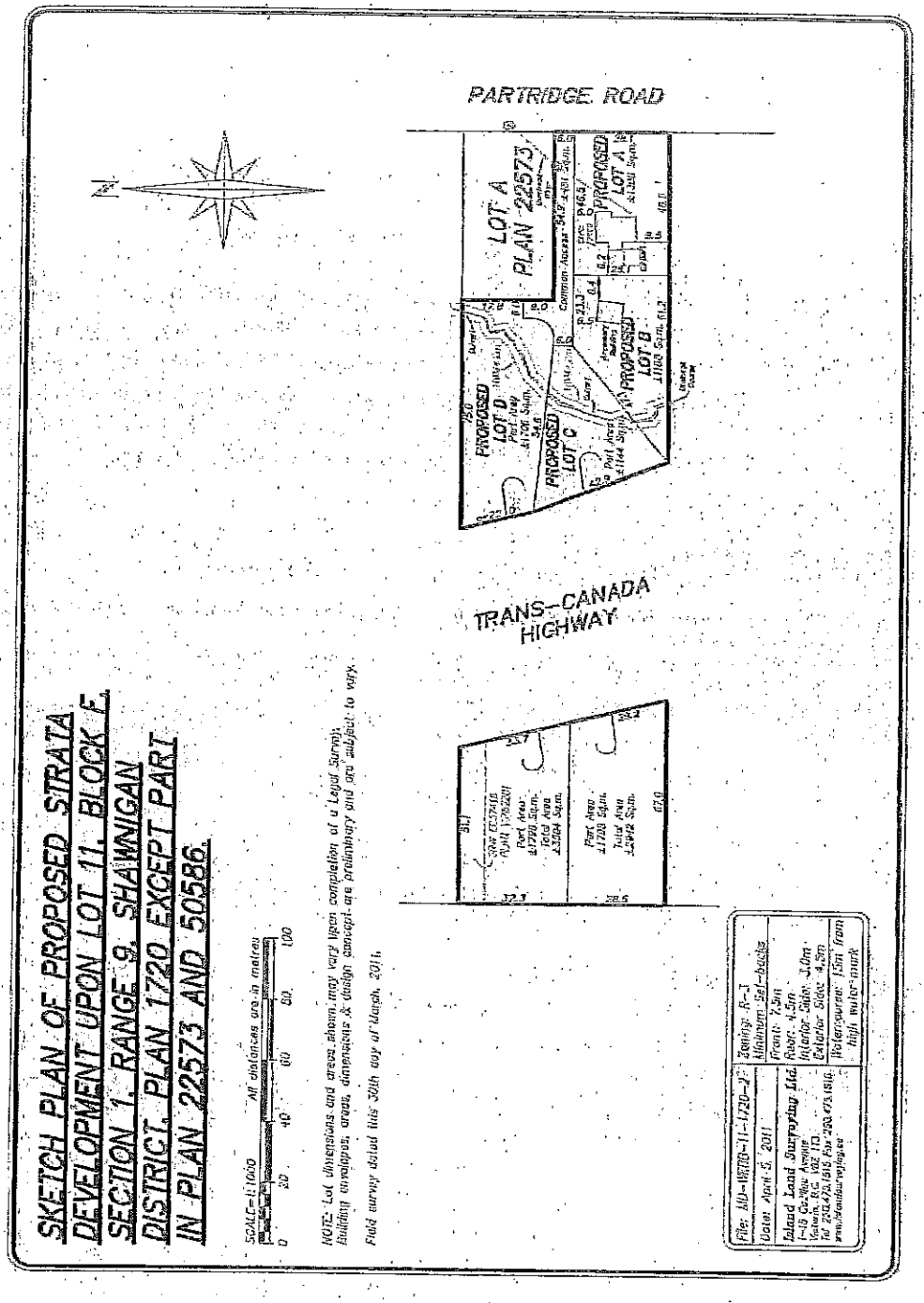
Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)							
Litter fall and insect drop ZOS (m)							
Shade ZOS (m) max		South bank	Yes		No		
SPEA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

I, Paul Harder (*name of qualified environmental professional*), 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 Alf Webb Holdings Ltd. (*name of developer*);
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.

Comments

Man made ditch intercepts highway drainage routes it through the back yards of several adjoining properties along Partridge Road. Section of ditch were dry during March and April indicating permeable ground conditions. No fish habitat capabilities, no usable fish habitat. Fish access from downstream network of road ditches is prevented by an in-filled ledge at the outlet of this ditch. SPA of 2 M will provide adequate environmental protection for this ditch drainage.


SKETCH PLAN OF PROPOSED STRATA DEVELOPMENT UPON LOT 11, BLOCK E, SECTION 1, RANGE 9, SHAWNIGAN DISTRICT, PLAN 1720 EXCEPT PART IN PLAN 22573 AND 50586.
SCALE=1:1000
All distances are in metres
0 20 40 60 80 100
NOTE: Lot dimensions and areas shown may vary upon completion of a Legal Survey. Building envelopes, areas, dimensions & design concept are preliminary and are subject to vary.
Field survey dated this 30th day of March, 2011.
PARTRIDGE ROAD
TRANS-CANADA HIGHWAY
LOT A PLAN 22573
PROPOSED LOT A
PROPOSED LOT B
PROPOSED LOT C
PROPOSED LOT D
Common Access
Zone: R-4
Minimum: Set-backs
Fronts: 7.5m
Rear: 4.5m
Interior Side: 3.0m
Exterior Side: 4.5m
Watercourse: 15m from high water mark
Island Land Surveying Ltd.
1-49 Cowichan Avenue
Lot 2, Plan VIP 1720, Lot 113
Date: April 5, 2011

PlanPlan

Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in chapter 1.1.3 of Assessment Methodology. It is suggested that documents be converted to PDF *before* inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	Danger trees have not been identified at this site. All existing trees appear to be healthy and vibrant and exhibit no leaning tendencies. If danger trees within the SPEA are identified in the future (post construction) the property owner will need to obtain a professional opinion on the danger tree status before any trees located within the boundaries of the SPEA can be cut or fallen (refer to Section on Protection of Trees in SPEA below).
I, Paul Harder, hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Alf Webb Holding Ltd (*name of developer*) ; g) 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	
2. Windthrow	There is no indication of windthrow potential at the site or the adjacent upstream and downstream properties. The proposed development plan will not affect windthrow potential. Further assessment of windthrow potential at this site is not warranted.
I, Paul Harder, 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 Alf Webb Holding Ltd (*name of developer*) ; 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	
d. Slope Stability	The proposed development site is characterized by flat to gently sloping terrain. There is no potential for slope instability at the site. Slope stability is not an issue for the proposed sub division application or subsequent house construction work.
I, Paul Harder, 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 Alf Webb Holding Ltd (*name of developer*);

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

e. Protection of Trees	The 2 m SPEA established along the ditch channel flowing through the 2660 Partridge Road property will require protective measures to ensure that trees are protected in this area. No trees or vegetation can be cut, trimmed, damaged or destroyed within the SPEA boundary. No materials can be removed from or deposited within the SPEA boundary. In the event that there is a hazard tree that presents a threat to property, the owner may remove that tree providing that the correct procedure is followed. The procedure for removing a danger tree is to 1) Notify the local government 2) obtain a certified report from an arborist stating that the tree is in fact a danger tree and needs to be removed to protect property and/or improve safety.

I, Paul Harder, 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 Alf Webb Holding Ltd (*name of developer*);

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

d. Encroachment	Preventing potential encroachment into the SPEA is a critical consideration during and following construction. The following measures are required to ensure that the integrity of the SPEA is not compromised by potential encroachment. 1) Construction Phase The SPEA boundary needs to clearly identified and marked with construction type fencing during the construction period. 2) Post Construction After the house construction is complete the SPEA boundary on either side of the ditch needs

	to be clearly identified with permanent marking and signs at 20 m intervals or with a low fence (split rail or other suitable design).
I, Paul Harder, 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 Alf Webb Holding Ltd *(name of developer)*; 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	
e. Sediment and Erosion Control	The potential for surface erosion and sediment generation at the site is extremely low due to the low relief characteristics of the site. If there is any on-site storage of excavation material during the house construction phase the materials need to be stored away from the ditch . Temporary silt fencing may need to be installed around the base of any spoil piles if it is deemed that there is significant sediment erosion potential.
I, Paul Harder, 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 Alf Webb Holding Ltd *(name of developer)*; 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	
d. Stormwater Management	It is recommended that all storm water be treated on-site following CVRD guidelines for storm water management. On–site rock pits would be one suitable technique for detaining and treating storm water on the individual lots.
I, Paul Harder, 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 _____ *(name of developer)*; 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	
e. Floodplain Concerns (highly mobile channel)	The subject property is not situated on an active floodplain. Therefore there are no floodplain concerns related to the proposed sub division application or subsequent house construction work.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

I, Paul Harder , hereby certify that:	
f.	I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
g.	I am qualified to carry out this part of the assessment of the development proposal made by the developer ____ (*name of developer*) ;
h.	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

Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report.
Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

This section outlines the Environmental Monitoring obligations of the Property Developer for those activities that are undertaken in association with the subdivision including SPEA demarcation, road construction, stream crossings and any land clearing within the RAA. Lot Specific Environmental Monitoring will also be required by individual lot owners if their proposed construction activity affects areas within the RAA zone. These potential requirements may need to be identified in separate lot specific RAR reports if required by CVRD.

Actions Required(Property Developer)

- Snow fencing to be maintained along SPEA border adjacent to active construction areas throughout construction period
- Effective surface flow and sediment control measures during excavation and construction to ensure water quality in SPEA is not adversely affected.
- Post construction assessment following any construction work within the RAA
- Erection of permanent signage along SPEA boundary, post construction and before the sale of any lots.
- Post-construction reporting

Monitoring Schedule

Environmental monitoring inspection will be required at the start and end for any construction work occurring within the Riparian Assessment Area (RAA) including road construction, lot servicing and/or any tree and vegetation clearing within the RAA.

Communications Plan

The project owner needs to contact an Environmental Monitor whenever any construction work is proposed within the RAA boundary to ensure the post construction monitoring required by the RAR administrators is undertaken. This includes road construction, stream crossing, site clearing, excavation and or surface grading

The CVRD and BC Ministry of Environment need to be contacted immediately if there are any activities on the site that threaten the integrity of the SPEA.

Any accidental spills on the site must be reported to appropriate authorities immediately.

Post Development Report

The Property Developer is obligated to have a QEP file a post construction

monitoring report at the conclusion of all construction work that has affected areas within the RAA. This includes road construction, stream crossing and or vegetation clearing and removal.

This report needs to assess the adequacy of environmental protection measures put in place during construction and verify SPEA integrity and protection. Results of the post construction assessment work need to be filed through the RAR electronic filing system with reference to the original RAR report Number

Section 6. Photos

P1

Excavated ditch at south side of property. Note drainage through neighbouring lawn.

P2

Ephemeral section of ditch channel on subject property.

P3 Section of shallow, dry ditch channel on subject property (April 2011).

P4 Shallow ditch leading onto subject property.

Section 7. Professional Opinion

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

Date 2011-04-06

1.I, Paul Harder

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 Alf Webb Holdings Ltd. *(name of developer)*, 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) [XXXX] 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.]

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 5-A-11 DP

DATE: February 1, 2012

TO: Reg and Doris Ogden DRAFT

ADDRESS: 2963 Colemand Road RR5

Cobble Hill, BC V0R 1L6

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 11, Block F, Section 1, Range 9, Shawnigan District, Plan 1720 except Part in Plan 22573 and Plan 50586 (PID: 000-639-583)

3. Authorization is hereby given for the 4 lot subdivision of the subject property, in accordance with the conditions listed in Section 4, below.

4. The development shall be carried out subject to the following condition:
   1. Receipt of a letter of credit, covering 100% of the cost of invasive plant species removal, appropriate disposal, and two years successive treatments;
   2. Compliance with a rain and stormwater management plan, to be prepared by a Qualified Professional Engineer at the time of any future building permit application, which is designed to:
      - Promote the use of low impact development techniques
      - Maximize infiltration from frequently occurring rain events and not permit the volume of drainage flows from exceeding pre development levels
      - Maintain or improve water quality from the development site
      - Maintain the site's discharge hydrogeology from a 5 year peak flow event
      - Locate rain and storm water management facilities so as to minimize impacts to natural areas.
   3. Compliance with Riparian Areas Regulation report no. 1976, prepared by Paul Harder, RP Bio, dated April 5, 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 – Riparian Areas Repot No 1976 by Paul Harder, RP Bio, dated April 5, 2011

   Schedule B – Sketch Plan of Proposed Bare Land Strata Development, dated Octoer 4, 2011

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. *[fill in Board Resolution No.]* PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE *[day]* DAY OF *[month]* MAY *[year]*.

Tom Anderson, MCIP
General Manager, Planning and Development Department

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

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

Owner/Agent (signature)	Witness
Print Name	Occupation
Date	Date

R4

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF FEBRUARY 7, 2012

DATE: February 1, 2012 **FILE NO:** 3-I-11DP/RAR

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

SUBJECT: Request for Reconsideration of Development Permit Application

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Recommendation/Action:
Committee Direction is requested.

Relation to the Corporate Strategic Plan: N/a

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

Background:
A development permit application for a dwelling and associated works on Island #4 in Cowichan Lake was denied by the Board on May 11, 2011. The Island, known locally as "Billy Goat Island", is located approximately 250 metres south of the Youbou shoreline.

The application that was denied had proposed a dwelling with a 3,200 square foot footprint, a small utility shed, and on-site septic system. One of the main issues with the application was that the island has a 15 metre Streamside Protection and Enhancement Area (SPEA) on the north side of the island and a 30 metre SPEA on the south side of the island. This left only a few metres of area on the island outside of the SPEA. Due to the width of the island (approximately 47 metres at the widest point), it was not possible to construct a dwelling on the island without some encroachment into the SPEA. The Board did not provide reasons for denying the application, but presumably the extent of encroachment and development into the SPEA was considered too large and the application was not considered compliant with the guidelines of the Watercourse Protection Development Permit Area.

The owner of the island has re-applied for what is essentially the same proposal that was denied by the CVRD Board last spring. Section 16 of CVRD Development Application Procedures and Fees Bylaw No. 3275 states that reapplication for a permit that has been refused by the Board shall not be considered within a 12 month period immediately following the date of the refusal. Section 16 further states that the time period respecting reapplication may only be varied by an affirmative vote of at least two thirds of the Regional Board members eligible to vote on the re-application.

Unless two thirds of the Electoral Area Directors eligible to vote support reconsideration of the application, Section 16 of Bylaw No. 3275 precludes the Board dealing with the application until May 11, 2012. The applicant, however, has requested that the application be considered in

advance of the one year waiting period. Reasons given for the request include a desire to secure development approvals in time for the spring/summer building season and recent court decisions (*Yanke v. Salmon Arm*) that clearly establishes rights to build within a SPEA where other alternatives do not exist and where an RAR assessment report has been accepted by the Ministry of Environment that confirms no harmful alteration, disruption or destruction (HADD) to fish habitat, as defined by the Federal *Fisheries Act*.

The applicant has confirmed that he will attend the EASC meeting to speak to his request should the Committee require further information.

Options:

1. That reconsideration of application 3-I-11DP/RAR (Dix) be deferred until May 11, 2012, in accordance CVRD Development Application Procedures and Fees Bylaw No. 3275.

2. That Section 16 of Development Application Procedures and Fees Bylaw No. 3275 be varied to allow reconsideration of application 3-I-DP/RAR (Dix) in advance of the required 12 month waiting period.

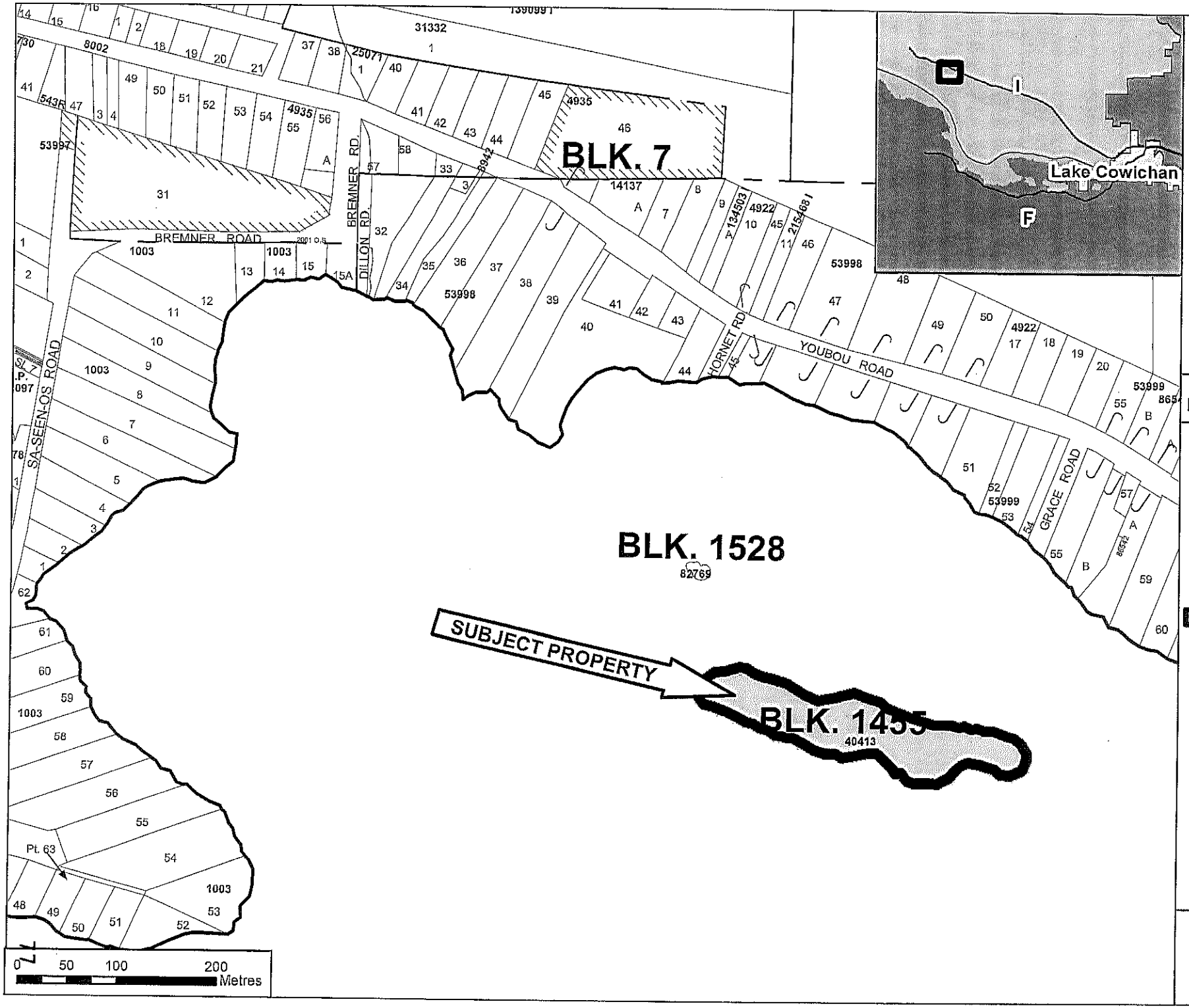
Submitted by,

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

Approved by General Manager:

Signature

RC/ca



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.

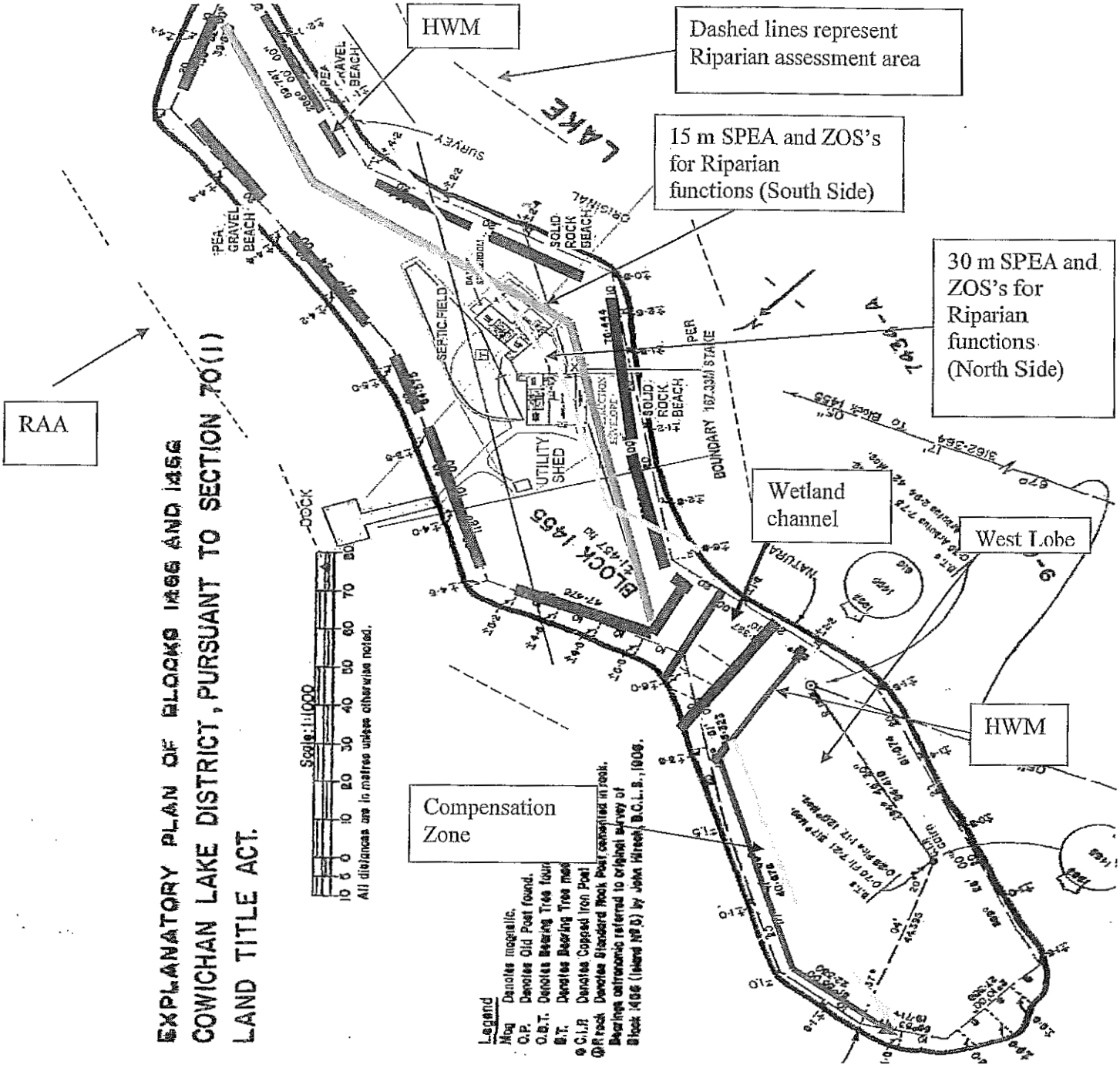
File: 03-I-11-DP-RAR

Legend

Subject Property

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Section 3. Site Plan



13. **REFUSAL**

Where an application has been refused by the Board, the General Manager of Corporate Services or a nominated designate shall notify the applicant in writing within 30 days immediately following the date of refusal.

14. **INACTIVE APPLICATION**

Where an applicant under this Bylaw has not pursued the application for a period of twelve (12) months, after being asked by CVRD staff to provide further information or follow a procedure outlined in this Bylaw, the application is deemed to be inactive, and the file will be closed. If a partial fee refund is due under the Official Community Plan and Zoning Amendment refund policy, it will be issued at the time of file closure. **Approximately three (3) months before file closure or nine (9) months into an inactive period, a warning letter will be sent to the applicant advising them that their file is about to become inactive.**

15. **REFUND**

No refunds are available for any type of applications upon which CVRD Staff have expended time in processing the application, except in accordance with the **Refund Policy** under **Schedule B to this Bylaw – Rezoning/Official Community Plan Fee Schedule.**

Where any type of application has been submitted along with the required fee, and the applicant withdraws an application before staff effort has been expended on the file, a 100% fee refund will be given to the applicant.

16. **REAPPLICATION**

Subject to Section 895 of the *Local Government Act,* reapplication for an amendment or permit that has been refused by the Board shall not be considered within a 12 month period immediately following the date of refusal. The time period respecting reapplication may only be varied by an affirmative vote of at least two thirds of the Regional Board members eligible to vote on the reapplication.

17. **SEVERABILITY**

If any word, section, subsection, sentence, phrase, or schedule of this bylaw is for any reason held invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the portion that is invalid shall not affect the validity of the remainder of this bylaw.

R5

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING
OF FEBRUARY 7, 2012

DATE: February 1, 2012 **FILE NO:**

FROM: Dan Brown, Parks Trail Planning Technician **BYLAW NO:**

SUBJECT: Cross Country Mountain Bike Race Event Request for Quarry Nature Park and the Cobble Hill Mountain Regional Recreation Area

Recommendation:
That the application from The Everti Cycling Club to hold a cross-country mountain bike race on designated trails within Quarry Nature Park and the Cobble Hill Mountain Regional Recreation Area on Sunday, March 18, 2012, be approved subject to the following conditions:

1. Proof of the $5,000,000 liability insurance that the company has to cover the event which also identifies the CVRD and the Province of BC named as additional insured,
2. A damage deposit of $500 must be provided to the CVRD for confirmation that the company will clean up all garbage and fix any damaged trails on the race route upon completion of the event and that all racers will stay on designated trails identified on CVRD parkland.
3. Confirmations that there will be notices of the even posted along the trail in advance of, and during the day of, the event that will advise other trail users of the race.
4. Alpine Stables is notified at least two weeks in advance of the event by the event organizers of the trails to be used to allow sufficient time for equestrian riding routes to be modified for the day of the event.
5. That both porta-potties within Quarry Nature Park are pumped out and cleaned following the race at the cost of the race organizers, payment of which will be provided by cheque along with the damage deposit.
6. That the Cobble Hill Parks Commission has endorsed the use of Quarry Nature Park in Cobble Hill as a staging area for the event.

Relation to the Corporate Strategic Plan: N/A

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

Background:
For the past four years, the Everti Cycling Club has hosted, with CVRD and the Cobble Hill Parks Commission's approval, a local cross-country mountain bike race within Quarry Nature Park and the Cobble Hill Mountain Regional Recreation Area as part of the Island Cup Racing Series. The Island Cup Series is comprised of between 10 and 15 races annually and take place all over Vancouver Island. In past years, this race has drawn upwards of 120 racers.

Each participating racer must sign a waiver naming all land managers involved thereby preventing legal proceedings should an accident occur. The club also holds $5,000,000 Comprehensive General Liability and $5,000,000 General Aggregate insurance for every race, naming all land managers upon which who's lands the event takes place as named issued in the insurance policy.

As in past years, the race organizers must post notices around the park notifying the public and must notify Alpine Stables directly of the race date and times. This effort is taken to limit the potential for trail user conflicts during the race.

Race organizers are dedicated to the safety and well being of race participants, with volunteer first aid attendants on hand for race day and volunteer race marshals at various locations on the course to ensure rider safety and proper navigation of the course.

The race route is patrolled at the end of the day and garbage, flags or arrows that have been left are removed. Furthermore, the organizers are committed to retrace the race route once again within 48 hours to complete any required trail repairs as a result of the race. Race officials have confirmed that qualified first aid attendants will be located along the race route throughout the Cobble Hill Mountain Regional Recreation Area for the duration of the race.

The schedule for the proposed event on will be approximately 7 hours as follows:

- 9:00 a.m. – Volunteers will begin setting up
- 10:00 a.m. – Registration at Quarry Nature Park
- 12:00 p.m. – Race begins
- 2:30 p.m. –Race completed/Awards Barbeque commences
- 3:00 p.m. – Signage and Trail clean-up begins

Staff have reviewed the proposal and no concerns are noted with the event as proposed, as it is consistent with the event approved in prior years. This application has also been forwarded to the Cobble Hill Parks and Recreation Commission with respect to the use of Quarry Nature Park as the event staging area and use of the lower trails.

Submitted by,

Dan Brown,
Parks Trails Planning Technician
Parks and Trails Division
Parks, Recreation and Culture Department

Reviewed by:
Division Manager:

Approved by:
General Manager:

DB/ca

5th Annual Cobble Hill Classic XC Mtb. Race Proposal
March 18 2012

Purpose:

The purpose of this proposal is to gain permission to hold a one day event known as the Cobble Hill lassic XC Race. This event is now in its fifth year at the Cobble Hill Nature Quarry Park and has been ıcreasing in popularity each year. As a Cycling Club based in the Cowichan Valley we wish to continue › offer a local venue for cyclists of all ages and abilities to participate, volunteer or just watch.
This race is one of many in a Vancouver Island mountain bike point series called Island Cup Series. hese events are held at locations between Victoria and Port Alice and allow cyclists the opportunity to xplore the recreational parks and trail networks available in communities all across the Island.
The entire series is sanctioned and insured by Cycling BC, therefore to register for these events one ıust hold a valid Cycling BC membership, or purchase a one day event waiver and insurance available n race day at the time of registration. No racer is allowed to ride any of the trails on race day until they :e registered for the event.

Race Description:

The race is a Cross Country discipline of Mountain Bike racing which means that cyclists utilize the ıountains trail networks to there fullest, by going up, down, and across existing hiking / cycling trails, ıthways, and access roads to form a race course that can be of multiple laps. The event allows racers of l abilities to enter by offering three categories to choose from that suit the participants skill level. eginner category is a level in which cyclists that are just starting to compete can gain experience and ɔnfidence while having fun in a no pressure situation. Intermediate category is a level that offers a ›nger, more challenging course that requires the cyclists be at a slightly higher fitness, and bike handlin ›vel. Expert category is a level that challenges racers in every way by providing the longest, most ›chnically difficult trail combinations used in the event.
We will direct racers to park in the most recently developed parking area nearest Cobble Hill rd., acros: ›om Old School Coffee. This will allow non event Park users to occupy the upper parking lots nearest ıe Off Leash Park and the Dirt Jump Park. If any further parking is required we will direct traffic ›wards the Community Hall.

Race Course Map:

Link to map. http://connect.garmin.com/activity/141657921#.TxICKMbhzAA.facebook

Schedule:

The day prior to the event, the organizers will be on the course late in the afternoon identifying trails ith flagging ribbon and cardboard arrows. A clean up of branches, rocks and any other safety hazards ill be completed at this time. The day of the event organizers will be on location at 9 am to walk the ourse to ensure trail marking are intact, and that the trails are in excellent condition for racers to compei n. At 10 am racer registration will open and competitors may then be allowed to pre ride the course to miliarize themselves with any surprises they may encounter during the event. At 11:45 am a rider eeting will be held near the staging area to inform competitors of anything they may be unaware of, an answer any questions. At 12:00 pm the Expert category will start their race, followed by Intermediate d Beginner at one minute intervals. By 2:30 pm all of the racers will have finished the event, and a ief awards presentation will take place. At this time volunteers and racers will complete a tear down of e course, removing all flagging tape, arrows, and natural markings used to identify the trails. At this oint the race organizer will thoroughly walk the entire course to ensure that the trails, pathways and roa ctions are in as good or better condition than prior to the event. Once the final evaluation is complete, e CVRD will be notified that all signs of the event are removed and ready for a walk through inspectio om CVRD.

Contacts:

Race organizer, Kevin Knock cell phone # 250-710-8154, email kconk@telus.net
Volunteers, Kurt Knock, David Huntley, Tara Pollock, Trevor Jones, Mike Pollock, Hilary Huntley

Closing:

We at Cowichan Valley Cycling would like to thank you for your consideration in allowing us to host the 5th Annual Cobble Hill Classic XC Mtb Race.

Sincerely,
Kevin Knock

R6

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 7, 2012

DATE: February 1, 2012 **FILE NO:**

FROM: Dan Brown, Parks Trails Planning Technician **BYLAW NO:**

SUBJECT: Stocking Creek Park Trail License Agreement – Finch Place Strata

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Recommendation/Action:
That a trail license agreement be entered into with Stocking Creek Strata #VIS3754 permitting the Regional District to construct and maintain a public trail across Common Property VIS 3794, Oyster Land District as an extension to the trail system in Stocking Creek Park.

Relation to the Corporate Strategic Plan:
Promote Individual and Community Wellness – Promote pedestrian and cyclist friendly roadways and trails between communities and neighborhoods.

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

Background:
The trail system in Stocking Creek Park provides excellent walking opportunities for the community. With the recent construction of the viewing platform at Stocking Creek Falls in the park, more trail users will be seeking other opportunities within the park besides the main trail that connects the parking lot off Chemainus Road with Finch Place.

There is an active single track trail that follows the creek that includes the waterfall viewing platform and two connections to the main trail. At the north end of the park, there is a third informal trail connection that travels through the Finch Place Strata's common property. Formalizing this connection would provide exceptional value to the park's trail network as it would create a full loop trail from the north end of the park to the south (see attachment). This increase in trail length would be welcomed by many trail users and provide additional opportunity for future trail development in the park for a potential connection to Chemainus Road at Lagoon Bridge.

Director Dorey has initiated discussions with the Finch Place Strata, who are agreeable to a formal trail being constructed across the common property under the following conditions:

- The trail will be constructed to a standard that the Strata can use it for equipment access to the common property septic field located on the property;
- The trail license agreement will protect the Strata Corporation from any public liability claims through use of the developed trail.

Providing the access for equipment on the trail should not be an issue and the trail license agreement terms can provide for the indemnification terms requested. The trail would be constructed and maintained with funds from the Electoral Area G (Saltair) Community Parks budget.

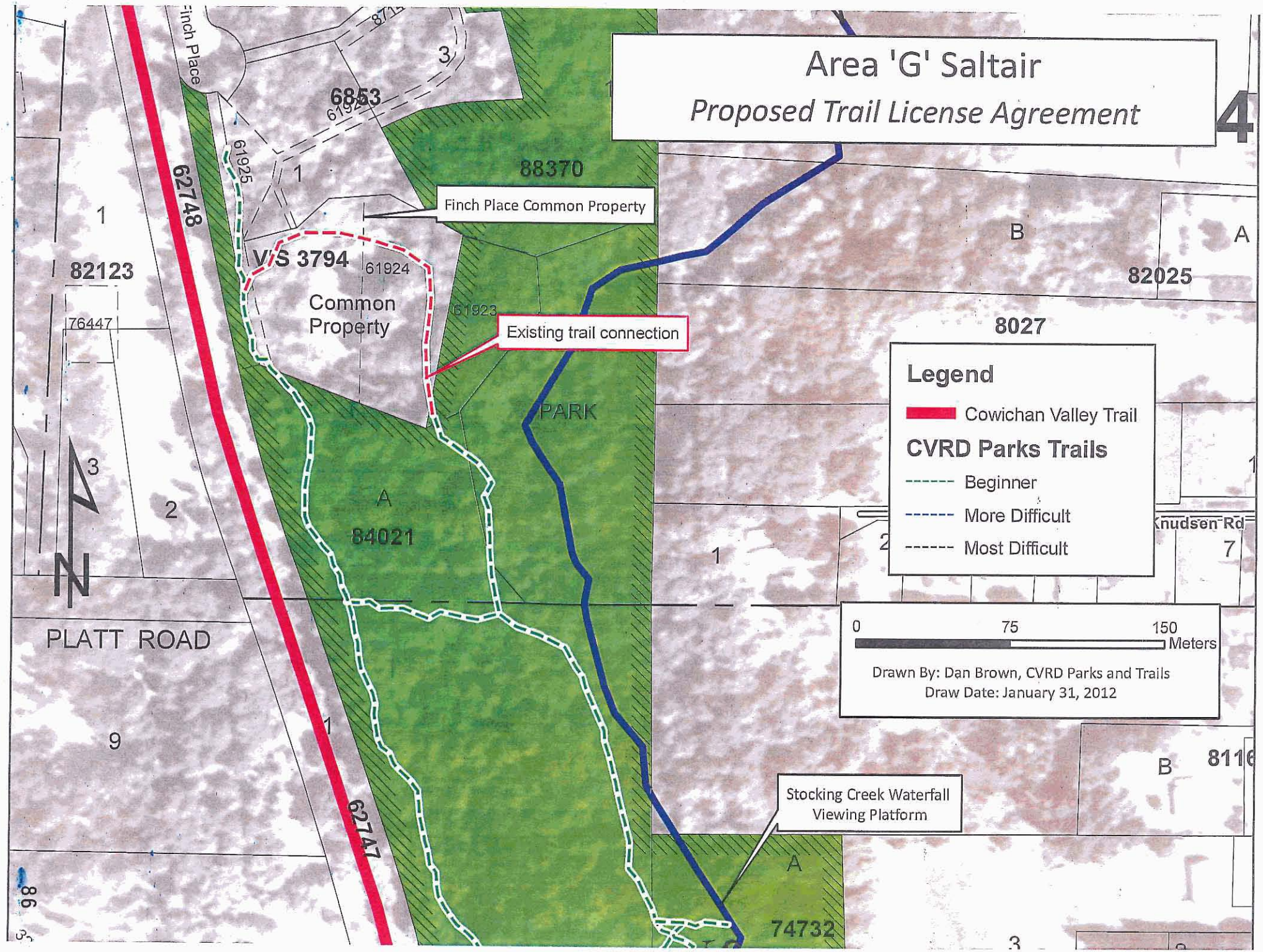
Submitted by,

Dan Brown
Parks Trails Planning Technician
Parks and Trails Division
Parks, Recreation and Culture Department

Reviewed by:
Division Manager:

Approved by:
General Manager:

DB/ca
Attachment


Area 'G' Saltair
Proposed Trail License Agreement
4
Finch Place
6853
61925
88370
Finch Place Common Property
V/S 3794
61924
Common Property
61923
Existing trail connection
62748
82123
76447
PARK
A
84021
PLATT ROAD
62747
B
A
82025
8027
Knudsen Rd
Legend
Cowichan Valley Trail
CVRD Parks Trails
Beginner
More Difficult
Most Difficult
0
75
150
Meters
Drawn By: Dan Brown, CVRD Parks and Trails
Draw Date: January 31, 2012
Stocking Creek Waterfall Viewing Platform
74732
8116

R7

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 7, 2012

DATE: February 2, 2012 **FILE NO:**

FROM: Brian Farquhar, Manager Parks & Trails Division **BYLAW NO:**

SUBJECT: Renewal of Thicke Road Trail Access Lease – Stocking Creek Park

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Recommendation/Action:
That a one year lease renewal inclusive of two renewal terms of one year each be approved for the Stocking Creek Park lease across Lot 14 (DD 71247N), District Lot 14, Oyster District, Plan 4039 (PID: 002-221-721) for the purpose of trail access to the park.

Relation to the Corporate Strategic Plan: N/A

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

Background:
The Regional District has maintained a renewable lease agreement with the owners of Lot 14 (DD 71247N), District Lot 14, Oyster District, Plan 4039 (PID: 002-221-721) covering a 0.8 hectare portion of the property to facilitate public trail access from the BC MOT Thicke Road right of way into Stocking Creek Park. The terms of the lease includes a one dollar per year rent and requires the Regional District to indemnify the owner from public use of the lease area. A trail has been constructed through the lease area and is maintained through the Area G Community Parks function. The remainder of the lease area is left in a natural state. The current lease term expired on December 15th, 2011 and a new lease term would commence from December 16th, 2011 to maintain continuity of the public's use of the trail access to the park. The attached map shows the location of the lease area.

Submitted by,

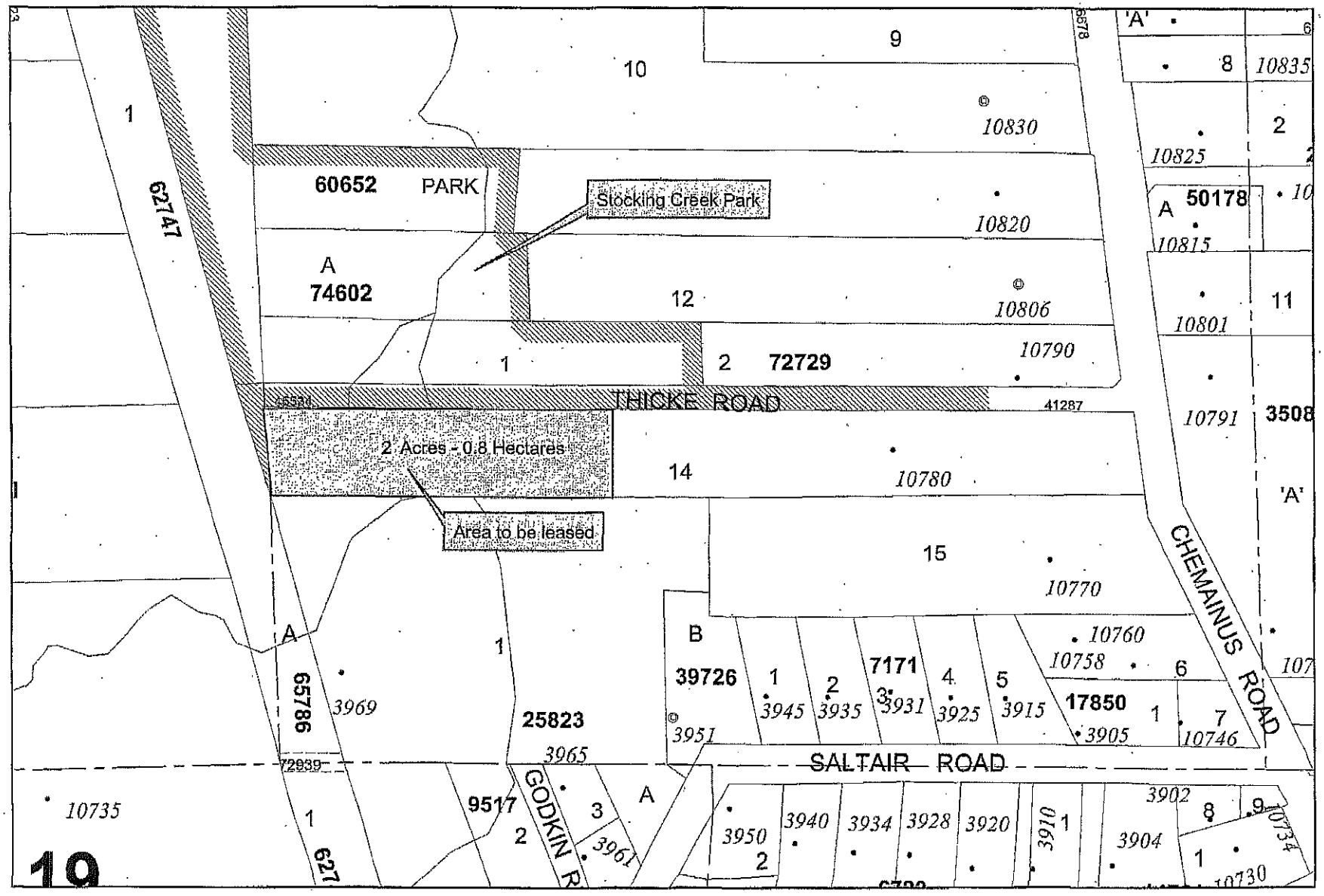
Brian Farquhar
Manager,
Parks and Trails Division
Parks, Recreation and Culture Department

Approved by:
General Manager:

BF/ca
Attachment

Property: 10780 Chemainus Road

Legal Description: Lot 14 of Plan 4039,
District Lot 31, Oyster Land District
PID: 002-221-721



April 27, 2006

R8

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE
JANUARY 17, 2012

DATE: January 11, 2012 **FILE NO:** 02-A-11DP

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

SUBJECT: Amendment to Development Permit – Mill Bay Marina

Recommendation/Action:
That Development Permit No. 2-A-11DP(Mill Bay Marina) be amended to remove the requirement for permeable pavers in the parking lot areas, provided oil/water/grit separators are provided to protect water quality and the decorative treatment of the driveway and parking areas is maintained.

Relation to the Corporate Strategic Plan: N/A

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

Background:
The CVRD Board authorized issuance of a development permit for the Mill Bay Marina on November 9, 2011 and a development permit for a 14 unit townhouse development and marina was subsequently issued. The development permit specified permeable pavers in the driveways that access the town houses and marina and for the town house surface parking.
The developer is now doing the detailed engineering for the project and has been advised by his consulting engineer that the soil sub-surface is primarily clay and that the imperviousness of the site would not allow storm drainage to effectively percolate into the ground. As an alternative, they have recommended installing separators to remove oil and grit from the parking areas before discharging to the ocean. They are also proposing to maintain the decorative paving, in the form of coloured and stamped asphalt rather than concrete pavers. A letter outlining the request is attached to this report.

Development Services Comments:
As the soil structure of the subject property does not facilitate storm water infiltration and the use of permeable pavers, staff is supportive of the alternative approach proposed. Since protection measures will be provided to maintain water quality and decorative paving will still be used, staff recommend that the change be approved. .

Options:

1. That Development Permit 02-A-11DP(Mill Bay Marina) be amended to remove the requirement for permeable pavers in the parking lot areas, provided oil/water/grit separators are provided to protect water quality and the decorative treatment of the driveway and parking areas is maintained.

2. That the requested amendment to Development Permit 02-A-11DP(Mill Bay Marina) be denied.

Submitted by,

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

RC/CA

Approved by:
General Manager:

GENIVAR

February 14, 2011
Our File: 101-15273-01

Mill Bay Marina Inc
c/o 29-1400 Cowichan Bay Road
Cobble Hill, BC V0R 1L3

Attention: Cam Pringle (via email cadillachomes@shaw.ca)

Dear Cam:

Re: Mill Bay Marina
Stormwater Treatment

Conceptual design for the referenced development, which include the marina parking lot and the townhouse site, was to construct permeable paver systems on the drive aisle for the parking lot, and the access road through the townhouse site. It has since been observed on a portion of the site, particularly in the parking lot, that brown clay exists beneath the top layer of organics. The general observation throughout the area is that the ground is poorly drained, with evidence of standing water which is not freely draining away.

The purpose of installing a permeable paver system is primarily twofold: to quickly recharge the water table, and to mitigate introduction of pollutants such as suspended particles to the downstream drainage system. The imperviousness of this site will not permit stormwater to effectively percolate through the ground. As a result stormwater will be forced, through underground overflows, into the piped storm drain system. If water which drains through the pavers does not in turn percolate through the ground, saturated conditions could result within the base gravels, potentially compromising the integrity of the base structure. Due to the imperviousness of the surrounding soils, use of a permeable pavement system would be largely ineffective, and therefore our recommendation is that it be replaced with a hard surface treatment such as asphaltic concrete, concrete, or conventional pavers. Regarding control and removal of suspended particles, an oil / water / grit separator will be installed to capture and treat stormwater from the marina parking lot, prior to discharge to the downstream drain system.

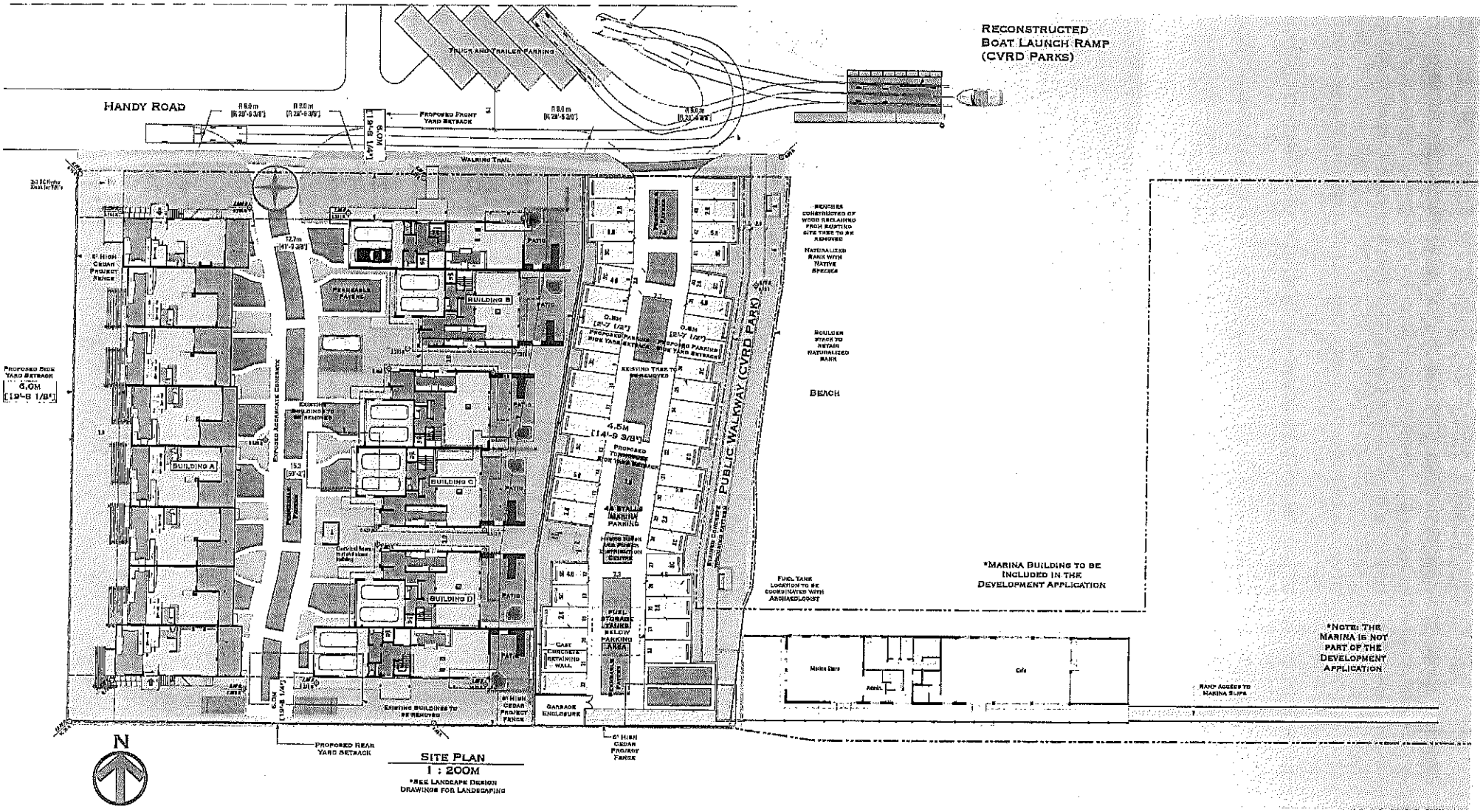
Sincerely,
GENIVAR

Original Signed

Per H.J. Verstraaten, Eng.L., A.Sc.T.

HJV/slb

Suite 400, 401 Garbally Road, Victoria, British Columbia, Canada V8T 5M3
Telephone 250-384-5510 ~ Fax 250-386-2844 ~ Email: info.victoria@genivar.com ~ Web: www.genivar.com



SITE PLAN
1 : 200M
*See Landscape Design Drawings for Landscaping

The Waterfront
at Mill Bay Marina

Proposed Residential/Commercial Development
14 Townhomes and Marina Commercial Building
Handy Road, Mill Bay, BC

A3

Date: 2011.01.05
Rev1 Date: 2011.06.11 Marina revised

Joe Newell Architect Inc
612 Yates Street, Victoria, BC V8V 1K8
Telephone (250) 382-4240
Facsimile (250) 382-0733
www.joenewell.com

R9

C·V·R·D

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF FEBRUARY 7, 2012

DATE: February 2, 2012 **FILE NO:**

FROM: Tom R. Anderson, General Manager **BYLAW NO:**

SUBJECT: Qualified Environmental Professionals (QEP's) and the CVRD

Recommendation/Action:
That the CVRD not take on the responsibility of hiring QEP's for any land use application that requires such. And, further, if there is a desire to have the Province delegate additional resources to processing QEP reports, then a formal request should be forwarded to the Minister of Environment requesting appropriate action be taken.

Relation to the Corporate Strategic Plan:
Sustainable Land Use and Healthy Environment

Financial Impact: *(Reviewed by Finance Division: NA)*
Unknown at this time.

Background:
The Electoral Area Services Committee passed the following motion at their November 1, 2011 regular meeting:

> **That staff be directed to investigate the Province's role and procedures respecting qualified environmental professionals; acquire legal opinions; and explore options for the hiring of qualified environmental professionals by local governments; and further, that a staff report be prepared outlining the findings and be forwarded to the EASC in the new year.**

It would be best if our response to the motion above were broken down into smaller segments in order to respond to the directive.

The Province's Role and Procedures

The Province created a formal role for QEP's when they brought in legislation known as the Riparian Areas Regulation. In short, this regulation designated all land within 30 metres strip on both sides of the stream or from the high water mark of a lake as the Riparian Assessment Area (RAA). The Provincial regulations stipulated that prior to any alteration or development for residential, commercial or industrial purposes, lands within that area would require a report from a QEP approving the work and making recommendations as to how the work will occur. These reports would then be filed with the Ministry of Environment who would perform audits on a random selection of QEP reports to ensure adequate standards are being maintained if selected for audit. A 30 day waiting period is required before local governments may assume the QEP

report is adequate, after which the local government may proceed with the development application. The Province pitched this new legislation to local governments in a manner that indicated that a) we would have to comply with the legislation, and b) our processes would only be used to enable the Province to collect RAR reports and our involvement would be minimal.

In order to comply with this legislation, the CVRD amended our Official Community Plans (OCP) by designating all RAA's as Development Permit Areas thus requiring Development Permit applications and approval by the Regional Board or the Board's delegate prior to any alteration or construction in those areas. Attached as **Appendix A** is the Riparian Areas Regulation Development Permit Area from the Electoral Area F OCP which a typical example of how this regional district has implemented the provincial Riparian Area Regulations. Section 15.7 Riparian Area Regulation Guidelines outlines the process and the role of the QEP.

The Problem

It is important at this juncture to review what Directors and staff have perceived to be a problem with the implementation of the regulations and the role of the QEP's. First, the process calls for the QEP's to complete their reports and file them with the Ministry of Environment. Local government is either notified the report has been accepted or it is selected for further audit, and then there is a 30 day window for Ministry staff to review the reports and request changes if appropriate standards are not being met. Unfortunately, due to a lack of staff resources at the Ministry, very few reports were being reviewed, and thus after the 30 day period, CVRD staff would proceed with the Development Permit application process and find inaccuracies in some of the reports. While no Planning staff are certified QEP's, some of the mistakes that were found in some of the reports that were going unchecked by the Ministry were so blatant that they were hard to miss. As such, an element of mistrust with the process began soon after the RAR process was implemented.

The fact that this Regional District was garnering the largest number of RAR applications in the Province highlighted this flaw in the process. Couple this with the fact that the Provincial Government failed to respond by increasing staff resources to properly uphold their end of the legislated commitment, allowed this mistrust of the system to continue. Second, the fact that the process calls for the land owner to hire the QEP's has also added an element of unease to the process. While QEP's must be certified and can be taken to task if one complains to their professional association, just the fact that the land owner pays the QEP, leads many to believe that the QEP's would naturally bias their reports in favour of those that are paying for their services. It remains unproven as to whether the mistakes that were made by the QEP's were simply that, or whether they were being influenced by the property owners who hired them!

Legal Opinion

An important question within the directive above is, does the CVRD have the legal authority to assume the responsibility of hiring the QEP's and have the land owner pay for the reports through us rather than allowing the land owner to hire and pay the QEP's themselves? A further question is, could the Regional District maintain a list of preferred QEP's to undertake the work? These questions were posed to our solicitor whose response is found in attached **Appendix B.**

In short, the Regional District has the legal authority to assume control of hiring the QEP's to undertake the necessary reports on behalf of the property owners. However, our solicitor does throw out a number of cautionary notes regarding the need to maintain an open and equal process for all QEP's to participate in. Any effort to discriminate against any qualified person must only be done subject to irrefutable reasons.

The Rest of the Province

In response to a comment that the Central Okanagan Regional District (CORD) had opted to take over the authority of hiring the QEP's, a note was forwarded to that office and other Regional Districts requesting their response to this suggestion. In fact, CORD has not taken over the authority. They have, however on a few occasions, unofficially taken on the responsibility of hiring the QEP's on behalf of the property owner. On a few of those occasions this has worked well. However, this has also resulted in reports coming back that the land owner was not in favour of which has resulted in the land owner hiring their own QEP, thus producing differing results in the reports. It is at that point that I am informed, that the system and process has completely fallen apart. As such, CORD decided not to assume the responsibility on a formal basis.

Comments from other Regional Districts were pretty unanimous in their response that the Provincial Government set up the process and if there is a problem with the process at the provincial level then they should be lobbied to correct the process. Further, if QEP's are not meeting the professional requirements of their certification, then complaints should be filed with their professional association for their review.

Planning Comments

Staff are opposed to assuming the responsibility for hiring QEP's for the following reasons:

- From the outset, the process established under the regulations was to allow local governments to take a hands-off approach in our involvement. Once notified that the RAR report was accepted by the Province, local government's role was to be limited to formalizing the report through a Development Permit. To take on this responsibility will result in the Regional District taking on a significant administrative burden. Explaining/justifying this to potential applicants, collecting money, hiring and coordinating QEP's, and mediating disputes when the owner doesn't like the QEP's recommendations, are just some of the additional duties that will likely result with this approach.
- Similar to the perceived influence of the property owner, the Regional District could just as easily be accused of influencing the recommendations of the QEP if we were to assume the responsibility.
- Finally, staff questions the extent of the perceived problem! We have seen QEP reports that have had mistakes and some questionable recommendations, but in the big scheme of things, the numbers have not been that significant. Staff does not believe it is worth establishing a cumbersome process for an issue that we aren't supposed to be responsible for. Staff maintains that, if it is the Province's process that is the problem, then we should direct our efforts at having the Province take the necessary corrective measures!

Submitted by,

Tom R. Anderson,
General Manager
Planning and Development Department

TRA/ca
Attachments

APPENDIX A

15 RIPARIAN AREAS REGULATION DEVELOPMENT PERMIT AREA

POLICY 15.1: Category
The Riparian Area Regulation Development Permit Area is designated pursuant to Section 919.1(1)(a) of the *Local Government Act* – protection of the natural environment, its ecosystems and biological diversity.

POLICY 15.2: 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).

POLICY 15.3: Justification
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).

POLICY 15.4: Riparian Assessment Area
The Riparian Area Regulation Development Permit Area is coincidental with the Riparian Assessment Area as defined in the *Riparian Areas Regulation.* It is indicated in general terms on Map 7 – RAR Development Permit Area Map. Notwithstanding the areas indicated on Map 7, the actual 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.

POLICY 15.5: Applicability
A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to any of the following activities occurring, 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.*

POLICY 15.6: Guidelines
Prior to undertaking any of the development activities listed in Section 18.5 above, an owner of property within the Riparian Areas Regulation Development Permit Area shall apply to the CVRD for a development permit, and the application shall 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) Cowichan Lake is subject to natural water level fluctuations on an annual basis. Winter water (high) levels often flood shoreline areas of the lake. These shoreline areas provide important fish habitat, especially during winter periods. The QEP assessment must pay special attention to how the site may be within an active floodplain; the QEP should also assess the existence of floodplain plant species that are important fish refuge areas during high water, and clearly delineate exactly where the high water mark is on the site.

POLICY 15.7: Exemptions

In the following circumstances, a development permit will not be required:

a) Renovations, repairs and maintenance to existing buildings that are protected by Section 911 of the *Local Government Act*;
b) Minor interior and exterior renovations to existing buildings, excluding any additions or increases in building volume;
c) Removal of invasive non-native vegetation such as Gorse, Scotch Broom, and its immediate replacement with native vegetation;
d) A passage or trail not more than 1.5 metres in width cleared of vegetation, which does not involve the removal of any tree greater than 5 metres in height or with a diameter at breast height (DBH) of 10 centimetres, to allow for passage to the water on foot.

POLICY 15.8: Violation

a) Every person who:
    1. violates any provision of this Development Permit Area;
    2. causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
    3. neglects to do or refrains from doing any act or thing required under this Development Permit Area;
    4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
    5. fails to comply with an order, direction or notice given under this Development Permit Area; or

6. prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;

commits an offence under this Bylaw.

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

POLICY 15.9: Penalty

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

POLICY 15.10: Severability

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

POLICY 15.11: Concurrent Development Permit Areas

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

APPENDIX B

Hi Tom.

This would in our view be a possible use of the regional district's powers under s. 920.1, but there are a couple of cautions that should have a bearing on exactly how you implement it.

Subsection (3) of 920.1 allows the RD staff (assuming the power is delegated) to provide information on environmental impact (and other types of impact) at the applicant's expense in accordance with the policies and procedures set out in a bylaw. Requiring the applicant to provide this information via QEPs selected by the RD where the applicant is seeking a DP in a riparian DP area would seem to qualify. To avoid the client pressure you describe, you would have to establish an amount to be collected from the applicant before the RD commissions the QEP to undertake the study for the RD; presumably this would be based on a price quoted by the chosen QEP on the basis of the applicant's application and perhaps a preliminary site visit conducted at the QEP's expense for the purpose of providing the estimate - something that QEPs probably already do. I have previously thought that a process involving a QEP employed by the local government and a charge that covers the cost of the QEP preparing a report on the applicant's project could meet the requirements of the Fish Protection Act, and what you are describing is a variant of that.

Implementing this process would take amendments to the OCP (if DAI designations for riparian areas have not already been done) and possibly the development application procedures bylaw, and would require the enactment of a DAI bylaw under s. 920.1.

Note however that under s. 182 of the LGA the board must not provide "assistance" to a business undertaking, and professional practices such as those of QEPs are business undertakings. Strictly speaking if the RD's bylaws just said that the applicant has to provide information prepared by a QEP taken from an eligibility list established by the General Manager of the Planning and Development Department, the board could not be providing assistance to any particular business by enacting such a bylaw, because the board would not know to whom this work is going, but one must be concerned that the section would be interpreted broadly as not allowing the regional district to provide assistance. If (as we recommend below) every suitably qualified QEP has an equal chance of getting each assignment, then there would seem to be no "assistance" to any particular QEP.

However you are suggesting some kind of filtering process that might effectively allow the RD to blackball a particular QEP. It's one thing to insulate QEPs from the person whose land they are examining to prevent conflicts of interest from arising, and another to remove QEPs from the field entirely because they are considered to be inherently susceptible to pressure to tailor their professional opinions to suit someone else's wishes regardless of who is paying the bill. In regard to the latter problem, there is an argument that the professional ethics of QEPs is not a matter that is within the RD's jurisdiction. I would say that once a QEP or any other professional has actually undermined the RD's confidence in their opinions by providing a recommendation that the RD considers unsound, it is from that point on entitled to refuse to accept reports from that professional for regional district regulatory purposes, but you should have a solid case against anyone whose name you are not putting on

the list. For example if MOE or DFO officials have in the past found fault with a QEP's recommendations, you would likely be justified in leaving them off the list.

Additionally regardless of how you assign these projects among the eligible QEPs you will be intervening in the market for those services.
If you use a simple rotation system, some QEPs who consider that they had a large market share may claim that they are getting less work from developers than they otherwise would. If you direct work to QEPs who you think do a particularly good job, other QEPs may claim that you are shutting them out of this market. The best way to approach this would probably be to issue an RFQ every couple of years and establish a short eligibility list on that basis, and then use a simple rotational approach. This looks no different from any other RD procurement process which clearly favours the business undertakings that win the contract over those that don't, but is not in our view any form of prohibited "assistance".

Bill Buholzer
Young, Anderson
Phone 604 689-7400
Fax 604 689-3444
E-mail buholzer@younganderson.ca

M.H. JOHNSTON & ASSOCIATES INC.

Management & Project Development Consulting

C1

C·V·R·D RECEIVED JAN - 4 2012

Cowichan Valley Regional District

Dec. 21st 2011

Electoral Area Directors Committee

Attn. Mike Tippett

RE; The Estates at Shawnigan Station – Lot A, Section 7, Township 1, Malahat District

Plan 4777.

Mike Kelly, the owner of The Estates at Shawnigan Station has asked me to assist him with the completion of the final phases of his project.

The Estates at Shawnigan Station is now proceeding with Phase 2 of the development and is planning to finalize subdivision of phase 3 as soon as possible. Phase 1 has been completed and is now a well established thriving neighbourhood in South Shawnigan.

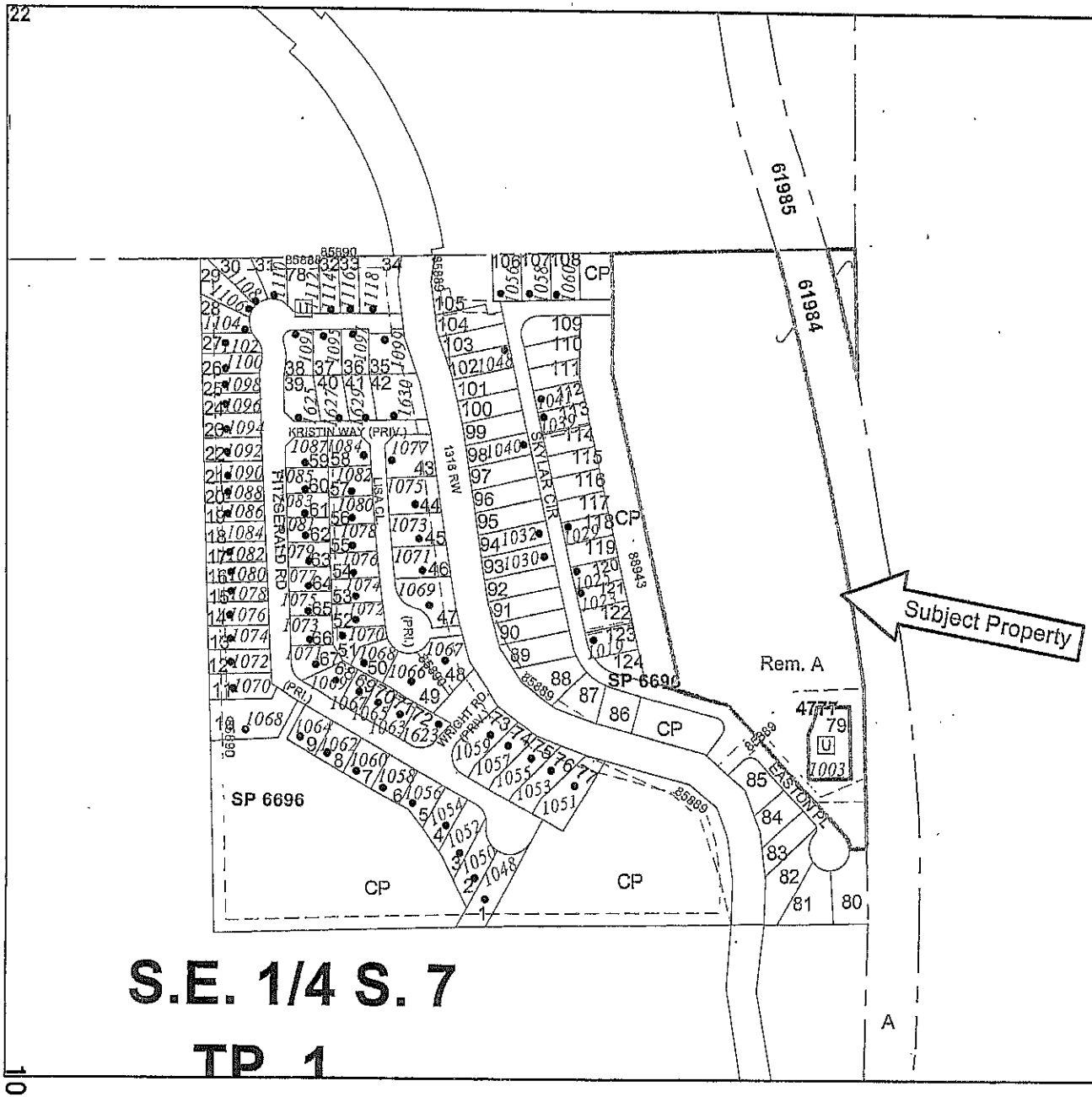
Homes in the development have been built under the District's Mobile Home Park By-law which requires them to be built off site and transported to the site. Our homes have been built in a factory in the Shawnigan area employing approximately 40 people, but we have been advised that this facility is closing down, creating a hardship for us in our ability to obtain homes locally and putting 40 people out of work.

There are no other factories on Vancouver Island producing Modular/Mobile Homes and we are now forced to go to Washington or Oregon State to purchase the quality homes we require.

We prefer not to purchase in the United States and would like to continue to employ local labour. We understand that you may be considering amending your Mobile Home Park By-law and zoning to permit stick framing of homes on our site and we request that your permit us to begin framing on site as soon as possible. The homes framed on site would be of a similar style and quality as those built in phase 1 and phase 2 and would meet the building scheme we have put in place. Providing affordability and keeping local trades employed has always been a goal for us and the additional $18,000 transportation costs to bring the units from the US would have a detrimental impact on this goal.

In summary we find ourselves in a hardship situation and would rather not go to the United States to solve our problem, but would like to hire local trades people, and request you approval to permit framing on site.

1815 Belmont Avenue, Victoria, BC V8R 3Z3 Tel: (250) 592-6407 Fax: (250) 592-6497
Cell: (250) 818-4350 E-mail: markhj@shaw.ca



S.E. 1/4 S. 7

TP 1

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.

Printed: September 14, 2011

02-B-11DVP

N W E S

Scale: 1:3,887

IN 1

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JAN 17 2012

Financial Services Department

C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Submitted by Director IANNIDINARDO Area D

Grantee: Grant Amount $ 1,000.00

NAME: WEST COAST MEN'S SUPPORT SOCIETY

ADDRESS: grant@cowichanmen.org

250-748-2766

Contact Phone No: GRANT WALDMAN 250-597-2801

PURPOSE OF GRANT: SUPPORT FOR THE PROGRAM

REQUESTED BY: Lori L. Iannidinardo

Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
01-2-1950-0391-114	1,000.00	10.0

FOR FINANCE USE ONLY

BUDGET APPROVAL ✓

VENDOR NO.

Disposition of Cheque:

Mail to above address:

Return to

Attach to letter from

Other

Approval at Regional Board Meeting of

Finance Authorization

Z:\Grant in Aid\Grant-in-Aid Form 2010.rtf

Lori Iannidinardo

From: Grant M. Waldman | Cowichan Men's Centre [mailto:grant@cowichanmen.org]
Sent: November-02-11 9:22 AM
To: 'Grant M. Waldman'
Subject: Support for West Coast Men's Support Society (resending attachment as PDF)
Importance: High

Good Day, (I am resending this in case it got caught by spam filter with a .docx file attached)

On behalf of the Cowichan Men's Resource Centre, we would like to announce that we are changing our name to reflect the larger geographic scope that we cover: The West Coast Men's Support Society (WCMSS)!

The WCMSS is reaching out to members of the greater British Columbia community that we have connection with to ask for your support. We are wanting to continue to build partnerships and are continuing to develop programs to support the greater community. We would ask that you provide us with a letter confirming your support of the work that we are providing the larger Vancouver Island and BC community. I am attaching a sample of the letter. Please let me know what else you require from me. Please pass this on to others in the BC community who you think would benefit from our services, and would be willing to submit a letter of support. Thanks!

We presently have the following programs in place:

Dads Make a Difference – we rolled this program out 2 years ago in the Cowichan Valley and want to be able to replicate this program across BC communities where dads need support!

Boys to Men – this program has been successfully supporting youth ages 12 to 18 for the past four years in the BC. The program has been successfully funded by the WCMSS for the past 2 years. We are on the cusp of delivering our Rites of Passage Adventure Weekend to First Nations youth on Vancouver Island, and hope to be able to deliver it to communities across all of BC!

Men's Circles – The WCMSS are presently supporting and promoting men's circles on Vancouver Island, and across BC through our support of The Mankind Project. We want to continue to support men's work through the WCMSS with fund development and program support.

Respect & Compassion – We have been delivering the Respectful Men program in the Cowichan as an alternative anger management program for the past 2 years. The program has recently been redefined so that we can deliver it to a wider audience. The WCMSS had the honour and the pleasure to deliver the newer revised program to members of the Ucluelet First Nations with excellent feedback!

Here are some of the programs that we would like to be able to deliver both locally and across the province:

Seniors Men's Circle – A circle dedicated to men aged 60 +. The WCMSS wants to offer senior men an opportunity to feel supported by their peers. We will initiate this program locally and then hope to replicate it across BC.

Men's Grief Support – The WCMSS wants to offer men specific support around their grieving process. We want to offer men resources and counselling that will cater to their specific needs. We want to roll this out locally and then replicate it as well across BC.

Restorative Justice – The WCMSS wants to offer proactive humane support to men and youth who have committed an offense. We want to deliver resources that will offer them another path so that they can reconcile with the party(s) that they have offended. Again, we want to offer this locally at first, and then be able to replicate the program to other communities.

Drop In Counselling – We hope to deliver drop in counselling to men and their families in the Cowichan. The future may include a toll free support line that would be manned by a rotation of trained responders across the province.

Safe House for Men – The WCMSS receives more and more requests for a safe place for men to go when they are in an abusive relationship. We hope to lay the groundwork for this to become a reality locally and then in other communities in the very near future.

Thank you for your time! We look forward to receiving your letter of support. It can either be emailed or faxed to the below fax number.

In Community,

Grant M. Waldman
Executive Director

<image001.png>

C·V·R·D RECEIVED FEB 1 2012

IN 2

Minutes of the Cowichan Station/Sahtlam/Glenora Parks and Recreation Commission Annual General Meeting, held on January 26th, 2012 at the Sahtlam Fire Hall

Call To Order

The meeting was called to order at 7: 10 and Director Loren Duncan welcomed everyone to the Annual General Meeting and introduced all Commissioners that were present. There were approximately 50 member of the public in attendance. An agenda and copies of the 2011 meeting minutes were distributed.

Synopsis of 2012 Projects

Director Duncan briefly mentioned that besides the election of new members for the 2012 Parks and Recreation Commission the meeting was being held to also review the results of the recent survey sent to Sahtlam area residents requesting their ideas and suggestions for future parks, trails and recreation facilities.

Frank McCorkell, the 2011 Chair, briefly reviewed the major projects undertaken during the past 12 months. They included the Boys Road-Trans Canada Highway landscaping, providing a small (2-3 cars) parking lot at the Wake Lake Ecological Reserve which will also likely see a picnic table and information kiosk installed in 2012, new park signage, and a new barbeque shelter at the Glenora Trails Head Park. It was pointed out that about 250,000 western toads migrating out of Wake Lake were trapped and assisted across Riverbottom Road this spring and summer with the assistance of local residents, and contractors to Dept of Highways, who made sure as many toads as possible made it safely across.

Mr. McCorkell also reviewed the 2011 Annual General Meeting minutes mentioning that the proposed trail from the Boys Road area south to Miller Road is presently on hold since there are a number of issues that involve both the Ministry of Transportation and the Island Railway Corridor Foundation which need to be resolved.

Sahtlam Parks/Trails/Recreation Survey

Commissioner Mike Lees provided everyone with a short background about why the survey was sent to all households (over 400) in the Sahtlam area at this time. Generally speaking, there was a need to provide some facilities within the area for the growing community and that the Commission felt it appropriate to get the input from local citizens before making any arbitrary decisions or a guess on what the community wanted, or needed. Frank McCorkell also mentioned that the Electoral Area had three distinct communities and it was time attention and resources were focused on Sahtlam.

Some residents attending the meeting wanted to know about the sampling size, response rate and it was pointed out that about 40 percent of the respondents did not actually live within the Sahtlam section within Electoral Area E. It was mentioned that while this was true, any facilities could and likely will be used by the greater Sahtlam community which is divided to the west by an arbitrary Electoral Area boundary and to the east by a municipal boundary.

The contents of the survey results where than looked at and it was mentioned that the bridge crossing showed up about 16 times. Other points that stood out included the following; the safety issue along the Old Lake Cowichan Road for walkers and bikers, problems with dogs and owners not picking us after them, and no place to put the 'doggie bags', the issue of ATV's which is at the moment unresolved and beyond the mandate of this Commission, a number of people wanting a central park as well as others saying not to spend money on sports fields, and to allocate money into providing recreational facilities/parks for children and not for horses.

There were also discussions about using volunteers to assist in building facilities or parks/trails etc. Director Duncan mentioned that work was undertaken by summer students, staff or contractors depending on the project and skills required. At the same time he mentioned some other ways volunteers could assist in the future.

There was also a question about the new development and subdivisions. Some wondered why developers were not putting in the parks as part of the development requirements. Director Duncan explained the procedure being followed at this time, the amount of land being dedicated to the public that will be used to generate funds for future parks and recreation development, new parks and trails and support for important community infrastructure such as the Sahtlam Fire Department.

The issue of narrow, unsafe roads lacking any shoulders and with school aged children waiting, often in the dark for the morning bus throughout the Electoral Area was also discussed. It was felt that the concerns should be brought to the attention of Bill Routley, MLA and also it was suggested that it may be time to have a community meeting with Ministry of Transportation and Highways staff to review these issues and have them resolved.

A bridge crossing the Cowichan River was discussed further and it was explained that while the Commission had been looking at this for a number of years at the moment it was on the back burner since there were a number of logistical problems. Although the matter has not been dropped it was felt that a clearer picture may develop in the near future when the north-south trail system is better defined in the Sahtlam area. At any rate, it was believed the cost of any bridge would be substantial.

Mike Lees briefly spoke about the issues facing the ATV owners in the valley. As secretary of the Cowichan Valley ATV Association (150 members) he cited their attempt to use just one trail on Hill 60 which they wanted to develop but were denied permission. Also, the problem with ATV riders using the dedicated walking/hiking trails developed by the CVRD was mentioned. Many, if not all who are riding along these trails are not members of the association and not from the Valley at all. He believed that this problem will not go away until there are suitable 'legal' trails for ATV riders and further, that the matter will only get worse.

Commission Elections

At this point Director Duncan opened the floor to nominations for positions on the Commission. It was indicated that there were 5 elected positions to be filled annually and there are another 4 positions that he may appoint. As there were seven individuals nominated an election was held. Everyone in the assembly was issued a ballot and the results were as follows:

Elected: Patty John, Paul Slade Frank McCorkell, Ron Smith, and Jeff Hunter. In addition, Director Duncan appointed two others at the meeting, Mike Lees and Howard Heyd and will as well reappoint Irene Evans and Larry Whetstone.

Meeting Adjourned

The meeting adjourned at 9:30 p.m.

File: Minutes of the Parks and Recreation
Commission AGM, January 2012

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IN3

Minutes of the Cobble Hill Parks and Recreation Commission meeting held at 7 p.m. on January 30th, 2012 in the Arbutus Ridge Board Room.

Those present: John Krug, Bill Turner, Dennis Cage, Alan Seal, Gord Dickenson, Lynn Wilson Ruth Koehn, Annie Ingraham and Director Gerry Giles.

Guest: Mike Millar and at 8 p.m. Tanya Friese.

1. Director Giles call the meeting to order at 7 p.m. and conducted the election of Chair and Vice Chair of the Cobble Hill Parks and Recreation Commission. Nominations were called for Chair and John Krug was duly elected to that position. Nominations were then called for Vice Chair and Alan Seal was duly elected to that position. The commission thanked John and Alan for their willingness to stand for election and guide the commission.

2. John Krug assumed the Chair and the agenda was adopted with amendments by adding Bench School Playground equipment and Mike Millar's discussion on capital project that is to be moved up to just under adoption of the minutes.

3. Moved/Second that the minutes of the November 29th 2011 meeting be adopted as circulated. MOTION CARRIED

   Business arising from the minutes involved a report on the trees purchased as a result of the approval given at our November meeting. These were: 12 varied fruit trees, 3 Chinese chestnuts, 1 – 10 gallon Walnut, 25 blueberry bushes and 3 Goji berries. The trees and berry bushes will be planted at the Commons in the spring.

4. Mike Millar presented information on the 2012 Cobble Hill Parks budget and on the three 2012 Capital Projects for Cobble Hill: the Cobble Hill Common - $25,000; the Watson Avenue Trail - $10,000; and the washroom at Quarry Wilderness Park. After much discussion it was decided that 2012 project priorities would be the Watson Trail and the Common. A decision regarding the washroom was referred to the next meeting when the assessment base will be known. This will also provide an opportunity for the commission to visit the Shawnigan washroom facility.

5. <u>Old Business:</u>
   - An update on the Watson Avenue Trail was provided by John and Dennis. The fence has been moved, a large culvert is on site and the pathway will need to be surveyed.
   - An update on Evergreen Sports Court was provided by Ruth. The agreement between Evergreen and the CVRD is nearing finalization.

6. <u>New Business:</u>
   - Moved/seconded that the Commission recommend approval of the 5th Annual Cobble Hill Class XC MT Bike Race subject to the same staging conditions as set in 2011 by the CVRD Board. MOTION CARRIED

- The Annual General Meeting for the parks commission will be held on the 2nd of February at 7 p.m. in the Cobble Hill Hall. Please attend. Alan Seal will run for election again leaving two other positions to be filled.

- The situation at the South Cowichan Dog Park seems to have abated somewhat. Ryan Dias will handle it in the future.

7. Other Business:
   Bench School Playground Equipment update was provided by Tanya Friese. Tanya reported the playground at Bench would be the only fully accessible playground in the area. The PAC has raised $40,000.00, Cowichan Bay has pledged $10,000 and Cobble Hill has pledged $6,000. She asked if the Cobble Hill Commission would consider increasing their contribution by another $ 4,000 so that it matches Cowichan Bay's donation. Tanya then left the meeting.

   Moved/second that the Cobble Hill Parks Commission's contribution to the Bench School Playground equipment be set at $10,000. MOTION CARRIED

8. Director's Report was provided by Gerry Giles and included a variety of topics.

9. Next meeting at the call of the Chair.

10. Meeting adjournment at 8:50 p.m.

_____

John Krug, Chair

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Minutes of the regular meeting of the Area H Parks Commission held at the North Oyster Community Centre November 3, 2011

PRESENT: Chairperson Bruce Mason, Murray McNab, Brad Uytterhagen, Mary Marcotte, Secretary Barbara Waters.

ABSENT: Don Pigott, Snuffy Ladret

IN 4

Bruce Mason called the meeting to order.

APPROVAL OF AGENDA

Moved
Seconded

That the agenda be approved.

MOTION CARRIED

ADOPTION OF MINUTES

The minutes of the meeting of September 22, 2011 were adopted as circulated.

BUSINESS ARISING FROM THE MINUTES

B1 Elliott's Beach

a There was further discussion about the landscape plantings at Elliott's Beach, and agreement that the best plan would be to pull out the cultivated roses as well as the blackberries, and put in low maintenance native plants such as salal and/or swordfern. There was a suggestion about using funds from the capital reserve to finance the work, but the understanding is that this would not be allowable as it would most likely be considered a maintenance issue rather than a capital improvement. Possibly the work could be accomplished in the spring using a volunteer work party.

B2 Heart Lake

b The subdivision of parts of this parcel is proceeding. $6500 has been allocated from the general reserve community parks fund for legal costs. The application has gone through the electoral areas committee and will now be considered by the CVRD Board.

B3 YPP Horse Crossing

c Mary Marcotte is continuing to monitor this site and take photos of its condition. A decision should be made in the spring as to whether a new crossing should be built at this location.

B4 Wiggins

d No decision has been reached by the APC regarding Dr. Wiggins' new application to subdivide. The new application has not yet been formally referred to the parks commission; when that occurs parks commission members may wish to make another site visit.

NEW BUSINESS:
NB1 Budget

Mary Marcotte circulated the 2012 budget planning document. It was noted that there is no surplus from last year, and that the $15000 annual requisition, which has been the same for many years, is no longer sufficient to cover costs. Director Marcotte agreed to request Brian Farquhar to attend the Area H parks commission meeting scheduled for January 26, 2012, to discuss options for the 2012 budget.

REPORTS:
R1 Yellow Point Park

The contractor appears to be doing an excellent job with this park. It was noted however that while some of the broom has been cut it has not yet been removed.

R2 Blue Heron Park

This park is in good condition and well used.

R3 Raven Park

No report.

R4 Elliott's Beach

a See Business Arising From the Minutes regarding plantings.
b Bruce Mason will recruit assistance to remove rocks from the pipe and install the bench that is otherwise ready.
c It was decided to wait until spring to obtain and spread gravel in the parking area.
d It was decided that after the opening of the new first nations school in the neighbourhood discussions should begin with the band regarding management possibilities of both Elliott's Beach and the new parkland provided by the Heart Lake developers.

R5 Michael Lake

No report.

R6 Trillium Park

Moved
Seconded
That a letter be written to Department of Highways requesting removal of broom at the corner of Grouhel and Christie Roads.

Motion Carried

Moved
Seconded
That the Area H Parks Commission prepare a submission to the Kinsmen Club of Ladysmith requesting their assistance with funding and building a boardwalk over the flooded area of the trail in Trillium Park.

Motion Carried

Discussion: Barbara Waters to call Snuffy Ladret and request that he visit the park with Brad Uytterhagen to make an estimate of what will be required to carry out this work.

R7 Ladysmith Parks and Recreation

No report.

NEXT MEETING

Thursday, January 26, 2012, 6:30 p.m., North Oyster Community Hall.

ADJOURNMENT

Moved
Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 7:20 p.m

Barbara Waters, Secretary
November 8, 2011

Minutes of the regular meeting of the Area H Parks Commission held at the North Oyster Community Centre January 19, 2012

C·V·R·D RECEIVED FEB - 1 2012

PRESENT: Acting Chairperson Don Pigott, Snuffy Ladret, Murray McNab, Mary Marcotte, Secretary Barbara Waters,

ALSO PRESENT: CVRD parks and trails manager Brian Farquhar.

ABSENT: Bruce Mason, Brad Uytterhagen

IN 5

Don Pigott called the meeting to order.

APPROVAL OF AGENDA

Moved
Seconded

That the agenda be approved as amended.

MOTION CARRIED

ADOPTION OF MINUTES

The minutes of the meeting of November 3, 2011 were adopted as read.

BUSINESS ARISING FROM THE MINUTES

B1 Elliott's Beach

The gravel has been spread in the parking area at this park, and the bench installed. There was further discussion regarding the state of the pathways and gardens, and agreement that in fact a complete renovation is necessary. Parks commission members are to consider requirements for completely rebuilding the pathways and beds in Elliott's Beach Park, and come to a decision as soon as possible.

Moved
Seconded
That the Area H Parks Commission apply to the CVRD Board for funding from general reserves for a minor capital project for the rebuilding of pathways and garden beds at Elliott's Beach. Because of budgeting time constraints the application must be submitted within one week.

MOTION CARRIED

B2 Heart Lake

The survey and subdivision of parts of this parcel are still under way. Area H Parks Commission is still awaiting formal transfer of the parkland portion; once the transfer is made we can access the parkland immediately. Design and building of the bridge across Bush Creek would not be initiated this year.

B3 YPP Horse Crossing

Mary Marcotte has been unable to monitor this site recently because of weather and daylight constraints.

B4 Wiggins

Dr. Wiggins' application to subdivide has been withdrawn.

NEW BUSINESS:
NB1 Budget

Brian Farquhar circulated information regarding the Area H parks revised and actual budgets for 2011 and draft budget for 2012. He answered questions regarding capitalizing legal costs, how to access funding for capital projects, and specific budget items. He also circulated a breakdown of taxation figures for various levels of the annual requisition.

Moved
Seconded
That the annual requisition for Area H Parks be increased from $15,000 to $24,000 for 2012.

MOTION CARRIED

Brian also circulated results of an Ipsos Reid survey of CVRD residents, showing that the highest priority for residents is natural parks and hiking or walking trails. Kudos to Area H Parks Commission for being on the right track with the community.

NB2 "Wild Crafting"

Mary Marcotte circulated excerpts of emails she has received recently requesting clarification of the CVRD policy regarding harvesting of plants and mushrooms in Yellow Point Park. Brian Farquhar confirmed that the parks bylaw prohibits any harvesting in CVRD parks. Direction was given to Brian Farquhar, requesting that four (4) signs be made up for Yellow Point Park with simple language regarding prohibition of picking in the park.

NB3 Meeting Schedule

Parks commission members confirmed Feb. 23, 2012 as the date for our AGM, alternate director Rob Waters presiding in Mary Marcotte's absence.

Moved
Seconded
That the Area H Parks Commission meeting schedule for 2012 be adopted as circulated.

MOTION CARRIED

NB4 Heart Lake Update

See item #2 under Business Arising From the Minutes.

NB5 Golf Course

Mary Marcotte provided information about a proposed partnership between the local first nations, Heart Lake and another private developer to develop lands across the highway from the Heart Lake development. The full partnership's proposal includes commercial and residential buildings and a golf course on native and non-native lands.

NB6 DL 133	Don Pigott reports that new volunteer eco-wardens have been recruited for this parcel which adjoins Yellow Point Park.
REPORTS: **R1 Yellow Point Park**	Snuffy Ladret has visited this park recently and reports it looks fine.
R2 Blue Heron Park	Don Pigott reports that this park is also looking fine.
R3 Raven Park	No report.
R4 Elliott's Beach	See Business Arising From the Minutes.
R5 Michael Lake	No report.
R6 Trillium Park	Snuffy Ladret reported that he and Brad Uyttehagen have met and that planning is ongoing regarding the possible application to Ladysmith Kinsmen for assistance with building a boardwalk over the flooded area.
R7 Ladysmith Parks and Recreation	No report.
NEXT MEETING	**Annual General Meeting, Thursday, February 23, 2012, 6:30 p.m., North Oyster Community Hall.**
ADJOURNMENT	**Moved** **Seconded** **That the meeting be adjourned.** **MOTION CARRIED** The meeting was adjourned at 8:09 p.m

Barbara Waters, Secretary
January 20, 2012

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IN 6

MINUTES OF ELECTORAL AREA "G" (SALTAIR/GULF ISLANDS) PARKS COMMISSION MEETING

DATE: January 9th, 2012
TIME: 7:04 pm

MINUTES of the Electoral Area "G" Parks Commission regular meeting held on the above noted date and time at the CVRD Building on Chemainus Rd, Saltair BC.

PRESENT:

Chairperson of 2011: Harry Brunt
Secretary of 2011: Jackie Rieck
Members of 2011: Tim Godau, Kelly Schellenberg, Glen Hammond, Paul Bottomley

ABSENT:

Member: Norm Flinton, and Dave Key

ALSO PRESENT:

Director: Mel Dorey

GENERAL ELECTION FOR YEAR 2012:

The following members were nominated and elected to the Executive:

Chairperson: Harry Brunt
Vice Chairperson: Tim Godau
Secretary: Jackie Rieck and Kelly Schellenberg as alternate

It was moved and seconded to accept Harry Brunt, Tim Godau and Jackie Rieck to the Executive.

MOTION CARRIED

ACCEPTANCE OF MINUTES:

It was moved and Seconded that the Minutes of Area "G" Parks Commission Meeting of November 7th, 2011 be accepted with an amendment to Page 2 of 3 under heading of "CENTENNIAL PARK" 4th paragraph, second sentence changed to the following: "Suggestion was made to relocate the dispenser which is currently attached to the picnic shelter, be relocated to the Mountain View Dr. entrance of the park."

MOTION CARRIED

APPROVAL OF AGENDA:

Motion to approve agenda as submitted.

MOTION CARRIED

STANDING REPORTS:

CVRD UPDATE:

-If the Strata at Finch Place is agreeable to allow a trail corridor over their property, CVRD is willing to draft a trail license agreement for their consideration. Mel has contacted the strata treasurer (John Sedola) to bring up topic at their next Strata Meeting. This could take some time as the Strata only meets once a year.

-Mike Miller will be our project manager for Area G Projects in 2012. Mike will be contacting Park Commissions this winter/early spring to meet with us and go over feasibility of projects identified and then look to direct all project logistics in accordance with the 2012 Capital Projects Schedule.

CENTENNIAL PARK:

-A new door has been installed in the Concession building.

-Washroom roof vents have been repaired.

-Willow tree branches have been trimmed.

PRINCESS DIANA PARK:

-two "danger" trees need removal at the entrance to Princess Diana Park.

STOCKING CREEK PARK:

-Metal meshing and wooden slats have been applied to bridge decking to prevent pedestrians from slipping.

-Staircase Project and Trail Improvements to the "Falls" have been completed!! Absolutely, fantastic job well done by CVRD Carpenters and Project Manager Mike Miller. Thank you guys!

-discussed placing additional "flora and fauna" signage through out park. Mel to contact Shirley Blackstaff.

-need to post a Park Boundary sign and block gateway near port-a-potty as public are using private property to walk down to Stocking Creek Bridge.

-discussion re: producing rough draft of trail system with suggestions of naming trails for mapping purposes. Mel to bring an updated Electoral Area "G" map to next meeting.

BEACH ACCESSES:

-Rip Rap planned for Bezan and Boulder Point accesses.
-Hillside lease agreement in the works.

LADYSMITH PARKS & REC:

-No report. Norm Flinton can no longer attend meetings. Tim Godau has volunteered to attend in his place. Harry to email Tim regarding contacts and meeting dates and times.

BASEBALL:

-Harry will email president of league to invite to next meeting.

DIRECTOR'S REPORT:

-A Visitor's Centre building is being planned in Duncan at the BC Forest Museum.

-Reminder of "Saltair Water System" public meeting on February 2, 2012, 7:00 pm at the Mount Brenton School, 3850 South Oyster School Rd.

-Closed session, land appraisals

SPECIAL EVENTS:

-Next special event planned: Easter Egg Family Event, tentatively scheduled for Easter Sunday, April 8th, 2012 at Centennial Park. Dave and Cindy Key will organize and plan event.

NEXT MEETING:

Next Parks meeting is scheduled for Monday, February 6th, 2012, 7:00pm at the CVRD building on Chemainus Rd.

ADJOURNMENT:

Meeting was adjourned at 8:30 pm.

IN 7

January 16, 2012

7:00 p.m.

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

Present:
APC members: Graham Ross-Smith, Sara Middleton, Cynara de Goutiere, Roger Painter Rod MacIntosh, Chris Hennecher, Grant Teloar, Dave Hutchinson, Bruce Stevens,
Absent: Jennifer Morros

Director: Bruce Fraser
Alternate Director: Kelly Musselwhite

Guests: Members of the Cowichan Watershed Board:
Tim Kulchyski, Rodger Hunter, Tom Rutherford

ORDER OF BUSINESS

1) Introductions.

2) Agenda Review

3) Election of new Chair, Vice-Chair, and Recording Secretary.
Nominations: Roger Painter, for Chair, Sara Middleton for Vice-Chair, and Cynara de Goutiere for Recording Secretary
accepted without protest or contest.

4) Appointments for Joint APC representatives, and for representatives from APC on Cowichan Watershed Roundtable.
Joint APC reps: Bruce Stevens, Grant, Dave with Rod for back-up as well as Chairperson Roger and ViceChair Sara Middleton.
Cowichan Watershed Roundtable: Bruce Fraser, Graham and Dave

5) Minutes of last meeting.
Motion to approve minutes of June, 2011. **Motion** seconded and carried.

6) Director's Report:
a) Bruce Fraser introduced the concept and vision of a Shawnigan Watershed management group.
The Cowichan Watershed Roundtable and Cowichan Watershed Board (CWB) representatives

Rodger Hunter, Tom Rutherford, and Tim Kulchyski were present to give inspiration, direction and leadership for the genesis of a similar and possibly affiliated Shawnigan Lake Basin and Koksilah River Watershed Group. They spoke about:

- the nine year history of the Board which began with the 2003 Cowichan River water shortage crisis
- Round Table brought about the invention and intention of 100 year plan to provide governance and accountability over water sustainability, water quality, watershed stewardship, habitat, and flood management.
- Cowichan Basin Water Management Plan in 2007 and the resulting CWB for its implementation
- the group's diffuse and diverse involvement at personal, business, government and public levels
- the synergy of the group which, through need and will, has garnered monies for ventures.
- Cowichan Tribes with their Recovery Plan for Cowichan Estuary and Bay synched with and joined Board adding broader vision to the Board.
- although major water issues seem untenable, focus is always committed, positive and solution oriented.
- dynamic, with ever-widening scope

Director Fraser's objectives are that we will build the group carefully and wisely to achieve water basin governance. The APC is a natural starting place as we are involved with land-use issues and the OCP.

Sara Middleton talked about the original Watershed Management Committee that she had been involved with, that has since died out.

APC posited an Education strategy which would be helpful to engage the community.

Subject was closed with an open invitation to the Round Table meetings: 3rd Thursday every month 9:30- noon at either the Tribes Council Chambers or EcoCentre
http://www.cowichanwatershedboard.ca/index.php
Rodger Hunter is the CWB coordinator and can be contacted at 250-701-0143.
visavis@uniserve.com or info@cowichanwaterboard.ca
Tom can be reached at 250-746-7979 Tom.Rutherford@dfo-mpo.gc.ca
and Tim at 250-748-3196 <Tim.Kulchyski@cowichantribes.com>

The Watershed Board meets on the first Thursday of each month. Meetings are open and interested people are very welcome. It's Technical Advisory Committee Roundtable meets on the afternoon of the third Thursday of each month at Cowichan Tribes from 1:15 to 3:15.

b) Director Fraser, Shawnigan Creek cleanout solution is in the works. Hoping to forestall further flooding. Is at alternate approval now. Process will be over next 2 months to allow public to engage and discuss.

c) CVRD, as a response to the Eco-Depot issue, is setting up a Communications Committee Chaired by Phil Kent, and vice chaired by Bruce Fraser to develop better communication with public.

7) Cullin Road Proposed Subdivision PLA
this was reviewed and discussed.

8) Meeting Schedules for APC
First Thursday of each month at 7:00 PM
Next meeting will have Orientation for APC members.

Contact List for members collected. See below

Motion to adjourn meeting. Meeting Adjourned.

Shawnigan APC contact list.

Bruce Fraser	bruce@fraserforshawnigan.ca	250-73-30771
Kelly Musselwhite	luvlife@shaw.ca	250-686-0890
Members:		
Sara Middleton	Josa@telus.net	250-743-4495
Rod MacIntosh	rmacintosh@shaw.ca	250-743-5537
		250-216-5187 (cell)
Cynara de Goutiere	cynarae@shaw.ca	250-743-5791
Chris Hennecher	Hennecher@shaw.ca	250-743-2197
		250-710-7342
Graham Ross-Smith	rossmith@shaw.ca	250-743-2157
Grant Treloar	grtreloar@shaw.ca	250-743-6860
Dave Hutchinson	dave.shawnigan@shaw.ca	250-743-9955
Bruce Stevens	jenniebruce1@gmail.com	250-743-7738

IN 8

AREA 'C' COBBLE HILL ADVISORY PLANNING COMMISSION MEETING

THURSDAY, JANUARY 12TH, 2012

COBBLE HILL HALL DINING ROOM

MINUTES

Present: Rod de Paiva (Chair), Jens Liebgott, David Lloyd, Tom Boughner, Rosemary Allen, Brenda Krug

Also present: Mike Tippett, Manager of Regional and Development Planning CVRD, Rob Conway – Manager of Development Services CVRD, Gerry Giles - Area 'C' Regional Director, John Krug – Area 'C' Alternate Director, Betsy Burr guest, Gar Clapham – guest

Regrets: Gerry Tomljenovic, Don Herriott, Janice Hiles, Dave Hart, Robin Brett

The meeting was called to order at 7:00 p.m. by director Giles who conducted the election of officers for the 2012 Area 'C' Advisory Planning Commission.

After the call for nomination and proper conduct of elections, Rod de Paiva was declared elected as Chair of the Cobble Hill APC for 2011 while Jens Liebgott was elected Vice Chair and Brenda Krug agreed to act as Secretary until a new Secretary is selected.

With the election completed Rod de Paiva assumed the Chair. He welcomed Tom Boughner to the APC. APC members present introduced themselves, as did Mike Tippett and Rob Conway.

AGENDA: Moved/seconded that the agenda be adopted as circulated. Carried

MINUTES: Moved/seconded that the minutes of the October 13th, 2012 be adopted as circulated. Carried.

New Business:
Chair de Paiva introduced Mike Tippett and Rob Conway from the CVRD Staff. Mike gave an overview of the role of Advisory Planning Commissions and outlined all the community groups that give recommendations to the CVRD Board. He also explained why the staff reports on applications do not come with recommendations to the APCs. He then answered questions from the members and both he and Rob confirmed that Staff welcome calls asking for clarification from APC members and that they would be glad to attend meetings if required.

He also gave a history of the development of APCs and the need for a different format for membership now that many large applications often either cross regional borders or impact on more than one area. The new OCP including Mill Bay, Shawnigan Lake and Cobble Hill has necessitated a two layer APC when there is an application received in a rural area. This larger APC is weighted toward the area in which the application applies. Applications within villages remain the purview of the APCs of the individual areas. Mike and Rob answered questions on the new APC format and explained that it is still a work in progress. 8:00 p.m. Chair de Paiva thanked Mike Tippett and Rob Conway for their participation and they left the meeting.

Director's Report:
Director Giles reported on several local issues including the Thurber Report on Cobble Hill ground water. She then consulted the APC regarding reviewing and recommending grants in aid for 2012. The members were in favour of this and reviewed and recommended on the following:

Duly moved/seconded *that $500 be donated toward the Cowichan Food Connection.* Carried

Duly moved and seconded *that Frances Kelsey and Cowichan Senior Secondary Schools continue to be supported.* Carried

There were several questions regarding the request from Hospice that require clarification before a recommendation could be made.

At Director Giles request, John Krug gave an overview of the Cobble Hill Parks and Recreation Commission projects for 2012.

Next Meeting: The next meeting of the Area 'C' APC is scheduled for February 9th, 2012

Adjournment: The meeting adjourned at 8:45 p.m.

Submitted by Brenda Krug

IN9

Area D Parks Commission General Meeting Minutes
Bench School
January 16, 2012

C·V·R·D RECEIVED JAN 20 2012

Meeting called to order: 1850

Present: Kerrie Talbot, Dave Nisbet, Megan Stone, Steve Garnett,
Lori Iannidinardo, Roger Southern
Absent: Bruce Clarke

Minutes from previous meeting: Approved

Business

Cowichan Estuary Nature Centre
Motion to formally approve location of Nature Centre in Hecate Park – Passed unanimously.

South Cowichan Parks Commission site visit to Hecate park January 22 @ 1:30 pm
All Commission members welcome.

Coverdale Watson Park
New gate keeper required to lock/unlock gate and washroom building. A small remuneration is offered.

Wessex Ravine Park
Discussion re invasive species control work party, possibly in conjunction with CLT.
Kerrie to contact Parks staff re: removal of recently cut broom.

Wilmot Rd off road walking trail
Ryan Dias to walk /discuss with Cam Fulton (Valhalla Trails) then contact MOTH.

Co Chair / Alternate for SC Parks meetings – Steve Garnett

Discussion re: Additional commission member – Lori to check bylaws
Open House – late spring, separate from OCP

Meeting adjourned at 1755
Next meeting Feb. 20/12 @ 6:30pm Bench School

NB 1

C·V·R·D

RESOLUTION – Funding for Fire Departments

WHEREAS Regional District Fire Departments provide essential lifesaving and emergency response services to communities throughout BC;

AND WHEREAS the funding of essential capital infrastructure and equipment such as fire halls and emergency vehicles is very challenging for small fire departments and communities;

NOW THEREFORE BE IT RESOLVED that the Province of British Columbia work with the Union of BC Municipalities to identify mechanisms and strategies to assist in generating sustainable funding for rural fire departments.