



C·V·R·D

ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,
May 1, 2012
Regional District Board Room
175 Ingram Street, Duncan, BC

3:00 pm

AGENDA

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8. NEW BUSINESS**9. PUBLIC/PRESS QUESTIONS****10. CLOSED SESSION**

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

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11. ADJOURNMENT

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

Director M. Walker
 Director B. Fraser
 Director J. Morrison

Director M. Marcotte
 Director G. Giles
 Director L. Iannidinaro

Director P. Weaver
 Director L. Duncan
 Director M. Dorey

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, April 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 P. Weaver
 Director I. Morrison
 Director B. Fraser
 Director L. Duncan
 Director G. Giles
 Director M. Marcotte
 Director M. Dorey

CVRD STAFF

Tom Anderson, General Manager
 Mike Tippet, Manager
 Rob Conway, Manager
 Brian Duncan, Manager
 Alison Garnett, Planner I
 Warren Jones, Administrator
 Rob Hutchins, Board Chair
 Dave Leitch, Manager
 Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included adding two items of listed New Business.

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

MOTION CARRIED

M1 - Minutes

It was Moved and Seconded that the Minutes of the April 3, 2012, EASC meeting be amended by changing "CARRIE" TO "CARRIED" on page 5, and by replacing the "RISE" section on page 9 with the following: "The Committee rose without report.", and that the minutes, as amended, be adopted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

STAFF REPORTS

R1 – Rafidi

Alison Garnett, Planner I, presented staff report dated April 11, 2012, regarding Rezoning Application No. 2-F-11RS (Rafidi/Sun Lotus) to rezone lots located at 5070 Culverton Road and 5071 Belvedere Road, from R-2 to new zone to permit a health and wellness centre/spiritual and sacred gathering retreat.

Anita Rafidi, applicant, was present and provided further information to the application. She reviewed additional support material including updated Letter of Intent. Ms. Rafidi stated that she felt the proposed commercial zoning does not reflect their future vision and that P2 zoning would be a better fit.

There were no questions from Committee members to staff or the applicant.

It was Moved and Seconded

1. That the draft bylaws for Application No. 2-F-11RS (Rafidi/Daan) be forwarded to the Board for consideration of first and second reading;
2. That the application referrals from RCMP- North Cowichan, the Ministry of Transportation and Infrastructure, Sahtlam Volunteer Fire Department, Vancouver Island Health Authority, Cowichan Tribes, Ministry of Forest, Lands and Natural Resource Operations, and Ministry of Public Safety be accepted;
3. That a public hearing be scheduled with Directors Morrison, Duncan and Weaver appointed as delegates of the Board, following submission of:
 - A draft covenant that would establish a maximum number of people per event, restrict the hours of operation, limit noise, and require a natural buffer to surrounding residential properties.
 - A parking plan, which demonstrates compliance with Zoning Bylaw No. 2600.

MOTION CARRIED

**R2 – CV Schools
Heritage Society**

Tom Anderson, General Manager, reviewed staff report dated April 10, 2012, from Ann Kjerulf, Planner III, regarding Cowichan Valley Schools Heritage Society.

It was Moved and Seconded

That the request from the Cowichan Valley Schools Heritage Society for a letter of support be referred to the next EASC meeting and that a representative from the Society be invited to attend the meeting.

MOTION CARRIED

R3 – CV Trail

It was Moved and Seconded

That the Board Chair and Corporate Secretary be authorized to execute a Stewardship Agreement with the South Island Mountain Bike Society (SIMBS) for maintenance of the Cleasby Bike Park in Area C – Cobble Hill.

MOTION CARRIED

**R4 – Permit to
Construct**

Ryan Dias, A/Manager, reviewed staff report dated April 10, 2012, from Tanya Soroka, Parks and Trails Planner, regarding Permit to Construct with BC MoT for Belvedere Crescent through Caromar Development, Area E.

It was Moved and Seconded

That the CVRD enter into a Permit to Construct Agreement with the BC Ministry of Transportation and Infrastructure for a trail in the section of Belvedere Crescent road right-of-way running through the Caromar development to be managed under the Electoral Area E Community Parks function.

MOTION CARRIED

**R5 – Special Event,
Bright Angel Park**

Ryan Dias, A/Manager, reviewed staff report dated April 10, 2012, regarding special event request at Bright Angel Park.

It was Moved and Seconded

That the request by the Cowichan Valley Metis Nation to waive the park booking fees at Bright Angel Park for their cultural camp tentatively scheduled for May 6 to 11, 2012, be approved.

MOTION CARRIED

**R6 – S. Cowichan
Zoning Bylaw**

Mike Tippet, Manager, reviewed staff report dated April 11, 2012, regarding Process for developing the South Cowichan Zoning Bylaw.

It was Moved and Seconded

1. That the draft South Cowichan Zoning Bylaw and the complementary South Cowichan Official Community Plan (OCP) amendment bylaw be forwarded to:
 - Electoral Area A, B and C Advisory Planning Commissions and the Shawnigan Watershed Roundtable Committee for review, with staff to attend the meetings in order to receive input on the bylaws, and that the draft bylaws be posted on the CVRD website;
 - Referral agencies (Ministry of Transportation, Agricultural Land Commission, Ministry of Agriculture, Ministry of Energy and Mines (Housing Branch), Ministry of Forests, Lands and Natural Resource Operations-Ecosystems Branch, Regional Agricultural Committee) for review with a standard 45 day response time;
 - First Nations (Malahat, Cowichan Tribes, Tsawout, Tseycum and Tsartlip) with telephone calls to be placed to both the Malahat and Cowichan Tribes with offers to meet in person, with a target response time of 60 days in all cases;
2. Following input from the Advisory Planning Commissions, Roundtable Committee, Referral Agencies and First Nations, that a revised draft of each bylaw be prepared and that the CVRD website be updated with the revised drafts along with the draft zoning maps, and further, that a series of open houses/public meetings be held in Electoral Areas A, B and C to allow all residents and affected parties ample opportunity to review the draft bylaws in advance of the mandatory public hearings;
3. That final draft bylaws be prepared during the summer of 2012, and then presented to the EASC along with the outline for the specific bylaw adoption process.

MOTION CARRIED

R7 – Gas Tax

Warren Jones, Chief Administrative Officer, reviewed staff report dated April 11, 2012, regarding Gas Tax Community Works Fund.

It was Moved and Seconded

That the proposed gas tax 2012-2014 Community Works Fund Priority I projects, as outlined in Staff Report dated April 11, 2012, from Warren Jones, CAO, be approved to receive funding in the amounts as indicated in the staff report.

MOTION CARRIED

CORRESPONDENCE

C1 to C7 – Grants in Aid

It was Moved and Seconded

That the following grants in aid be approved:

1. That a grant in aid, Area D – Cowichan Bay, in the amount of \$500 be given to Cowichan Bay Improvement Association, to assist with costs associated with Low Tide Day on Saturday, May 5, 2012.
2. That a grant in aid, Area B – Shawnigan Lake, in the amount of \$250 be given to Cowichan Spirit of Women Resource Centre, to assist with services provided by the Centre.
3. That a grant in aid, Area B – Shawnigan Lake, in the amount of \$2000 be given to Cowichan Family Caregivers Support Society, to assist with services provided by the Society.
4. That a grant in aid, Area B – Shawnigan Lake, in the amount of \$500 be given to Ecostravaganza to assist with costs associated with their annual event.
5. That a grant in aid, Area B – Shawnigan Lake, in the amount of \$1,500 be given to South Cowichan Rotary Foundation, to assist with costs to build the food bank addition.
6. That a grant in aid, Area B – Shawnigan Lake, in the amount of \$1000 be given to Shawnigan Tourist and Business Centre, to assist with costs to set up a tourist and business centre in Shawnigan Village.
7. That a grant in aid, Area C – Cobble Hill, in the amount of \$500 be given to Cobble Hill LERN, to assist with the delivery of the LERN program.

MOTION CARRIED

INFORMATION

IN1 to IN3 - Minutes

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

- Minutes of Area I APC meeting of April 3, 2012
- Minutes of Area A Parks meeting of March 15, 2012
- Minutes of Area G Parks meeting of April 2, 2012

MOTION CARRIED

IN4 – Building Report

Brian Duncan, Manager, reviewed the March 2012, building report and noted that there is a calculating error on the chart showing the 2012 total building permits issued, and should read 78 instead of 40.

It was Moved and Seconded
That the March 2012 Building Report, as amended, be received and filed.

MOTION CARRIED

NEW BUSINESS

NB1 - Minutes

It was Moved and Seconded
That the minutes of the Area C APC meeting of April 12, 2012, be received and filed.

MOTION CARRIED

NB2 – R-1 Add-on material

It was Moved and Seconded
That the add-on material respecting agenda item R1 – Application No. 2-F-11RS (Sun Lotus) be received and filed.

MOTION CARRIED

CLOSED SESSION

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

MOTION CARRIED

The Committee moved into Closed Session at 3:44 pm.

RISE

The Committee rose without report.

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTIONC ARRIED

The meeting adjourned at 3:46 pm.

Chair

Recording Secretary



DI



CVRD

REQUEST TO APPEAR AS A DELEGATION

(Submit completed form to Legislative Services Division ~ Fax 250.746.2513)

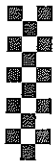
REQUEST TO ADDRESS: ☐ CVRD BOARD☒ Electoral Area Services COMMITTEEat the meeting of May 1, 2012 at 3 pmAPPLICANT NAME GEORGE deLUREREPRESENTING: AREA 1 - RESIDENTS
(name of organization if applicable)AS: AREA 1 APC PARTICIPANT
(capacity/office)NUMBER ATTENDING: 1Applicant mailing address: 9809 MIRAGE WAY YVR/BCE BC V0R 3E1Applicant Telephone: 1-250-745-6675 Fax: 1-250-745-3784Applicant email: george.de@shaw.ca

PRESENTATION TOPIC and NATURE OF REQUEST:

REZONING - APPLICATION # 1-1-09RS COTTAGES @ MARBLE BAY.RESIDENT & LORD CONCERNS TO BE ADDRESSED PRIOR TO ANYFURTHER DEVELOPMENT IN ACCESS AREA TO WOODLAND'S SHORES / MARBLE BAY.

(If more space is required, please attach an additional page to this form)

Delure
SignatureAPRIL 23/2012
DateCowichan Valley Regional District, 175 Ingram Street, Duncan BC V9L 1N8
Please address inquiries to the Legislative Services Division at 250.746.2508.



CVRD FAX # 746 2621

D2



CVRD

REQUEST TO APPEAR AS A DELEGATION

(Submit completed form to Legislative Services Division - Fax 250.746.2513)

REQUEST TO ADDRESS: ☐ CVRD BOARD☒ ELECTORAL AREA SERVICES COMMITTEE

at the meeting of UNKNOWN - PLEASE ADVISE at _____ pm

APPLICANT NAME GORDON BAMFORD

REPRESENTING: UNOFFICIAL GROUP OF CONCERNED CITIZENS
(name of organization if applicable)

AS:

(capacity/office)

NUMBER ATTENDING: 3-10 (MAYBE MORE)

Applicant mailing address: % MIKE FALL, 13065 CAMERON ROAD
LADYSMITH

Applicant Telephone: 250-245-3429 Fax:

Applicant email: BRENTON@SHAW.CA

BC
V9G1M1

PRESENTATION TOPIC and NATURE OF REQUEST:

SPEAKING TO APPLICATION P-H-11-ALR (RAY SMITH)
PLEASE PLACE OUR GROUP ON THE AGENDA

(If more space is required, please attach an additional page to this form)

AND ADVISE ME OF THE DATE, PLACE & TIME.

Signature

12/03/10

Date

Cowichan Valley Regional District, 175 Ingram Street, Duncan BC V9L 1N8
Please address inquiries to the Legislative Services Division at 250.746.2508.



RI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 17, 2012

DATE: April 10, 2012

FILE No:

FROM: Ann Kjerulf, MCIP, Planner III
Community and Regional Planning Division

BYLAW No: N/A

SUBJECT: Cowichan Valley Schools Heritage Society

Recommendation/Action:

1. That the CVRD approves of the initiative by the Cowichan Valley Schools Heritage Society to recognize former and historic public schools within the region and that a letter of support be forwarded to the Society supporting the tribute to educational history in the Cowichan Valley.
2. That the following school sites be added to the CVRD Community Heritage Register: Bench #1 School, Area D – Cowichan Bay, Cobble Hill High School, Area C – Cobble Hill; Bamberton School, Area A – Mill Bay; Kissinger School, Area I – Youbou; and Honeymoon Bay School, Area F – Cowichan Lake South.

Relation to the Corporate Strategic Plan:

The Plan's Vision is "*The Cowichan Region celebrates diversity and will be the most livable and healthy community in Canada*". Objectives are to "*promote individual and community wellness*" and

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

Discussion:

The Cowichan Valley Schools Heritage Society was formed to research and record the history of public education in the Cowichan Valley. The Society has submitted a request to the CVRD Board for a letter of support in recognizing former and historic public schools within the region. In the unincorporated areas of the CVRD, this includes Bench #1 School (Area D), Cobble Hill High School (Area C), Bamberton School (Area A), Kissinger School (Area I) and Honeymoon Bay School (Area F). The society would like to erect commemorative signage on these historic school sites. In accordance with the CVRD Sign Bylaw, commemorative plaques do not require a permit (*Bylaw 1095, Schedule "1", No. 10*). The Society's written submission and sign schematic are attached. In conjunction with this request, the CVRD Board may wish to consider adding the noted properties to the CVRD Community Heritage Register.

Submitted by,

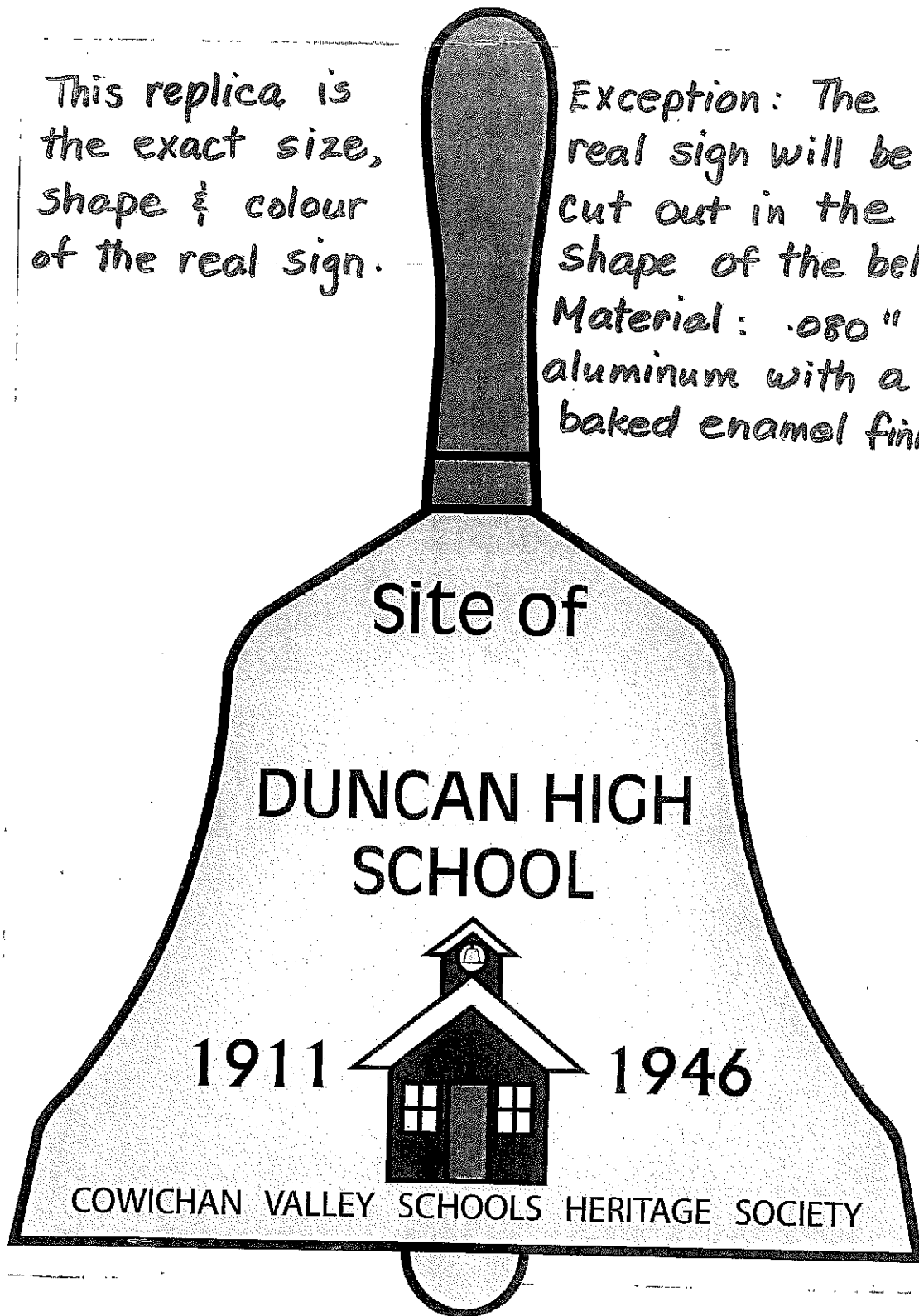
Ann Kjerulf, MCIP
Planner III, Community and Regional Services Division
Planning and Development Department

Reviewed by:
Division Manager:

Approved by:
General Manager:

This replica is
the exact size,
shape & colour
of the real sign.

Exception: The
real sign will be
cut out in the
shape of the bell.
Material: .080"
aluminum with a
baked enamel finish.



Cowichan Valley Schools Heritage Society

31 January 2012

Board of Directors
Cowichan Valley Regional District
175 Ingram St.
Duncan, BC V9L1N8

Dear Directors:

The Cowichan Valley Schools Heritage Society was formed by a group of retired public school teachers to research and record the history of public education in the Cowichan Valley.

To date our research has identified over 100 public schools within the boundaries of School District 79 which are no longer in service. We would like to place a sign on the original sites of these schools as a permanent record of remembrance and honour. As some of these schools fall within the boundaries of the Cowichan Valley Regional District we are requesting the Board's written permission to erect these signs.

As a start we have selected 15 of these schools to remember and honour (see attached list and locations map). Before we can activate our project we need to be successful in:

- obtaining cooperation, support and approval from School District 79, the Municipality of North Cowichan, the City of Duncan, the Town of Lake Cowichan, the CVRD, private property owners, local museums and school heritage societies.
- confirming our research as to the authenticity and time dates of each school site
- obtaining funding to cover the signage costs
- acquiring professionally made signs cut in the shape of a school bell (see attached drawing)

In closing we would greatly appreciate the Board's assistance in erecting these signs. Some will have to be erected on free-standing supports, while others will need to be affixed to existing buildings.

We hope the Board will both approve and support this tribute to educational history in the Cowichan Valley. If desired we are available to meet with Board Members and CVRD staff to provide further information. I can be reached at 250-746-5944.

Yours truly,



Lois Joyce

cc Warren Jones, Chief Administrative Officer, CVRD

Cowichan Valley Schools Heritage Society

Electoral Area Services Committee April 5, 2012.
C.V.R.D.

175 Ingram St.

Duncan B.C. V9L 1N8

To Chair Walker & Directors:

I was in the C.V.R.D. on Wednesday to try to track down our letters (with attachments) that I had brought in Feb. 21 - one package to Rob Hutchins and on to Warren Jones as suggested by your receptionist.

On Wednesday I talked to Joe Barry who was extremely helpful. He suggested that I resubmit our letter (and attachments) with some changes.

One change is that it seems we don't need your assistance in erecting the signs as the School Board has indicated that they will take on this job. He also understood that the City of Duncan & the Municipality of N. Cowichan will be supporting our endeavour.

Also for your information - of the sites of the 15 schools we have chosen for Phase One 5 are located in the C.V.R.D. They are:
(See attached list & locations map)

- # 13 - Bench #1 - Area D. Cowichan Bay.
- # 14 - Cobble Hill High - Area C Cobble Hill.
- # 15 - Bamberton - Area A. Mill Bay.
- # 12 - Kissinger - Area I Youbou.
- # 11 - Honeymoon Bays - Area F Cowichan lake South.

Thank you for your consideration. We hope to hear from you soon.

Lois Joyce.



Saturday » January
28 » 2012

Society lifts lid on Cowichan school history

Preservation: Heritage group aims to partner with school district and Valley museums, to unearth, save lost treasures

Lexi Baines

Citizen

Friday, January 27, 2012

Members of the Cowichan Valley School Heritage Society are eagerly waiting to hear if the school board will help them safely archive historical materials found in local schools.

Carolyn Prellwitz, of the Cowichan Valley School Heritage Society, spoke to the Cowichan Valley Board of Education recently, telling trustees that exciting items may slip away when no one is looking unless these materials are made a priority and moved into the Valley's archives.

The group is an offshoot of the BC Retired Teachers' Association and features some enthusiastic members.

Prellwitz displayed some photos to the board of a box of pictures and papers found at Bench Elementary School and everyone in the board room oohed and aahhed and even chuckled over some of the items she showed.

"The box from Bench [contains] a classroom register dating to 1883. It really should be in a proper archival file. There was another old register in there as well. And that was just one thing at one school that we happened to see. We know there are many more things out there and we know they're under stages," she said.

"Our society is in agreement that a permanent location is long overdue: a place where items can be properly catalogued, stored in archival envelopes, boxes or tissue paper, and be easily accessible by members of the public for research," Prellwitz said.

The group believes an archive attached to a local museum such as the Cowichan Valley Museum and Archives and the Kaatza Museum and Archives in Lake Cowichan, in the old School District 65 (Cowichan) and School District 66 (Lake Cowichan) areas, would be ideal.

"Both of those museums are centrally located for their respective communities and both have trained archival staff," she said.

The society is happy that the board has voiced its support for saving historical items, but would now like to see some procedures for actually taking action and going forward, said Prellwitz.

She had some interesting facts to back up her presentation.



CREDIT: Photos courtesy Shirley Blackstaff

School heritage society members are riveted by the pictures and documents contained in a box of historical items from Bench Elementary School.

Since the 1850s there have been at least 119 public schools in the Cowichan Valley and the society's mandate has been to record the stories of the area's past and present schools.

When it comes to historical materials, no time is more crucial than when buildings are renovated or schools are closed.

"Important items are stashed away and forgotten in disintegrating cardboard boxes under stages, under stairwells, in closed school sites," Prellwitz said.

Even district personnel changes can make a difference, she added, pointing out that if only one person knows where things are stored, they may be thrown away during a clean-out.

"How many items have been tossed out and not even been recognized for their heritage value?" she asked trustees.

"We know that this board adopted a heritage policy in June 2010 and we do applaud you for that.

"Most of us who are members of the society are former teachers in the district and we'd like to see these items properly stored and looked after."

The actual board room table in use today at the district office was rediscovered in storage at Stanley Gordon School in Lake Cowichan - a facility that has been closed for years.

Prellwitz said most of the archival material her group has so far is comprised of files. Seeing a trove like the one at Bench is special indeed.

"Those artifacts actually belong to that school at the moment. The reason we did the presentation to the school board was to see that those artifacts we showed would be stored properly in the museum."

Asked if talk about this kind of artifact might unearth others, stored quietly in garages by people who couldn't bear to see them thrown away, Prellwitz agreed.

"That's true. When we cleaned out one of the schools, there were some very old field hockey sticks. I knew because I played field hockey for years. I did retrieve them and they're now at the museum because I did a whole history of the field hockey in the Valley."

Kathryn Gagnon curator at the Cowichan Valley Museum, said she's delighted to see such enthusiasm from the retired teachers group and hopes that her museum's archives can expand to make space for additional material.

She agreed that often old boxes are thrown away without anyone knowing what's inside them and urged anyone who has saved items of historical interest to be sure they are well identified.

So, if you have some old bits and pieces from the Valley's schools or know where they are located, consider contacting your local museum about them as well as the Cowichan Valley branch of the BC Retired Teachers Association through their website at www.bcrta.ca/branches/cowichanbranch.php and perhaps you can help shine a light on part of Valley history.

© Cowichan Valley Citizen 2012


















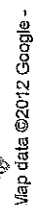
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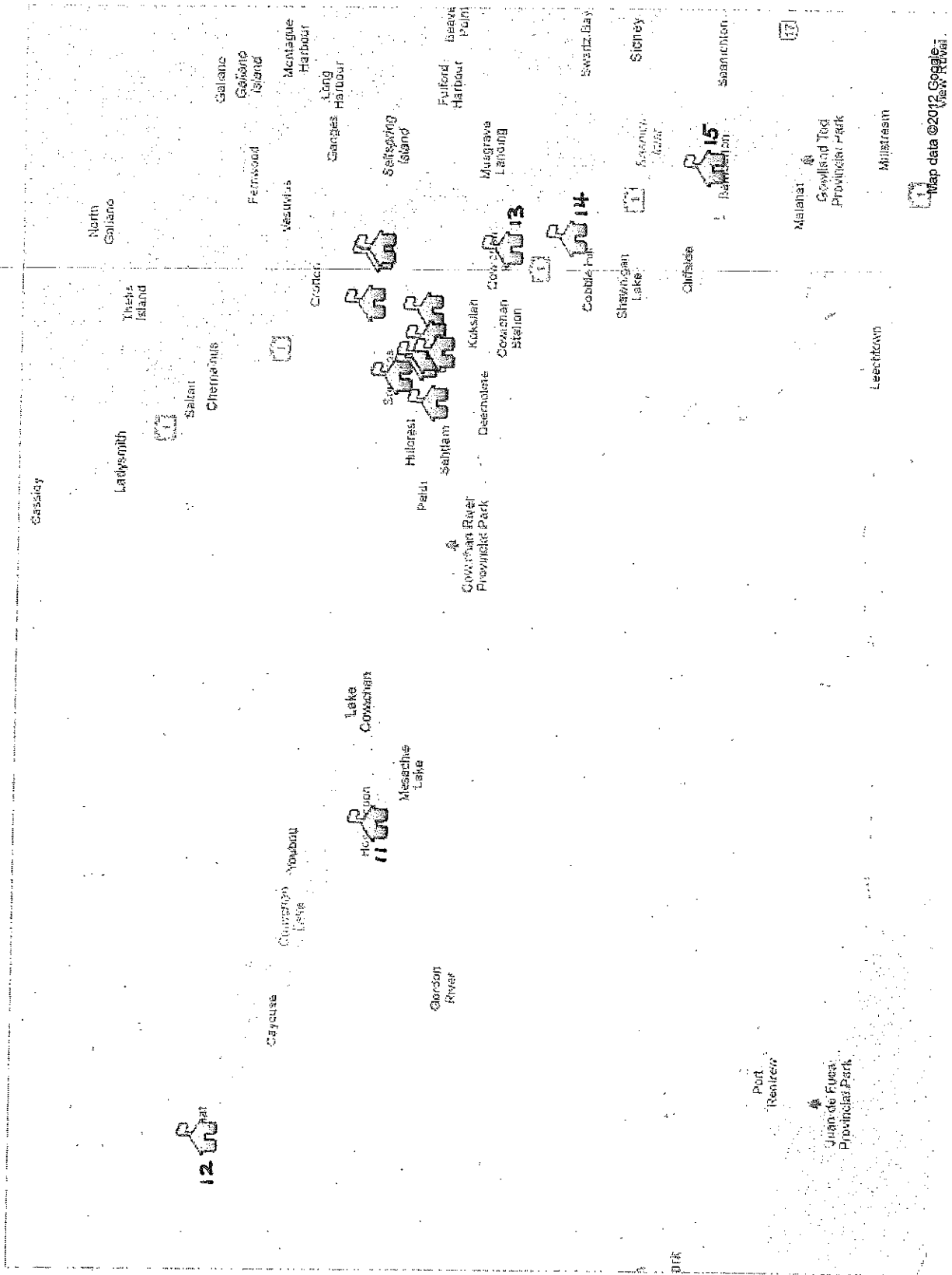
Out of Service Public Schools V.2

Unlisted · 0 views
Created on Jan 26 · By · Updated 17 hours ago

-  1 - Comiaken School
Also known as Maple Bay School. On Herd Road and Richards Trail at Lakes Road
-  2 Quamichan School
On Indian Road and Maple Bay Road north side across from Queen of Angels School
-  3 Maple Bay School
Corner of Manly Street and Considine Avenue, south side. Now Maple Bay Film Studio.
-  4 Maple Bay Kindergarten Annex
Corner Chisholm Trail, north side, and Redcap Street, east side. Former St. Peter's Church hall.
-  5 Somenos #2
On Drinkwater Road, south side, across from Mountain View Cemetery.
-  6 York Road School
TransCanada Highway at log cabin-styled building.
-  7 Duncan Grammar School
Situating about where the Cowichan District Hospital employee parking lot is located.
-  8 Duncan High School
Cairnsmore Street, north side, and Nagle Street, west side. Near the old gymnasium.
Burned down March 1946.
-  9 Alderlea Public School
Also known as Zenith Elementary. 5650 Club Road. Now the Arcadian Day Care Centre.
-  10 Gibbins Road School
3790 Gibbins Road. Now the Royal Canadian Air Cadets, 744 Squadron.
-  11 Honeyman Bay School
Previously known as Mr. Prevost School. 10028 Park Drive, Honeymoon Bay, BC V0R 1Y0. Now the Honeymoon Bay Lodge and Retreat.
-  12 Kissinger School
At Kissinger Lake campsite, northwest of Youbou, south of entrance drive.
-  13 Bench #1
Near the Koksilah intersection on the east side of Schoolhouse Road. Schoolhouse Road is now the section of Telegraph Road that extends between Cowichan Bay Road and Koksilah Road.
-  14 Cobble Hill High School
3515 Watson Avenue, Cobble Hill, BC. Now Evergreen Independent School.
-  15 Bamberton School
Exact location still to be confirmed.



Google



Map data ©2012 Google
New River



R2

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 1, 2011

DATE: April 25, 2012 **FILE No:** 1-I-09RS
FROM: Dana Leitch, Planner II, Development Services
Division & Mike Tippet, Manager, Community
and Regional Planning Division **BYLAW No:** 2465
SUBJECT: Rezoning Application 1-I-09RS (Rick Bourque) for the Cottages at Marble Bay

Recommendation:

- a) That the Zoning and OCP amendment bylaws for Application No. 1-I-09RS (VanIsle Waterfront Development Corporation) be forwarded to the Board for consideration of 1st and 2nd reading.
- b) That a public hearing be scheduled with Directors Weaver, Morrison and Dorey as delegates, subject to the following being submitted in a form acceptable to the CVRD prior to scheduling a hearing:
 1. A draft covenant that would prohibit further subdivision of the remainder of the lands owned by the applicants until such time as the subject properties are part of a CVRD Community Sewer System and a CVRD Community Water System;
 2. A draft covenant requiring that at the time of subdivision of the remaining lands to the north, that the applicant work with the CVRD Parks and Trails Division to establish an east-west trail link of not less than 7 metres in width; and
 3. A draft covenant requiring the repair or removal of the underperforming fire hydrant in the development.
- c) That CVRD staff be authorized to release Covenant No. EX044069 over Lot 3, Block 180, Cowichan Lake District, Plan VIP78710 if rezoning Application No. 1-I-09RS is approved and the amendment bylaws are adopted by the CVRD Board.

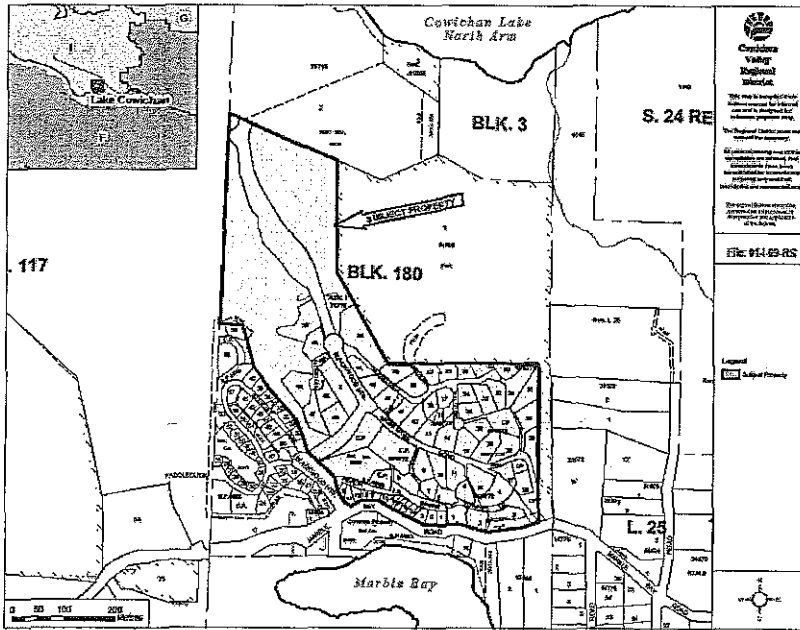
Purpose:

An application has been received to amend the Electoral Area I – Youbou/Meade Creek Zoning Bylaw No. 2465. The applicant is proposing to rezone 50 parcels located at the Marble Bay Cottage Development site to permit occupancy of the recreational cottages for up to 52 weeks in a calendar year. Under the current zoning the cottages can only be occupied by any one individual person or family for up to a maximum of 22 weeks in a calendar year.

Financial Impact: (Reviewed by Finance Division: n/a)

Interdepartmental/Agency Implications:

Engineering and firefighting matters are discussed in the report.



Background:

Location: Marble Bay Road, Youbou/Meade Creek

Legal Description(s): Strata Plan VIS5772, Block 180, Cowichan Lake District; and Remainder of Lot 1, Block 180, Cowichan Lake District, Plan VIP78710

Date Application and Complete Documentation Received: January 7, 2010

Applicant: Rick Bourque, Van Isle Waterfront Development Corporation

Size of Parcels:

The Remainder of Lot 1 is about 2.48 hectares and the strata lots range from 940 m² to 5700 m².

Contaminated Site Profile Received: Declaration pursuant to the *Waste Management Act* signed by the property owner. No "Schedule 2" uses noted.

Existing Use of Property:

Strata lots 1, 2, 3, 5, 6, 8, 10, 12, 15, 20, 24, 25, 27, 28, 29, 30 and 31 have recreational cottages constructed on them. Strata lots 4, 7, 9, 11, 13, 14, 16, 17, 18, 19, 21, 22, 23, 26, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 are vacant recreational lots.

Existing Use of Surrounding Properties:

North: Suburban Residential (zoned R-2) & Park Use (zoned P-1)
 South: Institutional (zoned P-2) & Cowichan Lake (zoned W-1)
 East: Residential (zoned R-2) & Forestry (zoned F-1)
 West: Park Use (zoned P-1) & Residential (zoned R-6)

Agricultural Land Reserve Status: The subject properties are outside the ALR.

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) identifies three stream planning areas with TRIM streams. One stream planning area with confirmed fish presence is located along the shoreline of Marble Bay and a second stream exists on the western portion of the property. The third stream planning area is also located on the western portion of the property and contains a TRIM stream possible fish presence. An RAR Report was submitted when the last phase of subdivision was underway and a development permit has been issued.

Archaeological Sites: There are no confirmed archeological sites on the subject properties.

Existing Plan Designation: Tourist Commercial

Proposed Plan Designation: The Plan Designation is not being amended as part of this application.

Existing Zoning: C-4 (Tourist Commercial 4 Zone).

Proposed Zoning: A new recreational zone is being proposed for the subject properties

Minimum Lot Size Under Existing Zoning:

2000 m² for parcels served by a community water and sewer system;

4000 m² for parcels served by a community water system only;

1.0 hectare for parcels not served by a community water or sewer system.

Minimum Lot Size for Subdivision under Proposed Zoning:

The minimum parcel size in the proposed zone is 1600 m².

Services:

<u>Road Access:</u>	8 roads are constructed onsite
<u>Water:</u>	Bald Mountain Water System (Community)
<u>Sewage Disposal:</u>	Bald Mountain Sewer System (Community)

Site Context:

The subject properties are located approximately 2 km from Youbou Road. A majority of the properties are moderately sloped from a northern to a southern direction towards the shoreline of Marble Bay.

This area in Youbou is characterized by a mix of land uses. Lands immediately to the north are zoned for suburban residential use and park use. Properties to west are zoned for residential use and park use. Lands to the east are zoned for forestry and residential use. To the south, lands are zoned for institutional uses and the water surface is zoned for water conservation.

In terms of surrounding land use designations the subject properties are designated Tourist Commercial in the OCP. Lands to the immediate north are designated as Suburban Residential and Parks and Institutional. To the south lands are designated as Parks and Institutional and to the west lands are designated as Bald Mountain Lakefront Cottage Residential. To the east the land is designated as Suburban Residential and Forestry. This is visible on the Official Plan map excerpt that is attached to this report.

The Proposal:

The applicant proposes to rezone the subject properties to a new zone that would permit the recreational cottages onsite to be occupied for up to 52 weeks in a calendar year. Under the current zoning, short-term temporary stay is permitted and it is limited to a maximum of 22 weeks in a calendar year for any one person. That is, the buildings may be occupied year-round but the use of the buildings by any person for more than 22 weeks in a calendar year is not allowed. This change might appear to be a shift to straight residential use, however, the ability to offer short term stays, possibly on a commercial rental basis, would remain, and so the proposed use is not strictly residential. The requested zoning change would allow the owner to decide if the property would be occupied as a residential dwelling or as a vacation cottage.

Water & Sewer

The subject properties are presently serviced by a private water utility that is owned and operated by Van Isle Waterfront Development Corporation. Private water utilities are regulated by the Province of BC both in terms of the quality and quantity of water available and also the rates that those connected to the water service may charge their customers.

The subject properties are presently serviced by the Marble Bay sewer system which is a private utility operated on behalf of the Strata Corporation. Private sewer utilities are regulated by the Province of BC with respect to the volume and quantity of discharge, but are not regulated with respect to the rates that can be charged to those connected to the service.

Agency Referrals

The proposed amendment was referred to several external agencies. Their comments follow:

Central Vancouver Island Health Authority:

"This office does not have any objection to the 22 or 52 week occupancy since the water supply system must meet proper operational and water quality standards year round. However, the present system has, at this time, a water supply system designed to service up to 40 lots. Expansion of this system is pending the developer's decision on source use and system design.

Also, at this time, we bring to your attention that the sewer system design and operation is under the jurisdiction of the Ministry of Environment. There may have been concessions provided to limit recreational usage versus the potential for year-round residential use that this rezoning application is proposing. (note: the staff report discussed this further)"

Ministry of Transportation and Infrastructure: *"Interests unaffected"*

Ditidaht First Nation: *no comments received*

Lake Cowichan First Nation: *no comments received*

Cowichan Tribes: *no comments received*

School District No. 79: *no comments received*

Lake Cowichan Volunteer Fire Department: *Doug Knott, the Fire Chief, advised the CVRD in his written reply that pumper truck tests at Marble Bay (the subject properties) have shown that some of the hydrants have insufficient flow for firefighting. In response to this comment, staff put the Chief into touch with Peter Gericke, the consulting Engineer for the applicants as well as Mr. Bourque. The issue has been examined further and it is believed that one hydrant may have been partially blocked, because other ones upstream and downstream of it function well. Further work has indicated that the underperforming hydrant is not required in order to provide adequate firefighting capacity to the area; as other hydrants are within the vicinity, but the existence of an underperforming hydrant is still a problem due to the possibility that in an emergency, a fire truck may connect to it. If it truly is surplus to safety needs and does not perform, it should be removed. This issue will be resolved whether this application is approved*

or not. The Fire Chief did not have written comments regarding the zoning amendment. Material related to this has been submitted to the CVRD and is attached to this report.

Ministry of Environment: Kirsten White, Senior Environmental Protection Officer with the Ministry of Environment in Nanaimo, advised us of the following:

"I had a chance to look into this file further. Please find attached a copy of the original registration form, to see what the facility is registered for. In the event that there be any expansion to the development, (i.e. increase in effluent volume >59.02 m³/day), this will trigger the need to apply for a new registration under the MSR. Unfortunately, a registration differs from a permit, in that it cannot simply be amended. A new MSR package would be required containing revised registration forms, Operating Plan and an EIS that is reflective of any proposed changes, and will ensure that the discharge will not adversely impact human health and the environment, and that the system is designed to accept/operate at the maximum discharge rate registered.

The second item that I noted was the lack of security and Capital Replacement Funds in place. I believe the original registration had identified that the cottages were to be seasonal occupancy, in which case security and CRF are not required. However, during the last inspection it was identified that some of the cottages are being occupied on a year round basis. If even one dwelling is occupied year round, this is defined as a "residential development", whereby security and CRF are required under the MSR. This will be brought forth with the client during the next scheduled inspection. As we discussed briefly though, should this site be taken on by the CVRD in the future, security and CRF would not be required."

The application has also been referred to the Public Safety Department. Departmental comments are attached.

Public Safety Department:

- The proposal is within a contracted response area served by the Lake Cowichan Volunteer Fire Department;
- A water system compliant with NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting" is required to ensure necessary fire flows;
- The proposal is within the Lake Cowichan RCMP Detachment area;
- The proposal is within British Columbia Ambulance (Station 119 Lake Cowichan) response area;
- The proposal is within the boundaries of the CVRD Regional Emergency Program; and
- Consideration should be given to retention of Volunteer Firefighters within the development.

Ministry of Environment: Marlene Caskey, Ecosystem Biologist, Urban Resource Stewardship advises:

That the Ministry is no longer reviewing site specific referrals as the Ministry's Development With Care: Environmental Guidelines for Urban and Rural Development in British Columbia, (March 2006) document is expected to address most development related questions.

In particular we recommend that you review Sections 2 and 3 of the document. These sections focus on environmentally sound solutions at the community and site development level. Appendix B provides separate checklists for local government review and site level design to help focus your proposal review. Section 4 provides recommendations relative to environmentally valuable resources.

Although Develop With Care does include some regulatory information, much of this document represents our recommendations intended to minimize the negative impacts of expanding urban and rural development on the landscape and on biological on the resources values, while creating more liveable communities.

We also recommend that you consider how the proposal may apply the innovative approaches to stormwater management that have been identified in the BC Stormwater Guide.

We would be happy to provide your agency with comments on your community plans, bylaws, major zoning applications and major developments due to the significant role that those higher level planning processes and developments have on species occurrence and ecological function over time.

Advisory Planning Commission Comments:

The APC discussed this application at its March 20, 2012 and April 3, 2012 meetings. At their April 3, 2012 meeting the APC recommended moving the application forward to a public hearing. A copy of the APC minutes from March 20, 2012 and April 3, 2013 have been attached for your reference.

Electoral Area Services Committee

This application was considered by the Electoral Area Services Committee on November 1, 2011 and at that time the EASC recommended that the application be approved and proceed to a public hearing. A copy of the EASC meeting minutes from November 1, 2011 is attached for your reference.

CVRD Board of Directors

This application was considered by the CVRD Board of Directors on November 9, 2011 and at that time the application was referred back to staff. A copy of the Board Minutes from November 9, 2011 is attached for your reference. The application was discussed at length with the new Electoral Area I Director in January, 2012 and a decision made to refer the application back to the Advisory Planning Commission.

Policy Context:

Official Community Plan

The Area I – Youbou/Meade Creek OCP is not particularly helpful in assessing the merits of this application. A unique situation has evolved at this site, so no specific policy framework was developed around the scenario that this application represents.

Existing Zoning

The subject property is presently zoned C-4 and this zone has a minimum parcel size of 0.2 hectares for parcels served by a community water and sewer system; 0.4 hectares for parcels served by a community water system only; and 1.0 hectares for parcels served by neither a community water nor community sewer system.

The following principal uses and no others are permitted in the **C-4 Zone**:

- a. Convention facility;
- b. Golf course, pitch-and-putt course and driving range, including clubhouses, pro shops and similar ancillary facilities customarily incidental to golf course operation;
- c. Hotel, motel, campground (subject to CVRD Campsite Standards Bylaw No. 1520), resort;
- d. Marina operations, including accessory boat sales, rental and servicing, but excluding boat building and the rental of personal water craft vessels;
- e. Recreational facility;
- f. Restaurant;

The following accessory uses are permitted in the **C-4 Zone**:

- g. Buildings and structures accessory to a principal permitted use;
- h. Gift shop, accessory retail sales;

- i. Single family dwelling.

A copy of the current C-4 Zone has been attached for your reference.

Proposed Zoning

A new recreational zone, entitled LR-11 Zone Lakeview Recreational 11 Zone is being proposed for the subject properties. The draft zoning amendment bylaw has been attached to this report for your reference.

Covenants

There are covenants registered on the land title of the subject properties that the applicant wishes to maintain. The newest covenant is between the owner Van Isle Waterfront Development Corporation and the Cowichan Valley Regional District and it states the lands shall be used for no other purpose other than recreational use. The covenant also specifies the size of the building footprint permitted onsite and defines what a recreational use is. The apparent disconnect between the proposed zoning change and the desire to keep the recreational use covenant intact is due to an arrangement that the applicant and the owners in the Cottages development have with Bayview Village strata.

Development Services Division Comments:

Land Use

The applicant is proposing to rezone strata lots 1-50 from C-4 to a new recreational zone that would permit any individual person or family to occupy the cottages onsite for up to 52 weeks in a calendar year while still retaining the recreational character of the property. The applicant has informed staff that the desire of most existing land owners and potential buyers is to be able to utilize the cottages for more than 22 weeks in a calendar year, but that they would not necessarily live in the cabins on a year round basis.

From a land use planning perspective staff are recommending that the undeveloped portion of the site be added to the application, which would create a single zone over the entire site. It would also bring additional density benefits which may offset some of the costs of upgrading the sewer and water system to CVRD standards. This is discussed towards the end of this report; the applicant has agreed that the same proposed zone should be applied to the undeveloped lands.

A new recreational zone would need to be created for this site because the CVRD does not have a zone in place that would explicitly sanction the occupancy of recreational/commercial cottages for more than 22 weeks per calendar year. The OCP does not contain any policies that address the conversion of temporary, short term stay accommodation to long term accommodation in the Tourist Commercial (TC) designation.

More than a decade ago, the CVRD decided that the development of recreational cottages on this site would be consistent with the C-4 zoning, so long as no one person occupies a unit for more than 22 weeks in a year. A covenant was negotiated between the CVRD and the developer, limiting the footprint of the structures that could be built there. The site evolved with a residential character and appearance rather than that of commercial – recreational resort. The fact that there is no central rental pool for the building units suggests that it is more of a recreational/residential use rather than Tourist Commercial. Had the units been marketed as 1/3 timeshares, the temporary occupancy of the buildings would have been assured. However, each unit was sold to one owner and as a result; potential over-stays by individuals (of the maximum 22 week provision in the definition) are possible and very likely occurring now.

A further consideration is that the C-4 zone is one of the few zones in the CVRD that has no density limit. The only limit to density would be found in the covenant EX044071 that is in place (limiting the use to "recreational") and also in the servicing limitations. A wide array of permitted

uses, some of which would be incompatible with the present quasi-residential uses, are allowed on any of the parcels that is zoned C-4. There would be great benefit in having the zoning better approximate the actual use of the property, as well as the terms of Covenant EX044071, which the CVRD negotiated with the developer. In fact, if the zoning is developed in accordance with the terms of the covenant, the covenant would become redundant and therefore could be discharged if it was deemed by both parties that it serves no purpose. The applicants are not seeking this, however. This covenant has been attached to this report for your reference.

There is no harm, in staff's opinion, in permitting the owners in this development to reside there for as long or as short a period of time as they wish, provided appropriate servicing is present. A new zone would only apply to these parcels, not other C-4 zoned lands in Electoral Area I, and this new zone would still allow for recreational, residential and short-term rental uses.

Development Permit Area

Both the APC and Planning staff are recommending that a development permit area that addresses drainage be created for the upland portion of the site in consideration of the increased density on those lands. Planning Staff have created a development permit area entitled the Water Management Development Permit Area which has been contained within the Draft Official Community Plan Amendment Bylaw attached to this report.

Fire Protection

As is noted in the agency comments section, the Town of Lake Cowichan Fire Chief has indicated that one of the hydrants on the site is not performing adequately; however, the applicants have worked to address this issue and evidence has also been submitted that the impugned hydrant may not be required for the subdivision, as it exists, to meet minimum distance between hydrant regulations anyway. If this is the case, the faulty hydrant should either be repaired or removed, because – despite other functional hydrants being available, the fire department could mistakenly connect to the bad one in an emergency.

Occupancy and Enforcement under C-4 Zoning

As is noted above, the Cottages at Marble Bay development presently is considered as a resort under the C-4 zone, although it is not managed or run like one. There is no central rentals office for each strata lot and short term commercial rentals would have to be done by each lot owner, if they are occurring. The cottages cannot be occupied for longer than a maximum of 22 weeks in a calendar year by any one individual person or family. Once the individual or family leaves a unit, another individual or family may occupy the cottage for an additional 22 weeks and then after that a third party can occupy the cottage for an additional 22 weeks and so on. The cottages are therefore able to be occupied up to 52 weeks in a calendar year under the existing C-4 zoning. Monitoring when one individual or party begins to occupy a cottage and when they end their occupancy would be difficult for the CVRD, but so far this site this has not been the subject of enforcement action.

Detailed Background on Servicing

The essence of this application is simply related to the nature of the occupancy of existing and proposed units in this development however, there are some servicing matters that the Committee should be aware of, and which deserve consideration in the context of this application. Staff has provided a summary of the different community water and sewer definitions that the applicants have been subject to since the Cottages at Marble Bay project was first conceived. This summary is located in **Appendix 1**.

Opportunities for Public Amenity

Rezoning applications are an opportunity for the applicants and local governments to consider the matter of amenities that could benefit the community in general. Since this zoning

amendment is mainly focused on the zoning rules that apply to a pre-existing neighbourhood, the opportunities to capture potential parkland have passed on the 50 lots in question. However, there is an opportunity to ask the applicants whether they would be prepared to enter into a covenant with respect to the unsubdivided upland C-4 zoned area (if it is added to this application as we believe it should) that would commit to providing an east-west linkage for pedestrians passing between Woodland Shores and the large CVRD park to the east that was created when the subject lands were first rezoned a couple of decades ago. This sort of linkage is not definable until a plan of subdivision is proposed, which is why a covenant would be an appropriate instrument to use. The covenant could provide for a minimum/maximum width specification. This linkage would benefit not only the residents of adjacent parcels of land, it would also be of general benefit to residents of the Cottages at Marble Bay development who may wish to go for a hike in the trail networks in Bald Mountain Park. The CVRD Parks Division has expressed an interest in this concept. A density credit under Section 3.10.2 of Zoning Bylaw 2465 could be applied, ensuring that said donation would not reduce lot yield for the developer.

Proposed Approach

The Ministry of Environment has provided valuable input on this file, quoted earlier in this report. The Ministry indicates that the operating permit for the sewage disposal system at the subject property is capped at 50 recreational units. By virtue of the units being recreational (temporary occupancy) in nature, both under zoning and in the consideration of the Ministry, the sewage discharge and related permit volume are estimated to be lower than would be the case for homes that could legally be occupied year round. What this means for the applicants is: were the CVRD to agree to the original application and rezone it, these 50 lots would immediately come out of compliance with the terms of the sewage permit, and a new *Municipal Sewage Regulation* (MSR) would have to be done by the developer. Additionally, the system would have to be bonded to the Province, with a sizeable security bond being placed. That is just to enable the rezoning of the 50 lots. This still would not make the development compliant with zoning regulations, in the sense that the CVRD would have to agree to take over that existing sewer system in order for further development to occur.

The point here is that the developer is facing considerable costs even under the *status quo*, if this zoning application, as submitted, is approved. This would include doing a new MSR registration, plant upgrades related to the conversion from part-time to possible full-time occupancy and making a security deposit in the order of up to a million dollars. It would also require that new water sources be secured (wells or lake water license) and expensive new water servicing infrastructure (e.g. storage) be installed, for the remainder of the site to be developed as is planned, even under C-4 zoning. Considering that the ownership of the subject lands (lots 1 through 50) is mostly in the hands of third parties who would presumably have little interest in contributing to these costs, it seems to be a problematic scenario for the proponent.

Staff have had lengthy discussions and have devised what may be a solution for both the proponents of this rezoning, the strata corporation and the CVRD's administrative concerns. This involves the following:

- Rezone not only all 50 existing lots, but also the undeveloped remainder of the site to a new recreational zone that would not limit occupancy to a maximum number of weeks;
- In the new zone, establish a 1600 m² minimum parcel size, which is a 20% increase in density over the C-4 Zone, in consideration of the minimum lot sizes that prevail in other fully serviced (sewer and water) residential zones in Electoral Area I;
- Create a development permit area for drainage control in consideration of the increased density, which would require a stormwater management plan to be prepared and implemented as development of the remaining land proceeds;
- Require a covenant to ensure an east-west trail linkage over the undeveloped portion of the property at such time as it is proposed to be subdivided;

- Require that the underperforming hydrant either be repaired in the case of it being required for local fire protection, or be removed if it is redundant;
- As a condition of the adoption of the zoning amendment, require that all lands being rezoned that have yet to be subdivided be connected to the Bald Mountain community water and community sewer system;
- Also as a condition of the adoption of the zoning amendment, ensure that the existing 50 strata lots become part of a CVRD owned and operated community water and sewer system.

This would all have to be committed to prior to bylaw adoption.

The increase in density would allow perhaps another 7 or 8 lots to be created on the remainder in addition to the 38 or so that are permitted under C-4 zoning. Because the existing 50 strata lots will be connected to Bald Mountain sewer system, abandonment of the existing sewage treatment and disposal areas would permit these sites to be redeveloped as well. One of these sites is owned by the applicant in fee simple (it was reserved as a sewage treatment and disposal area for the C-4 zoned area that remains to be developed) and the other is common property of the strata corporation that the 50 lots comprise. The fee simple land area is about 0.35 hectares in area, so could generate two more lots (possibly three or even four if density from elsewhere on the site was averaged into it under Bare Land Strata regulation rules).

Considering the following facts:

- That the applicant would be facing considerable infrastructure costs even under the present C-4 zoning in order to develop the remainder;
- The CVRD has stated in writing that the sewer system in the 50 lot development must become community sewer as our Zoning Bylaw 2465 defines it, in order for additional development of the remainder to occur;
- The CVRD has stated that the water system in the 50 lot development must become community water as our Zoning Bylaw 2465 defines it, in order for additional development of the remainder to occur;
- that the proposed rezoning of the 50 C-4 lots already developed would carry with it a duty to re-engineer the existing sewage system and provide a large security to the Province;
- the advent of the Woodland Shores development to the immediate west of the subject lands, which has CVRD owned and operated sewer and water systems of a very high quality, infrastructure that was not present when the Cottages at Marble Bay development was begun;
- the additional development potential (perhaps another 7 or 8 lots under the proposed zoning) would allow for the developer to offset a considerable amount of many of the infrastructure costs that would be required to convert the existing 50 strata lot sewer and water service area to "community sewer" and "community water" status.

It seems that it would be prudent to proceed on this basis.

Summary of Land use and Servicing Discussion

Staff believe that for the type of use proposed for the undeveloped land, on full servicing, there is justification to increase the density slightly in this zone as this will offset some of the costs of the necessary sewer and water upgrades. Lowering the minimum lot size would not affect the 50 parcels already created, because only two of them would potentially be able to subdivide under a 1600 m² lot size, and neither one is likely to be possible.

Staff have examined the zoning of similar fully serviced parcels in this electoral area and found that a typical minimum parcel size for full servicing in a residential or quasi-residential zone is 1600 m². We would therefore suggest that the new draft zone contain this regulation in recognition that it is in line with other similar areas and there would be a clear incentive to rectify the existing service area non-conformities of the subject lands, should this zone be applied to

the remainder of the C-4 area that is yet to be subdivided. We would also suggest that it would be appropriate to rezone the balance of this property to the same category at the same time.

Request to Release Covenant on Lot 3, Block 180

Van Isle Development Corporation has also applied to discharge Covenant No. EX044069 over Lot 3, Block 180, Cowichan Lake District, Plan VIP78710. Lot 3 is surrounded by the first 50 lots of the Marble Bay development, but is not part of the strata plan. CVRD permission is needed in the sense that the existing Covenant on the subject property prevents the property's use for anything other than a sewage disposal field, despite being zoned as C-4 (Tourist Recreational Commercial).

The developer has indicated that the lot was covenanted in consideration of future development of C-4 strata lots (originally, another 15 lots were proposed on the remainder of the original development site). The Covenant itself does not specifically address whether Lot 3 was intended for the 50 unit development or some later phase. This covenant has been attached to this report for your reference.

The Covenant's Grantees are the CVRD and the Ministry of Transportation and Infrastructure. Staff has contacted Bob Wylie, the Approving Officer for BC MoT and the Ministry of Environment (MoE). Even though MoE is not a party to the Covenant, their advice on this matter is especially important, because the existing 50-unit sewage treatment and disposal system operates under a MoE license. If Lot 3 is a reserve field area for the existing system under the MoE license, it would be most prudent to not release the Covenant until such time as the existing 50 lots are already connected to the Bald Mountain Sewer Service area.

Ministry of Transportation and Infrastructure comment (received from Bob Wylie, Provincial Approving Officer):

"I have no objection to releasing the covenant (EX044069) on Lot 3, Plan VIP78710, subject to the following considerations:

- *Suitable building site with safe access*
- *Proof of acceptable sewage disposal (community or septic)*
- *Proof of potable water supply*
- *Support for release from the CVRD*

I will review our files next time I'm in Saanich.

If you have any questions, please feel free to contact me."

Ministry of Environment comment (received from Kirsten White, Sr. Environmental Protection Officer, Environmental Protection Division, Ministry of Environment):

"The reserve area associated with Lots 1-50 located east of the secondary disposal field, appears sufficient to meet the requirements of the MSR in terms of stand by area. Just to clarify though, in looking at the attached drawing, it appears that it is Lot 4 that was designated as future disposal area, rather than Covenant Area 3. No?"

Please note that the current MSR registration for Marble Bay is for 50 lots. Should there be any future plans for additional development, a new MSR registration package would have to be submitted and all MSR requirements would have to be met for the new proposal, including the provision for adequate stand by disposal area to support the expanded development and associated flow.

Hopefully this information is of assistance to both the CVRD and yourself. Please note that it remains the responsibility of the registrant to ensure that all MSR requirements are being met."

The sketch of the “as-built” sewage system for the Cottages at Marble Bay by Eagle Engineering Ltd., from May 26, 2008, (attached to this report) indicates that the primary and secondary fields are both constructed on the utility lot, and that the reserve field areas are shown to be on common property of the strata corporation. Therefore Lot 3, the property upon which the Covenant is registered, is not part of a reserve area under the *Municipal Sewage Regulation* for the 50 lots that already exist.

This being the case, it would appear that the Covenant on Lot 3 is extraneous to the 50 lots, and must have been placed in consideration of the additional development on the remainder of the site. This is in accordance with what the applicants indicated to us. The CVRD has already written to the applicants indicating that no lots in excess of the 50 already created will be permitted until the development is connected to a community sewer system, and discussions with Engineering and Environmental Services staff indicate that they will require connection to the Bald Mountain sewer system. Hence the use of Lot 3 for sewer purposes is not, and will not be required.

Staff feel that because the proposed zoning for the subject properties requires the Marble Bay development lands to be connected to both the Bald Mountain Community Water and Sewer system that it is appropriate to approve the removal the Covenant from Lot 3 if the amendment bylaws are adopted by the Board.

It should be noted that the Advisory Planning Commission reviewed the applicants request to release the covenant on Lot 3 and were supportive of the covenant being released if the rezoning application is approved.

Options:

Option 1

- a) That the Zoning and OCP amendment bylaws for Application No. 1-I-09RS (VanIsle Waterfront Development Corporation) be forwarded to the Board for consideration of 1st and 2nd reading.
- b) That a public hearing be scheduled with Directors Weaver, Morrison and Dorey as delegates, subject to the following being submitted in a form acceptable to the CVRD prior to scheduling a hearing:
 1. A draft covenant that would prohibit further subdivision of the remainder of the lands owned by the applicants until such time as the subject properties are part of a CVRD Community Sewer System and a CVRD Community Water System;
 2. A draft covenant requiring that at the time of subdivision of the remaining lands to the north, that the applicant work with the CVRD Parks and Trails Division to establish an east-west trail link of not less than 7 metres in width; and
 3. A draft covenant requiring the repair or removal of the underperforming fire hydrant in the development.
- c) That CVRD staff be authorized to release Covenant No. EX044069 over Lot 3, Block 180, Cowichan Lake District, Plan VIP78710 if rezoning Application No. 1-I-09RS is approved and the amendment bylaws are adopted by the CVRD Board.

Option 2

That Application No. 1-I-09RS, VanIsle Waterfront Development Corp, be denied and a partial refund be granted in accordance with the CVRD Fees and Procedures Bylaw No. 3275.

Option 1 is recommended.

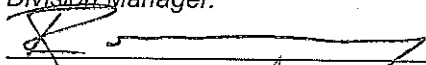
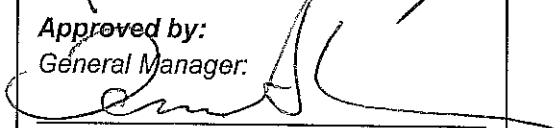
Submitted by,

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



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

Attachments

Reviewed by: <i>Division Manager:</i> 
Approved by: <i>General Manager:</i> 

APPENDIX 1

Detailed Background on Servicing

Following is a summary of the different community water and sewer definitions that the applicants have been subject to since the Cottages at Marble Bay project was first conceived:

Former Zoning Bylaw 1000 (1986): At the time the Cottages at Marble Bay project was begun, Zoning Bylaw No. 1000 was in effect. It defined community sewer service to constitute any Ministry of Health or Ministry of Environment-approved system, regardless of the number of service connections. Similarly, the definition of community water service when this project was begun was quite different than now, with the only requirement being that 5 or more parcels be served by the same system.

Original Zoning Bylaw 2465 (July 2004): Although the development of the sewer system was conceived under the term of the former Zoning Bylaw 1000, the sewage permit application to the Ministry of Environment happened a month after the adoption of the new Zoning Bylaw No. 2465. With this came a new set of definitions. Community sewer service was defined as a system that comprises 75 units and is owned by the CVRD, an improvement district or a municipality. The new definition of community water service was that there be 75 units or more connected to a system, although the water system could be owned by a private utility.

Bylaw 2465 as amended in 2007: In May 2007, Zoning Amendment Bylaw 2869 was adopted, which changed the above definitions in Bylaw 2465. This was part of a region-wide initiative to gain better control over the installation of new sewer and water systems. The number of minimum connections in both cases (sewer and water) was reduced to 60 and in the case of community water services, private utilities no longer qualified as a "community" system.

The development has spanned these three definitions, each of which has a bearing on the density of the subject property and the unsubdivided remainder. When the most recent phase of the development was approved, resulting in the total of 50 lots that are present today, the understanding – put in writing by staff (letter attached) – was that no further development of the unsubdivided remainder of the parcel – which was not part of the original application – would be permitted until the sewer and water systems in the first 50 lots were taken over by the CVRD. The number 50 was chosen to avoid a Catch-22 in which the CVRD would tell the developer that he can't have the maximum density due to there being no community water and community sewer system because fewer than 50 connections (i.e. the Engineering and Environment's minimum size for takeover) are present in the first phase of subdivision, so all lots have to be 1 hectare in area instead of 2000 m². We therefore permitted the creation of 50 lots prior to the expected takeover of the sewer and water systems by the CVRD, and expected that any further lots could only be approved if the CVRD takes over or provides services.

Looking specifically at timing, the first 12 lots of the 50 units in existence were registered on April 22, 2005. On December 30, 2005, the developer sent a letter to CVRD Engineering & Environmental Services asking for the proposed 65 lot development's sewer system to be taken over by the CVRD. A letter of approval in principle was issued by Engineering Services' Brian Dennison, P. Eng. on April 2, 2006. Further steps were taken by the CVRD, including the establishment of a proposed service area. Meanwhile, a total of 40 more parcels were proposed and supported by the CVRD on the grounds that the required critical mass of lots (50) that would be required for Engineering & Environmental Services to consummate the takeover

would have to be permitted. Once the last phase of subdivision was registered, progress on having the CVRD take over this system appears to have ceased.

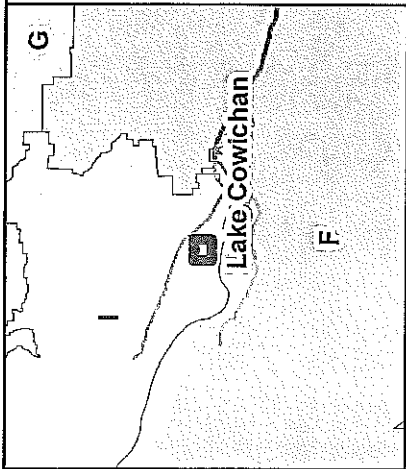
Abandonment of the idea that the first 50 lots already created would never be connected to a community sewer system as it is presently defined was never an option for either planning or engineering staff. The 50 lots were only permitted with the understanding that the entire development would become a CVRD community sewer service area, and probably also a community water service area.

The proponent has stated that the present undeveloped portion of the subject property would be connected to the adjacent Bald Mountain community water and community sewer service areas. This would ensure that all subsequent development is serviced to current CVRD standards.

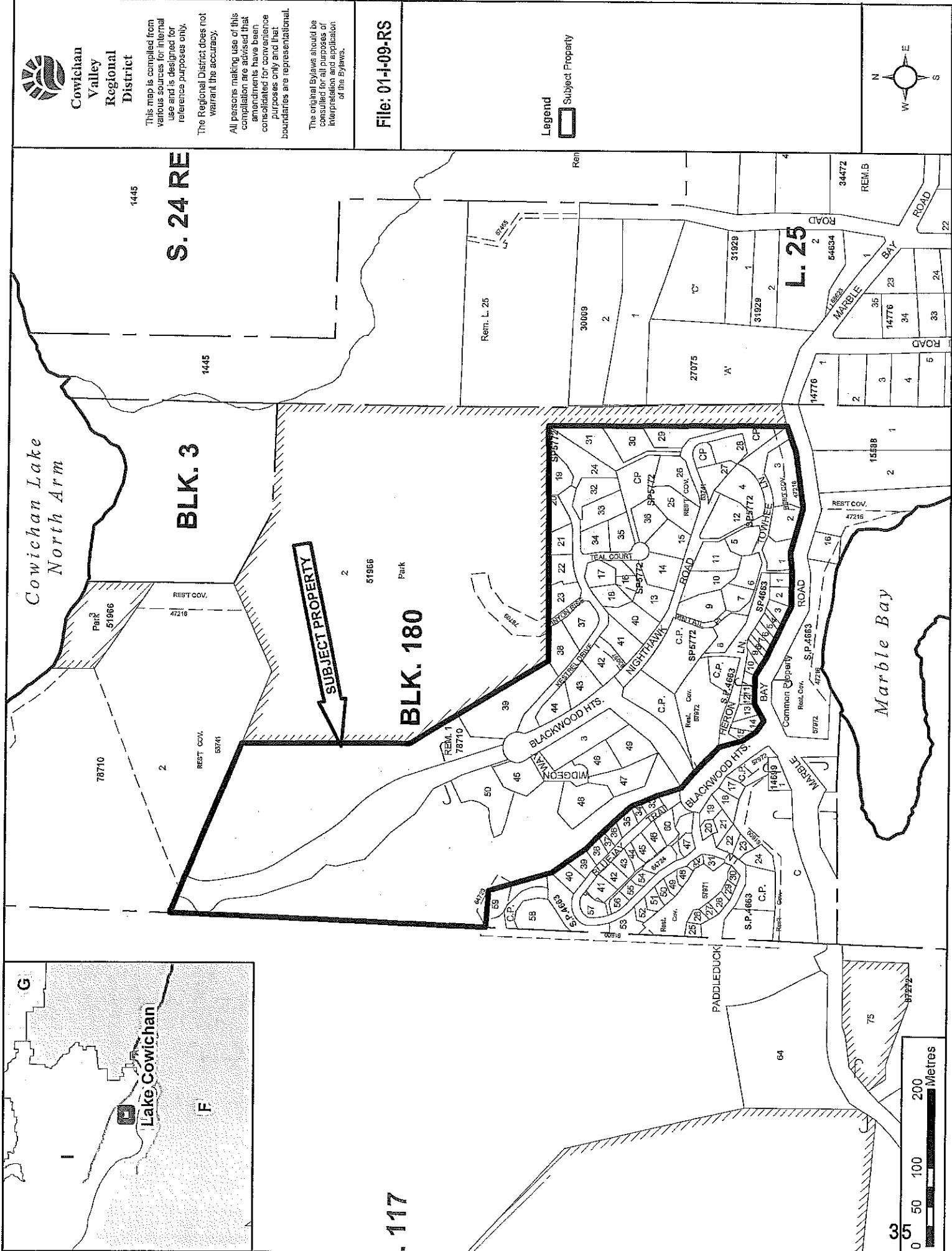
Sewer service becoming public in this case is important because the fees charged to the customers cannot be regulated so long as it is a private system, and as local service areas expand, coordination of the various services becomes important.

With respect to the community sewer issue, the Engineering and Environment Department will determine the terms under which community sewer services would be provided to the existing 50 strata lots and future proposed development. The amendment bylaws will require that these areas be connected to community sewer services.

In more recent discussions, the Engineering & Environmental Services Department indicated that abandoning the existing private water utility is not a preferred option. Although the cost of connecting to a public water system would be significant for the developer, it is the preferred option. This is because it ensures the existing 50 strata lots and undeveloped area is serviced to current CVRD standards. Therefore, the amendment bylaws also require that these areas be connected to a community water system.



117



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

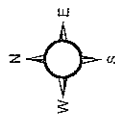
The Regional District does not warrant the accuracy.

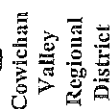
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

File: 01-09-RS

Legend
Subject Property





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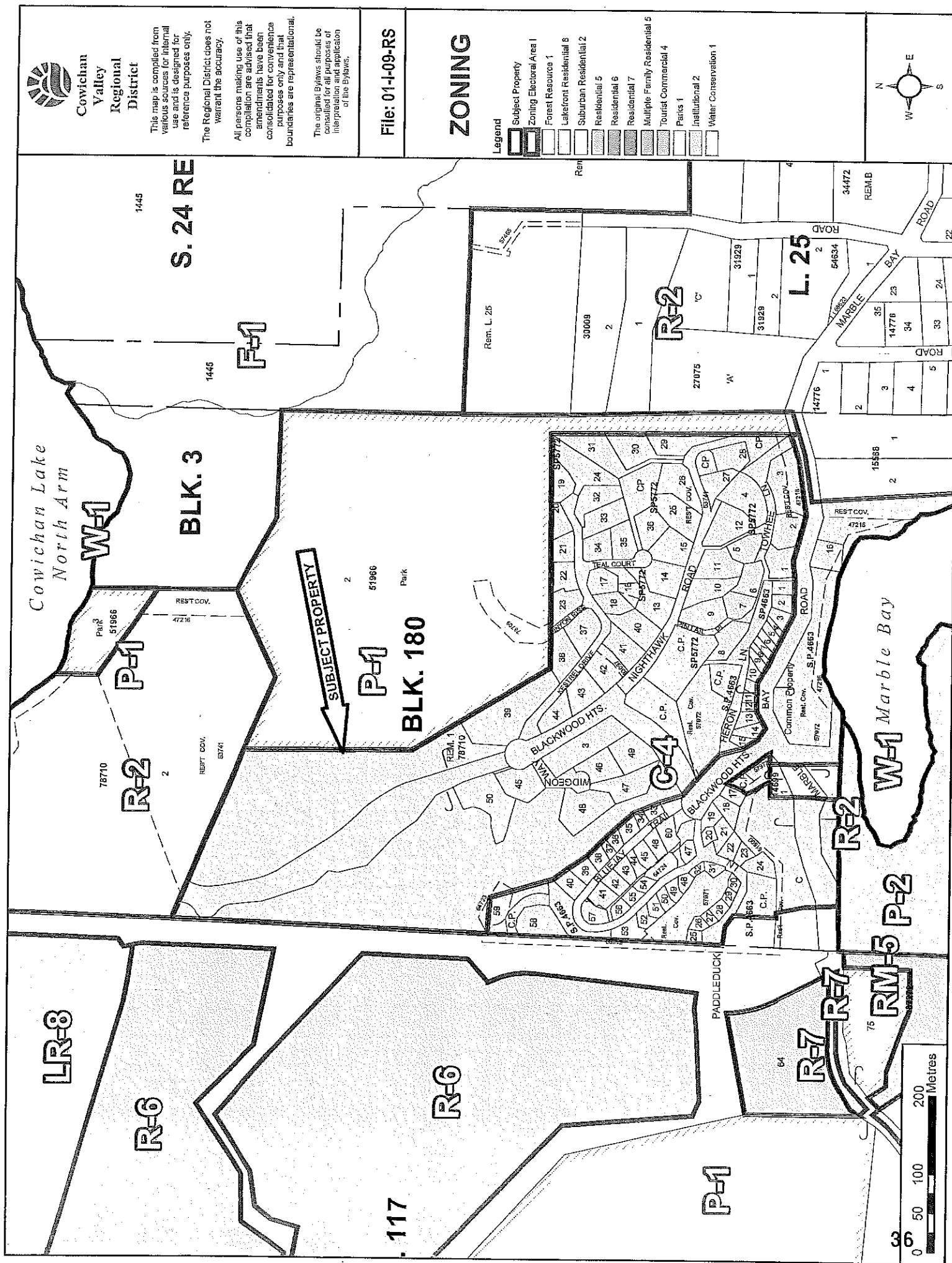
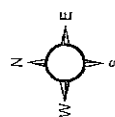
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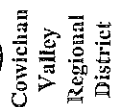
NON

Legend



Subject Property	Zone	Designation
Forest Resources	Forest Resources	Forest Resources
Lakefront	Lakefront	Lakefront
Suburban Residential	Suburban Residential	Suburban Residential
Residential	Residential	Residential
Residential	Residential	Residential
Multiple Family Residential	Multiple Family Residential	Multiple Family Residential
Tourist Commercial	Tourist Commercial	Tourist Commercial
Parks	Parks	Parks
Institutional	Institutional	Institutional
Water Conservation	Water Conservation	Water Conservation





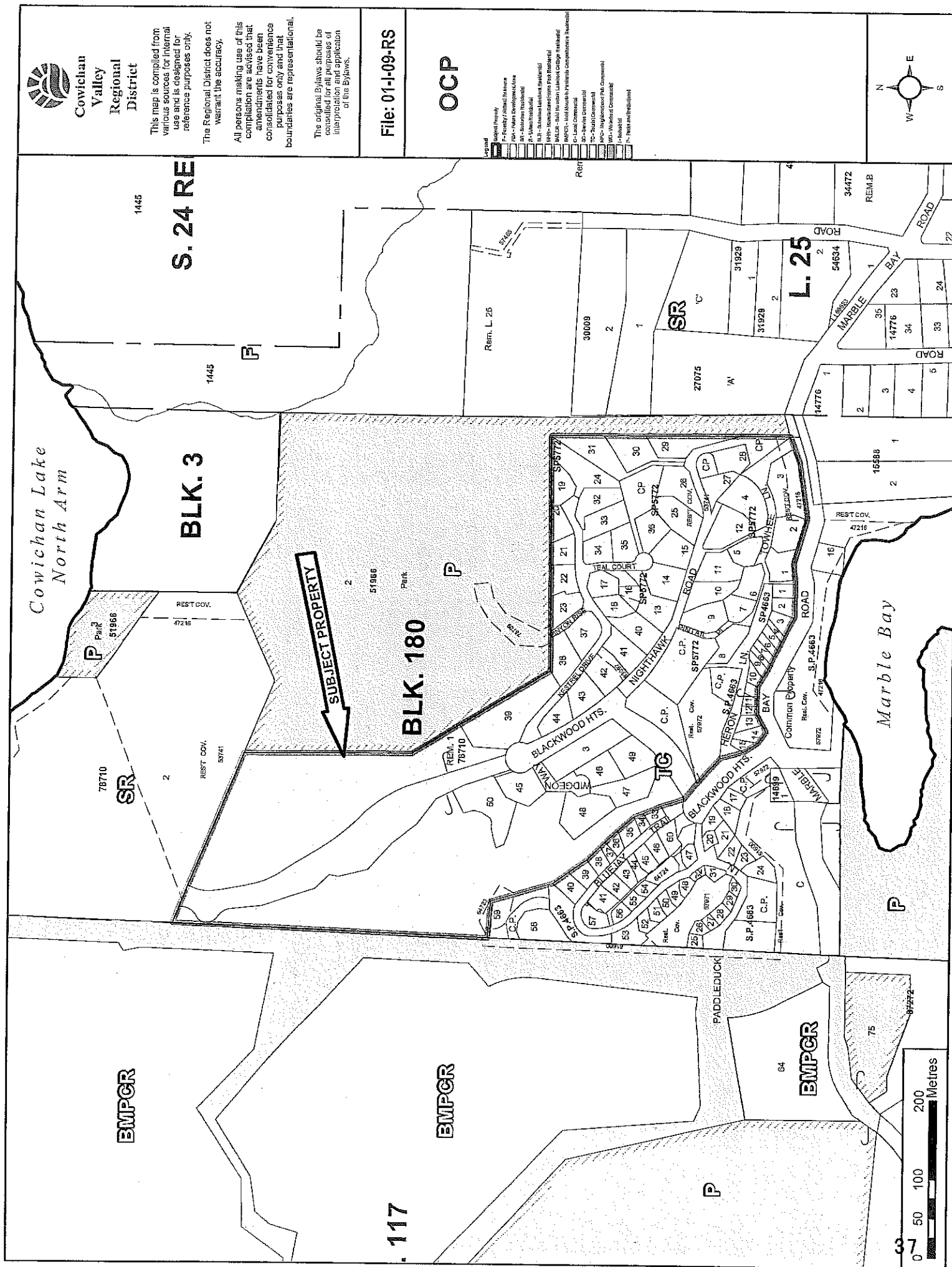
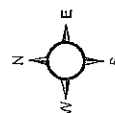
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File: 01-1-09-RS

[illegible]



Cowichan
Valley
Regional
District

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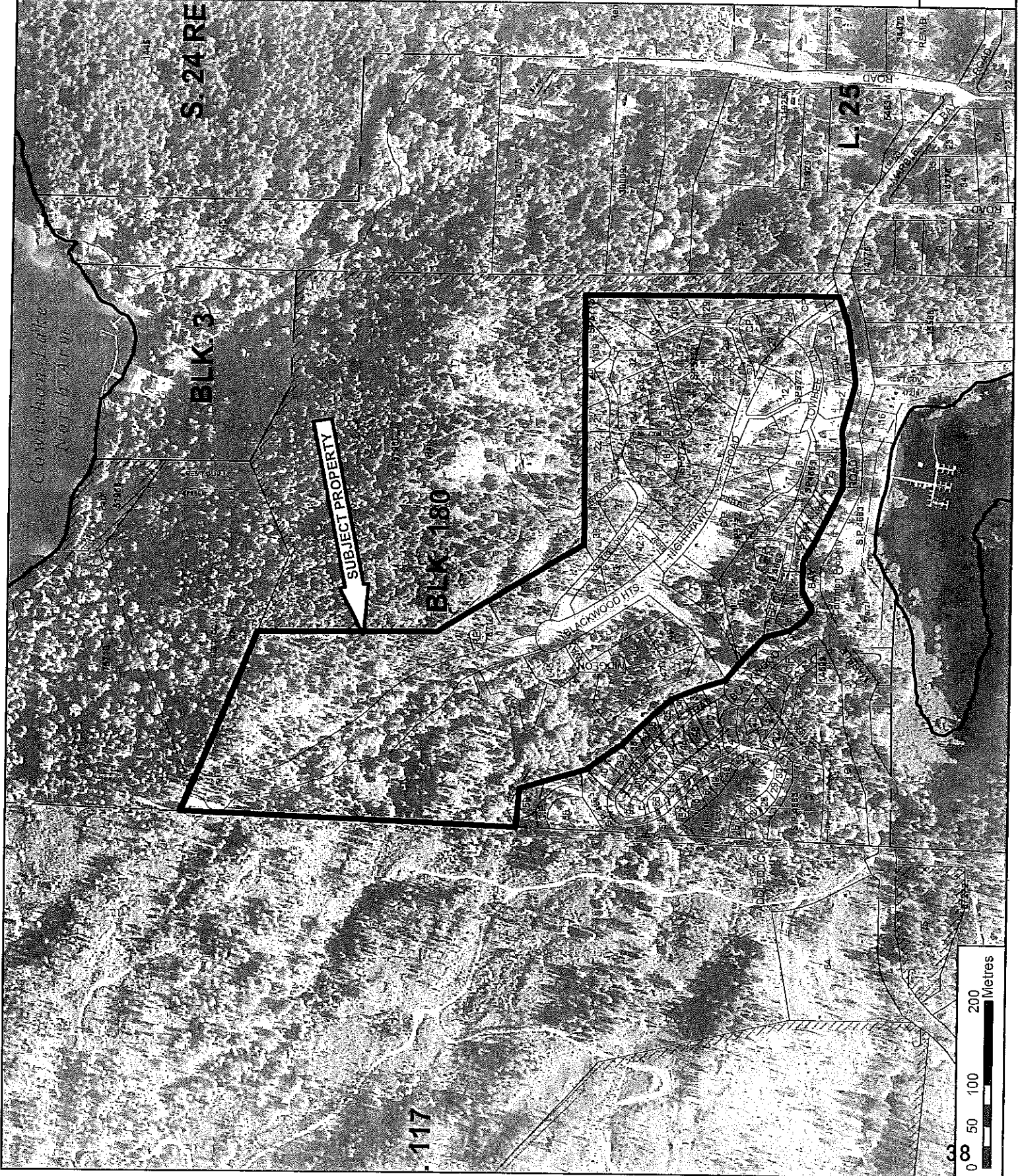
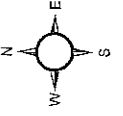
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Orthophoto (2004)

Legend



Subject Property



MINUTES OF ELECTORAL AREA I (YOUBOU/MEADE CREEK) AREA PLANNING COMMISSION MEETING

DATE: March 20, 2012

TIME: 7:00 pm

MINUTES of the Electoral Area I Planning Commission meeting held on the above noted date and time at the Youbou Upper Community Hall, Youbou BC. Call to order by Chairperson Mike Marrs at 7:02 pm.

PRESENT:

Chairperson: Mike Marrs

Vice-chairperson: George deLure

Members: Jeff Abbott, Shawn Carlow, Bill Gibson, Gerald Thom

ALSO PRESENT:

Director: Pat Weaver

Recording Secretary: Tara Daly

REGRETS:

GUESTS:

Mike Tippet, Manager, Community and Regional Planning

Dave Leitch, Manager, Water Management

Dana Leitch, Planner II

Applicants: Rob, Karen, Tony, and Rick

AGENDA:

It was moved and seconded that the agenda be accepted.

MOTION CARRIED

MINUTES:

It was moved and seconded that the minutes of February 7, 2012 be accepted as circulated.

MOTION CARRIED

DELEGATIONS:

1) Development Permit Application No. 1-I11DP/RAR (Day/Beausoleil)

- Presentation by applicants
- Questions from APC members
- Clarification by Staff

It was moved and seconded to recommend to the Electoral Area Services Committee that the existing building can remain where it is if more work is done between CVRD Staff and the applicant to arrive at a solution which will confirm no net loss of habitat and illustrate future protection of riparian area.

MOTION CARRIED



**MINUTES OF ELECTORAL AREA I (YUBOU/MEADE CREEK)
AREA PLANNING COMMISSION MEETING**

DATE: April 3, 2012
TIME: 7:00 pm

MINUTES of the Electoral Area I Planning Commission meeting held on the above noted date and time at the Youbou Upper Community Hall, Youbou BC. Called to order by Chairperson Mike Marrs at 7:10 pm.

PRESENT:

Chairperson: Mike Marrs
Vice-chairperson: George deLure
Members: Jeff Abbott, Shawn Carlow, Bill Gibson, Gerald Thom

ALSO PRESENT:

Recording Secretary: Tara Daly

REGRETS:

Director: Pat Weaver

GUESTS:

Mike Tippet, Manager, Community and Regional Planning
Dana Leitch, Planner II
Applicant: Rick Bourque

AGENDA:

It was moved and seconded that the agenda be accepted.

MOTION CARRIED

MINUTES:

It was moved and seconded that the minutes of March 20, 2012 be accepted as circulated.

MOTION CARRIED

DELEGATIONS:

M. Marrs brought forward Rezoning Application No. 1-I-09RS (Rick Bourque) for further consideration by the Commission.

- 1) Rezoning Application No. 1-I-09RS (Rick Bourque) for the Cottages at Marble Bay
 - Staff noted that an affirmative recommendation by the Commission would move the application to a Public Hearing

5. That the Regional District accept the applicant's request to hold file No. 6-A-09RS (Topping/Quek/Van Der Have/Walker) in abeyance in order to provide the CVRD with time to complete the Benko/Butterfield neighbourhood plan, to provide the applicants with time to complete traffic, transit and engineering studies, to hold further discussions with CVRD departments and service providers (water, sewer and fire protection), and to consult with the community.
6.
 1. That Application No. 1-I-09RS (Van Isle Waterfront Development Corp.) be approved, with a new Recreational Zone being introduced for the subject lands and the unsubdivided C-4 Zoned area to the north, with a 0.16 hectare minimum parcel size, with a complementary amendment to the Official Community Plan which would provide for the new zone and create a drainage development permit area, subject to covenants being entered into that would:
 - interdict the further subdivision of the remainder of the lands owned by the applicants until such time as the subject properties are part of a CVRD Community Sewer System and a CVRD Community Water System;
 - require at the time of subdivision of the remainder lands to the north of the subject properties, that the applicant undertakes to work with CVRD Parks and Trails Division to establish an east-west trail link of not less than 7 metres in width, to provide connectivity across the subject lands between Block 117 and Marble Bay Park for a trail alignment which meets CVRD Parks standards.
 - require the repair or removal, in accordance with accepted fire protection standards, of the underperforming fire hydrant in the development;
 2. That the appropriate amendment bylaws be prepared and forwarded to the Regional Board for consideration of first and second readings.
 3. That a public hearing be arranged and that the Directors for Electoral Area I, Area F and Area G, be delegated to the hearing.
 4. That the referral by way of mailed notification of the proposed amendment to Ditidaht First Nation, Cowichan Tribes, Lake Cowichan First Nation, Ministry of Transportation and Infrastructure, Lake Cowichan Volunteer Fire Department, VIHA, Ministry of Environment, School District 79 and CVRD Public Safety is accepted.
7. That Rezoning Application No. 2-E-11RS (Khalsa Diwan Societies) be presented at a public meeting to receive input from the community, and that the application and public meeting minutes be reviewed at a future EASC meeting; and further, that the draft zoning amendment bylaw be amended by changing the minimum parcel size for parcels served neither by a community water or sewer system in the proposed C-6 Zone from 1.0 hectares to 2.0 hectares.

B4
11-618 It was moved and seconded that "CVRD Bylaw No. 3562 – Arbutus Ridge Sewer System Management Amendment Bylaw, 2011", be adopted.

MOTION CARRIED

B5
11-619 It was moved and seconded that "CVRD Bylaw No. 3563 – Electoral Area C – Community Parks Park Land Acquisition Reserve Fund Expenditure (\$50,000) Bylaw, 2011", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B5
11-620 It was moved and seconded that "CVRD Bylaw No. 3563 – Electoral Area C – Community Parks Park Land Acquisition Reserve Fund Expenditure (\$50,000) Bylaw, 2011", be adopted.

MOTION CARRIED

B6
11-621 It was moved and seconded that 2nd reading of "CVRD Bylaw No.; 3498 – Electoral Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Bamberton Business Park Industrial), 2011", be rescinded.

MOTION CARRIED

B6
11-622 It was moved and seconded that "CVRD Bylaw No. 3498 – Electoral Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Bamberton Business Park Industrial), 2011" be granted 2nd reading as amended in accordance with EASC Recommendation No. 17.1 of November 1, 2011.

Opposed: Director Duncan

MOTION CARRIED

B7 and B8
11-623 It was moved and seconded that "CVRD Bylaw No. 3533 – Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (Bylaw Maintenance 2011), 2011", and "CVRD Bylaw No. 3463 – Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Area F Zoning Bylaw Maintenance 2011), 2011" be referred back to the Area I APC with a report back to the Electoral Area Services Committee.

MOTION CARRIED

B9 and B10
11-624 It was moved and seconded that "CVRD Bylaw No. 3564 – Youbou/Meade Creek Official Community Plan Amendment Bylaw (Van Island Waterfront Development Corp.), 2011", and "CVRD Bylaw No. 3565 – Area I – Youbou/Meade Creek Zoning Amendment Bylaw (Van Island Waterfront Development Corp.), 2011", be referred back to staff.

MOTION CARRIED

5.30 C-4 TOURIST COMMERCIAL 4 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the C-4 Zone:

1. Permitted Uses

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

- a. Convention facility;
- b. Golf course, pitch-and-putt course and driving range, including clubhouses, pro shops and similar ancillary facilities customarily incidental to golf course operation;
- c. Hotel, motel, campground (subject to CVRD Campsite Standards Bylaw No. 1520), resort;
- d. Marina operations, including accessory boat sales, rental and servicing, but excluding boat building and the rental of personal water craft vessels;
- e. Recreational facility;
- f. Restaurant;

The following accessory uses are permitted in the C-4 Zone:

- g. Buildings and structures accessory to a principal permitted use;
- h. Gift shop, accessory retail sales;
- i. Single family dwelling.

2. Minimum Parcel Size

The minimum parcel size in the C-4 Zone is:

- a. 0.2 hectares for parcels served by a community water and sewer system;
- b. 0.4 hectares for parcels served by a community water system only;
- c. 1 hectare for parcels served neither by a community water system or a community sewer system.

3. Number of Dwellings

Not more than one dwelling may be located on a parcel in the C-4 Zone, in association with a permitted principal use.

4. Setbacks

The minimum setback for buildings and structures in the C-4 Zone is 4.5 metres from all parcel lines.

5. Height

In the C-4 Zone, the height of all buildings and structures must not exceed 10 metres, except in accordance with Section 3.8 of this Bylaw.

6. Parcel Coverage

The parcel coverage in the C-4 Zone must not exceed 20 percent for all buildings and structures.

7. Parking and Loading

Off-street parking and loading spaces in the C-4 Zone must be provided in accordance with Sections 3.12 and 3.13 of this Bylaw.

EX044072

22 APR 2005 14 50

EX044071

LAND TITLE ACT
FORM C

(Section 219.81)

Province of British Columbia

GENERAL INSTRUMENT - PART I

(This area for Land Title Office use)

PAGE 1 of 6 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

W. DALE MURRAY, PEARLMAN LINDHOLM,

201 - 19 Dallas Road, Victoria, BC V8V 5A6

Telephone No. (250) 388-4433

File No. 00-1203/WDM/lc

BURNS SERVICES

Signature of Solicitor or his Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)

(LEGAL DESCRIPTION)

Lot 1, Block 180, Cowichan Lake District,

Plan VIP 78710

3. NATURE OF INTEREST:*

DESCRIPTION

DOCUMENT REFERENCE

PERSON ENTITLED TO INTEREST

(page and paragraph)

Covenant and Priority Agreements over
Mortgage No. EV141243, Assignment of
Rents No. EV141244, Mortgage No. EV141245
and Assignment of Rents No. EV141246

Entire Instrument

Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filled Standard Charge Terms

☐ D.F. No.

(b) Express Charge Terms

☒ Annexed as Part 2

(c) Release

☐ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):* VAN ISLE WATERFRONT DEVELOPMENT CORP., Inc. No. 222,889, GULF AND FRASER FISHERMEN'S CREDIT UNION, Reg. No. FI 95, and COOPER PACIFIC II MORTGAGE INVESTMENT CORPORATION, Inc. No. 646002

6. TRANSFEREE(S): (including postal address(es) and postal code(s))*

COWICHAN VALLEY REGIONAL DISTRICT, 175 Ingram Street, Duncan, BC V9L 1N8

7. ADDITIONAL OR MODIFIED TERMS:* N/A

8. EXECUTION(S): **This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Party(ies) Signature(s)


WILLIAM DALE MURRAY
 #201 - 19 DALLAS ROAD
 VICTORIA, BC V8V 5A6
 SOLICITOR
 PHONE: (250) 388-4433

Y	M	D
05	02	15

 VAN ISLE WATERFRONT
 DEVELOPMENT CORP. by its
 authorized signatory(ies):

Per:

PRINT NAME:

(Richard Bourque)

Per:

PRINT NAME:

OFFICER CERTIFICATION:

 Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the
Evidence Act, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in
 Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

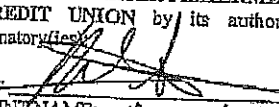

** If space insufficient, continue executions on additional page(s) in Form D.

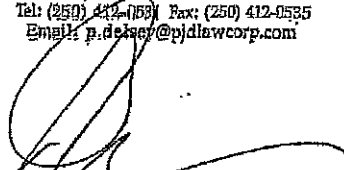
LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Transferor's
Signature(s)GULF AND FRASER FISHERMEN'S
CREDIT UNION by its authorized
signatory(ies)Per: 
PRINT NAME: M. T. ANDERSENPer: _____
PRINT NAME: _____COOPER PACIFIC II MORTGAGE
INVESTMENT CORPORATION by
its authorized signatory(ies):Per: 
PRINT NAME: M. COOPERPer: _____
PRINT NAME: _____

PATRICK J. DELSEY
 Barrister & Solicitor
 1220 - 1175 Douglas Street
 Victoria BC V8W 2E1
 Tel: (250) 412-0531 Fax: (250) 412-0535
 Email: p.delsey@pjdlawcorp.com


PATRICK J. DELSEY
 Barrister & Solicitor
 1220 - 1175 Douglas Street
 Victoria BC V8W 2E1
 Tel: (250) 412-0531 Fax: (250) 412-0535
 Email: p.delsey@pjdlawcorp.com

Y	M	D
05	02	15
05	02	15

OFFICER CERTIFICATION:

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- * If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
 ** If space insufficient, continue executions on additional page(s) in Form D.



COVENANT - PART 2 - EXPRESS CHARGE TERMS

COVENANT
(Section 219 of the Land Title Act
R.S.B.C. 1996, Chapter 250)

THIS AGREEMENT made the 15th day of February, 2005

BETWEEN:

VAN ISLE WATERFRONT DEVELOPMENT CORP.
(Incorporation No. 222,889), 1669 Cedar Avenue,
Victoria, BC V8P 1X1

(hereinafter called the "Grantor")

OF THE FIRST PART

AND:

COWICHAN VALLEY REGIONAL DISTRICT,
175 Ingram Street,
Duncan, BC V9L 1N8

(collectively called the "Grantee")

OF THE SECOND PART

WHEREAS:

- A. The Grantor is the registered owner of those lands and premises situate in the
Nanaimo/Cowichan Assessment District, in the Province of British Columbia,
described as:

LOT 1, BLOCK 180, COWICHAN LAKE DISTRICT,
PLAN VIP 78710
(hereinafter called the "Grantor's Land")



B. The Grantee has requested the Grantor to enter into a Covenant on the terms and conditions hereinafter contained, pursuant to Section 219 of the Land Title Act, with respect to the Grantor's Land.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the mutual covenants hereinafter contained and the sum of TEN (\$10.00) DOLLARS of lawful money of Canada paid by the Grantee to the Grantor (the receipt and sufficiency of which is hereby acknowledged) and pursuant to Section 219 of the Land Title Act of British Columbia, the Grantor does hereby covenant and agree to and with the Grantee as follows:

1. The Grantor's Land or any lot or lots created therefrom by subdivision or strata plan shall be used for no purposes other than recreational use. Recreational use shall include the maintenance of one recreational cabin per lot, having a building footprint of no greater than 102.3 square metres (1,100 square feet) in size, and a covered, unenclosed deck area attached to the cabin, not exceeding 30.7 square metres (330 square feet). No deck structure shall extend more than 3.7 metres (12 feet) from the foundation wall.
2. For the purposes of this Covenant, "recreational use" means occupation of the property for recreational purposes and not as a permanent residence, and "building footprint" means the total area of a building, measured on the ground, that is supported by concrete perimeter foundations, structural support columns and includes cantilevered enclosed floor area, but does not include deck area.
3. The Grantor will, upon the reasonable request of the Grantee, make, do, execute or cause to be made, done or executed all such further and other lawful acts, deeds, documents and assurances whatsoever for the better or for more perfect and absolute performance of the covenants, promises and agreements herein contained, and for obtaining the registration of this document in the Land Title Office at Victoria, British Columbia, and for that purpose shall obtain the consents as may be required from other persons having a registered interest in the Land for the purpose of obtaining registration of this document.

4. The restrictions herein contained and set out and the covenants to be performed herein shall be binding upon the registered owner, tenant, lessee or occupier of any interest in the Grantor's Land.
5. It is understood and agreed by and between the parties hereto that the words Grantor and Grantee wherever used in this Agreement shall include the parties hereto and their respective heirs, executors, administrators, successors and assigns.
6. The restrictions and covenants herein contained are perpetual and shall be registered against title of the Grantor's Land pursuant to Section 219 of the Land Title Act as covenants in favour of the Grantee which shall bind the Grantor, or any other owner of the Land from time to time, who will at all times act in accordance with the terms of this Agreement.
7. Wherever the singular or masculine are used throughout this Agreement, the same shall be construed as meaning the plural or feminine, or body corporate or politic where the context or the parties so require.
8. This Agreement shall enure to the benefit of, and be binding upon, the parties hereto and their respective heirs, executors, administrators, successors and assigns.

THIS IS THE INSTRUMENT CREATING THE COVENANT ENTERED INTO UNDER SECTION 219 OF THE LAND TITLE ACT BY THE REGISTERED OWNER REFERRED TO HEREIN AND INITIALED BY ME.



Approving Officer,
Minister of Transportation



April 2, 2006 (revision to February 10, 2006)

File No. 0400-01-EAI

Joe Bourque, President
Van Isle Waterfront Development Inc.
1669 Cedar Avenue
VICTORIA BC V8P 1X1

Dear Sir:

**RE: CVRD Takeover of the Sewer System for a
Proposed 65 Lot Development, Marble Bay**

Further to your letter of December 30, 2005, requesting that the CVRD take over the sewer system for your proposed 65-lot development in Marble Bay, the following resolution (No. 06-38-2) was ratified by the CVRD Board at their regular meeting of February 8, 2006:

"That the CVRD grant approval in principle for the takeover of the sewer system from Van Isle Waterfront Development Corporation for their proposed "Cottages at Marble Bay" development, as requested in their letter of December 30, 2005, subject to the following conditions:

- .1 that consent of the owners to incorporate Phase 1 into a service area be obtained through a petition process;*
- .2 that the sewage system preliminary concepts, detailed design and installation are approved by Engineering Services staff to ensure compliance with CVRD design standards and Subdivision Bylaw 1215;*
- .3 that the sewage disposal site has adequate capacity for the proposed loading and a statutory right-of-way, using CVRD Standard Charge Terms, be provided for all sewerage works located on private property;*
- .4 The owner/developer have their consultant, J.E. Anderson & Associates, prepare and submit a registration of discharge form, operation plan, environmental impact statement and all other necessary documentation to the Ministry of Environment;*
- .5 that Transfer of Assets Agreements be executed between the CVRD and the Strata Corporation for Phase 1 and between the CVRD and the owner/developer for Phase 2 of the development;*
- .6 that the developer provide a two-year warranty on the completed sewer system, backed by suitable bonding;*
- .7 that the developer provide a suitable reserve fund to start off the sewer function;*

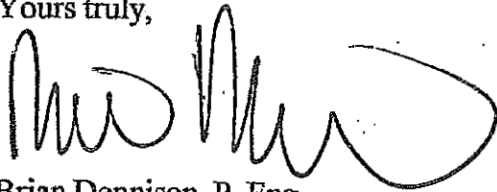
.../2

8 that completed as-built drawings and receipt of reserve funds must be received by the Engineering Services Department prior to sign-off on lot registration;

and further that staff be directed to create a sewer service for this system."

Please contact the undersigned or Louise Knodel-Joy, Engineering Technologist, if you wish to discuss the above conditions in further detail.

Yours truly,



Brian Dennison, P. Eng.,
Manager, Engineering Services

jlb

pc:

Director Hodson, Electoral Area I
David Leitch, Outside Operations Manager
Louise Knodel-Joy, Engineering Technologist

File: Bath\CU\MOTIONS\MarbleBaySewer&WaterAg-0ct1905.doc

20

EX044070

22 APR 2005 14:50

EX044069

LAND TITLE ACT
FORM C

(Section 219.81)

Province of British Columbia

GENERAL INSTRUMENT - PART I

(This area for Land Title Office use)

PAGE 1 of 7 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

W. DALE MURRAY, PEARLMAN LINDHOLM,

201 - 19 Dallas Road, Victoria, BC V8V 5A6

Telephone No. (250) 388-4433

File No. 00-1203/WDM/lc/Van Isle Waterfront Development Corp.

BURNS SERVICES

Signature of Solicitor or his Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)

(LEGAL DESCRIPTION)

026-276-879

Lot 3, Block 180, Cowichan Lake District,

Plan VIP 78710

3. NATURE OF INTEREST:*

DESCRIPTION

DOCUMENT REFERENCE

PERSON ENTITLED TO INTEREST

(page and paragraph)

Covenant and Priority Agreements over
Mortgage No. EV141243, Assignment of
Rents No. EV141244, Mortgage No. EV141245
and Assignment of Rents No. EV141246

Entire Instrument

Transferee

01 05/04/22 14:50:49 01 VI
CHARGE629472
\$129.50

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms

☐ D.F. No.

(b) Express Charge Terms

☒ Annexed as Part 2

(c) Release

☐ There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):* VAN ISLE WATERFRONT DEVELOPMENT CORP., Inc. No. 222,889, GULF AND FRASER FISHERMEN'S CREDIT UNION, Reg. No. FI 95, and COOPER PACIFIC II MORTGAGE INVESTMENT CORPORATION, Inc. No. 646002

6. TRANSFEREE(S): (including postal address(es) and postal code(s))* HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA AS REPRESENTED BY THE MINISTER OF TRANSPORTATION, #240 - 4460 Chatterton Way, Victoria, BC V8X 5J2 and COWICHAN VALLEY REGIONAL DISTRICT, 175 Ingram Street, Duncan, BC V9L 1N8

7. ADDITIONAL OR MODIFIED TERMS: N/A

8. EXECUTION(S): **This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Party(ies) Signature(s)

WILLIAM DALE MURRAY

#201 - 19 DALLAS ROAD
VICTORIA, BC V8V 5A6
SOLICITOR
PHONE: (250) 388-4433

Y	M	D
05	02	15

VAN ISLE WATERFRONT
DEVELOPMENT CORP. by its
authorized signatory(ies):

Per:

PRINT NAME:

Per:

PRINT NAME:

OFFICER CERTIFICATION:


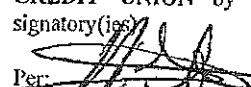
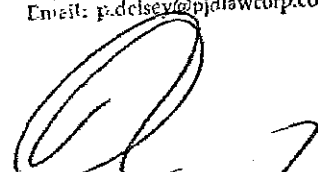

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue execution on additional page(s) in Form D.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date	Transferor's Signature(s)
	Y M D	
 PATRICK J. DELSEY Barrister & Solicitor 1220 - 1175 Douglas Street Victoria BC V8W 2E1 Tel: (250) 412-0531 Fax: (250) 412-0535 Email: p.delsey@pjdlawcorp.com	05 02 15	GULF AND FRASER FISHERMEN'S CREDIT UNION by its authorized signatory(ies):  Per: _____ PRINT NAME: M.T. ANDERSEN
 PATRICK J. DELSEY Barrister & Solicitor 1220 - 1175 Douglas Street Victoria BC V8W 2E1 Tel: (250) 412-0531 Fax: (250) 412-0535 Email: p.delsey@pjdlawcorp.com	05 02 15	COOPER PACIFIC II MORTGAGE INVESTMENT CORPORATION by its authorized signatory(ies):  Per: _____ PRINT NAME: M. COOPER

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.



COVENANT - PART 2 - EXPRESS CHARGE TERMS

COVENANT
(Section 219 of the Land Title Act
R.S.B.C. 1996, Chapter 250)

THIS AGREEMENT made the 15th day of February, 2005

BETWEEN:

VAN ISLE WATERFRONT DEVELOPMENT CORP.
(Incorporation No. 222,889), 1669 Cedar Avenue,
Victoria, BC V8P 1X1

(hereinafter called the "Grantor")

OF THE FIRST PART

AND:

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA AS REPRESENTED BY THE MINISTER
OF TRANSPORTATION,**
#240 - 4460 Chatterton Way,
Victoria, BC V8X 5J2

and

COWICHAN VALLEY REGIONAL DISTRICT,
175 Ingram Street,
Duncan, BC V9L 1N8

(collectively called the "Grantees")

OF THE SECOND PART



WHEREAS:

- A. The Grantor is the registered owner of those lands and premises situate in the Nanaimo/Cowichan Assessment District, in the Province of British Columbia, described as:

LOT 3, BLOCK 180, COWICHAN LAKE DISTRICT,
PLAN VIP 78710
(hereinafter called the "Grantor's Land")

- B. The Grantor's Land is intended to be used as a sewage treatment and disposal site for a bare land strata lot development being created by the Grantor
- C. The Grantees have requested the Grantor to enter into a Covenant on the terms and conditions hereinafter contained, pursuant to Section 219 of the Land Title Act, with respect to the Grantor's Land.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and of the mutual covenants hereinafter contained and the sum of TEN (\$10.00) DOLLARS of lawful money of Canada paid by the Grantees to the Grantor (the receipt and sufficiency of which is hereby acknowledged) and pursuant to Section 219 of the Land Title Act of British Columbia, the Grantor does hereby covenant and agree to and with the Grantees as follows:

1. The Grantor covenants and agrees with the Grantees that:
 - (a) The Grantor's Land shall not be used for any purpose other than sewage treatment and disposal and purposes ancillary thereto
 - (b) No habitable dwelling or other improvement shall be constructed nor manufactured or mobile home located on the Grantor's Land without the prior approval in writing of the Grantees, and



(c) There shall be no further subdivision of the Grantor's Lands without the approval of the Grantees


2. The Covenants herein shall terminate at such time as all strata lots using the Grantor's Land for sewage treatment and disposal shall be connected to a public sewage system, or such alternative system for the treatment and disposal of sewage as shall be acceptable to the Grantees with the effect that the Grantor's Land is no longer required by the strata lots for sewage treatment and disposal and the Grantees agree to provide a release, with respect to this covenant at such time as:

(a) all strata lots have been connected to a public sewage system or such other alternate system of sewage treatment and disposal as shall be acceptable to the Grantees, and

(b) the Grantees are satisfied that no health risk will result from the release of this Covenant and the subsequent use of the Grantor's Land for purposes other than those permitted herein


3. Notwithstanding anything herein provided, the Grantor shall not be prohibited from using, or granting licences or easements for the use of the Grantor's Land as a park or for recreational purposes, provided such use, licence or easement shall not interfere with the sewage treatment and disposal facilities on the Grantor's Land as aforesaid.

4. The Grantor will, upon the reasonable request of the Grantees, make, do, execute or cause to be made, done or executed all such further and other lawful acts, deeds, documents and assurances whatsoever for the better or for more perfect and absolute performance of the covenants, promises and agreements herein contained, and for obtaining the registration of this document in the Land Title Office at Victoria, British Columbia, and for that purpose shall obtain the consents as may be required from other persons having a registered interest in the Land for the purpose of obtaining registration of this document.



5. The restrictions herein contained and set out and the covenants to be performed herein shall be binding upon the registered owner, tenant, lessee or occupier of any interest in the Grantor's Land.
6. It is understood and agreed by and between the parties hereto that the words Grantor and Grantees wherever used in this Agreement shall include the parties hereto and their respective heirs, executors, administrators, successors and assigns.
7. The restrictions and covenants herein contained are perpetual and shall be registered against title of the Land pursuant to Section 219 of the Land Title Act as covenants in favour of the Grantees which shall bind the Grantor, or any other owner of the Grantor's Land from time to time, who will at all times act in accordance with the terms of this Agreement.
8. Wherever the singular or masculine are used throughout this Agreement, the same shall be construed as meaning the plural or feminine, or body corporate or politic where the context or the parties so require.
9. This Agreement shall enure to the benefit of, and be binding upon, the parties hereto and their respective heirs, executors, administrators, successors and assigns.

THIS IS THE INSTRUMENT CREATING THE COVENANT ENTERED INTO UNDER SECTION 219 OF THE LAND TITLE ACT BY THE REGISTERED OWNER REFERRED TO HEREIN AND INITIALED BY ME.



Approving Officer,
Minister of Transportation



CONSENT TO PRIORITY

GULF AND FRASER FISHERMEN'S CREDIT UNION hereby consents to the registration of the Restrictive Covenant granted herein in priority to Mortgage No. EV141243 and Assignment of Rents No. EV141244.

**GULF AND FRASER FISHERMEN'S
CREDIT UNION** by its authorized
Signatory(ies):

Per: 

Print Name: M. T. ANDERSEN

Per: _____

Print Name: _____

CONSENT TO PRIORITY

COOPER PACIFIC II MORTGAGE INVESTMENT CORPORATION hereby consents to the registration of the Restrictive Covenant granted herein in priority to Mortgage No. EV141245 and Assignment of Rents No. EV141246.

**COOPER PACIFIC II MORTGAGE
INVESTMENT CORPORATION**
by its authorized Signatory(ies):

Per: 

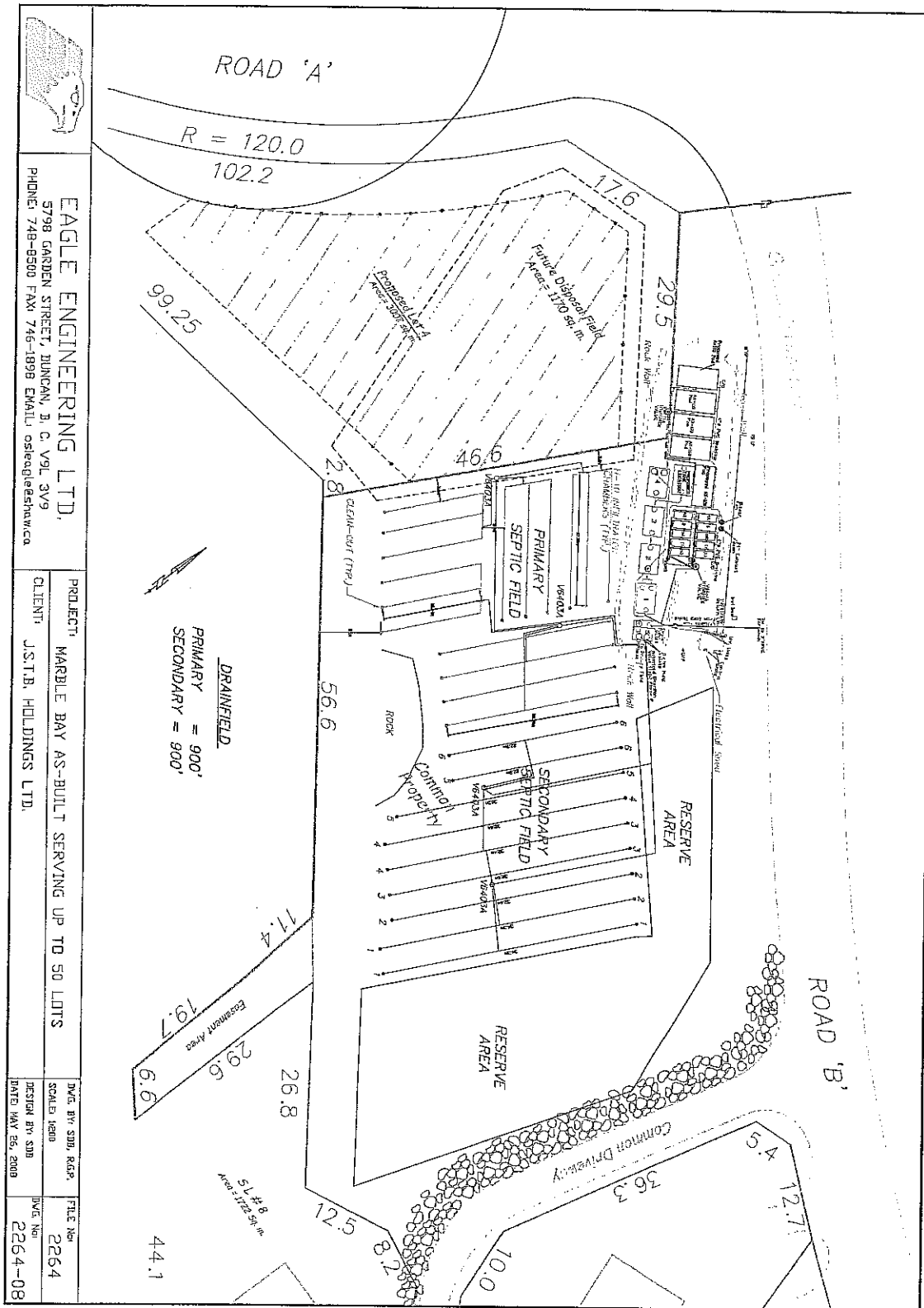
Print Name: M. COOPER

Per: _____

Print Name: _____

END OF DOCUMENT





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3XXX

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 2465, Applicable To Electoral Area I – Youbou/Meade Creek

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area I – Youbou/Meade Creek, that being Zoning Bylaw No. 2465;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 2465;

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

1. CITATION

This bylaw shall be cited for all purposes as "CVRD Bylaw No. 3XXX - Area I – Youbou/Meade Creek Zoning Amendment Bylaw (Van Isle Waterfront Development Corp), 2012".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 2465, as amended from time to time, is hereby amended as follow:

A. That the following definition be added to Section 1.3

"building footprint" means the total area of a building, measured on the ground level, which is supported by a concrete perimeter foundation, structural support columns and includes cantilevered enclosed floor area, but does not include deck areas;

"recreational residence" means a building similar to a single family residence, which may be either occupied seasonally or full-time by one or more persons, and which may also be rented on a commercial basis, for short-term stays;

- B. That Part 5 be amended by adding the following after Section 5.11

5.11A LR-11 LAKEVIEW RECREATIONAL 11 ZONE

Subject to compliance with the general regulations detailed in Parts 3 of this Bylaw, the following regulations shall apply to the LR-11 Zone:

1. Permitted Uses

The following uses and no others are permitted in an LR-11 Zone:

- a) Recreational residence

The following accessory uses are permitted in the LR-11 Zone:

- b) Community service facility;
c) Home office;
d) Buildings and structures accessory to a principal permitted use.

2. Minimum Parcel Size

The minimum parcel size in the LR-11 Zone is 1600 m².

3. Servicing

All parcels in the LR-11 Zone shall be connected to a community sewer system and a community water system.

4. Number of Recreational Residences

Not more than one recreational residence is permitted on a parcel that is zoned LR-11.

5. Footprint Area

The maximum footprint area for a recreational residence on a parcel in the LR-11 Zone is 105 m², plus a covered, unenclosed deck attached thereto not exceeding 31 m² and not extending more than 3.7 metres from a foundation wall.

6. Setbacks

The following minimum setbacks apply in the LR-11 Zone:

Type of Parcel Line	Residential and Accessory Buildings and Structures
Front Parcel Line	4.5 m
Interior Side Parcel Line	4.5 m
Exterior Side Parcel Line	4.5 m
Rear Parcel Line	4.5 m

7. Height

The following maximum height regulations apply in the LR-11 Zone:

- a) Principal Buildings and structures 10 m
- b) Accessory buildings and structures 6 m

8. Parcel Coverage

The parcel coverage shall not exceed 20 percent for all buildings and structures in the LR-11 Zone

9. Parking

Off-street parking shall be provided in accordance with Section 3.14 of this Bylaw.

- C. That Part 4 Creation of Zones, Section 4.1 be amended by adding the following to the Zones Table:

“LR-11 Lakeview Recreational 11 Zone”

- D. That Appendix One – Minimum Parcel Size Summary be amended by adding minimum parcel size for the LR-11 zone.

- E. That Schedule A (Zoning Map) to Electoral Area I – Youbou/Meade Creek Zoning Bylaw No. 2465 be amended by rezoning Block Strata Plan VIS 5772, Block 180, Cowichan Lake District; and Remainder of Lot 1, Blok 180, Cowichan Lake District, Plan VIP78710 as shown outlined in a solid black line and shaded in gray on Schedule A attached hereto and forming part of this bylaw, numbered Z-3XXX, from C-4 (Tourist Commercial 4 Zone) to LR-11 (Lakeview Recreational 11 Zone).

3. **CAPITAL EXPENDITURE PROGRAM**

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

READ A FIRST TIME this _____ day of _____, 2012.

READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3XXX

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 2650, Applicable To Electoral Area I – Youbou/Meade Creek

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

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area I – Youbou/Meade Creek, that being Official Community Plan Bylaw No. 2650;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 2650;

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

1. CITATION

This bylaw shall be cited for all purposes as "CVRD Bylaw No. 3XXX – Area I – Youbou/Meade Creek Official Community Plan Amendment Bylaw (Van Isle Waterfront Development), 2012".

2. AMENDMENTS

Cowichan Valley Regional District Official Community Plan Bylaw No. 2650, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. CAPITAL EXPENDITURE PROGRAM

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

... /2

READ A FIRST TIME this _____ day of _____, 2012.

READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3XXX

Schedule A to Official Community Plan Bylaw No. 2650, is hereby amended as follows:

1. That Policy 5.9.1 be added immediately after Policy 5.9 under the Tourist Recreational Commercial Policies:

POLICY 5.9.1: Lands within the Cottages at Marble Bay Development do not restrict occupancy for any one person to a total of twenty-two weeks per calendar year; occupancy is permitted on a year-round basis.

2. That the following be added after Section 17.8

18. WATER MANAGEMENT DEVELOPMENT PERMIT AREA

POLICY 18.1 CATEGORY

The Water Management Development Permit Area is designated pursuant to Section 919. 1(a) and (b) of the Local Government Act for the purpose of protecting the natural environment, its ecosystems and biological diversity and the protection of development from hazardous conditions.

POLICY 18.2 SCOPE

The Water Management Development Permit Area applies only to lands shown on Map 18.1 Water Management Development Permit Area, within Electoral Area I.

POLICY 18.3 JUSTIFICATION

Poor development practices can lead to increased stormwater runoff which in turn can cause erosion, slope instability and flooding, and negatively impact neighboring properties, washing out roads and contaminating nearby watercourses, including Marble Bay.

POLICY 18.4 GUIDELINES

Prior to commencing any development on lands within the Water Management Development Permit Area, the owner shall submit information that demonstrates how the proposed development meets the following guidelines:

- a) Any development in the Water Management Development Permit Area should be carried out in a manner that limits storm flows. Impervious surfaces and new sources of runoff should be minimized to protect properties from flooding, erosion, or other undesirable impacts.

- b) A Stormwater Management Plan prepared by a registered professional engineer is required. The purpose of this plan is to strive to maintain post-development flows at pre-development levels, or lower through a number of techniques that would provide for onsite infiltration such as rain gardens, permeable landscaping, increased topsoil, permeable pavements, alternate road standards, swales, infiltrators and others, and a rainwater plan. The applicant should demonstrate where and how these techniques will be used. Figures for total imperviousness on sites within this development permit area should be calculated by the applicant and submitted at the time of development permit application. The development permit may specify maximum site impervious surface areas.
- c) Sites should be retained in their natural state where possible, protecting riparian areas and preserving indigenous vegetation and trees. Disturbance to vegetation should be minimized. This will aid in preserving the natural hydrology of the site and reduce the environmental impact associated with new development.
- d) The latest Best Management Practices for land development by the Ministry of Environment and Fisheries and Oceans Canada should be addressed in the application. On-site rainwater management techniques that do not impact surrounding lands, should be used, rather than traditional engineering methods.
- e) Riparian Area Regulation matters will be dealt with concurrently with this DPA, using the provisions of the Watercourse Protection DPA of this Bylaw.

POLICY 18.5 REQUIREMENTS

Before the CVRD authorizes the issuance of a development permit for a parcel of land in the Water Management Development Permit Area, the applicant for development permit shall submit a development permit application, which at minimum, shall include;

- (a) A written description of the proposed development
- (b) A scalable site plan that includes the following:
 - i. Parcel lines;
 - ii. Existing buildings;
 - iii. Proposed buildings;
 - iv. Location and extent of drainage routes;
 - v. Parking areas;
 - vi. Vehicular access points;
 - vii. Description and percentage of impervious surfaces;
 - viii. The perimeter of forested area and proposed areas to be cleared;
 - ix. Location and extent of drainage ditches and culverts.

POLICY 18.6 EXEMPTIONS FROM THE DEVELOPMENT PERMIT PROCESS

The terms of the Water Management Development Permit Area shall not apply to:

- (a) Interior renovations to existing buildings;
 - (b) Changes to the text or message on an existing sign allowed by a previous development permit.
- c) Construction of a single family dwelling or accessory building provided it adheres to the conditions outlined within the development permit issued at the time of subdivision.

POLICY 18.7 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 authorized entry of the Administrator, or person designated to act in the place of the Administrator;
- commits an offence under this Bylaw.

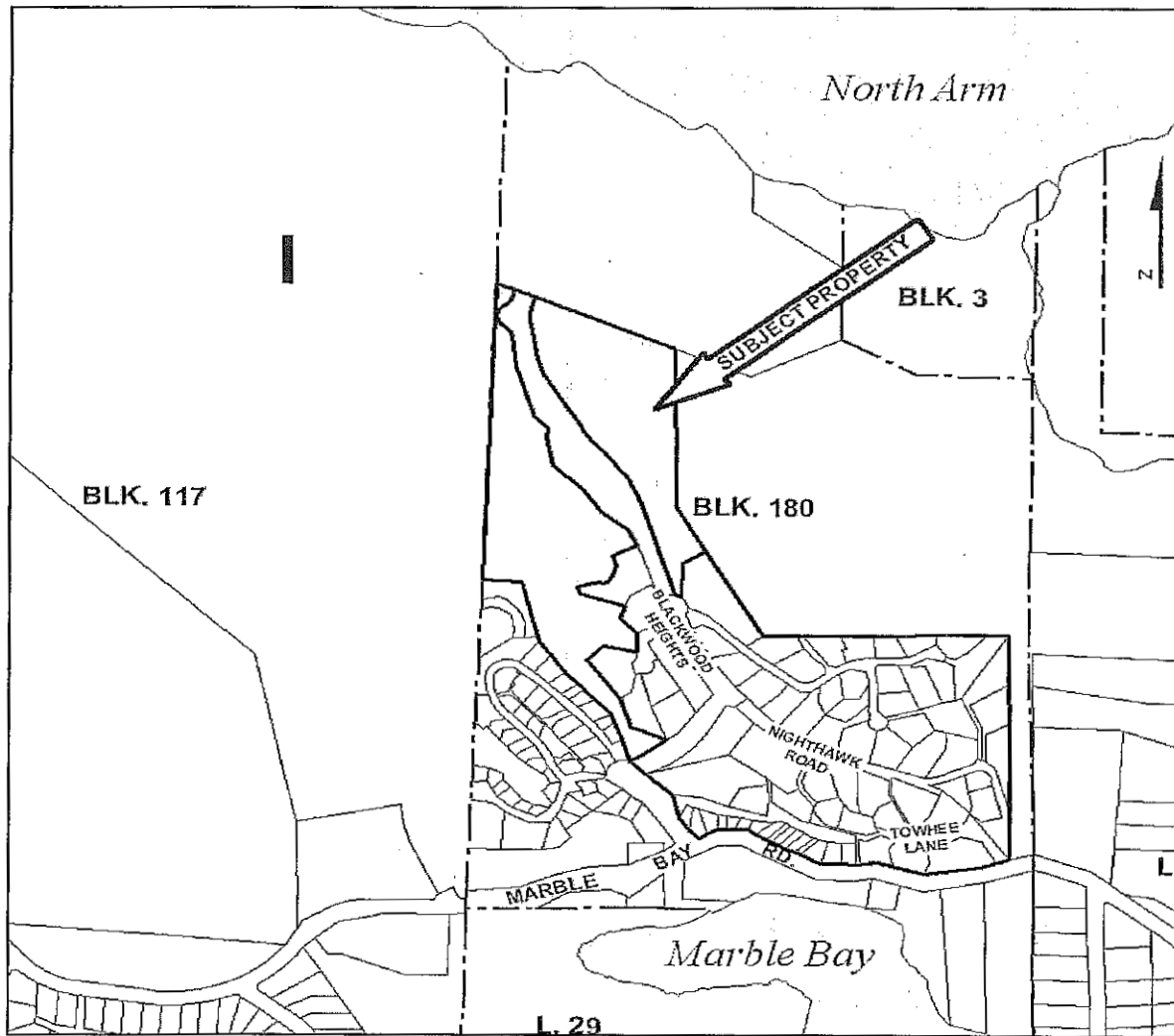
(b) Each day's continuance of an offense constitutes a new and distinct offence.

POLICY 18.8 CONCURRENT DEVELOPMENT PERMIT AREAS

Where more than one development permit area applies to land in the Water Management Development Permit Area, a single development permit may be applied for, and issued by development permit.

- 3. That MAP 18.1 Water Management Development Permit Area be added after Section 18.8.
- 4. That Section 18 Implementation and Administration be renamed to Section 19 and that it be renumbered accordingly.
- 5. That:
 - 1. The remainder of Lot 1, Block 180, Cowichan District Plan, VIP78710 as shown outlined in a solid black line and shaded in gray on Plan number Z-3213 attached hereto and forming Map 18.1 of this bylaw, be designated as Water Management Development Permit Area, and that Map 18.1 be added to be added to Official Community Plan Bylaw No. 2650.

MAP 18.1



WATER MANAGEMENT DEVELOPMENT PERMIT AREA



STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 1, 2012

DATE: April 23, 2012 FILE NO: 1-H-11 ALR
FROM: Rachelle Rondeau, MCIP, Planner I BYLAW NO: 1020
SUBJECT: ALR Application (1-H-11 ALR) Raymond and Robin Smith

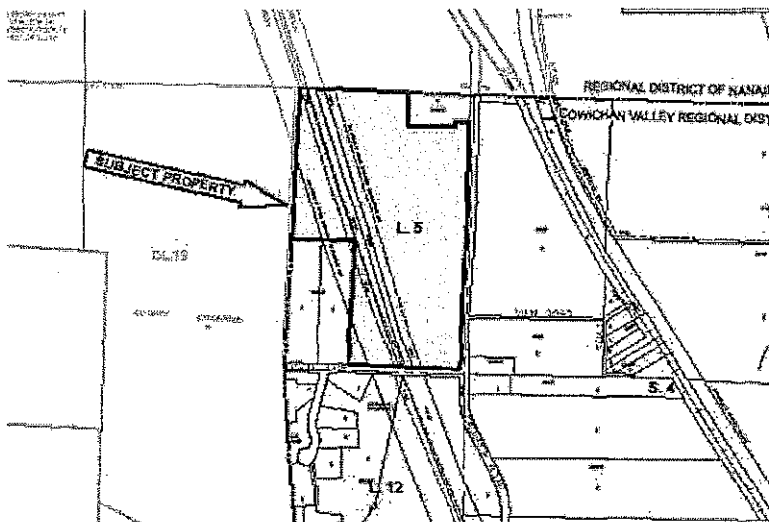
Recommendation/Action:

That Application No. 1-H-11ALR, submitted by Ray Smith, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling, be forwarded to the Agricultural Land Commission with a ***recommendation to approve the application.***

Relation to the Corporate Strategic Plan: N/A

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

Background:



Location of Subject Property: 13150 Cameron Road

Legal Description: District Lot 5, Bright District, Except Part in Plans 32170 and VIP82582 (PID: 008-720-398)

Application Received: December 12, 2011

Owner: Raymond and Robin Smith

Applicant: As above

Size of Parcel: ± 20 hectares (49.4 acres)

Existing Zoning: A-1 (Agricultural)

Minimum Lot Size: 12 hectares

Existing Plan Designation: Agricultural

Existing Use of Property: Residential and Agricultural

Use of Surrounding Properties:

West:	Residential/Hobby farm, Private tree farm and Crown Land (Regional District of Nanaimo)
North:	Fortis BC substation, private tree farm proposed for residential and commercial development (Regional District of Nanaimo)
South:	Residential and farm
East:	Farm, private forest land

Road Access: Cameron Road

Water: Well

Sewage Disposal: On-site septic

Agricultural Land Reserve Status: Property is located within the ALR

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

Environmentally Sensitive Areas: The Cowichan Valley Environmental Planning Atlas identifies both a TRIM and a non-TRIM¹ stream on the subject property. The proposed dwelling is not within 30 metres of any stream.

¹ TRIM refers to a map series produced by the Province using aerial photographs. Due to the scale of the mapping, there are some streams that are not identified through TRIM maps, and these are identified as non-TRIM streams

Soil Classification:

Canada Land Soil Classification Inventory Maps

±70% 5P (4T); ±15% 4W (2C) ±15% 3A (2C)

A P

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
2	-	30
3	15	-
4	15	70
5	70	-
7	-	-
TOTAL	100	100

Explanation of Land Capability Classifications:

- Class 2 lands have minor limitations, and can be managed with little difficulty
- Class 3 lands have moderate limitations for Agricultural Production
- Class 4 lands have limitations that require special management practices
- Class 5 lands have limitations that restrict capability to produce perennial forage crops
- Class 7 lands have no capability for arable culture
- Subclass "A" indicates soil moisture deficiency – improvable by irrigation
- Subclass "C" indicates adverse climate, thermal limitations to plant growth
- Subclass "P" indicates stoniness
- Subclass "T" indicates topography limitations – not improvable
- Subclass "W" indicates excess water

Property Context:

The subject property is a 20 ha parcel of land at the northern end of the CVRD in Electoral Area H. To the north and west of the property is the Regional District of Nanaimo. The applicants have owned the property since 2007, and would like to construct a dwelling. They have purchased and placed several school portable buildings that they would like to convert to a single family residence. There is currently one dwelling on the property, which is occupied by the previous owner who has a life estate on the property.

The soil capability maps indicate that the majority of the property is Class 5 and may be improved to Class 4 with stone picking and irrigation. The lands more immediately adjacent to the road can be improved to Class 2, which has only minor limitations for agriculture. The majority of the property is field, and which is used for hay production. Currently, on the property is the principal residence of the previous owner who still resides there, as well as a number of accessory buildings.

Policy Context:**Official Community Plan**

The Agricultural policies of Official Community Plan Bylaw No. 1497 guide development within lands designated as Agricultural and include the following:

Policy 5.1.3

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

Policy 5.1.6

Two dwellings may be permitted on a parcel designated Agricultural provided that the parcel is not less than two hectares in size. Only one single family dwelling may be permitted on any parcel less than two hectares in size. However, where lands are in the Agricultural Land Reserve and the additional dwelling is not necessary for farm purposes, Agricultural Land Commission approval is required before a second dwelling may be located on a parcel.

Zoning

The Zoning is A-1 (Primary Agricultural), which specifies that two single family residential dwellings or mobile homes are permitted on parcels 2.0 hectares or larger. In terms of additional dwellings, the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* permits only a secondary suite or a manufactured home for the owner's immediate family provided these are also permitted in the Zoning Bylaw. Any other type of residence is required to obtain approval from the Agricultural Land Commission (ALC) for a non-farm use.

Development Permit Area

The property is within the Cassidy Aquifer Development Permit Area (DPA), which requires a development permit prior to construction of more than one dwelling in the DPA. If the ALC approves the non-farm use application, a development permit will be required prior to construction of the second dwelling.

APC Comments:

The APC reviewed this application, and subsequently conducted a site visit on February 11, 2012. The APC further discussed and made a recommendation at their regular meeting March 8, 2012. At the time this report was prepared, the minutes were available only in draft form however, they noted APC concerns regarding the proposed use of the property as an equestrian centre and that this could reduce the viability of the land for food production. The APC also indicated that the location of the proposed residence has poorly drained soil and may be inappropriately sited.

The APC, therefore, recommended denial of the application to construct a second residence.

Planning Division Comments:

The applicants are requesting approval from the ALC for a second single family dwelling. There is an existing residence, and a new residence would be constructed using the school portables already on the site. Given the state of the existing residence, it is reasonable to assume that the applicants would like construct a new residence on the property. As there is a life lease on the property, the existing home will remain until it is no longer needed. However, in the meantime an application for a non-farm use is required in order to obtain permission to build what would now be considered a second residence.

The applicants intend to reside in the school portable residence while they develop the property as a farm and equestrian centre, which will be operated by their daughter when she moves to the property in approximately 2013. The residence must be wheel-chair accessible for their daughter, and once the existing principal residence is not required, their intention is to remove it and construct another new single family residence, which would still result in two dwellings on the property.

The applicants are requesting approval for two dwellings so that they do not need to make another application to the ALC when the time comes to build the second residence. However, the CVRD and the ALC may wish to evaluate the current application for a second residence, and review any subsequent applications for additional residences when the time comes, and when the siting of the future dwelling is better defined.

Given that the zoning does allow for two dwellings, it is reasonable to permit construction of a new residence for the owners. However, there is no obligation to endorse construction of another new dwelling on the property, while there is already one principal residence and one proposed second dwelling.

The A-1 Zoning permits two dwellings on parcels 2.0 hectares or larger, and as this proposal complies with the zoning it is not recommended to deny the application. Therefore, from a policy perspective this application for two dwellings on the subject property is recommended for approval.

The APC has indicated concerns regarding the suitability of the location of the dwelling given the agricultural potential of the land, and was not supportive of two dwellings. However, in the immediate term it would be appropriate for the ALC to review the application to determine whether the currently proposed second dwelling for the current owners is acceptable.

Options:

1. That Application No. 1-H-11ALR, submitted by Ray Smith, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling, be forwarded to the Agricultural Land Commission with a ***recommendation to approve the application***.
2. That Application No. 1-H-11ALR, submitted by Ray Smith, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling, be forwarded to the Agricultural Land Commission with ***no recommendation***.
3. That Application No. 1-H-11ALR, submitted by Ray Smith, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a second dwelling, be forwarded to the Agricultural Land Commission with a ***recommendation to deny the application***.

Option 1 is recommended.

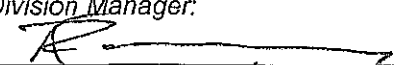
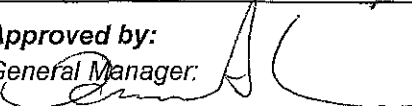
Submitted by,



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

RR/jah

Attachments

<p>Reviewed by: <i>Division Manager:</i> </p> <p>Approved by: <i>General Manager:</i> </p>
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Covichan Valley Regional District

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


The Regional District does not warrant the accuracy.

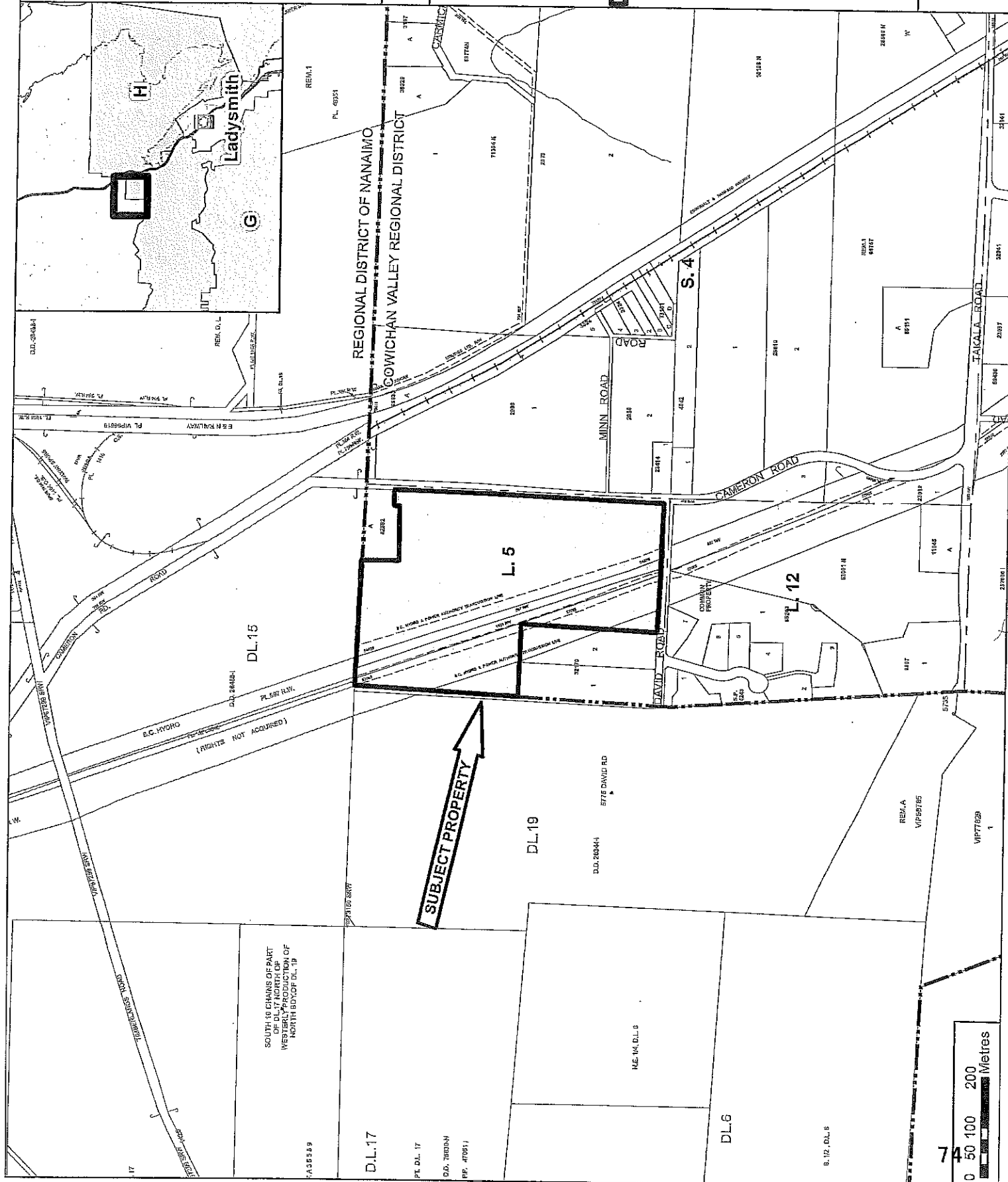
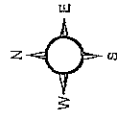
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

File: 01-H-11-ALR

Legend

 Subject Property





Cowichan
Valley
Regional
District

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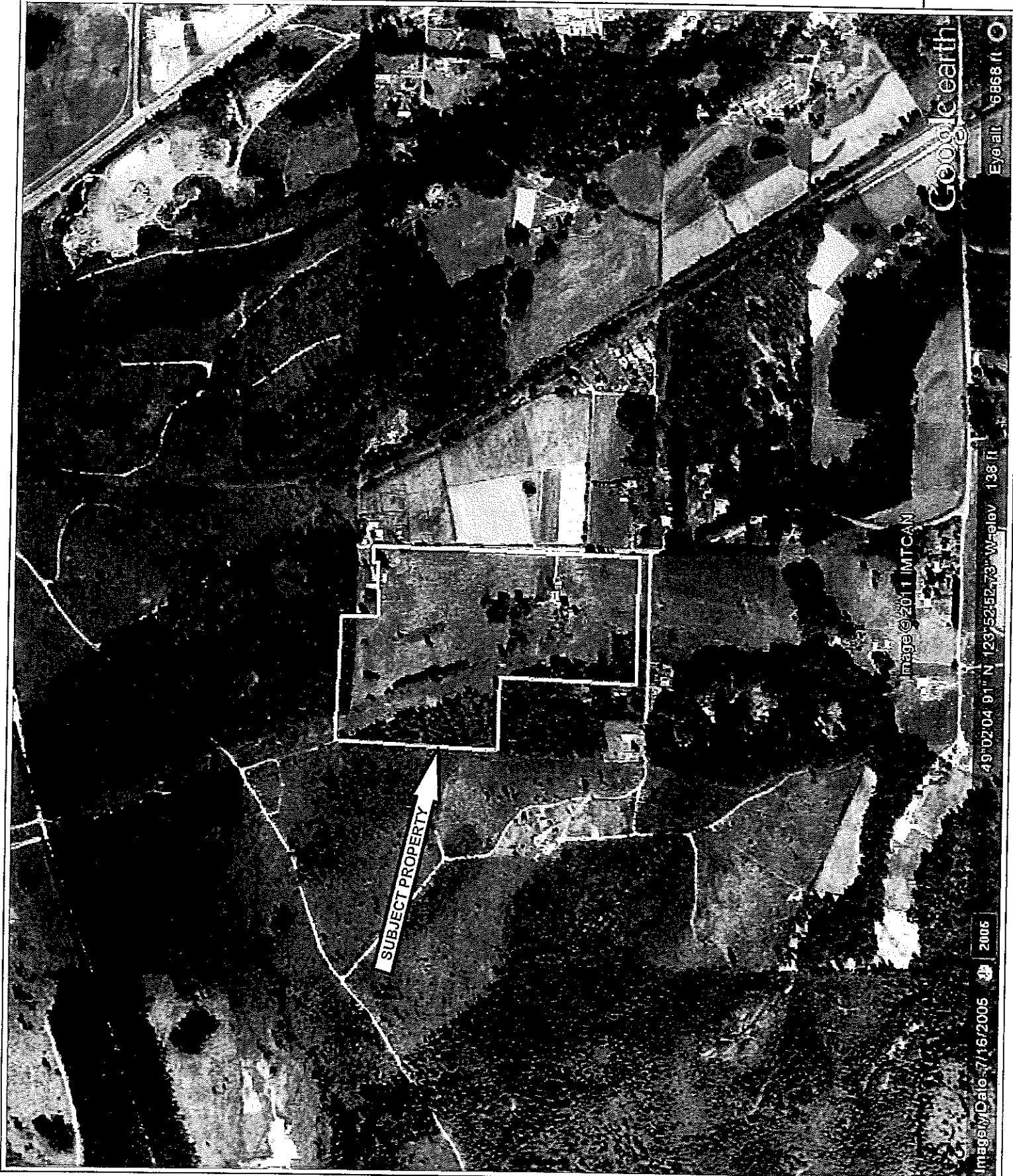
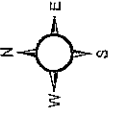
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warrant the accuracy.

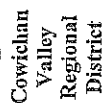
All persons making use of this
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The original Bylaws should be
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interpretation and application
of the Bylaws.

File: 01-H-11-ALR

Google Earth
Photo (2005)





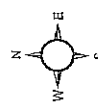
This map is compiled from various sources for internal use and is designed for reference purposes only.

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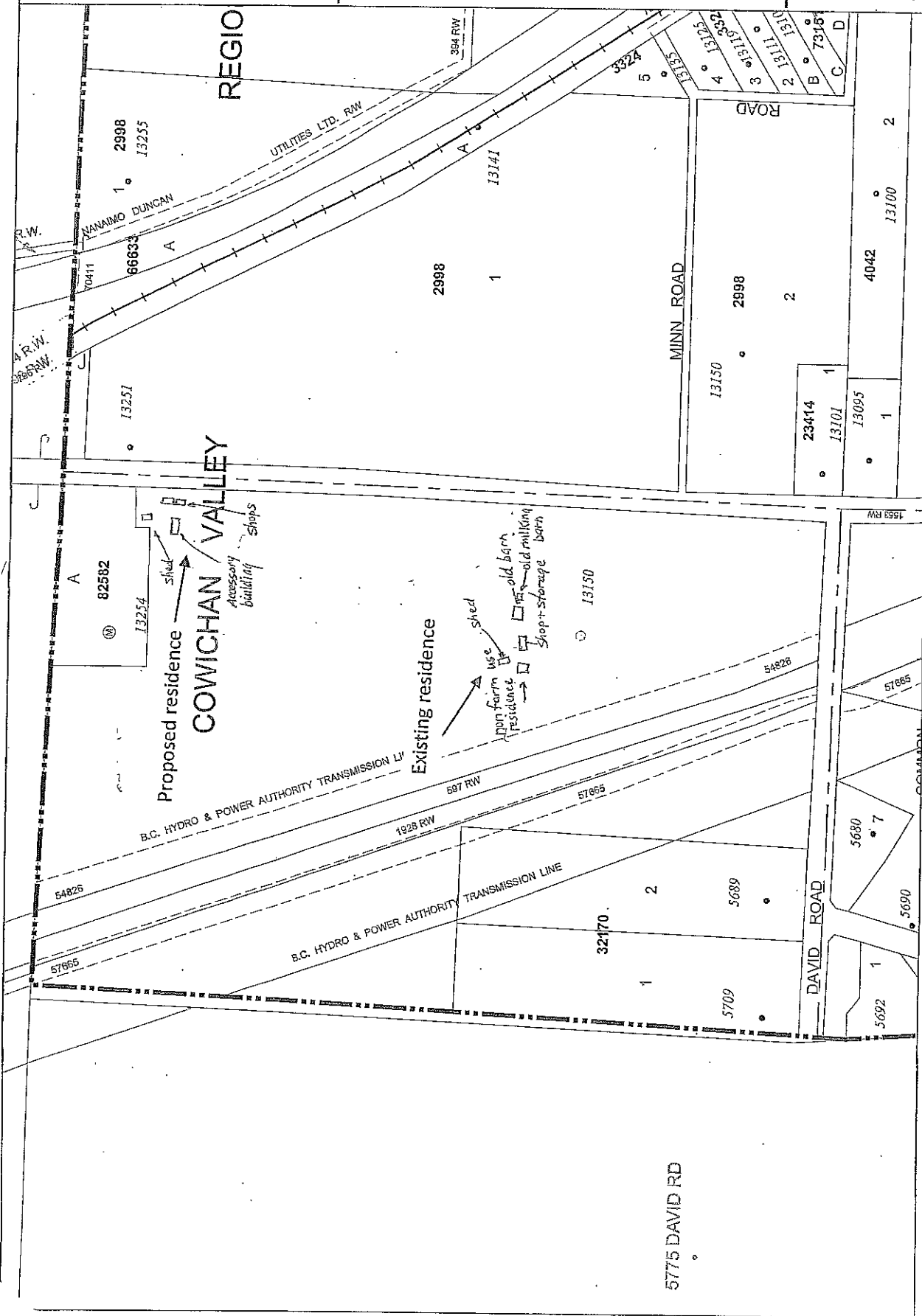
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Printed: December 12, 2011



Scale: 1:2,756





**Cowichan
Valley
Regional
District**

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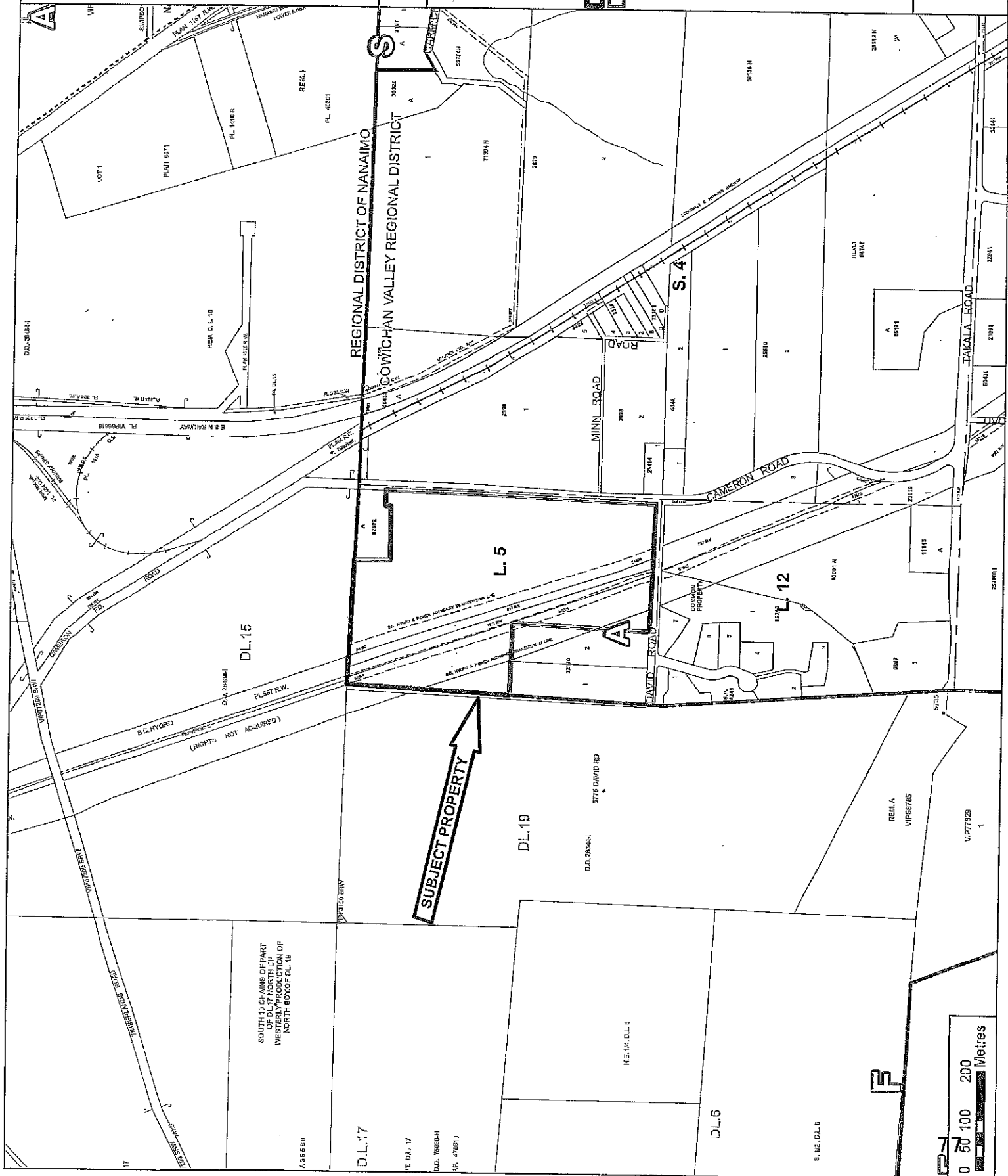
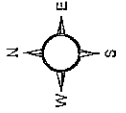
File: 01-H-11-ALR

OCP

Legend



Subject Property
OCP H





**Cowichan
Valley
Regional
District**

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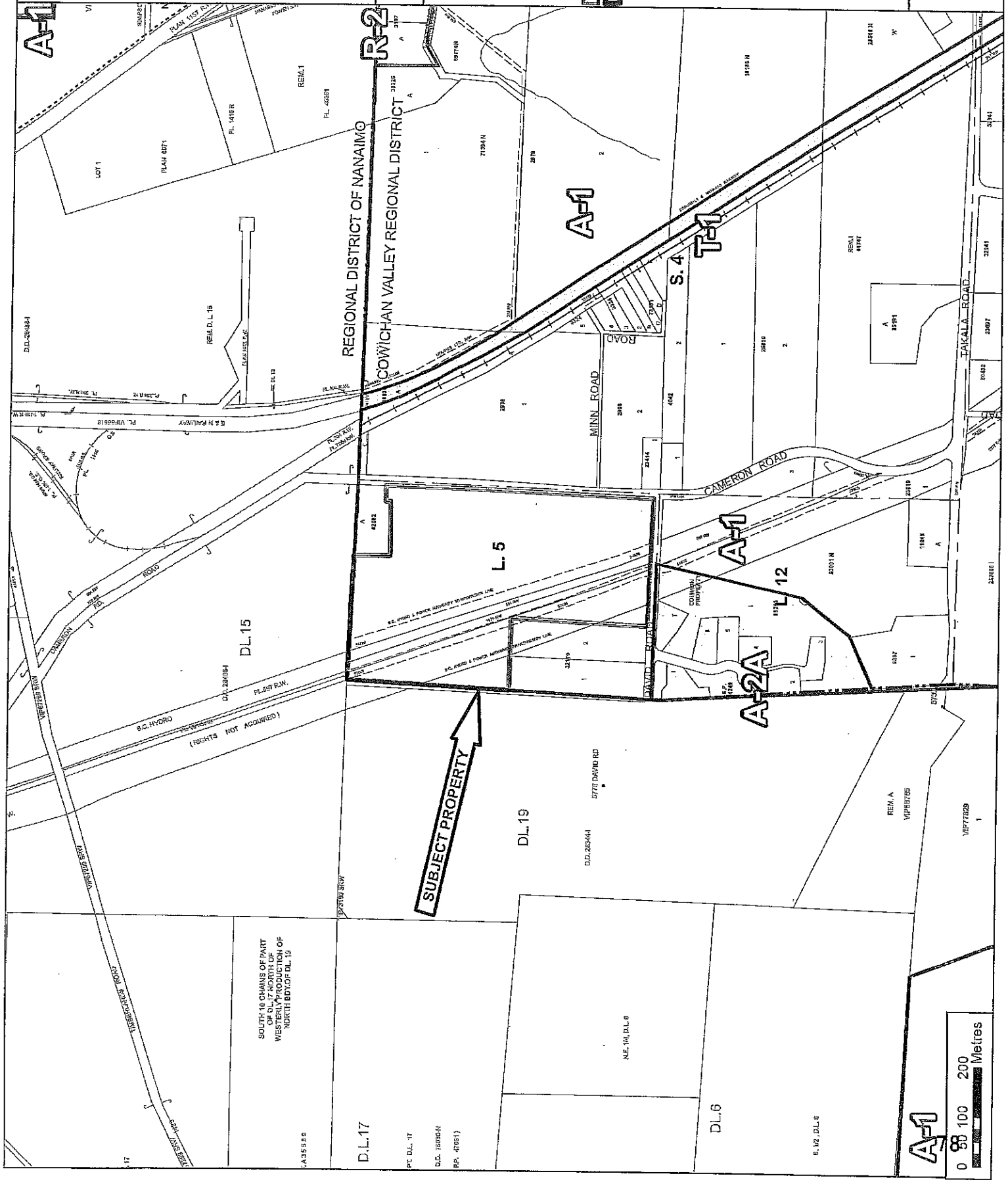
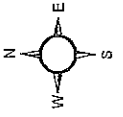
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-H-11-ALR

ZONING

Legend

- Zoning C
- Subject Property



A-1



**Cowichan
Valley
Regional
District**

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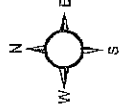
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File: 01-H-11-ALR

ALR

Legend





R4

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 1, 2012

DATE: April 25, 2012 FILE No: 1-C-12 DVP
FROM: Dana Leitch, Planner II BYLAW No: 1405
SUBJECT: Development Variance Permit Application No. 1-C-12 DVP
(Susan & Dominique Daviau)

Recommendation/Action:

That Development Variance Permit Application No. 1-C-12DVP by Susanne and Dominique Daviau to vary Section 8.3 (b)(3) of Zoning Bylaw No. 1405 by reducing the minimum setback from a front parcel line from 7.5 metres to 4.5 metres on Lot 2, Section 13, Range 6. Shawnigan District, Plan VIP86182, for the purpose of constructing a single family residential dwelling, be approved subject to the applicant providing a legal survey confirming compliance with approved setbacks.

Relation to the Corporate Strategic Plan: N/A

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

Background:

To consider an application to vary the setback from a front parcel line from 7.5 metres to 4.5 metres, to allow for the construction of a single family residential dwelling.

Location of Subject Property: Lot 2, Soren Place, Cobble Hill

Legal Description: Lot 2, Section 13, Range 6. Shawnigan District, Plan VIP86182

Date Application and Complete Documentation Received: April 12, 2012

Owners Susanne & Dominique Daviau

Applicants As above

Size of Lot: ± 901.1 m² (±0.09 ha)

Existing Zoning: R-3 (Urban Residential)

Minimum Lot Size Under Existing Zoning: 0.09 ha for parcels serviced by both a community water and community sewer system;
0.2 ha for parcels serviced by a community water system; and

2.0 ha for parcels not serviced by either a community water or community sewer system.

Existing Plan Designation: Residential

Existing Use of Property: Vacant Residential

Existing Use of Surrounding Properties:

North: R-3 (Urban Residential)
 South: R-3 (Urban Residential)
 East: R-3 (Urban Residential)
 West: R-3 (Urban Residential)

Services:

Road Access: Soren Place
 Water: (Cobble Hill) Community Water
 Sewage Disposal: (Cobble Hill) Community Sewer

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None have been identified.

Archaeological Site: None have been identified.

The Proposal:

The subject property is ± 0.09 ha (± 0.22 acres) in size and is zoned R-3 (Urban Residential). The property is located on Soren Place and is within the Cobble Hill Village Containment Boundary. In terms of topography the front yard is mostly level however, the property slopes towards the rear yard. The property is currently vacant.

The applicants are proposing to vary the 7.5 metre front parcel line setback by 3.0 metres in order to build a ± 2500 ft² single family residential dwelling 4.5 metres from the front parcel line. Placing the single family residential dwelling in the proposed location would allow the applicants to build their home on an irregular shaped parcel on the most level portion of the site without intruding into the statutory right of way that exists along the side interior and rear parcel lines. Without approval of the proposed variance application, the applicants would not be able to build their deck and back living space which would significantly impact the size of the dwelling that could be constructed (see attached explanatory plan of statutory right of way).

As an observation, approval of this variance would create a situation where from a streetscape level the proposed dwelling would be sited closer to the front parcel line than other existing homes in the subdivision.

Surrounding Property Owner Notification and Response:

A total of 25 letters were mailed out or hand delivered to adjacent property owners, pursuant to CVRD Development Application Procedures and Fee Bylaw No. 3275, which described the purpose of this application and requested comments on this variance within a specified time frame. No letters in opposition of the variance were received as of the date this report was written.

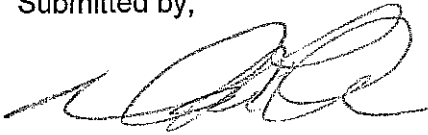
Staff are recommending that a development variance permit be issued because of the irregular shape of the parcel and the fact that there have been no objections to the proposed variance from adjacent property owners.

Options:

1. That Development Variance Permit Application No. 1-C-12 DVP by Susanne and Dominique Daviau to vary Section 8.3 (b)(3) of Zoning Bylaw No. 1405 by reducing the minimum setback from a front parcel line from 7.5 metres to 4.5 metres on Lot 2, Section 13, Range 6. Shawnigan District, Plan VIP86182, for the purpose of constructing a single family residential dwelling, be approved subject to the applicant providing a legal survey confirming compliance with approved setbacks.
2. That Development Variance Permit Application No. 1-C-12 DVP by Susanne and Dominique Daviau to vary Section 8.3 (b)(3) of Zoning Bylaw No. 1405 by reducing the minimum setback from a front parcel line from 7.5 metres to 4.5 metres on Lot 2, Section 13, Range 6. Shawnigan District, Plan VIP86182, for the purpose of constructing a single family residential dwelling, be denied.

Option 1 is recommended.

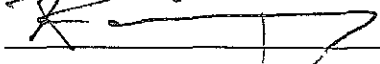

Submitted by,



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

DL/jah

Attachments

Reviewed by:	
<i>Division Manager:</i>	
Approved by:	
<i>General Manager:</i>	

8.3 R-3 ZONE - URBAN RESIDENTIAL

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following uses and no others are permitted in an R-3 Zone:

- (1) single family residential dwelling;
- (2) horticulture;
- (3) home craft;
- (4) bed and breakfast accommodation; and
- (5) daycare, nursery school accessory to a residence.
- (6) small suite and secondary suite on parcels 0.4 ha. or larger

(b) Conditions of Use

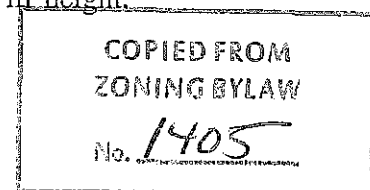
For any parcel in an R-3 Zone:

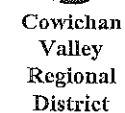
- (1) the parcel coverage shall not exceed 20 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 10 metres except for accessory buildings which shall not exceed a height of 7.5 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Residential Uses	COLUMN III Accessory to Residential Use
Front	7.5 metres	7.5 metres
Side (interior)	3.0 metres	1.0 metres
Side (exterior)	4.5 metres	4.5 metres
Rear	4.5 metres	1.0 metres

(c) Fence Height

No fence or wall in this zone shall exceed 1.8 metres in height.



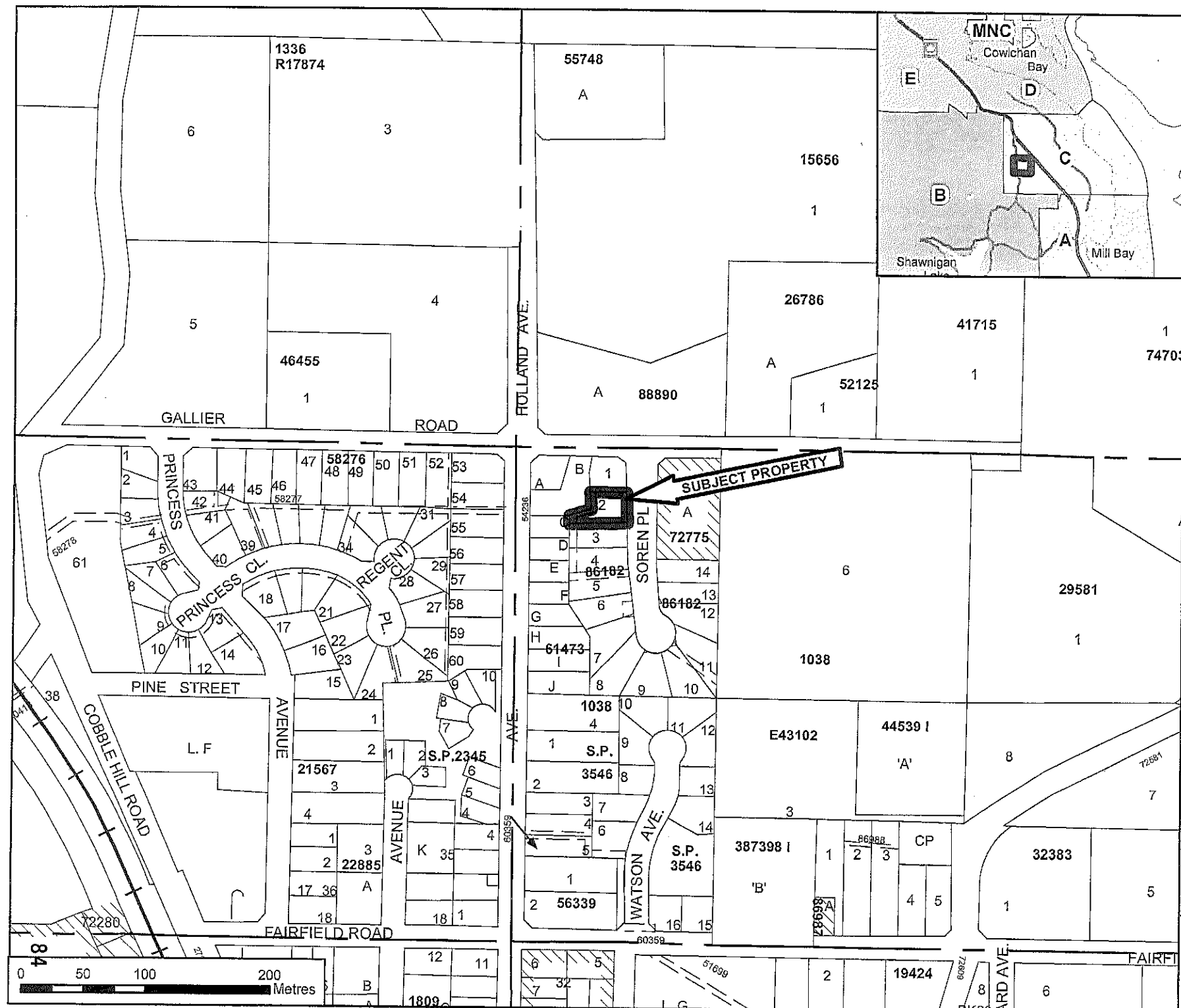
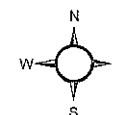


The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-C-12-DVP

Legend

 Subject Property





**Cowichan
Valley
Regional
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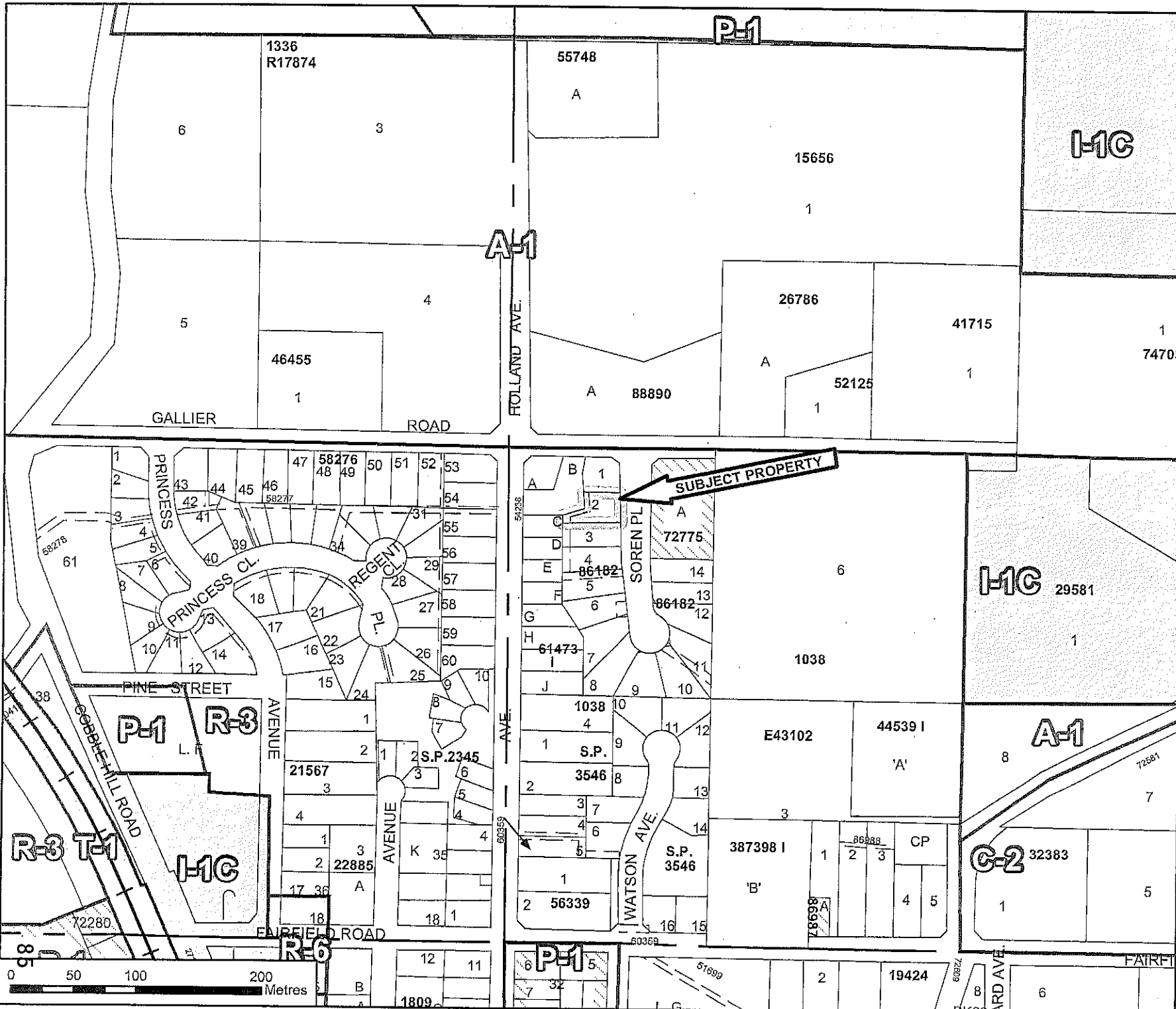
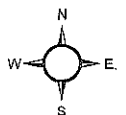
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File: 01-C-12-DVP

ZONING

Legend

-  Subject Property
-  Zoning C





Cowichan
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Regional
District

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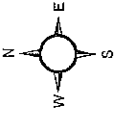
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of the Bylaws.

File: 01-C-12-DVP

Google Earth
Photo 2010)



IAWNIGAN DISTRICT,
LAN VIP72775.

REM.1
PLAN 15656

REM. A
PLAN 26786

GALLIERS ROAD

SECTION 14
SECTION 13

Subject Property

DEDICATED AS ROAD
0.348 ha

PLAN VIP72775

6
PLAN 1038

(Print i
(Print i
Witness
(Print i
Address
Occup

HOLLAND AVENUE

within the
Regional District

REM. W 1/2 LOT 4
PLAN 1038

10
STRATA
PLAN

11
VIS9546

N 1/2 LOT 3
PLAN 1038

J.E. ANDERSON & ASSOCIATES
B.C. Land Surveyors - Consulting Engineers
Victoria, Nanaimo & Parksville, B.C. phone 727-2214
File # 20811
Z:\RPH\JDS2006\20811_LEGAL.DWG (SUB PLAN)



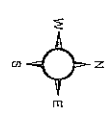
Cowichan
Valley
Regional
District

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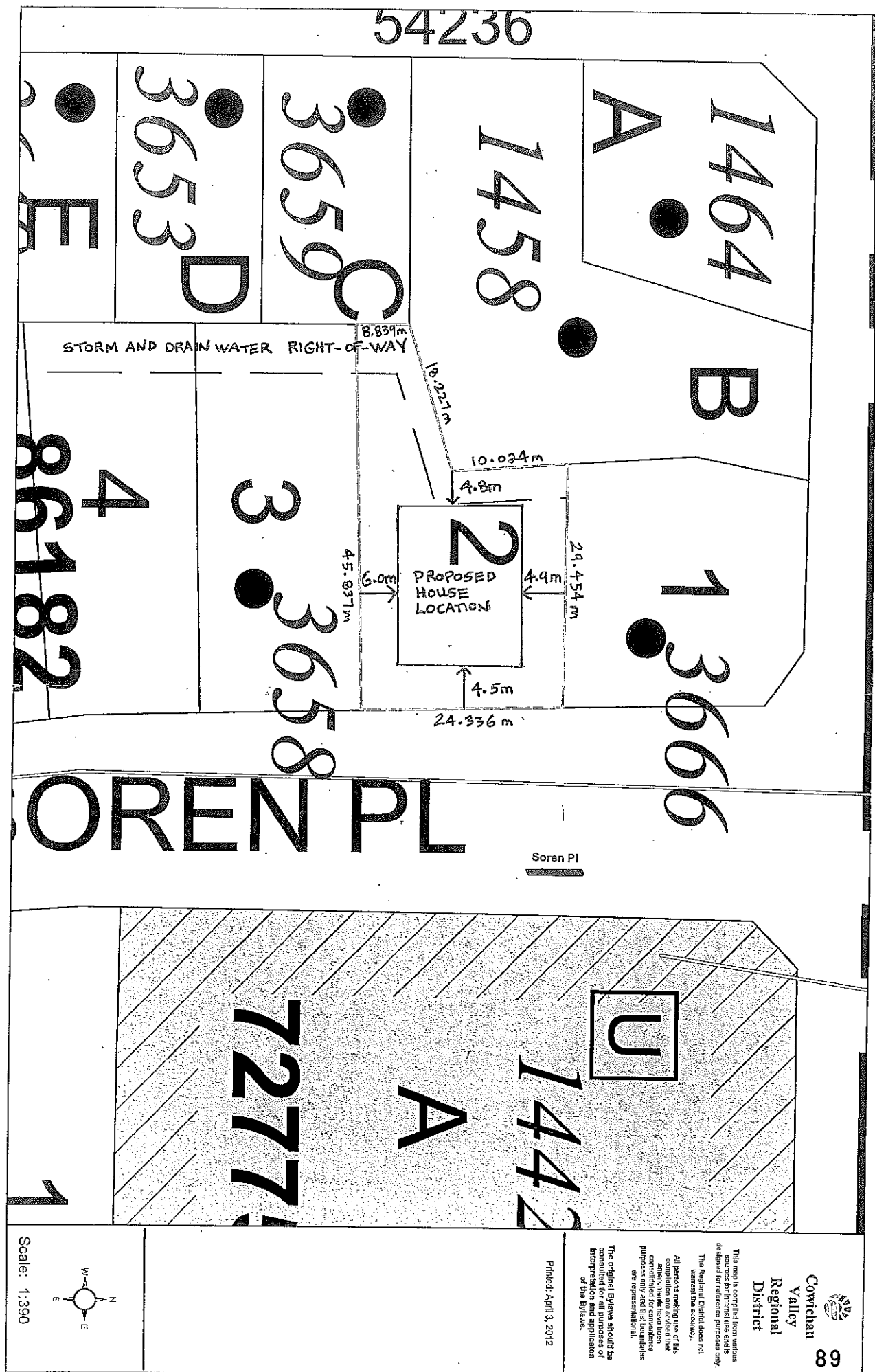
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The original Bylaws should be consulted for interpretation and application of the Bylaws.

Printed April 3, 2012



Scale: 1:390



54236

1464

A

B

1458

3659

D

3653

E

13666

2
PROPOSED
HOUSE
LOCATION

3

3658

86182

SOREN PL

Soren Pl

U

A

1442

7277



CVRD

COWICHAN VALLEY REGIONAL DISTRICT
DEVELOPMENT VARIANCE PERMIT

DRAFT

FILE NO: 1-C-12DVP (Daviau)

DATE: MAY 1, 2012

TO: Susanne & Dominique Daviau

ADDRESS: 970 SHAWNIGAN – MILL BAY ROAD

MILL BAY BC V0R 2P2

1. This Development Variance 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 Variance Permit applies to and only to those lands within the Regional District described below:
Lot 2, Section 13, Range 6, Shawnigan District, Plan VIP86182 (PID: 027-806-146)
3. Electoral Area C – Cobble Hill – Zoning Bylaw No. 1405, applicable to Section 8.3(b)(3), is varied as follows:
The minimum front parcel line setback is reduced from 7.5 metres to 4.5 metres, subject to the applicant providing a legal survey confirming compliance with approved setbacks.
4. The following plans and specifications are attached to and form a part of this permit.
 - Schedule A – Site plan
5. The land described herein shall be developed in substantial compliance with the terms, conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Planning and Development Department.

AUTHORIZING RESOLUTION NO. XXXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 9TH DAY OF MAY 2012.

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 COWICHAN BAY IMPROVEMENT DISTRICT other than those contained in this Permit.

Owner/Agent (signature)

Witness

Print Name

Occupation

Date

Date

LAWN!GAN DISTRICT,
LAN VIP72775..

REM. 1
PLAN 15656

· REM A
PLAN 26786

GALLIERS ROAD

SECTION 14
SECTION 13

RANGE 5

HOLLAND AVENUE

6
PLAN 103B

(Print 1
(Print 1
Witness
(Print 1
Address
Occupation

REM. W 1/2 LOT 4
PLAN 1038

STRATA PLAN

VIS3546

N 1/2 LOT 3
PLAN 1038

J.E. ANDERSON & ASSOCIATES
B.C. Land Surveyors - Consulting Engineers
Victoria, Nanaimo & Portsville, B.C. phone 727-2214
FBC - 20811
Z:\RPH\J0852008\20811_LEGALDWG (SUB PLAN)

Schedule A: Site Plan

92



R5

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF MAY 1, 2012

DATE: April 25, 2012

FILE NO: 6-B-12DP

FROM: Rachelle Rondeau, MCIP, Planner I

BYLAW NO: 3510

SUBJECT: Application No. 6-B-12DP (Beckett for Creelman)

Recommendation/Action:

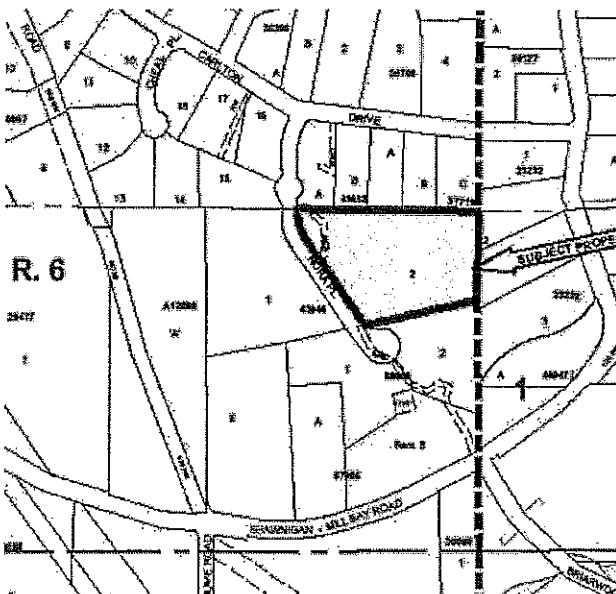
That Application No. 6-B-12DP submitted by John Beckett on behalf of Shelley Creelman for subdivision of one lot on Lot 2, Section 1, Range 6, Shawnigan District, Plan 43946 (PID: 004-623-126) be approved subject to:

- a) Tree removal being limited to the general building site and driveway locations, and retention of a treed 3 – 4.5 metre buffer area on the north and east side of subject property; and
- b) Rainwater to be managed on site, with confirmation at the time of building permit from an engineer or professional with experience in rainwater management that post-development runoff does not exceed pre-development runoff for a five year storm event.

Relation to the Corporate Strategic Plan: N/A

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

Background:



Location of Subject Property: 2657 Nora Place

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

Date Application and Complete Documentation Received: March 2, 2012

Owner: Shelley Creelman

Applicant: John Beckett

Size of Parcel: 2.235 ha (5.5 acres)

Zoning: R-2 (Suburban Residential)

Existing Plan Designation: Rural Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Residential (R-2)
South:	Residential (R-2)
East:	Residential (R-2)
West:	Residential (R-1)

Services:

<u>Road Access:</u>	Nora Place
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	On-site septic system

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: No environmentally sensitive areas have been identified on the subject property. A drainage ditch occurs on the property, however in association with a recent subdivision of the lots to the south, this drainage channel has been evaluated by a Qualified Environmental Professional (QEP) who has indicated that it is not subject to the Riparian Areas Regulation. Therefore, an assessment was not required for the current proposed subdivision.

Archaeological Site: None Identified

Proposal:

An application has been made to obtain a development permit to subdivide the subject property into two 1.0 ha lots.

Property Context:

On March 14, 2012 the CVRD Board adopted Amendment Bylaw No. 3584 which rezoned the subject property from R-1 (Rural Residential) to R-2 (Suburban Residential) decreasing the minimum parcel size for subdivision from 2 ha to 1 ha for parcels not served by either a community water or sewer system.

The property is well-treed, and there is currently one dwelling and one small suite on the property.

Policy Context:

The property is designated within the South Cowichan Official Community Plan as Rural Residential, and has recently been rezoned to R-2 (Suburban Residential) which permits a 1 ha minimum parcel size.

The subject property is currently serviced by a well, however is adjacent to the Carlton Water System Service Area, which is operated by an Improvement District. The CVRD is investigating the feasibility of taking over this water system, and if approved could stimulate a subsequent subdivision.

Zoning

The minimum parcel size for subdivision in the R-2 Zone is 1.0 ha for parcels not serviced by community water and sewer, and 0.4 ha for parcels connected to community water.

South Cowichan Rural Development Permit Area Guidelines

The South Cowichan Rural Development Permit Area (Section 24.4 of the Official Community Plan) specifies guidelines within the following sections that may apply to the development:

- General Guidelines
- Habitat Protection Area
- Landscaping, Rainwater Management and Environmental Protection
- Riparian Protection Guidelines (Freshwater)
- Subdivision Guidelines

General Guidelines

No invasive species have been identified on the subject property. It is currently well-treed and native vegetation has been well-established; with native plants being used in landscaping as well. The applicant has indicated that when required, he removes any invasive species that grow along the road allowance of Nora Place.

Habitat Protection Area

No eagle, hawk, osprey, owl, peregrine falcon or Great Blue Heron nests have been identified on the subject property, therefore these guidelines do not apply.

Landscaping, Rainwater Management and Environmental Protection

These guidelines require that rainwater runoff be managed on site, and that for subdivision, where appropriate, lands should remain in a natural state with landscaping measures used to provide rainwater infiltration. The current subdivision of one new 1.0 ha lot will not create significant runoff. The applicant intends to construct a new gravel driveway from Nora Place to access the new lot.

Tree removal is proposed to be minimal, and will be conducted only as required for the driveway and building footprints. A 3 - 4.5 metre (10-15 ft) buffer of trees will also be left along the north and east boundary of the subject property.

With respect to drainage, the applicant has indicated that the current development has a footprint of approximately 817 m² (8,800 sq. ft) including paved driveway, house and garage, and the proposed new house will have a footprint of approximately 278 m² (3,000 sq ft) and a gravel driveway.

The soil on the property is granular which readily allows for onsite infiltration. All runoff will be managed on site without being directed to the drainage ditch or road ditch.

The retention of native vegetation with the exception of tree removal for the driveway and building and driveway footprints, including a 3 - 4.5 metre treed buffer, as well as onsite rainwater management will be conditions of the Development Permit. The applicant will be required to have a professional ensure that post-development runoff does not exceed pre-development runoff.

Riparian Protection Guidelines

There is a drainage ditch and corresponding statutory right-of-way on this property and properties to the south. When the 3-lot subdivision (which was registered in February 2011) to the south of the subject property was created, a QEP determined that the drainage ditch was not subject to the Riparian Areas Regulation. Therefore, an assessment was not required for the current proposed subdivision.

Subdivision Guidelines

No new trails are proposed or required based on the current subdivision proposal. Any subsequent subdivision proposals will be reviewed by the CVRD Parks, Recreation and Culture Department to determine park dedication requirements.

As noted above, conditions of the Development Permit will be that tree removal be only conducted for the building footprints and driveway, a treed buffer remain on the north and east side of the property, and that rainwater from the development be managed onsite.

Advisory Planning Commission Comments:

In consultation with the Electoral Area Director, this Development Permit application for one lot was not referred to the Advisory Planning Commission.

Planning Division Comments:

The subject property has been maintained in mostly its natural state, with minimal tree clearing proposed for the creation of one 1 ha parcel. As the CVRD does not have a tree cutting bylaw, the removal of trees can only be managed through the development permit process in association with the proposed development. Subsequent owners of the property may remove trees for other uses (e.g. agriculture), however in the interim limited tree clearing will occur.

In accordance with the Development Permit guidelines, runoff from the development will be managed onsite.

Options:

1. That Application No. 6-B-12DP submitted by John Beckett on behalf of Shelley Creelman for subdivision of one lot on Lot 2, Section 1, Range 6, Shawnigan District, Plan 43946 (PID: 004-623-126) be approved subject to:
 - a) Tree removal being limited to the general building site and driveway locations, and retention of a treed 3 – 4.5 metre buffer area on the north and east side of subject property; and
 - b) Rainwater to be managed on site, with confirmation at the time of building permit from an engineer or professional with experience in rainwater management that post-development runoff does not exceed pre-development runoff for a five year storm event.
2. That Application No. 6-B-12DP submitted by John Beckett on behalf of Shelley Creelman for subdivision of one lot on Lot 2, Section 1, Range 6, Shawnigan District, Plan 43946 (PID: 004-623-126) be denied, and the applicant be directed to revise the proposal.

Option 1 is recommended.

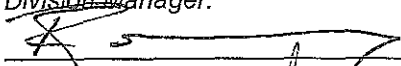
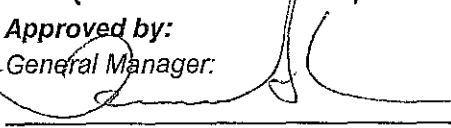
Submitted by,



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

RR/jah

Attachments

Reviewed by: <i>Division Manager:</i> 
Approved by: <i>General Manager:</i> 

Plan of Subdivision Proposal

2657 Nora Place, Shawnigan Lake

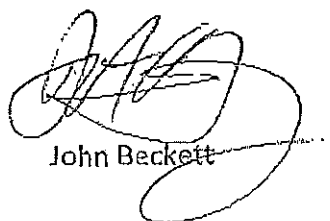
Vegetation

There are approximately 4 acres of this property that are forested. The current zoning of R2 allows our 5.5 acre property to be split into two parcels of a minimum of 2.5 acres. Our intention on the back section (which is currently forested), is to place a new driveway off of Nora Place along the fence line which would separate the two new parcels (ie. Lot #1 and Lot #2?). The driveway will be designed so that minimal natural vegetation would be cut down. In addition we will only take down the specific trees that are required for the footprint of the house and to allow some natural light. Our property surrounding our current house is also heavily treed and is indicative of our preference for leaving as much natural vegetation as possible. In addition, a 10-15' treed buffer will be kept along the north and east boundary (Cameron Taggart/Carlton) of the property, in order to ensure the continued privacy of those property owners.

Over the years, we have planted mostly native plants consisting of fir and cedar trees, sword ferns and grasses on our property.

Drainage

Due to the size of the lot, the fact that the soil is very granular, and the abundance of natural vegetation, the rain run-off will most likely be absorbed as it is on our current property without draining into the ditch. Our current house, garage and driveway, has a footprint of 8800'. The new house on this lot will take up 3000'. The new driveway will not be paved. As such, we foresee no issues with rain run-off.



John Beckett



Cowichan Valley Regional District

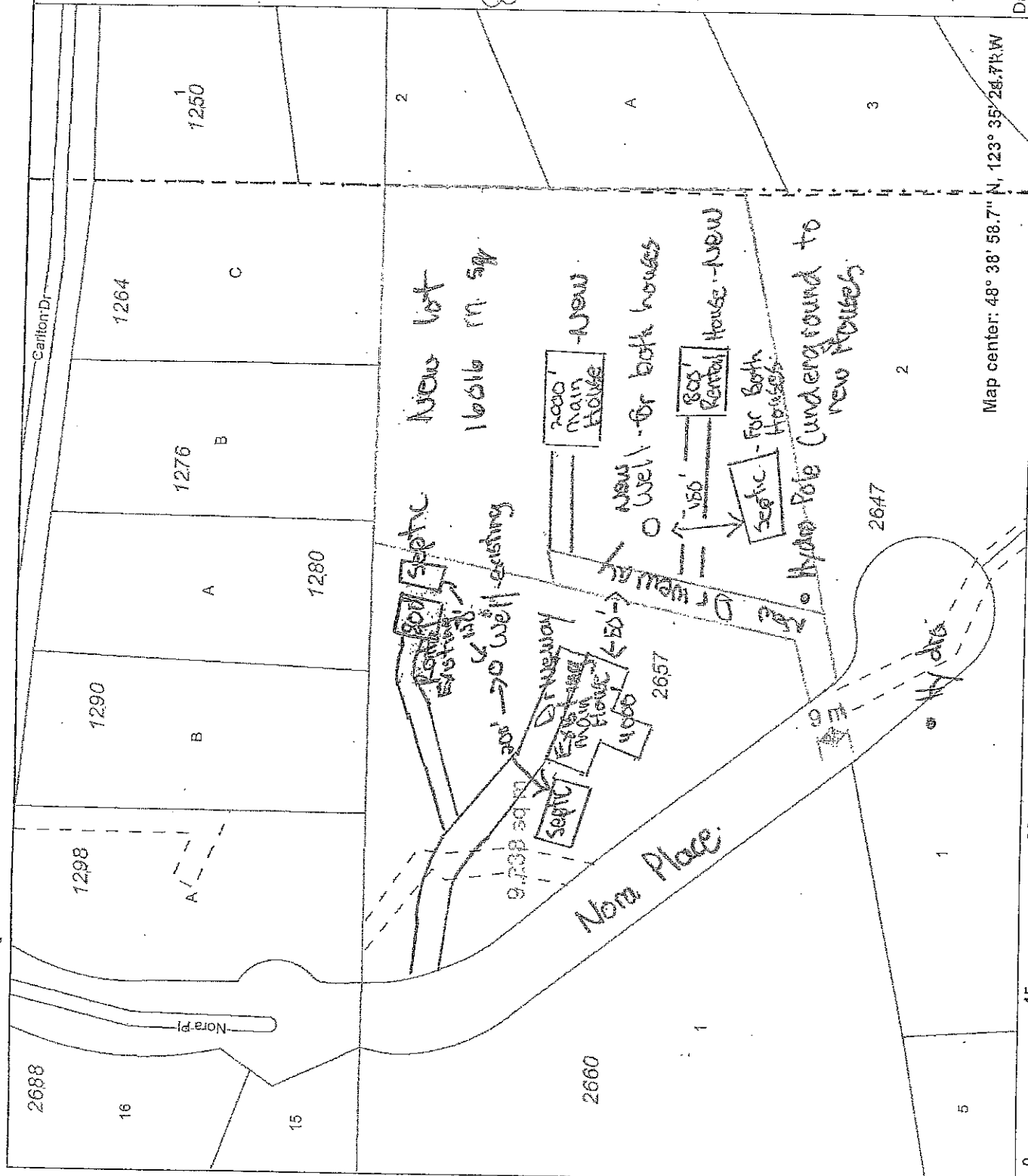
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Legend

- Addresses
- Points of Interest
- Roads
 - Highway
 - Read
- Foreshore
- PARCEL_ARC
- BDEALNS
- BDRLNS
- RDOTHNGZ
- Parcel Arcs
- First Nations
- Parks by Community
- PARKS
- Park Boundaries



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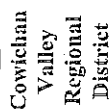
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This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



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.

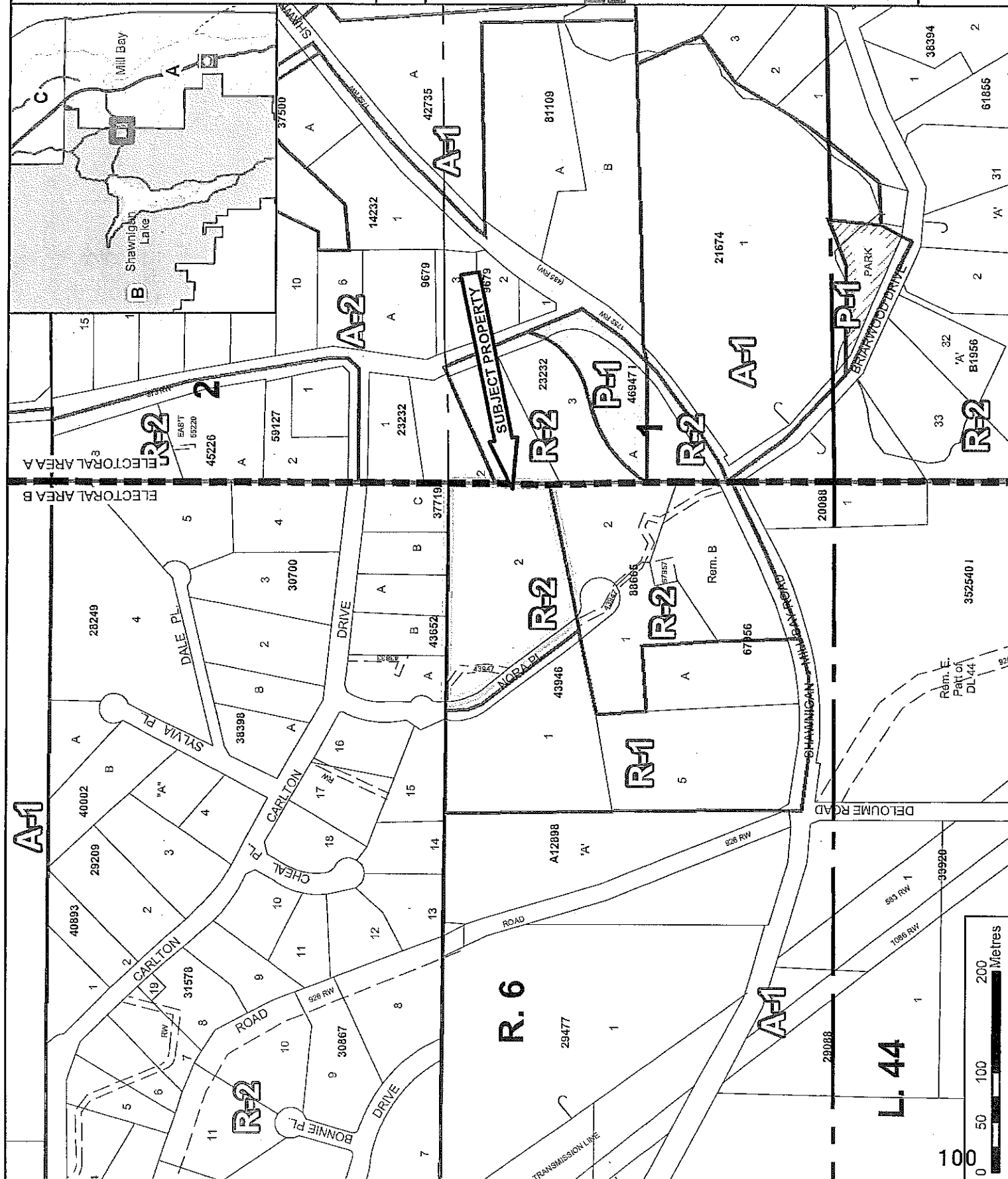
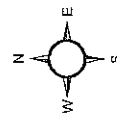
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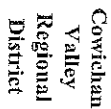
File: 06-B-12-DP

GNON

Legend

Subject Property
Zoning B



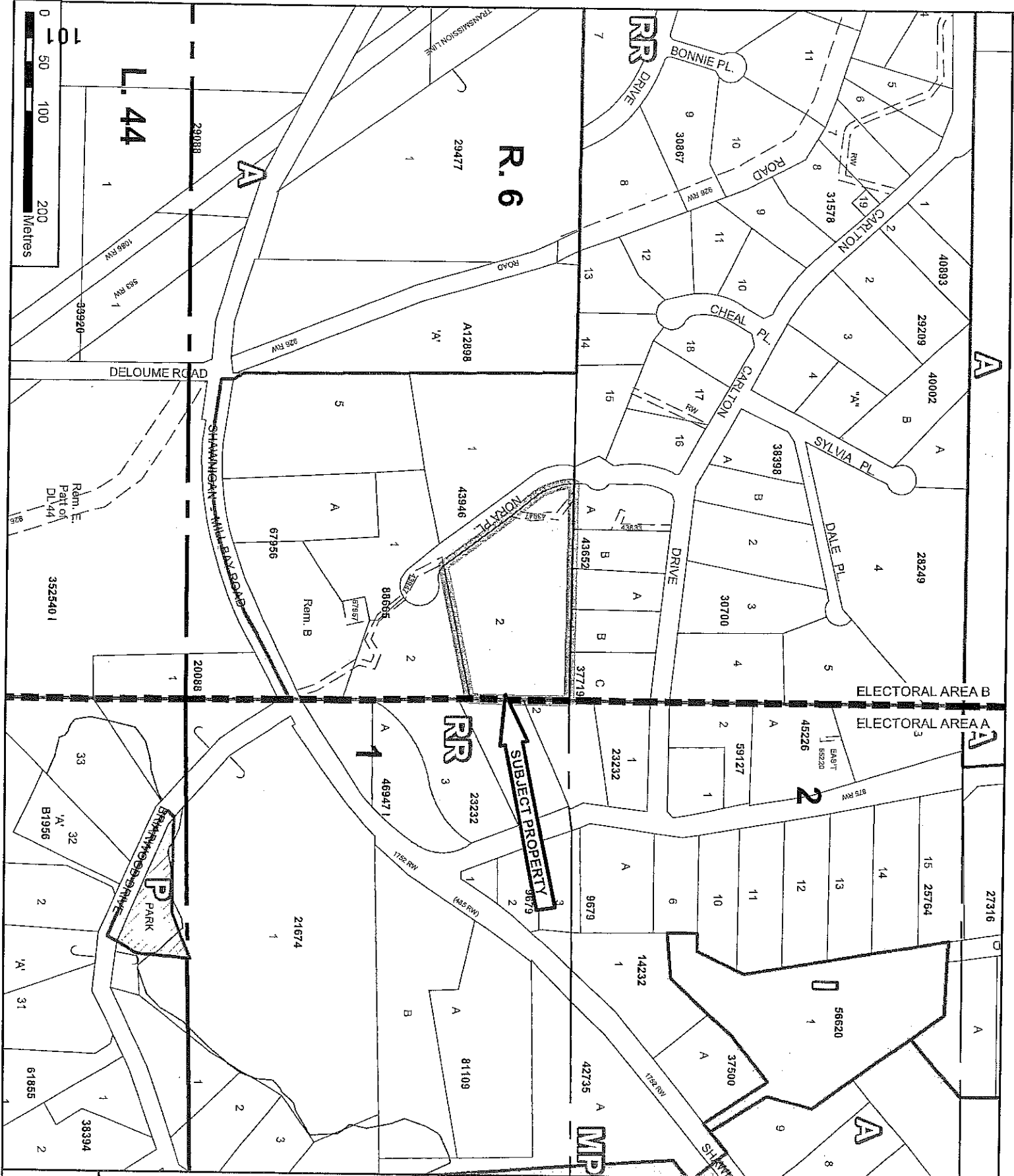
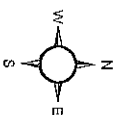
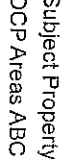


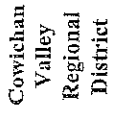
The Regional District does not warrant the accuracy.

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

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Legend

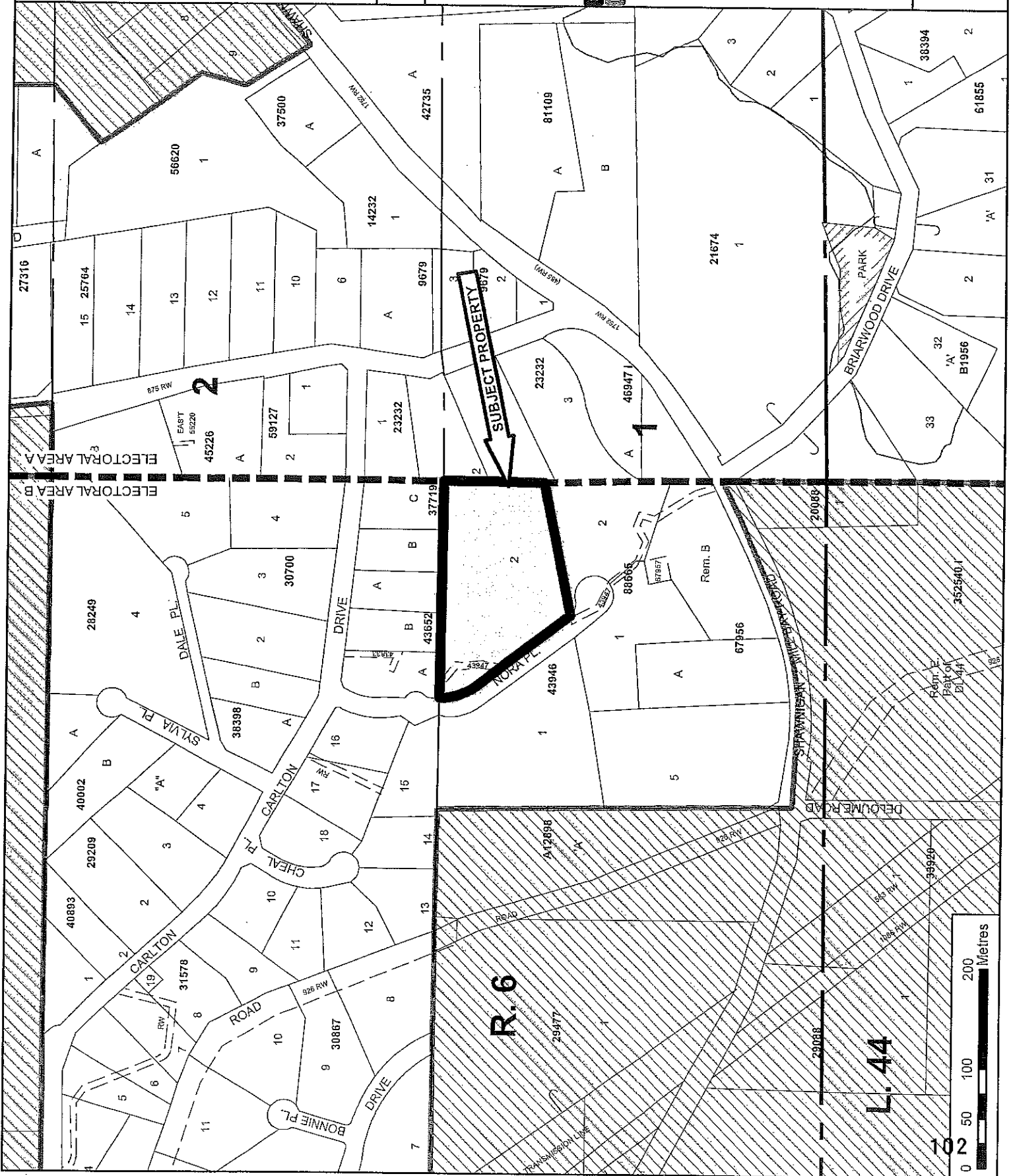
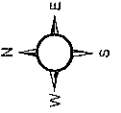




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REAL

Subject Property





Cowichan
Valley
Regional
District

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

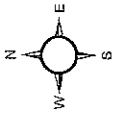
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boundaries are representational.

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interpretation and application
of the Bylaws.

File: 06-B-12-DP

Google Earth
Photo (2010)





CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 6-B-12DP/RAR

DATE: , 2012

TO: SHELLEY CREELMAN

ADDRESS: 2657 NORA PLACE

COBBLE HILL, BC V0R 1L0

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 2, Section 1, Range 6, Shawnigan District, Plan 43946 PID: 004-623-126
3. Authorization is hereby given for subdivision of the subject property in accordance with the conditions listed in Section 4, below, provided approval is granted by the Ministry of Transportation and Infrastructure.
4. The development shall be carried out subject to the following conditions:
 - Development must be in substantial compliance with the site plan;
 - Tree removal will be limited to the building site and driveway locations, with retention of a treed 3 - 4.5 metre buffer on the north and east side of the subject property;
 - Rainwater will be managed on site, with post development runoff equaling pre-development runoff.
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 - Site PlanAnd it forms part of this permit.
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning and Development Department.

8. ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE rd DAY OF MONTH 2012.

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 SHELLEY CREELMAN other than those contained in this Permit.

Signature

Witness

Owner/Agent

Occupation

Date

Date



R6

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 1, 2012

DATE: April 25, 2012 FILE No: 1-F-11RS
FROM: Rachelle Rondeau, MCIP, Planner I BYLAW No: 2600
SUBJECT: Rezoning Application No. 1-F-11RS
- (All Sports Lands Ltd/The Honey Pot Pub)

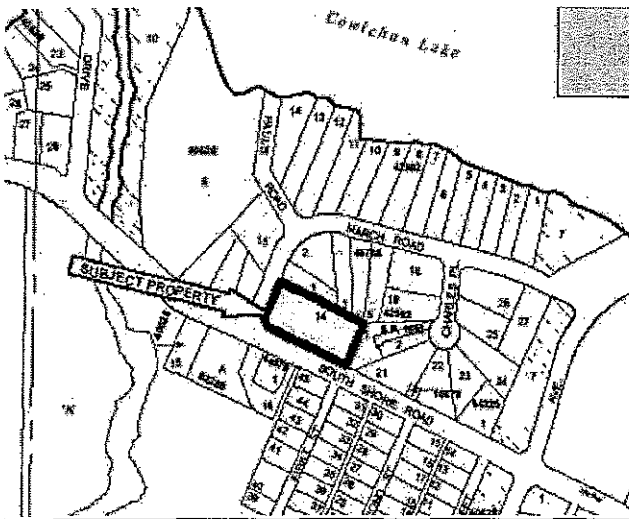
Recommendation/Action:

- That CVRD Bylaws No. 3595 and 3596 – Area F – Cowichan Lake South/Skutz Falls Official Community Plan and Zoning Amendment Bylaws (All Sports Lands Ltd.), 2012 be granted First and Second reading;
- That agency referrals to the Ministry of Transportation and Infrastructure, Ministry of Public Safety and Solicitor General – Liquor Licensing Branch, Vancouver Island Health Authority, Lake Cowichan First Nation, and Honeymoon Bay Volunteer Fire Department be accepted.
- That a Public Hearing be held with Directors Morrison, Weaver and Iannidinaro named as delegates of the Board.

Relation to the Corporate Strategic Plan: N/A

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

Background:



Location: 10045 South Shore Road

Legal Description: Lot 14, Section 34, Renfrew District, (Situate in Cowichan Lake District Plan 40628 (PID: 000-204-633))

Date Application and Complete Documentation Received: Application submitted July 2011
Revised January 2012

Owner: All Sports Lands Ltd.

Applicant: Mark Coombs

Size of Parcels: Approximately 0.4 ha (1 acre)

Contaminated Site Profile Received: Declaration signed

Existing Use of Property: Neighbourhood Pub (not operating)

Existing Use of Surrounding Properties:

North: Single Family Residential (Urban Residential – R-3)
South: South Shore Road/Commercial (General Commercial – C-2)
East: Single Family Residential (Urban Residential – R-3)
West: Commercial (General Commercial – C-2)

Agricultural Land Reserve Status: Outside

Environmentally Sensitive Areas: There are no environmentally sensitive areas on the subject property.

Archaeological Site: None have been identified

Existing Plan Designation: Neighbourhood Pub Commercial

Proposed Plan Designation: Site specific designation

Existing Zoning: Neighbourhood Pub Commercial (C-5)

Proposed Zoning: Amended C-5 Zone

Minimum Lot Size: 0.3 ha with community water

Services:

Road Access: South Shore Road

Water: Honeymoon Bay Local Service Area

Sewage Disposal: Septic system

The Proposal:

An application has been made to rezone the property from C-5 (Neighbourhood Pub Commercial) to a site specific zone that would consist of primarily C-3 (Service Commercial) uses, the pub use and some additional commercial uses.

The applicant has advised that the existing pub has not been operational for the past 2 years, and has closed at various times in the past. The applicant would like to expand the list of permitted uses in order to allow commercial uses other than a pub. The property has been for sale, and unless a prospective purchaser wants to operate a pub, no other uses are permitted on the property under the current zoning.

Property Context

The subject property is an approximately 0.4 ha (1 acre) property located in the community of Honeymoon Bay on South Shore Road. Currently on the property is an approximately 370 m² (4,000 sq. ft) building which was formerly the Honey Pot Pub and restaurant. The remainder of the property on the east portion is paved surface for parking, and the west portion of the property consists of the sewage treatment area.

The property is located within the Honeymoon Bay village area, and the surrounding land use consists primarily of single family residential properties to the north and east, with commercial areas to the south and west of the property. Additionally, there are two recreational vehicle campgrounds, a vacant service station, and land zoned I-2 (Heavy Industrial) located nearby. Although the zoning is in place for various commercial uses on nearby properties, several of these are vacant or non-operational.

Proposal

The applicant is requesting that the subject property be rezoned in order to allow an expanded list of commercial uses, and to maintain neighbourhood pub as a permitted use. No new construction is planned for the property; and the building, parking and sewage treatment infrastructure are in place.

Parking and Access

Access is provided from South Shore Road, and there is already an existing parking area on the subject property. The application has been referred to the Ministry of Transportation and Infrastructure (BC MoT).

The number of required parking spaces is dependent on the use of the property, and is specified in Section 3.15 of the Zoning Bylaw.

Servicing

The property is serviced by the Honeymoon Bay Community water system, and the property has its own sewage treatment system.

Agency Referrals

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

- Honeymoon Bay Volunteer Fire Department – *No comments received*
- Lake Cowichan First Nation – *No comments received*
- Vancouver Island Health Authority – *No comments received*
- Ministry of Transportation and Infrastructure – *No comments received*
- CVRD Parks, Recreation and Culture Department – *Interests unaffected*
- CVRD Engineering and Environmental Services Department – *No objection*
- CVRD Public Safety Department – *The Community Wildfire Protection Plan has identified this area as moderate to high risk of wildland urban interface fire. As a result, the following is recommended:*
 - *A water system compliant with “NFPA 1142, Standard of Water Supplies for Suburban and Rural Fire Fighting” is recommended to ensure necessary water flows.*
 - *Extra precautions should be taken such as full FireSmart compliance. A sprinkler system should be considered to reduce structural fire impacts.*
 - *Minimum two points of access/egress to the proposed development should be considered to provide community and emergency services personnel a secondary evacuation route.*

Policy Context

The subject property is zoned Neighbourhood Pub Commercial (C-5), and designated Neighbourhood Pub Commercial in the Official Community Plan (OCP) Bylaw No. 1945.

Official Community Plan

In 1995, this property was re-designated from Local Commercial to Neighbourhood Pub Commercial, and at that time a number of new policies were adopted regarding the location and establishment of pubs. The current OCP, Bylaw No. 1945, notes the following policies with regards to neighbourhood pubs:

Policy 8.15

A neighbourhood pub shall receive a separate designation from other forms of commercial activity.

Policy 8.16

Neighbourhood pubs shall be prohibited along the Cowichan Valley Highway No. 18.

OCP Policies 8.7, 8.8, and 8.9 apply to properties designated as Service Commercial and specify that these lands are intended to provide a range of commercial uses which primarily serve the travelling public, that they should be located adjacent to major roads in order to serve the travelling public and that future service commercial zoning should be generally located in established, populated communities including Honeymoon Bay.

The subject property satisfies the above-referenced Service Commercial policies. However, in accordance with existing OCP policies, a neighbourhood pub use should have its own designation. Therefore, an amendment to the plan in addition to the rezoning is also required, which would create a new designation for the subject property and permit neighbourhood pubs to be located in more than one OCP designation.

Zoning

In conjunction with the original OCP amendment, the property was also rezoned in 1995 from C-2 (Local Commercial) to C-5 (Neighbourhood Pub Commercial) in order to permit the pub. However, the pub has not been in operation for two years, and the current owners are proposing to expand the permitted uses to diversify the potential uses. The initial proposal was to rezone the property to C-3 (Service Commercial) with the addition of the neighbourhood pub as a permitted use.

However, there are other additional uses that may be appropriate for this site, which is centrally located in the commercial core of Honeymoon Bay. In consultation with the applicant, a number of potentially suitable uses were identified that would provide a greater range of uses on the subject property.

Development Permit Area

Development Permit Areas (DPA) are designated within the OCP as lands requiring special attention, for example, for environmental protection or the form and character of commercial development. For a commercial development, proposals would be evaluated based on a series of established guidelines to ensure high quality design, landscaping, and signage.

As specified in Policy 8.2 of the OCP, "a development permit area may be established for lands which are zoned to a Commercial Zone during the lifespan of this Plan." However, the property is not currently within a DPA and none of the other commercial properties in Honeymoon Bay are designated Development Permit Areas either. The building is already constructed, and if establishment of a Development Permit Area is desirable, it would likely apply only when the building undergoes redevelopment, or new construction/signage.

Advisory Planning Commission Comments:

The Advisory Planning Commission met on April 2, 2012, and they discussed the application. There was general support for keeping the pub as a permitted use, and discussion as to whether a neighbourhood pub is required to be a standalone use.

The APC moved that an enhanced C-5 Zone be created that would allow a broader range of commercial activity on the property.

Planning Division Comments

The applicant hosted a public meeting on November 5, 2011, and approximately 30 people attended the meeting. The purpose was to discuss the proposed uses and to generate ideas for uses that the community would like to see occur on the property. There was general support for tourism related uses, the neighbourhood pub, and general commercial uses.

There is no current development proposal, rather this application is an attempt to broaden the uses of the zone to generate commercial or business activity within Honeymoon Bay. The C-2 (General Commercial) Zone offers a wide variety of commercial opportunities, however there is likely limited demand in Honeymoon Bay, and there are already several properties zoned C-2.

The C-3 (Service Commercial) Zone provides for a different range of commercial activity, specifically targeted at the travelling public. Some uses are permitted in both the C-2 and C-3 Zones, including bus depot, convenience store, laundromat, nursery, office, and restaurant. It would be desirable if the proposed uses that become established on the property are financially viable and generate employment within Honeymoon Bay.

Given the emphasis on tourism in the area, being in close proximity to Cowichan Lake, the Gordon Bay Campground, and recreational vehicles parks, it would be appropriate to include tourism-related uses such as accommodation as a permitted use. The existing building has a high capacity sewage treatment system and could be well-suited for a combination of uses including tourist accommodation.

As noted above, the applicants would like to retain the neighbourhood pub as a permitted use. In the Electoral Areas, neighbourhood pub uses are typically permitted in zones where that is the only permitted use, and these zones do not generally permit other commercial activity. An accessory single family dwelling or restaurant might be the only other permitted uses.

However, it is common in other jurisdictions to have a neighbourhood pub located in the same Zone as other commercial uses.

Establishment of a new Development Permit Area is not being proposed, as there is a significant building on the site already, and none of the commercial properties within the immediate area are within Development Permit Areas.

Staff and the applicant have reviewed a number of permitted uses to determine which new uses would be compatible with a neighbourhood pub, and which would also be suitable for this location. The result is an amended C-5 Zone (Rural Village Commercial Zone). Please see attached draft OCP and Zoning amendment bylaw numbers 3595 and 3596.

Options:**Option 1:**

- a) That CVRD Bylaws No. 3595 and 3596 – Area F – Cowichan Lake South/Skutz Falls Official Community Plan and Zoning Amendment Bylaws (All Sports Lands Ltd.), 2012 be granted First and Second reading.
- b) That agency referrals to the Ministry of Transportation and Infrastructure, Ministry of Public Safety and Solicitor General – Liquor Licensing Branch, Vancouver Island Health Authority, Lake Cowichan First Nation, and Honeymoon Bay Volunteer Fire Department be accepted.
- c) That a Public Hearing be held with Directors Morrison, Weaver and Iannidinardo named as delegates of the Board.

Option 2:

That Application No. 1-F-11RS (All Sports Lands Ltd.) be revised.

Option 3:

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

Option 1 is recommended.

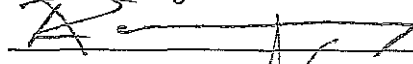

Submitted by,



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

RR/jah

Attachments

Reviewed by: <i>Division Manager:</i> 
Approved by: <i>General Manager:</i> 



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3595

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

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

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

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

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

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

1. CITATION

This bylaw shall be cited for all purposes as "CVRD Bylaw No. 3595 – Electoral Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (All Sports Lands Ltd.), 2012".

2. AMENDMENTS

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

3. CAPITAL EXPENDITURE PROGRAM

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

READ A FIRST TIME this _____ day of _____, 2012.

READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Secretary



SCHEDULE "A"

To CVRD Bylaw No. 3595

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

1. That Lot 14, Section 34, Renfrew District, (Situate in Cowichan Lake District), Plan 40628 as shown outlined in a solid black line on Plan number Z-3595 attached hereto and forming Schedule B of this bylaw, be redesignated from Neighbourhood Pub Commercial to Rural Village Commercial ; and that Schedule B to Official Community Plan Bylaw No. 1945 be amended accordingly.
2. That the first paragraph of Section 8.1 be amended by adding "Rural Village Commercial".
3. That the following paragraphs be inserted following Policy 8.18:

RURAL VILLAGE COMMERCIAL

"In addition to the general Commercial policies, the following policies are applicable in areas designated as Rural Village Commercial:

POLICY 8.19 Notwithstanding Policy 8.15, permitted uses for properties designated Rural Village Commercial may include a neighbourhood pub.

POLICY 8.20 Rural Village Commercial areas are intended to accommodate a range of commercial uses, which provide employment and contribute to the local economy recognizing the diverse needs of rural communities.

POLICY 8.21 Lands designated Rural Village Commercial shall be located in close proximity to established populated communities to enhance the commercial centres of these areas.

POLICY 8.22 In order to support a range of business opportunities, commercial uses permitted in the Rural Village Commercial designation may include uses that cater to the travelling public, and general commercial uses which provide goods and services to the community.

POLICY 8.23 Uses permitted in the Rural Village Commercial designation may include office, restaurant, neighbourhood pub, retail sales, and tourist accommodation.

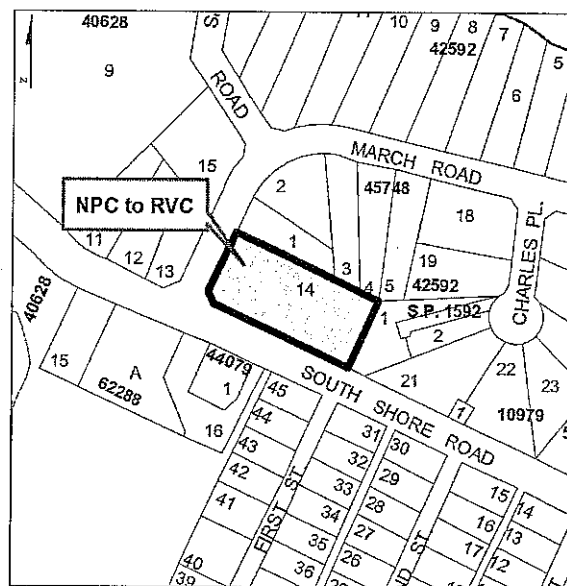
POLICY 8.24 Sites within the Rural Village Commercial designation shall be designed and developed to comply with the following objectives:

- a) minimize impacts on adjacent residential uses;
- b) provide a safe, comfortable and attractive environment for employees, customers and others;
- c) achieve a consistent and unified theme for site, building, landscape and signage design;
- d) utilize sustainable development practices such as on-site rainwater management, energy efficient building design, and water consumption reduction measures.

PLAN NO. Z-3595

**SCHEDULE "B" TO PLAN AMENDMENT BYLAW NO.
OF THE COWICHAN VALLEY REGIONAL DISTRICT**

3595



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Neighbourhood Pub Commercial **TO**

Rural Village Commercial **APPLICABLE**

TO ELECTORAL AREA F



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3596

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 2600 Applicable To Electoral Area F – Cowichan Lake South/Skutz Falls

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area F – Cowichan Lake South/Skutz Falls, that being Zoning Bylaw No. 2600;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 2600;

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

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3596 – Electoral Area F – Cowichan Lake South/Skutz Falls (All Sports Lands Ltd.), 2012**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 2600, as amended from time to time, is hereby amended in the following manner:

- a) That Section 5.19 be deleted and replaced with the following section.

5.19 C-5 Rural Village Commercial

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the C-5 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the C-5 Zone:

- a. Bed and Breakfast accommodation;
- b. Bus Depot;
- c. Business or commercial private school;

.../2

- d. Convenience Store;
- a. Food processing, excluding fish processing, abbatoirs and slaughter houses;
- e. Hostel, hotel, motel;
- f. Laundromat;
- g. Nursery, including accessory outdoor storage;
- h. Office;
- i. Pub;
- j. Restaurant, catering;
- k. Retail sales;
- l. Single family dwelling.

2. Minimum Parcel Size

The minimum parcel size in the C-5 Zone is:

- a. 0.1 hectares for parcels served by a community water system and a community sewer system;
- b. 0.3 hectares for parcels served by a community water system only;
- c. 1 hectare for parcels served neither by a community water system or a community sewer system.

3. Number of Dwellings

Not more than one dwelling is permitted on a parcel in the C-5 Zone.

4. Setbacks

The minimum setbacks for buildings and structures in the C-5 Zone is 6 metres from all parcel lines.

5. Height

In the C-5 Zone, the height of all buildings and structures shall not exceed 10 metres, except in accordance with Section 3.9 of this Bylaw.

6. Parcel Coverage

The parcel coverage in the C-5 Zone shall not exceed 40 percent of all buildings and structures.

7. Parking and Loading

Off-street parking and loading spaces in the C-5 Zone shall be provided for in accordance with Section 3.14 and 3.15 of this Bylaw.

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2012.

READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Secretary



Covichan
Valley
Regional
District

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

All persons making use of this
compilation are advised that
amendments have been
consolidated for convenience
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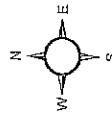
The original Bylaws should be
consulted for all purposes of
interpretation and application
of the Bylaws.

File: 01-F-11-RS

Legend



Subject Property



0 50 100 200
Metres

11

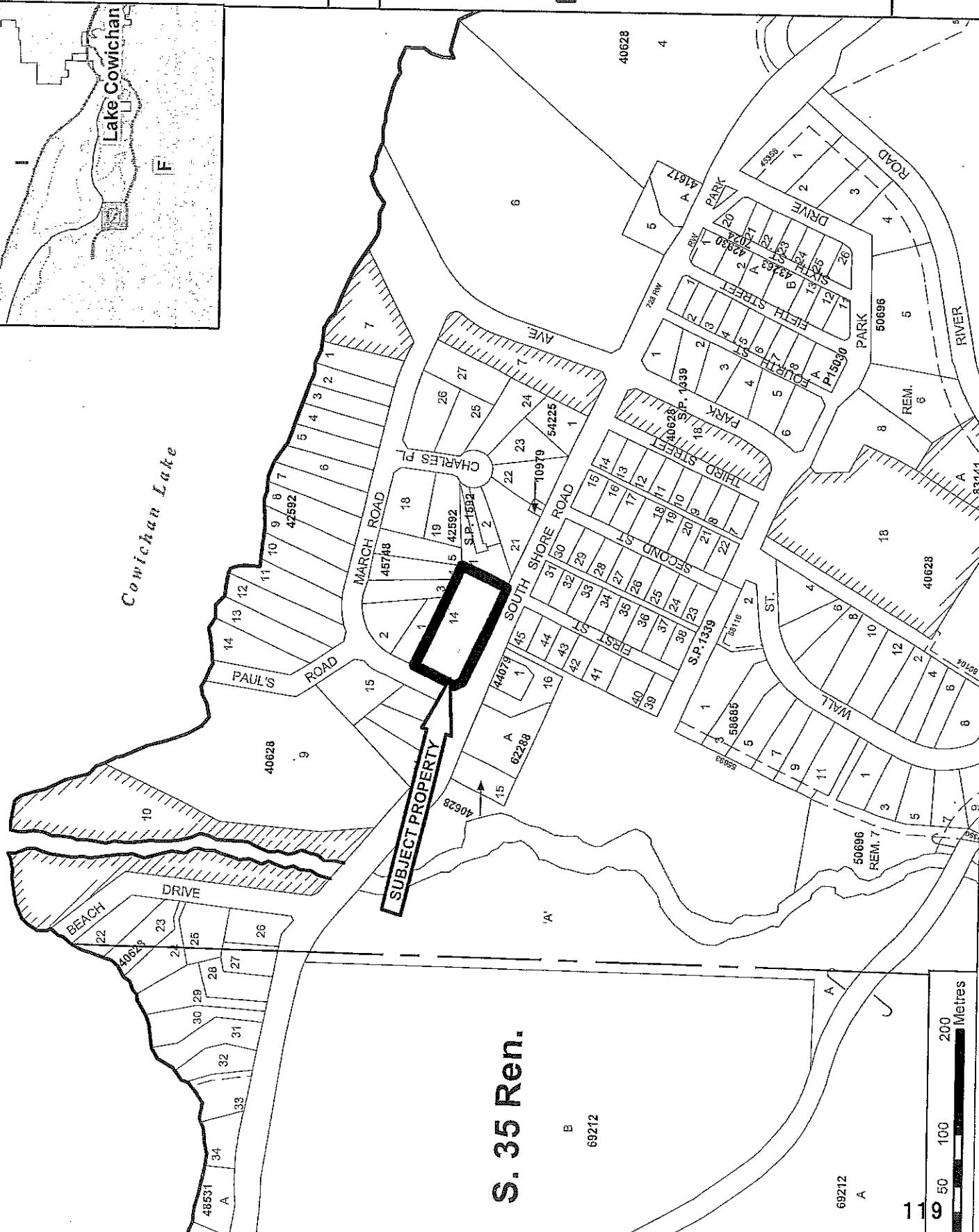
S. 35 Ren.

B

69212

69212

A



Lake Cowichan

Cowichan Lake

SUBJECT PROPERTY



Cowichan
Valley
Regional
District

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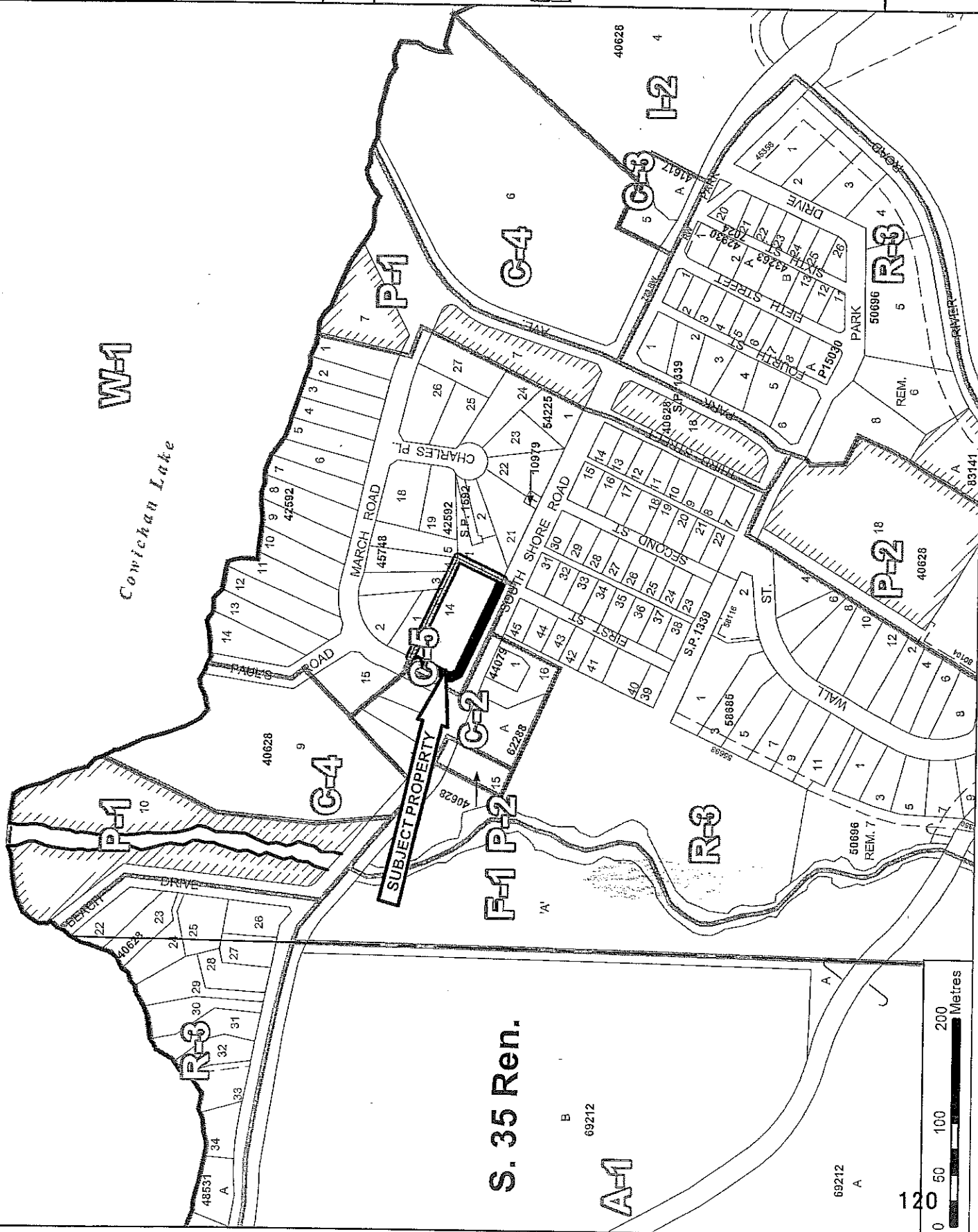
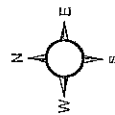
ZONING

Legend



Subject Property

Zoning Electoral Area F





Cowichan
Valley
Regional
District

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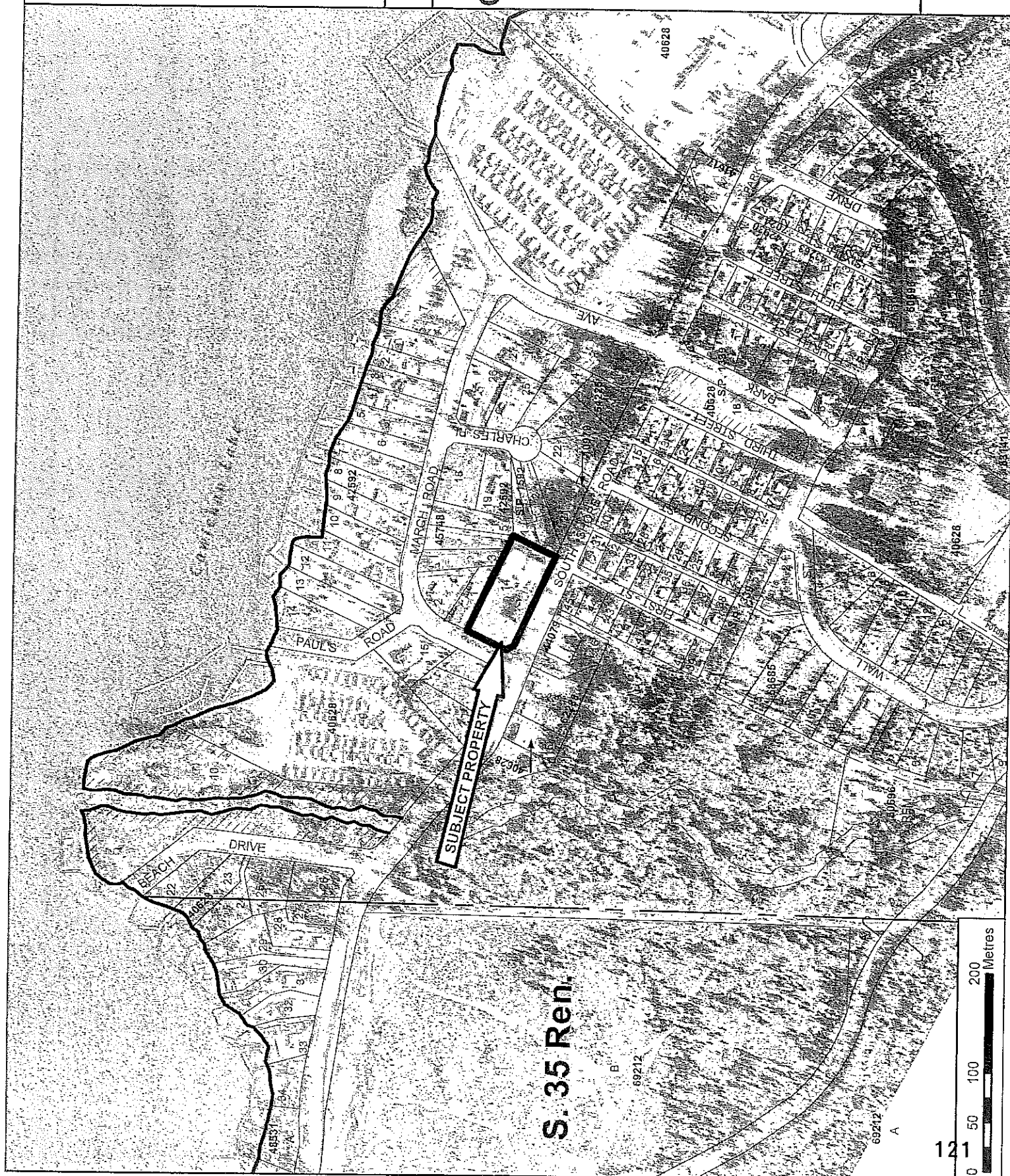
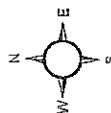
File: 01-F-11-RS

Orthophoto (2004)

Legend



Subject Property





Cowichan
Valley
Regional
District

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File: 01-F-11-RS

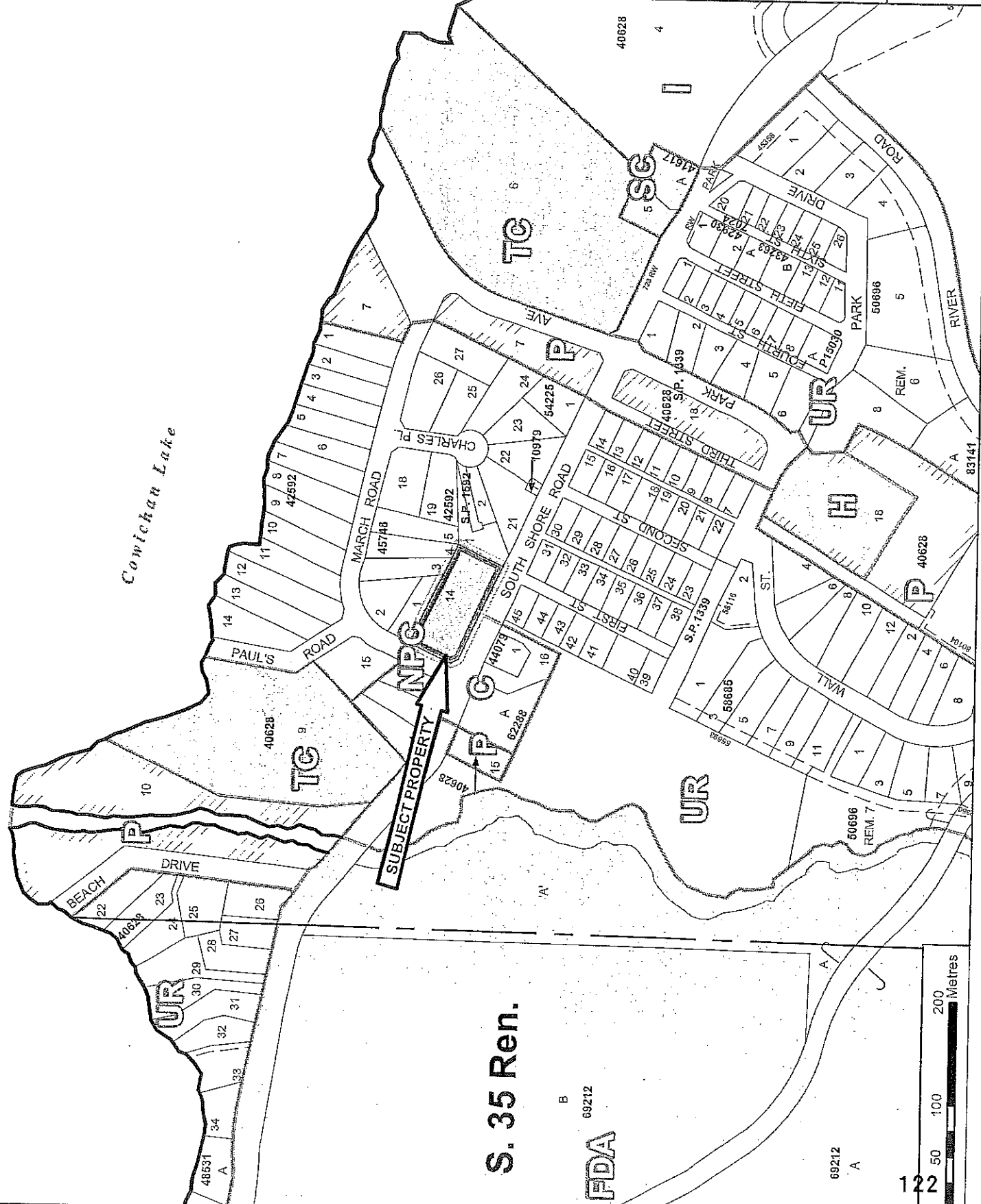
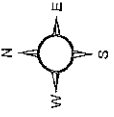
OCP

Legend



Subject Property

OCP Electoral Area F



S. 35 Ren.

B

69212

FDA

69212

A



R7

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING May 1, 2012

DATE: April 24, 2012 FILE NO: 7-G-10DP
FROM: Alison Garnett, Planner I BYLAW NO:
SUBJECT: Application No. 7-G-10DP (Brian and Sandra Crompt)

Recommendation/Action:

That Application No. 7-G-10DP be approved, and that a development permit be issued to Brian and Sandra Crompt for Lot 3 & 4, District Lot 34, Oyster District, Plan 22516 to legitimize previous construction of a retaining wall and add steps to the sloped footpath, subject to:

- Remediation of the foreshore, in accordance with the Marine Foreshore Remediation Plan and attached planting scheme;
- An irrevocable letter of credit in a form suitable to the CVRD is received, equivalent to 125% of the costs associated with planting scheme, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified environmental professional, and
- The portion of the block extending beyond the high water mark is removed, in accordance with CN Ryzuk Geotechnical letter, dated May 12, 2011, and that this work be completed by August 9, 2012.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

Background:

Location of Subject Property: 3900 & 3901 Linton Circle

Date Application Received: July 20, 2010

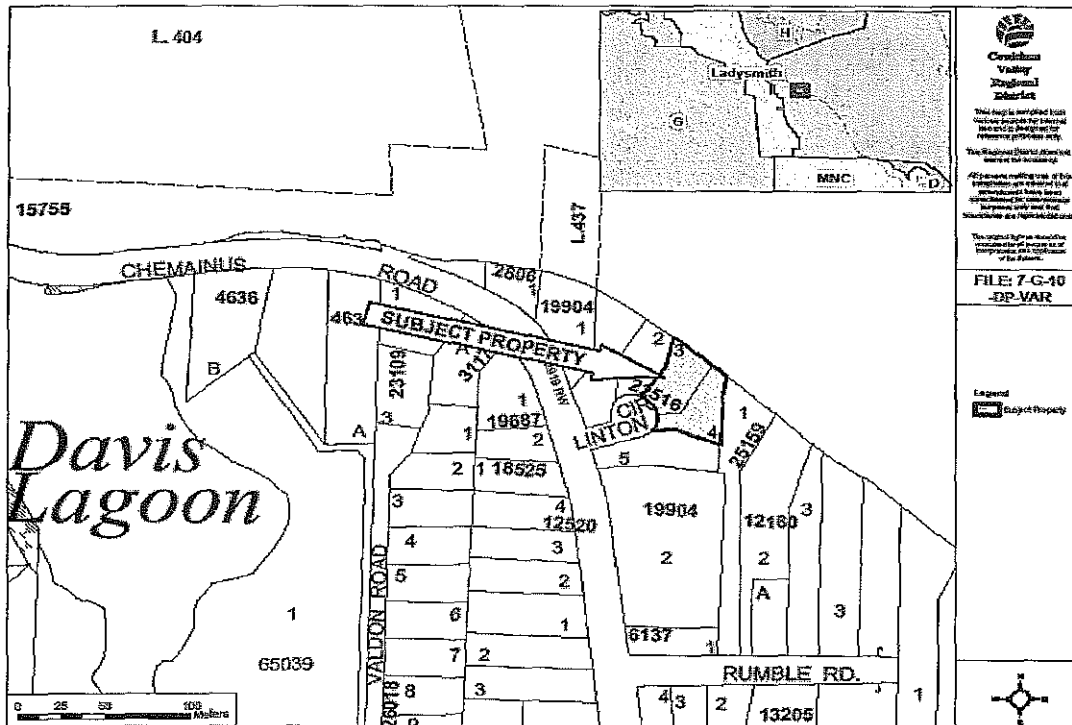
Owner and Applicant: Brian and Sandra Crompt

Size of Parcels: + 0.1 ha and + 0.1 ha

Existing Zoning: R-3 General Residential 3 Zone

Minimum Lot Size: 0.4 ha for parcels connected to a community water

Legal Description: Lots 3 & 4, District Lot 34, Oyster District, Plan 22516 (PID: 003-251-284 and PID: 003-251-144)



OCP Designation:

Residential

Use of Property:

Residential

Use of Surrounding Properties:

North:

Ocean

South:

Residential

East:

Residential

West:

Residential

Road Access:

Linton Circle

Water:

Saltair Community Water System

Sewage Disposal:

On-site septic

Agricultural Land Reserve Status:

Property is not located within the ALR

Environmentally Sensitive Areas:

The CVRD Environmental Planning Atlas identifies this property as being in a Shoreline Sensitive Area

Archaeological Site:

CVRD has no record of any archaeological sites

The Proposal:

An application has been made to the Regional Board to issue a Development Permit, pursuant to Electoral Area G – Saltair Official Community Plan Bylaw No. 2500, for the purpose of legitimizing previous construction of a retaining wall within the Ocean Shoreline Development Permit Area.

Planning Division Comments:

Application Update

This application for development permit was presented to the Electoral Areas Services Committee (EASC) July 5, 2011, at which time it was referred back to staff for further work. The application did not appear to comply with the Ocean Shoreline Development Permit Area guidelines, and there were unresolved issues with respect to the Department of Fisheries and Oceans involvement in the file.

Since that time, the applicants have submitted a Marine Foreshore Remediation Plan, prepared by Madrone Environmental Services. This Plan provides recommendations for re-vegetating areas along the retaining wall with native plant species, for the purpose of enhancing wildlife habitat, restoring biological function, improving bank stabilization and visually softening the appearance of the retaining walls.

The only structural alteration proposed to the wall is removal of a minor encroachment of the wall below the high water mark.

Site Context and Application Background

This application applies to two adjacent properties at 3900 and 3901 Linton Circle, in Electoral Area G – Saltair. These oceanfront properties are situated within the Ocean Shoreline Development Permit Area, which is intended to protect the sensitive environment of the ocean shoreline and foreshore bluffs, and to protect development from hazardous conditions.

The property slopes downwards towards the ocean, from south to north, with an elevation change of approximately ± 6 metres between Linton Circle and the waterfront. There is currently a single family dwelling located on each lot.

In 2009, the applicants noticed that the ocean bluff along the northern boundary of the subject properties was eroding and sloughing towards the shoreline. As there was concern about instability of the property, the applicants constructed a 5.5 metre (18ft) high lock-block retaining wall that spans the entire width of the waterfront parcel lines of Lot 3 and Lot 4. This retaining wall was constructed without engineer consultation.

The applicant has since submitted a development permit application, to request approval for the structure. A post-construction geotechnical letter of assessment by C.N. Ryzuk & Associates Ltd. was submitted, which discusses site conditions and details of the constructed wall. The Geotechnical Engineer states that the retaining wall is considered stable in static conditions and has “an acceptable factor for safety considering the noted design seismic event”. The applicants have also submitted a retaining wall design summary and a site plan which assist in illustrating the extent of the works.

Encroachment of Retaining Wall

A portion of the retaining wall encroaches beyond the high watermark of the ocean by 0.2 m². The applicants have supplied a second letter by CN Ryzuk, dated May 12, 2011, to comment on options to resolve the encroachment. To preserve the wall's integrity, CN Ryzuk does not recommend removing the blocks in their entirety. Alternatives include leaving the blocks (and causing no further disturbance to the shoreline) or cutting the block that extends into the high water mark and removing only that portion.

Provincial and Federal Agencies

The Department of Fisheries and Oceans will not provide a final decision on a retaining structure that was built without their consultation and that encroaches below the high water mark. Their Best Management Practices and Enforcement Actions with respect to sea walls are currently being revised, and these revisions will guide how DFO approaches this development in the future. They are considering conducting an investigation of this development at some future date to determine compliance with the *Fisheries Act*, but have indicated that if an investigation takes place, it will not occur in the near future.

The Ministry of Natural Resource Operations (MNRO) was notified by staff about the development. MNRO's appears unconcerned with the encroachment of the wall onto Crown Land, as it is less than 1 metre.

Development Permit Area Guidelines

The Official Community Plan Bylaw No. 2500 has established guidelines meant to assist applicants in meeting the objectives of the Ocean Shoreline Development Permit Area. The following will describe how the application addresses relevant guidelines outlined in Section 20.3.4.

- c) The retaining wall design includes a gravel footpath from the top of the retaining wall to the beach. It is a straight and steep path, and there is already evidence of erosion as well as safety concerns. The applicant is proposing to add terraced steps as part of this development permit. The guideline recommends that paths follow sloped contours, or that elevated stairs are constructed above vegetation.
- d) It is difficult to know how much vegetation, if any, was removed to facilitate construction of the retaining wall. The applicants have stated in a letter to the CVRD that soil was removed from the area where sloughing was occurring and an existing concrete wall was also removed. The Remediation Plan recommends re-vegetating the lower terrace and a narrow strip along the upper wall, for a total replanted area of 80m².
- f) Public access along the waterfront is affected slightly by the concrete blocks encroaching below the high water mark. An existing boathouse presents an additional obstruction to waterfront access, although it is considered a legal non conforming structure.
- g) The existing retaining wall does not meet this guideline with respect to the location below the high water mark, extent of wall along the entire lot frontage (rather than areas of active erosion only), and backfilling of materials behind the wall.
The constructed retaining wall encroaches 25 cm below the high water mark at the end of the footpath from Lot 4 as shown on the attached site plan. The wall also extends along the entire shoreline of lot 3 and 4. The current wall was backfilled with blasted rock to provide adequate drainage. Backfilling is discouraged in the development permit guidelines for the purpose of extending the edge of the slope. From the plans submitted, it appears that backfilling occurred for a width of approximately 5 feet behind the upper wall. Because the top portion of the walls roughly aligns with the adjacent properties, it does not appear as though backfilling was used to extend yard space along the slope.
- h) The guidelines encourage the use of soft erosion control methods. The current construction used concrete lock blocks, which are a form of hard erosion control.
- i) The retaining wall was constructed with cement blocks with minimal terracing, which is discouraged in the development permit guidelines. Again, the applicants are attempting to soften the look of the wall through the use of landscaping at the top and lower tiers of the retaining structure. The wall is pervious and blast rock backfill was used to promote good drainage at the walls. The landscaping along the lower and higher walls will promote water absorption.
- j) Proposed plantings should encourage rain water capture and help with filtration of water before it enters the beach area.
- k) The retaining walls did not utilize unsightly broken materials. Natural boulders were placed along the bottom of the walls closest to the shoreline to serve as possible wave dissipation and erosion control measures.
- m) While the look and configuration of the retaining walls do not meet the guidelines of the Ocean Shoreline Development Permit Area, there is evidence of some best management practices. The footpath is gravel to allow infiltration, some native vegetation is proposed to capture and infiltrate rainwater, enhance habitat and restore biological function, and large rocks are located at the base of the retaining wall to help dissipate wave action along the bottom of the walls.

Advisory Planning Commission Comments:

Members of the Area G Advisory Planning Commission reviewed this application at a meeting held February 10, 2011, and made the following recommendation:

"That the Advisory Planning Commission recommends approval of the development permit application. – Carried Unanimously"

Recommendation:

The retaining walls do not meet the development permit guidelines in terms of scale, extent and type of materials, however it did not seem feasible to make more substantial changes to the structure of the retaining walls. The applicants have made an effort to meet other guidelines, where possible, and implementation of the Remediation Plan will eventually restore some biological function, and improve the appearance of the walls.

Despite DFO's reluctance to provide advice on this file, staff recommend that the CVRD proceed with a decision on issuance of the development permit. We recommend Option A presented below.

- A. That Application No. 7-G-10 DP be approved, and that a development permit be issued to Brian and Sandra Crompt for Lot 3 & 4, District Lot 34, Oyster District, Plan 22516 to legitimize previous construction of a retaining wall and add steps to the sloped footpath, subject to:
- Remediation of the foreshore, in accordance with the Marine Foreshore Remediation Plan and attached planting scheme;
 - An irrevocable letter of credit in a form suitable to the CVRD is received, equivalent to 125% of the costs associated with planting scheme, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified environmental professional, and
 - The portion of the block extending beyond the high water mark is removed, in accordance with CN Ryzuk Geotechnical letter, dated May 12, 2011, and that this work be completed by August 9, 2012.
- B. That Application No. 7-G-10-DP respecting Lot 3 & 4, District Lot 34, Oyster District, Plan 22516 be referred back to staff for further work.

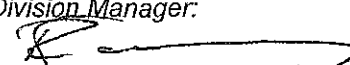
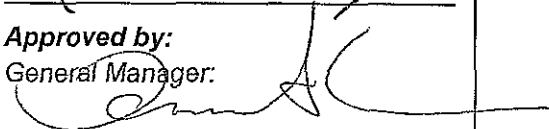
Submitted by,



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

AG/jah

Attachments

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



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

DRAFT

FILE NO: 7-G-10 DP

DATE: APRIL 24, 2012

REGISTERED PROPERTY OWNER(S):

Brian and Sandra Crompt - DRAFT

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

Lots 3 & 4, District Lot 34, Oyster District, Plan 22516 (PID: 003-251-284 and PID: 003-251-144)
3. Authorization is hereby given to authorize previous construction of a retaining wall and add steps to sloped footpath, subject to:
 - Remediation of the foreshore, in accordance with the Marine Foreshore Remediation Plan and attached planting scheme;
 - An irrevocable letter of credit in a form suitable to the CVRD is received, equivalent to 125% of the costs associated with planting scheme, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified environmental professional, and
 - The portion of the block extending beyond the high water mark is removed, in accordance with CN Ryzuk Geotechnical letter, dated May 12, 2011, and that this work be completed by August 9, 2012.
4. 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.

5. The following Schedule is attached:

Schedule A – Marine Foreshore Remediation Plan by Madrone Environmental Services, dated April 2, 2012

Schedule B – Planting Scheme, dated April 21, 2012

Schedule C - CN Ryzuk & Associates reports, dated July 23, 2010 and May 12, 2011

and it forms part of this Permit.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO XXXX, DATED XXXX.

DRAFT

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 KAREN DAY AND DUANE BEAUSOLEIL other than those contained in this Permit.

Owner/Agent (signature)

Witness (signature)

Print Name

Print Name

Date

Date



Cowichan
Valley
Regional
District

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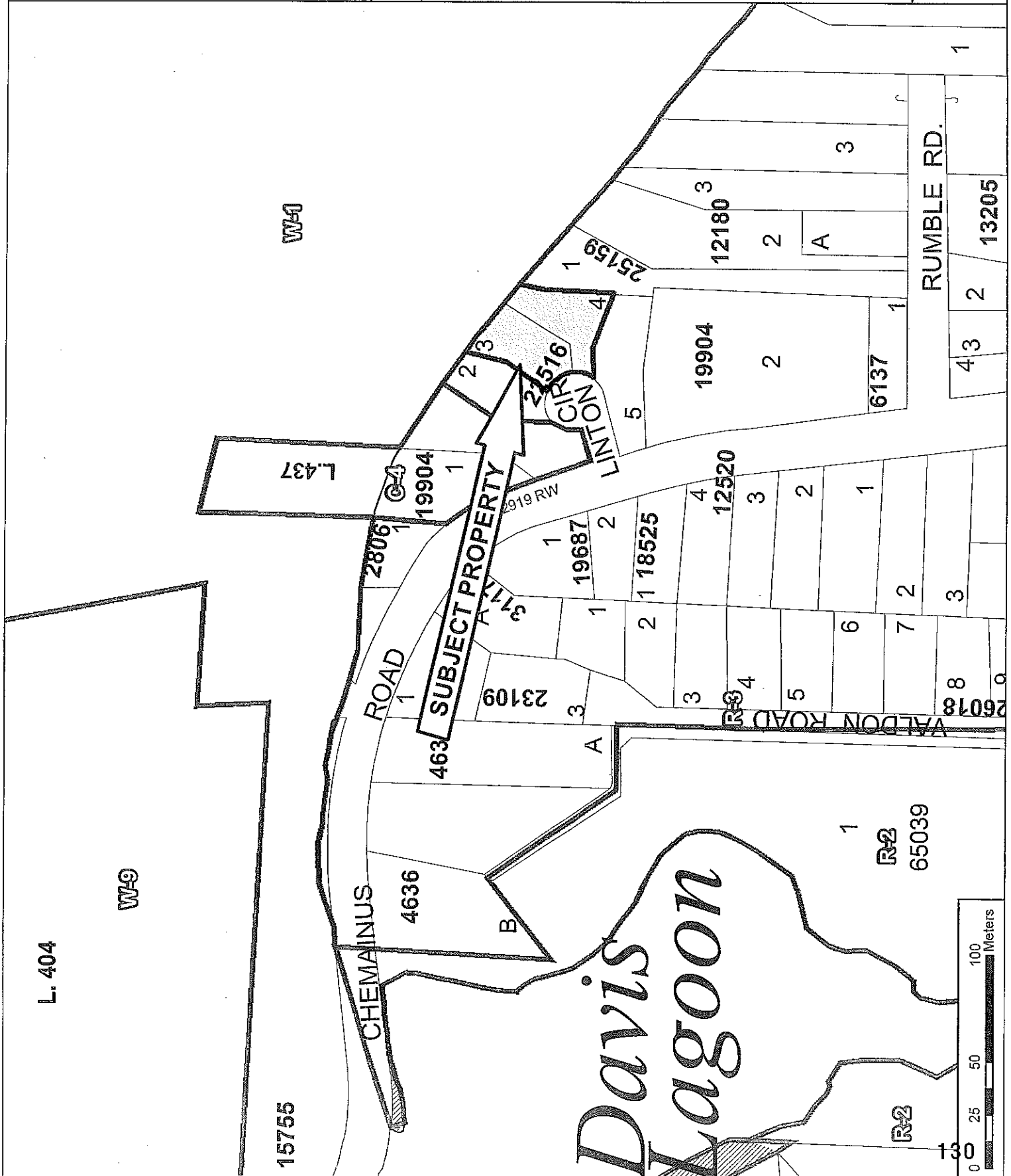
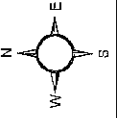
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-DP-VAR

ZONING

Legend



Subject Property
Zoning Electoral Area G



B.C. LAND SURVEYOR'S SKETCH OF LOTS 3
AND 4, DISTRICT LOT 34, OYSTER DISTRICT,
PLAN 22516

SCALE: 1:250



(ALL DIMENSIONS ARE IN METRES)

NOTES:

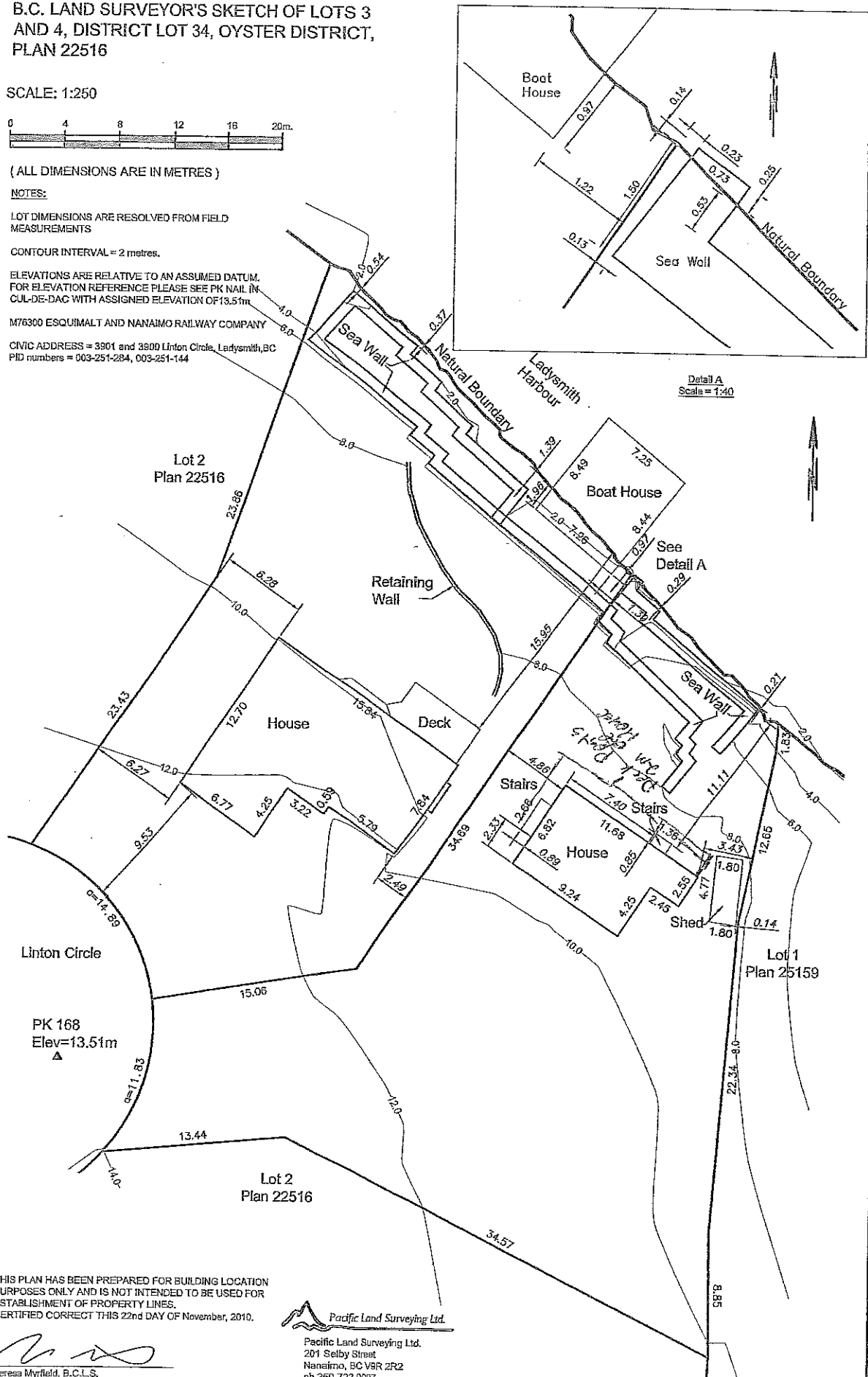
LOT DIMENSIONS ARE RESOLVED FROM FIELD MEASUREMENTS

CONTOUR INTERVAL = 2 metres.

ELEVATIONS ARE RELATIVE TO AN ASSUMED DATUM.
FOR ELEVATION REFERENCE PLEASE SEE PK NAIL IN
CUL-DE-SAC WITH ASSIGNED ELEVATION OF 13.51m

M76300 ESQUIMALT AND NANAIMO RAILWAY COMPANY

CIVIC ADDRESS = 3901 and 3909 Linton Circle, Ladysmith, BC
PID numbers = 003-251-284, 003-251-144



THIS PLAN HAS BEEN PREPARED FOR BUILDING LOCATION
PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR
ESTABLISHMENT OF PROPERTY LINES.
CERTIFIED CORRECT THIS 22nd DAY OF November, 2010.

Teresa Myrfield
Teresa Myrfield, B.C.L.S.

This document is not valid unless originally signed and sealed.



Pacific Land Surveying Ltd.

201 Selby Street
Nanaimo, BC V9R 2R2
ph 250 722 0007
fax 604 648 8268
project: 100920 Linton Circle



MARINE FORESHORE REMEDIATION PLAN

**3900 and 3901 Linton Circle
Saltair, Vancouver Island, BC**

for:

**Mr. Brian Crompt
3901 Linton Circle
Ladysmith, BC, V9G 1Z1**

by:

**Justin Lange, B.Sc., B.I.T., A.Sc.T.
MADRONE ENVIRONMENTAL SERVICES LTD.
1081 Canada Avenue, Duncan, BC, V9L 1V2**

April 2, 2012

Dossier 11.0289

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APPENDIX II.	
PLANTING PROCEDURES.....	15

**Marine Foreshore Remediation Plan
3900 and 3901 Linton Circle
Saltair, Vancouver Island, BC**



1.0 BACKGROUND

In November 2009, Mr. and Mrs. Crompt (the clients) began the planning phase for constructing a pre-cast cement block retaining wall at 3900 and 3901 Linton Circle (Lot 3 and Lot 4). The bank armoured was proposed due to signs that the slope was beginning to erode, and the clients were concerned about potential implications to their property resulting from failure of the bank. Construction proceeded, and the resulting structure was a 5.5 m high cement block retaining wall that spans the entire width of Lot 3 and Lot 4. No professional engineering guidance was provided during construction; however C.N. Ryzuk & Associates Ltd. (Geotechnical/Materials Engineering) was consulted post construction. The engineer determined the wall to be stable and safe for the use intended.

As the wall was constructed prior to receiving final approval from regulatory agencies, a Cowichan Valley Regional District (CVRD) building inspector informed the clients during routine inspections that a development permit should have been completed. Since that time an application has been submitted by the proponents to address the construction of the retaining wall as it relates to the Ocean Shoreline Development Permit Area Guidelines for Saltair. Also, construction of the wall was brought to the attention of the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) and Fisheries and Oceans Canada (DFO).

DFO has been in the process of revising the Best Management Practices and Enforcement Actions pertaining to sea walls and these revisions will guide future development. Therefore, no action has been taken to date by DFO.

Through conversations with the DFO, they have made it known that it has been their stance throughout the process to reserve the right to conduct an investigation at a later date in order to determine compliance of the development with the Fisheries Act. In the case of the MFLNRO, they consider the retaining wall to be in compliance with their regulations as the encroachment onto Crown Land is less than 1 m.

In order to satisfy regulatory requirements, the clients were informed by the CVRD that they required the assistance of a Qualified Environmental Professional (QEP) to complete and implement a remediation plan. Madrone Environmental Services Ltd. (Madrone) was retained by Mr. and Mrs. Crompt during the fall of 2011, requesting production and implementation of the remediation plan.

2.0 FIELD ASSESSMENT

On February 20, 2011 I visited the subject property with Alison Garnett of the CVRD in an effort to better understand what the property would have resembled prior to construction activities and the potential impacts of construction to the foreshore ecosystem.

At the time of the assessment it was noted that Lot 3 and Lot 4 have been subject to a high level of historical anthropogenic activities. On both properties, a driveway leads from Linton Circle, northeast to an existing home. In each case the home was constructed in the central portion of the property. Immediately to the north of each home, extensive landscaping activities have taken place. Manicured lawn dominates the land use; however, gardens have also been constructed using pre-cast cement blocks for the purpose of growing ornamental plants. In addition, a communal fire pit has been established in the northwest corner of Lot 4.

The pre-cast cement block retaining wall was constructed at the interface of the upland terrestrial and marine foreshore environments. The wall begins at the northwest corner of Lot 3 and spans approximately 45 m southeast, terminating

at the northeast boundary of Lot 4. To ensure stability, the wall was constructed with two offset levels and nine tiers of blocks. As the blocks were positioned, gravel fill and rocks were used to backfill in order to provide additional stability (refer to Photo 5). A gravel path, which has a moderate slope (approximately 30% grade) provides access to a boathouse and foreshore area by leading west between the upper and lower levels of the wall.

The majority of the intertidal zone consists of a gently sloping cobble/gravel beach. However, the upper-most extent of the foreshore area is dominated by sand and fine gravel. The boathouse originates at the base of the wall and is approximately 6 m wide and 10 m long. The structure is enclosed on the east, west and south sides and positioned atop cylindrical cement pillars. The pillars are buried in the cobble/gravel substrate to provide support for the boathouse. During construction of the boathouse (constructed prior to 1950) large boulders were positioned along the foreshore in order to alleviate wave action and minimize erosion. Woody debris in the form of washed up logs was lacking at the time of the assessment.

Prior to the construction of the wall, a steep (80% – 90%) slope extended up from the upper intertidal zone. As a result of constructing the wall, the northern boundary of Lot 3 and Lot 4 and the foreshore riparian zone are lacking native vegetation growth. Throughout the two properties, gardens with transplanted ornamental plants (*i.e.*, roses and rhododendrons) occur. Anecdotal evidence (conversation with the client) indicated that the transplanted species were chosen based on their aesthetic value rather than biological value.

Although sparse, native vegetation growth is most prolific along the northwest boundary of Lot 3 and the northeast boundary of Lot 4 (refer to photos in Appendix I). Tree species observed during the assessment included: Douglas-fir (*Pseudotsuga menziesii*), western redcedar (*Thuja plicata*) and bigleaf maple (*Acer macrophyllum*). Shrub and herb growth is virtually non-existent; however, grasses are re-establishing in areas amongst the tree growth. Invasive plant growth was sparse on Lot 3 and Lot 4, likely due to the extensive landscaping activities onsite. Daphne laurel (*Daphne laureola*) was observed at the time of the assessment.

3.0 BIOLOGICAL FUNCTION OF FORESHORE RIPARIAN VEGETATION

The presence of foreshore riparian vegetation is essential for the general health of a foreshore ecosystem, as it provides: summer shade over the water; a source of organic material that can be incorporated into the foreshore ecosystem; a source of terrestrial insects that can become potential fish prey items; and also bank stability in the form of complex root networks and Large Woody Debris (LWD). LWD and root networks help alleviate erosion problems by deflecting and slowing the velocity of wave action. The reduction in erosion also helps to decrease the amount of fine sediment being incorporated into the marine ecosystem. LWD also provides shelter for rearing fish and gives juvenile fish a place to escape predation.

Diverse foreshore riparian zones are important as they provide rearing and breeding habitat for fish. Species such as Pacific Herring (*Clupea pallasii*) and juvenile salmonids, such as Coho salmon (*Oncorhynchus kistutch*) and Chinook salmon (*O. tshawytscha*) rely on the marine foreshore environment, at least for part of their life cycle. Due to the vegetation removal associated with the construction of the retaining wall and historical anthropogenic activities, the diversity and quality of foreshore fish habitat on the subject property has been degraded. Currently there is a lack of overhanging vegetation and LWD along the foreshore of the subject property.

Species of forage fish, such as surf smelt (*Hypomesus pretiosus*) and Pacific sand lance (*Ammodytes hexapterus*) rely on sand and gravel in the upper intertidal area for spawning. Foreshore “hardening”, such as retaining wall construction, can affect the natural movement of sediment along a beach, which can directly impact upon forage fish spawning habitat. Overhanging vegetation over the upper intertidal zone is an important component of foreshore riparian zones, as it provides shade over forage fish spawning habitat, which is critical for developing forage fish embryos.

4.0 RIPARIAN PLANTING AND RESTORATION

In this particular case, the retaining wall does not meet all of the Ocean Shoreline Development Permit Area (SDPA) guidelines, relating to location of walls, use of materials, and soft erosion control. Through discussions with CVRD staff and the clients, it has been determined that the following recommendations must be

met for the retaining wall to be in compliance with the necessary CVRD guidelines.

It should be noted that removal of the retaining wall is not suggested at this stage. Ultimately the decision to remove the wall and carry out in depth restoration would be made by DFO. The DFO have reserved the right to assess the retaining wall at any point in the future in relation to potential infractions to the Fisheries Act.

The overall amount of riparian vegetation lost from the slope during construction of the wall is unknown. It is also difficult to quantify the actual impacts to foreshore rearing habitat as a result of the loss of vegetation, or the potential effects on forage fish spawning habitat.

The retaining wall was constructed using minimal terracing, which contravenes SDPA guidelines in most cases. However, in this particular case the wall was constructed based on the topography of the bank and additional terracing was not an option. Although the slope cannot be restored to its natural condition, revegetation must take place using native species that would have likely existed prior to construction. Revegetation will not only soften the appearance of the retaining wall, but will also help restore at least some of the biological function of the foreshore riparian zone. Some natural regeneration is already occurring, mainly in the form of Douglas-fir seedlings on the lower tier of the structure. During the replanting operation, care must be taken to retain any natural regeneration of native species.

Due to the configuration of the wall, replanting would be limited to the lower terrace, which is directly adjacent to the marine foreshore (an area of approximately 50 m²), and a narrow strip parallel to the upper wall (an area of approximately 30 m²). The upper replanting area is approximately 15 m from the high tide line.

As the subject property is located within the Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic subzone, the species list for the replanting plan was derived using *A Field Guide for Site Identification and Interpretation for the Vancouver Forest Region*. The following list (Table 1) includes trees, shrubs and herbs that are typically observed in the CDFmm which would be suited to on-site restoration.

Table 1. Recommended Plants for Restoring the Foreshore Riparian Area of Lot 3 and Lot 4.

LATIN NAME	COMMON NAME
Trees	
<i>Pseudotsuga menziesii</i>	Douglas-fir
<i>Abies grandis</i>	Grand fir
<i>Thuja plicata</i>	Western redcedar
<i>Cornus nuttallii</i>	Western flowering dogwood
<i>Acer macrophyllum</i>	Bigleaf maple
Shrubs	
<i>Gaultheria shallon</i>	Salal
<i>Mahonia nervosa</i>	Dull Oregon-grape
<i>Rosa gymnocarpa</i>	Baldhip rose
<i>Holodiscus discolor</i>	Ocean spray
<i>Symphoricarpos albus</i>	Common snowberry
<i>Lonicera ciliosa</i>	Western trumpet honeysuckle
<i>Lonicera hispidula</i>	Hairy honeysuckle
<i>Paxistima myrsinites</i>	Falsebox
Herbaceous	
<i>Polystichum munitum</i>	Swordfern
<i>Pteridium aquilinum</i>	Bracken fern
<i>Achlys triphylla</i>	Vanilla leaf
<i>Sanicula crassicaulis</i>	Pacific sanicle
<i>Lathyrus nevadensis</i>	Purple peavine

With regard to planting stock, one-gallon pots should be used (including trees). These pots need to be planted such that the centre of one plant is 1 m from the centre of the next plant, *i.e.*, 1 m centres. The vegetation list in Table 1 represents mainly low-growing deciduous shrubs. The suggested tree species should be interspersed throughout the restored area to provide a greater diversity of biological function. However, as the trees mature there is potential that expansion of the root systems may pose a threat to the integrity of the retaining wall. Due to the greater distance from the high tide line, the planting of trees should be focused in the area paralleling the upper edge of the wall. Trees such as western redcedar and Douglas-fir planted in this area will contribute to biological function in the future as they mature.

As the planting area over the lower tier will likely consist of a poor overall planting medium, soil amendments will likely be required. Plants should be installed using fertilizer, "Sea Soil" and peat moss. It is important to ensure

adequate soil depth and water holding capacity to allow for successful growth. “Sea Soil” is a certified organic product, and is tested by the Organic Materials Review Institute (OMRI) for the presence of contaminants and pollutants. It contains a good mix of required nutrients and represents a suitable soil amendment for the replanting operation. The upper planting area adjacent to the top of the wall may not need amendments, as the soil is deeper. The ground should be covered with mulch to discourage weed introduction, to retain moisture and to maintain an optimal temperature range (refer to Appendix II for more details).

To take advantage of optimal growing seasons, the replanting work should be initiated as soon as possible and completed by May 30th, 2012. Refer to Appendix II for a guide on effectively planting nursery stock. Planted stock needs to be watered every two weeks in hot summer weather during the first year. During the second summer, watering occasionally, for example once per month, should be sufficient.

Once planting is completed this year, a post-planting report must be completed to ensure compliance with the recommendations suggested here. The planted area will be assessed each year for three consecutive years after planting, to check for survival of planted stock. For each year during the three year period, a 90% plant survival rate must be achieved. To help determine survival, an inventory of the number of plants must be completed at the time of planting. Each plant must also be clearly marked with flagging labeled with the Latin plant name in order to help determine survival rates.

The client expressed an interest in wanting to remain diligent in removing any *Daphne laurel* growth. Although sparse, *daphne* growth occurs throughout much of the property, and a continued removal effort of this species is recommended. Small *daphne* seedlings can be pulled out of the ground. Larger plants can be cut, but the cut must be made below the soil surface, otherwise the plant will resprout vigorously. *Daphne* stems often grow horizontally along the ground and it can be hard to identify where the plant is actually rooted (especially if the stems are covered by leaf litter).

When cutting *daphne*, therefore, care must be taken to uncover the horizontal stems and identify where the stem is coming out of the ground. Unlike Scotch broom (*Cytisus scoparius*) – another invasive species, which loses its ability to

resprout from the stem as it ages (becomes woody) - daphne can resprout from the stem at any age.

It should be noted that all parts of daphne are toxic to humans. Gloves must be worn when handling the plant, to avoid skin irritations. People with respiratory problems, such as asthma, should wear masks when handling the plant. Daphne removed from the site should not be burned, as the toxic compounds it contains become aerosolized and can cause respiratory problems.

Daphne can be disposed of by piling it, crushing it, and allowing it to break down naturally. The eradication of daphne from the site will require a focused, long-term effort and should be coupled with the introduction of native trees and shrubs to the site.

In this particular case, habitat complexity in the form of washed up LWD is sparse within the foreshore zone. As a result, the LWD that does exist must not be removed from the beach area. Any additional material that washes up must also remain on site.

In the past, encroachment below the natural boundary of the marine foreshore environment has taken place through the establishment of the boathouse. Recently it was determined that approximately 11 cm of one cement block encroached below the natural boundary as a result of the construction of the retaining wall. During the assessment it was agreed upon by all parties that due to the minor encroachment, the block should not be removed.

Removing the block could decrease the structural integrity of the wall. Geotechnical Engineers have stated that the best course of action would be to cut the 11 cm section off the block. As this action will not cause any damage to the foreshore environment, it is my recommendation to simply remove the portion of the block that encroaches.

Implementing a replanting prescription will “soften” the appearance of the retaining wall and help restore some of the function of the riparian foreshore area. This will alleviate concerns associated with the local government (CVRD). The DFO have reserved the right to assess the construction of the retaining wall for potential Fisheries Act infractions. It should be noted that the DFO may have more stringent requirements for restoration in the future.

If you have any further questions or comments, please do not hesitate in contacting the undersigned.

Prepared by:

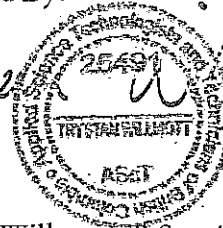
Justin Lange



Justin Lange, B.Sc., A.Sc.T., B.I.T

Reviewed By:

Trystan Willmott



Trystan Willmott, B.Sc., A.Sc.T.



APPENDIX I

SITE PHOTOS



Photo 1. Looking southwest at the extent of the concrete block retaining wall. It should be noted that the boat house existed prior to construction of the retaining wall.

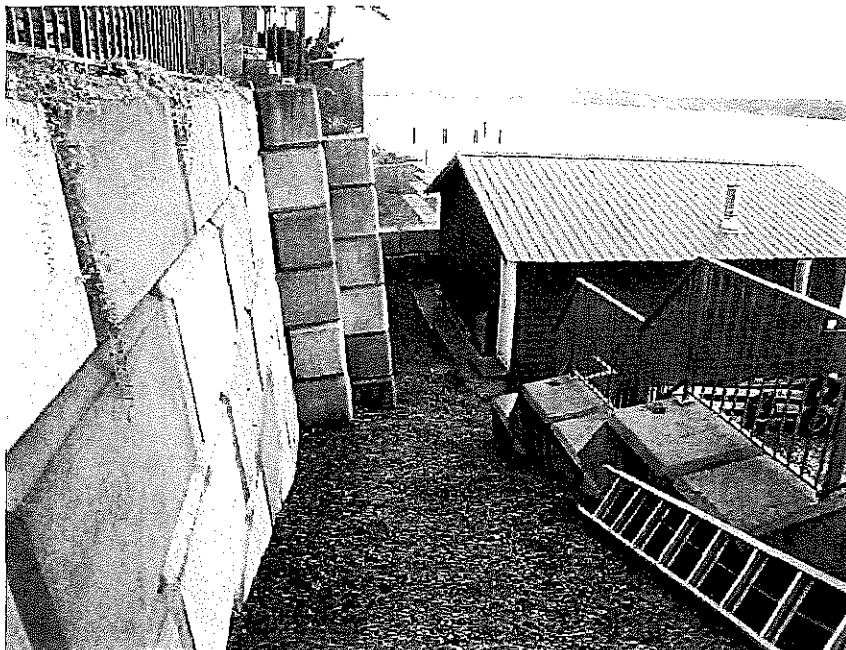


Photo 2. Looking northwest at the gravel walkway that provides access to the boat house and foreshore area.



Photo 3. Looking southeast at the characteristics of the slope on an adjacent property. The fact that trees are bowing (red arrow) indicates that the slope is unstable. It is likely that the slope on the subject property had very similar qualities prior to construction of the retaining wall. Also note the overhanging vegetation, which is providing important biological function over the adjacent foreshore habitat.



Photo 4. Looking northwest at the backyard portion of the subject property, immediately upslope of the retaining wall. Native vegetation will be planted parallel to the upper fence for a width of up to 1 m.



Photo 5. Looking from the top of the retaining wall at the lower (first) tier. This area will be planted with native vegetation.



Photo 6. On the first tier of the wall, vegetation has begun to naturally re-establish. Note the three Douglas-fir seedlings that have sprouted as a result of natural seed dispersal.



Photo 7. Looking southeast at the foreshore of the subject property below the retaining wall. Note the placement of boulders, which was completed to aid in prevention of slope erosion prior to construction of the retaining wall.



Photo 8. Looking north at a portion of the retaining wall, which encroaches by 11 cm beyond the natural boundary of the foreshore environment. The red arrow indicates the non-compliant portion of the wall.



APPENDIX II

PLANTING PROCEDURES

(Adapted from Streamside Native Plants website)¹

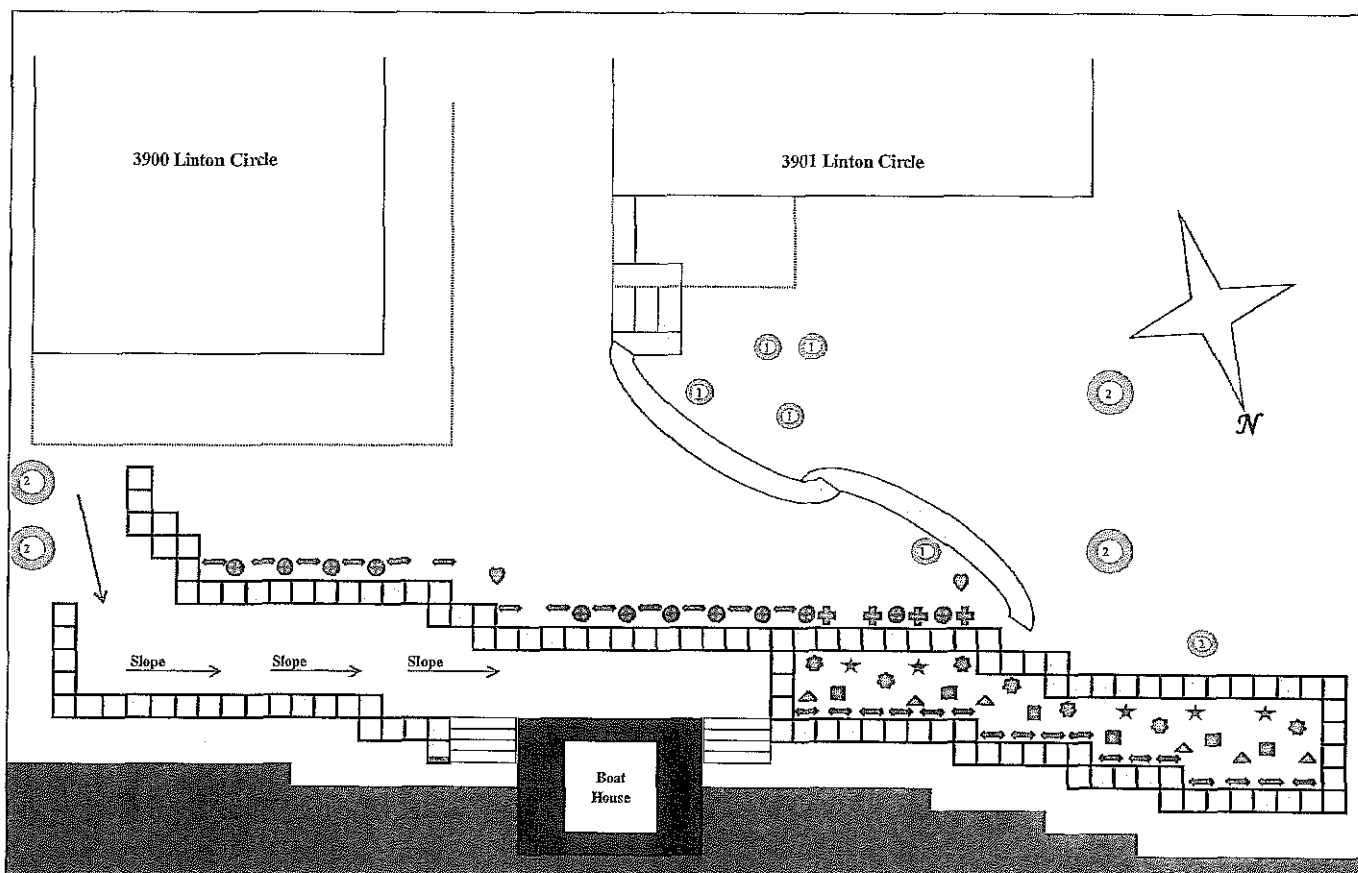
¹ Available at http://members.shaw.ca/nativeplants/streamside_revegetation.html

Handling Container Plants

The first step is to remove portions of the root mass that have grown out through the holes in the bottom of the container and cannot be easily withdrawn when the plant is removed. When removing plants from containers, a hand should be spread over the soil surface with the stem between the index and middle fingers. Invert the plant and work the pot off the root-ball. Place another hand on the bottom of the root-ball for support and turn the plant right side up. When removing plants from containers, it is important to disturb the roots as little as possible; however, one must ensure that no roots are encircling the root-ball, as strangulation may result. If a plant is root-bound, then the outside of the root mass will require combing to untangle the roots. After it has been removed, place the plant in the excavated hole, backfill (using soil amendments, as necessary), and firm it into place. Each plant must be watered liberally immediately after being planted.

Mulching

In this particular case, the planting medium is likely coarse and not able to retain water for a prolonged period of time. When planting seedlings and larger plants, therefore, it is important to preserve soil moisture and minimize weed growth to obtain successful growth. This is typically carried out by applying bark mulch around individual plants; broadcast mulching is recommended in this case. Inorganic mulches such as plastic landscape fabrics are not recommended, as these materials do not biodegrade over time and would likely need to be removed from the site.



Drawing not to scale

Proposed New Plantings

Symbol	Quantity		Unit Price	Total Price
★	5	Douglas Fir - Pseudotsuga Menziesii	\$ 9.95	\$ 49.75
✿	7	Ocean Spray - Holodiscus Discolor	\$ 9.95	\$ 69.65
⬢	6	Common Snowberry - Symphoricarpos Albus	\$ 9.95	\$ 59.70
▲	6	Dull Oregon-Grape - Mahonia Nervosa	\$ 9.95	\$ 59.70
→	30	Kinnikinnick - Arctostaphylos Uva-Ursi	\$ 3.49	\$ 104.70
✿	4	Hairy Honeysuckle - Lonicera Hispidula	\$ 9.95	\$ 39.80
♥	2	Baldhip Rose - Rosa Gymnocarpa	\$ 9.95	\$ 19.90
⊗	12	Western Trumpet Honeysuckle - Lonicera Chlosa	\$ 9.95	\$ 119.40
Sub Total				\$ 522.60

- ① Existing Rhododendrons
- ② Existing Cedars

Prepared by Brian Crompt with the assistance of Dinter Nursery

B. Dinter Nursery Ltd.

2205 Phipps Road
Duncan, BC V9L 6L2



Bernie Dinter P.Ag.

Phone (250) 748-2023
Fax (250) 748 0586

email: info@dinternursery.ca
www.dinternursery.ca

Planting Medium Costing

	Quantity		Unit Price	Total Price
Dinter Nursery	2	Yards Sea Soil (client pick-up)	\$ 90.00	\$ 180.00
Robert Contracting	12	Yards Garden Soil * (delivered, Incl. HST)	\$ 591.36	\$ 591.36
Sub Total				\$ 771.36

* - Contains black peat, washed sand and composted chicken manure

Planting Medium Costing

	Total Price
Total Proposed New Planting	\$ 522.60
Total Planting Medium	\$ 771.36
Labour Costs (done by owner)	\$ -
Sub Total	\$ 1,293.96
** HST 12%	\$ 84.31
Grand Total	\$ 1,378.27
Bond Equivalent to 125%	\$ 1,722.84

** HST has been applied to \$522.60 and \$180.00. Garden soil included delivery and HST costs.

B. Dinter Nursery Ltd.

2205 Phipps Road
Duncan, BC V9L 6L2



Greta Felske
Nursery Manager

Phone (250) 748-2023
Fax (250) 748-1822

email: greta@dinternursery.ca
www.dinternursery.ca

C.N. RYZUK & ASSOCIATES LTD.

Geotechnical/Materials Engineering

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

July 23, 2010

File No: 8-5773-1

Mr. Brian & Ms. Sandra Crompt
3901 Linton Circle
Ladysmith, BC
V9G 1Z1

Dear Mr. & Ms. Crompt,

Re: Assessment of Existing Retaining Structure
3901 Linton Circle -- Ladysmith, BC

As requested, we attended the referenced site to visually assess an existing retaining wall that had been constructed along the foreshore slope. We understand that the works were undertaken without associated permitting, and the Town of Ladysmith has advised subsequent to completion of construction that the site is within an area defined as an Ocean Shoreline Development Permit Area as described in the Official Community Plan and related Bylaws. In this respect, we have been requested to address the geotechnical aspects of the existing structure, and provide our associated comments and recommendations. Our work has been undertaken in accordance with, and is subject to, the attached Statement of Terms of Engagement.

The site is generally located within the Saltair Properties along the eastern side of Vancouver Island, and the topography is characterized by relatively gentle slopes in the upland portion, with several existing retaining walls up to approximately 2.5 m in height between the residence and the top of the foreshore retaining wall. The shoreline retaining wall is a maximum of approximately 5.5 m in height and consists of several jogs in the alignment, and has a secondary plateau structure with a retaining wall towards the western limit. Stairs have been incorporated into the retaining wall structure over the eastern portion, and beyond the shoreline retaining wall there was an existing boathouse structure which appears to have been in place for a period of many years.

We understand from your description of the site, prior to any works being undertaken, that the pre-existing slope was steeply inclined, and that episodic ongoing soil erosion and/or slope instabilities were occurring. Visual observation of the adjacent properties indicated that the natural slope was inclined at approximately 1 H : 1 V (horizontal : vertical), although there were localized sections which were both steeper and flatter. The natural slopes appeared to support reasonable vegetative cover, including ~~coniferous~~ coniferous and deciduous trees of varying size as well as understory scrub brush. On the basis of our cursory look from the beach at the adjacent properties where such were visible, we did not identify any recent evidence of slope instabilities.

The existing beach profile was comprised of sand and gravel with a lag armour of cobbles. The beach profile itself was relatively inclined and appeared to be well developed in terms of sediment recruitment

C.N. Ryzuk & Associates Ltd.

C.N. RYZUK & ASSOCIATES LTD.

Mr. Brian & Ms. Sandra Cromp
3901 Linton Circle - Ladysmith, BC

July 23, 2010

and transport. We did not observe any indication of excessive scour or erosion along the base of the retaining wall. x

Inspection of the retaining wall itself indicated that it was constructed of interlocking concrete blocks, and that a uniaxial geogrid had been placed in between many of the rows where it was visible from the face. It was apparent from probing with a hand held steel probe in between the interstitial spaces of the blocks that select angular granular material had been placed behind the wall. Probing in front of the wall indicated that the sand and gravel beach sediment was not overly compact, however, we were not able to extend our probe beneath the lowest row of blocks in any area.

We noted that the face of the wall was battered back at approximately 1 H : 10 V, and for the most part, the overall construction of the wall was relatively uniform. We did note that there was a very subtle bulge of approximately 25 mm horizontally in the mid-portion of the wall, however, you have indicated that this slight deflection was experienced at the time of construction and is not a result of lateral movement of the structure itself.

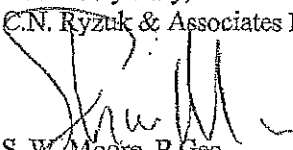
Subsequent to our visual assessment, we have undertaken a finite element analysis of the retaining wall structure to assess the potential for failure, both in static but particularly in a seismic scenario. We have considered a design seismic event to be that which has a 10% probability of exceedance in 50 years (1 in 475 year return), which we consider appropriate for a non-habitable structure that does not directly pose a threat to any other structures. In the course of our analysis, the computer model that we developed was constructed in part on the basis of the information that you provided to us, and was confirmed as much as was reasonably possible by review of available photographs along with our site observations.

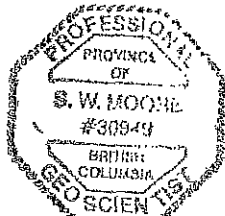
The results of our work as described above confirms that the retaining wall as it has been constructed is considered stable during static conditions, and has an acceptable factor of safety considering the noted design seismic event. Therefore, from a geotechnical engineering perspective, we consider that the shoreline retaining wall is safe for the use intended, and does not itself pose a hazard.

It is relatively common to see changes occur in the upper tidal limit associated with modification of the energy regime due to construction of foreshore hardening. At this site, we expect that there will be or has been a marginal change in the shoreline energy regime proximal to the base of the retaining wall, however, based on our observations of the shoreline sediment, we doubt that these changes have been or will be excessive.

We hope the preceding is suitable for your purposes at present, and that it is consistent with your account of our discussions in the regard. If you have any questions with respect to the above, please contact us.

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


S. W. Moore, P. Geo.
Geoscientist
SWM/cam



Attachment - Statement of Terms of Engagement

RYZUK GEOTECHNICAL

Engineering & Materials Testing

28 Crease Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3611 www.ryzuk.com

May 12, 2011

File No: 8-5773-1

Mr. Brian Crompt
3901 Linton Circle
Ladysmith, BC
V9G 1Z1

Dear Sir,

Re: Assessment of Existing Retaining Structure
3901 Linton Circle – Ladysmith, BC

As requested, we attended the referenced site on March 28, 2011 to assess the existing geotechnical conditions as such relate to encroachment of the existing retaining wall below the high water mark of the ocean. We were previously involved at the site in 2010 and provided a letter regarding the global stability of the existing structure located within a Development Permit Area: Ocean Shoreline as part of the Saltair Official Community Plan, Bylaw No. 2500. Subsequent, to the submission of the development permit application, Cowichan Valley Regional District (CVRD) asked for a professional opinion as whether the blocks encroaching beyond the high water mark can be removed or cut back without causing wall instability. The following presents our observations and recommendations. Our work has been undertaken in accordance with, and is subject to, the attached Statement of Terms of Engagement.

The two blocks which encroach beyond the high water mark are located to the southeast of the existing boat house, adjacent to a set of concrete stairs. As per the attached survey plan, the blocks encroach 0.25 m into the surveyed natural boundary. The two blocks are part of a low retaining wall located approximately 2 m from a high interlocking block retaining wall of about 5 m in height. The material retained by the lower retaining wall forms a pathway, which leads from the eastern top portion of the property to the beach. Although not critical, the lower retaining wall and the two blocks encroaching beyond the natural boundary do slightly improve the overall stability of the high retaining wall behind, by protecting the toe

RYZUK GEOTECHNICAL

Mr. Brian Crompt
3901 Linton Circle -- Ladysmith, BC

May 12, 2011

against potential erosion/scouring. At the time of our attendance, the surficial layer of material behind the wall has been disturbed by wave action.

Based on our observations and previous stability assessment provided in our report of July 23, 2010, we summarize below the advantages and disadvantages of three options.

Removal of the encroaching blocks

The two blocks are interlocked in the adjacent retaining wall, and as such it would, in order to take out the blocks encroaching, it would necessitate the removal and relocation of adjacent blocks as well. Due to limited space at the crest of the slope and heavy weight of the blocks, the removal of these blocks would have to be undertaken from a crane mounted on a barge.

In addition, as mentioned above, we consider that the removal of the encroaching blocks will not cause major instability immediately. However, with time the wave action has the potential to disturb/erode the material at the toe of the high retaining wall, which may lead to global instability of the structure in the future.

Cutting of the encroaching block

An alternative to complete removal of the blocks, it would be to cut/remove the portion of the block extending outside the natural boundary. This option is feasible, although it will entail excavating approximately 0.5 m below existing beach elevation, which would create disturbance to the shoreline environment.

The first buried block should be excavated by hand using a shovel to completely expose the block. The section of the blocks encroaching should then be cut using a concrete saw. We do not consider that removing a portion of these blocks will decrease the overall stability of the lower wall.

Leave the two blocks in place

This option would entail to keep the existing blocks in place. The wall has been in place for a period of approximately 1 year. Based on our previous report and observations made during our latest visit, we did not observe major changes in the hydraulic regime within the intertidal area. We expect that any changes in the hydraulic regime, such as sediment reduction has probably already occurred in the months following the construction of the wall along the shoreline.

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Mr. Brian Crompt
3901 Linton Circle -- Ladysmith, BC

May 12, 2011

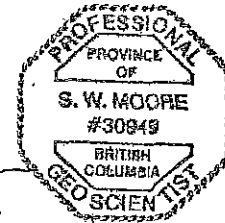
From a geotechnical perspective, we would recommend to not further disturb the intertidal area and either leave in place or cut the blocks encroaching into the natural boundary. We consider that these two options would be less disruptive and would continue to provide erosion protection to the base of the high retaining structure behind, without possibly compromising the existing wall stability in the future.

We hope the preceding is suitable for your purposes at present, however if you have any questions with respect to the above, please contact us.

Yours very truly,
Ryzuk Geotechnical

Isabelle Maltais, EIT
Project Engineer

S.W. Moore, P. Geo.
Review Geoscientist



Attachment — Statement of Terms of Engagement
 — Survey Plan

STATEMENT OF TERMS OF ENGAGEMENT

GENERAL

C.N. Ryzuk & Associates Ltd. (The Consultant) shall render the Services, as specified in the attached Scope of Services, to the Client for this Project in accordance with the following terms of engagement. The Services, and any other associated documents, records or data, shall be carried out and/or prepared in accordance with generally accepted engineering practices in the location where the Services were performed. No other warranty, expressed or implied is made. The Consultant may, at its discretion and at any stage, engage subconsultants to perform all or any part of the Services.

COMPENSATION

All charges will be payable in Canadian Dollars. Invoices will be due and payable by the Client on receipt of the invoice without hold back. Interest on overdue accounts is 24% per annum.

TERMINATION

Either party may terminate this engagement without cause upon thirty (30) days' notice in writing. On termination by either party under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed, including all expenses and other charges incurred by the Consultant for this Project.

If either party breaches this engagement, the non-defaulting party may terminate this engagement after giving seven (7) days' notice to remedy the breach. On termination by the Consultant under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed to the date of termination, including all fees and charges for this Project.

ENVIRONMENTAL

The Consultant's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution of soil or pollution of groundwater. The Consultant will cooperate with the Client's environmental consultant during the field work phase of the investigation.

PROFESSIONAL RESPONSIBILITY

In performing the Services, the Consultant will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices and procedures normally provided in the performance of the Services contemplated in this engagement at the time when and the location in which the Services were performed.

LIMITATION OF LIABILITY

The Consultant shall not be responsible for:

- (a) the failure of a contractor, retained by the Client, to perform the work required for the Project in accordance with the applicable contract documents;
- (b) the design of or defects in equipment supplied or provided by the Client for incorporation into the Project;
- (c) any cross-contamination resulting from subsurface investigations;
- (d) any damage to subsurface structures and utilities which were identified and located by the Client;
- (e) any Project decisions made by the Client if the decisions were made without the advice of the Consultant or contrary to or inconsistent with the Consultant's advice;
- (f) any consequential loss, injury or damages suffered by the Client, including but not limited to loss of use, earnings and business interruption;
- (g) the unauthorized distribution of any confidential document or report prepared by or on behalf of the consultant for the exclusive use of the Client

The total amount of all claims the Client may have against the Consultant or any present or former partner, executive officer, director, stockholder or employee thereof under this engagement, including but not limited to claims for

negligence, negligent misrepresentation and breach of contract, shall be strictly limited to the amount of any professional liability insurance the Consultant may have available for such claims.

No claim may be brought against the Consultant in contract or tort more than two (2) years after the Services were completed or terminated under this engagement.

DOCUMENTS AND REPORTING

All of the documents prepared by the Consultant or on behalf of the Consultant in connection with the Project are instruments of service for the execution of the Project. The Consultant retains the property and copyright in these documents, whether the Project is executed or not. These documents may not be used on any other project without the prior written agreement of the Consultant.

The documents have been prepared specifically for the Project, and are applicable only in the case where there has been no physical alteration to, or deviation from any of the information provided to the Consultant by the Client or agents of the Client. The Client may, in light of such alterations or deviations, request that the Consultant revise and review these documents.

The identification and classification as to the extent, properties or type of soils or other materials at the Project site has been based upon investigation and interpretation consistent with the accepted standard of care in the engineering consulting practice in the location where the Services were performed. Due to the nature of geotechnical engineering, there is an inherent risk that some conditions will not be detected at the Project site, and that actual subsurface conditions may vary considerably from investigation points. The Client must be aware of, and accept this risk, as must any other party making use of any documents prepared by the Consultant regarding the Project.

Any conclusions and recommendations provided within any document prepared by the Consultant for the Client has been based on the investigative information undertaken by the Consultant, and any additional information provided to the Consultant by the Client or agents of the Client. The Consultant accepts no responsibility for any associated deficiency or inaccuracy as the result of a misstatement or receipt of fraudulent information.

JOBSITE SAFETY AND CONTROL

The Client acknowledges that control of the jobsite lies solely with the Client, his agents or contractors. The presence of the Consultant's personnel on the site does not relieve the Client, his agents or contractors from their responsibilities for site safety. Accordingly, the Client must endeavor to inform the Consultant of all hazardous or otherwise dangerous conditions at the Project site of which the Client is aware.

The client must acknowledge that during the course of a geotechnical investigation, it is possible that a previously unknown hazard may be discovered. In this event, the Client recognizes that such a hazard may result in the necessity to undertake procedures which ensure the safety and protection of personnel and/or the environment. The Client shall be responsible for payment of any additional expenses incurred as a result of such discoveries, and recognizes that under certain circumstances, discovery of hazardous conditions or elements requires that regulatory agencies must be informed. The Client shall not bring about any action or dispute against the Consultant as a result of such notification.

SCALE: 1:250



NOTES:

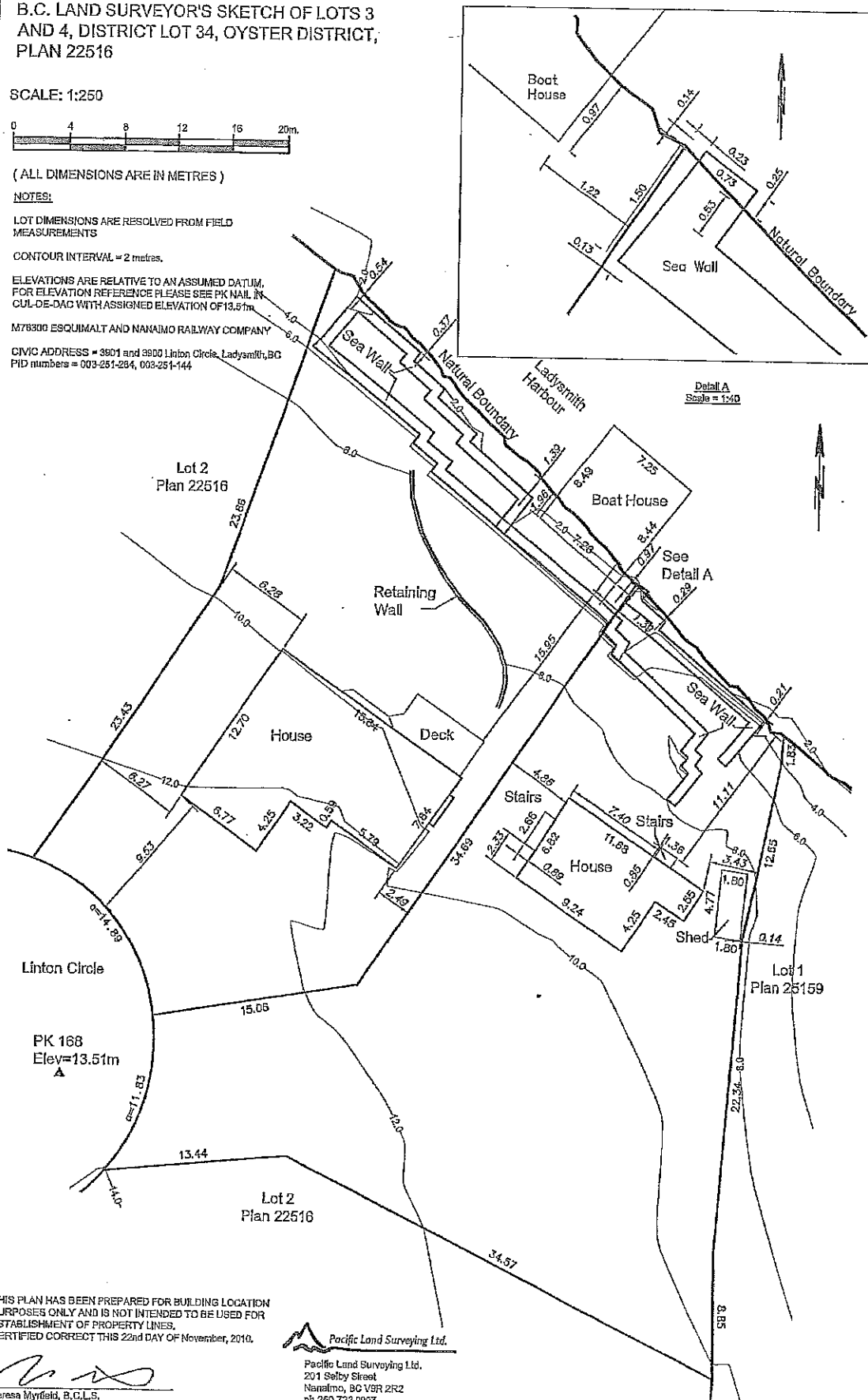
LOT DIMENSIONS ARE RESOLVED FROM FIELD MEASUREMENTS

CONTOUR INTERVAL = 2 metres.


ELEVATIONS ARE RELATIVE TO AN ASSUMED DATUM,
FOR ELEVATION REFERENCE PLEASE SEE PK NAIL IN
CUL-DE-SAC WITH ASSIGNED ELEVATION OF 13.51m

M76300 ESQUIMALT AND NANAIMO RAILWAY COMPANY

CIVIC ADDRESS = 3901 and 3900 Linton Circle, Ladysmith, BC
PID numbers = 003-251-284, 003-251-144



THIS PLAN HAS BEEN PREPARED FOR BUILDING LOCATION
PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR
ESTABLISHMENT OF PROPERTY LINES.
CERTIFIED CORRECT THIS 22nd DAY OF November, 2010,


Teresa Myrfield, B.C.L.S.

This document is not valid unless originally signed and sealed.

 Pacific Land Surveying Ltd.

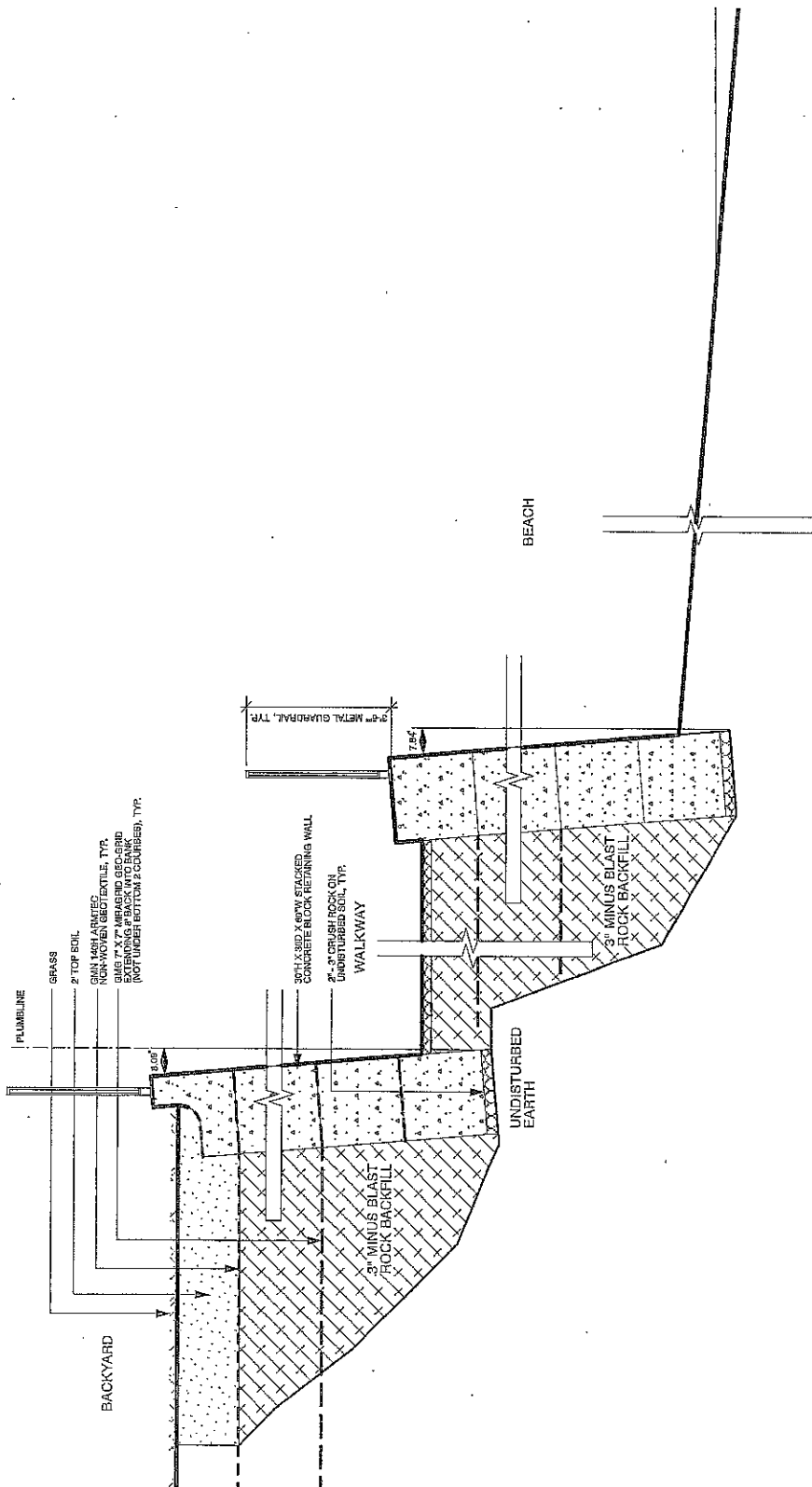
Pacific Land Surveying Ltd.
201 Selby Street
Nanaimo, BC V9R 2R2
ph 250 722 0007
fax 604 648 9268
project: 100920 Linton Circle

CROMP RESIDENCE
3901 LINTON CIRCLE
LADYSMITH, BC

RETAINING WALL
TYPICAL SECTION

SCALE 3/8" = 1'

RETAINING WALL SUMMARY





STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING of May 1, 2012

DATE: April 24, 2012

FILE NO: 1-I-11 DP

FROM: Alison Garnett, Planner I

BYLAW NO:

SUBJECT: Development Permit Application No. 1-I-11 DP (Beausoleil & Day)

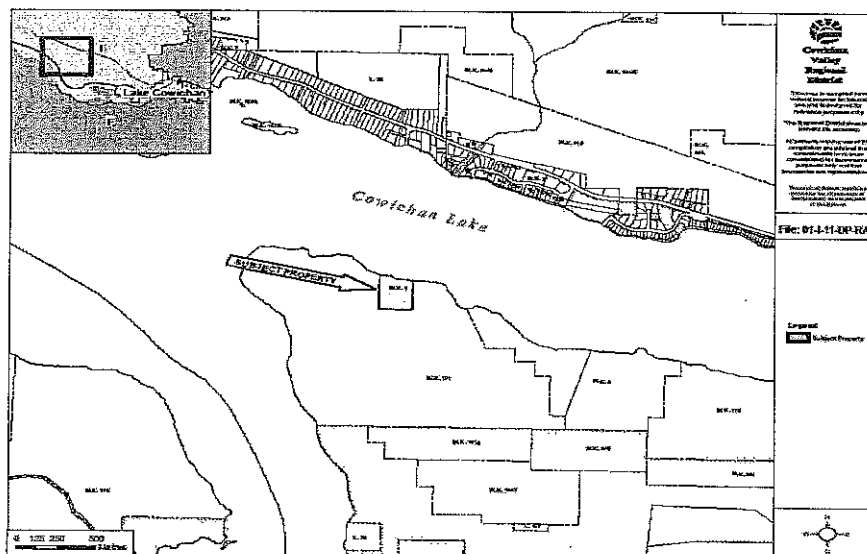
Recommendation/Action:

That Application No. 1-I-11 DP (Beausoleil & Day) be approved, and that a development permit be issued to authorize the previously constructed 60 m² expansion to a recreational cabin on Block 1, Cowichan Lake District, Plan 775, PID: 000-913-847, subject to:

- Compliance with the measures and recommendations outlined in RAR Assessment 2206 by Madrone Environmental Services, dated November 15, 2011.
- An environmental monitor is present and provides professional advice during any required works to the foundation of the building.

And further, that prior to August 9, 2012,

- An irrevocable Letter of Credit in a form suitable to the CVRD is received, equivalent to 125% of the costs associated with SPEA enhancement, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified environmental professional, and
- Registration of a restrictive covenant, which will protect the 30 metre Streamside Protection and Enhancement Area in perpetuity.



Relation to the Corporate Strategic Plan: N/A

Financial Impact: N/A

Background:

<u>Location of Subject Property:</u>	Block 1, North Side of Bald Mountain Peninsula
<u>Legal Description:</u>	Block 1, Cowichan Lake District, Plan 775, PID: 000-913-847
<u>Date Application Received:</u>	August 31, 2011 RAR report submitted November 16, 2011
<u>Owner and Applicant:</u>	Karen Day and Duane Beausoleil
<u>Size of Parcel:</u>	4.8 hectares (12 acres) approximately
<u>Existing Zoning:</u>	F-1 Forest Resource
<u>Minimum Lot Size LR-1 zone:</u>	80 hectares
<u>Existing Plan Designation:</u>	Forestry
<u>Existing Use of Property:</u>	Recreational cabin
<u>Existing Use of Surrounding Properties:</u>	North: Cowichan Lake South: Forestry and Uplands Nature Park East and West: Forestry
<u>Road Access:</u>	Boat access only
<u>Water:</u>	On site
<u>Sewage Disposal:</u>	On-site
<u>Agricultural Land Reserve Status:</u>	The subject property is not within the ALR.
<u>Environmentally Sensitive Areas:</u>	The subject property is located adjacent to Cowichan Lake, and is therefore subject to the Watercourse Protection Development Permit Area.
<u>Archaeological Sites:</u>	No Provincial or CVRD records of an archaeological site on the subject property
<u>Urban Wildfire Interface Level:</u>	Extreme

The Proposal:

An application has been made to the Regional Board to issue a Development Permit in accordance with the Watercourse Protection Development Permit guidelines contained within Official Community Plan (OCP) Bylaw No. 2650, for the purpose of authorizing an expansion of a recreational cabin.

Planning Division Comments:

The subject property is a 5 hectare (12 acre) F-1 zoned lot located on the north side of Bald Mountain. There is no road frontage, as the property is surrounded by large forestry parcels and the CVRD Uplands Nature Park. Access is by boat only, and there is a floating dock located near the residential cabin.

The subject property includes 200 metres of Cowichan Lake shoreline. The site plan shows a small, original cabin, approximately 28 m² (300 square feet) in size. The original cabin is

considered legal non-conforming, as it appears to have been built prior to the implementation of the Riparian Areas Regulation (which was adopted into the Area I OCP in 2007). A legal non-conforming status means that the original cabin can continue to be used and maintained in its current location as the primary residence on the parcel.

The subject of this application is a recent 60 m² (650 ft²) expansion of the original cabin. The expansion is a two storey structure with a total floor area of 97.5 m² or 1045 ft². The attached survey plan confirms that it is located within 30 metres of the high water mark of Cowichan Lake (164 metres elevation), and is therefore subject to the Watercourse Protection Development Permit Area. The construction was initiated without the benefit of a development permit or building permit. CVRD Bylaw Enforcement became involved in the application in 2011, and the applicants are applying to retroactively receive a development permit from the CVRD Board. There is no documentation to show when the construction was initiated.

Riparian Areas Assessment Report No. 2206, prepared by Madrone Environmental Services, is attached to this staff report. Madrone determined that a 30 metre Streamside Protection and Enhancement Area (SPEA) is necessary for the site, due to the lot's northern orientation. The cabin expansion is located 16.4 metres from Lake's high water mark, and therefore within the SPEA. The location of the cabin complies with the 15 metre watercourse setback specified by Electoral Area I Zoning Bylaw No. 2465, as well as with the 200 year floodplain elevation requirements.

The RAR report provides two recommended options to the CVRD Board. One is to remove the addition and re-vegetate the disturbed footprint. The applicant could then apply for a building permit on any part of the upland portion of the property, outside of the SPEA. As two residences are not permitted on the parcel, this would require that the original cabin also be removed. The report discusses the environmental implication of relocating the structure, however this option would allow for the rehabilitation of the SPEA.

Option two is to permit the expansion to remain in its current location, and compensate for the permanent disturbance to the SPEA within the building footprint by enhancing native vegetation on the north side of the cabin. As discussed in the report, additional foundation work may be required before a building permit could be issued.

The Watercourse Protection Development Permit Area was created for the protection of the natural environment, its ecosystems and biodiversity, and for the protection of development from hazardous conditions. The following section will outline how the proposed development addresses the Watercourse Protection DPA guidelines. Pages 43-48 of OCP Bylaw No. 2650 provide the complete guidelines:

- a) **Retain site in its natural state** – This guideline does not appear to be met, since it suggests that development of a site should take place outside of the Watercourse Protection DPA where possible (i.e., further than 30 metres from the lake's high water mark). Considering the size of the subject property, a viable building site would be possible outside of the DPA. With respect to site alteration, the RAR report notes that in addition to the new construction, minor vegetation removal has occurred around the cabin, due to piled building materials and debris, and tree removal for view enhancement.
- b) **Setback from sensitive area** – This guideline is not applicable, as it applies to lots that are entirely within a Watercourse Protection DPA.
- c) **Minimize vegetation clearing** – Vegetation has been cleared for the 60 m² footprint of the new construction, plus minor removal of vegetation around the cabin. Otherwise, the parcel has been retained in a natural state. The RAR report makes recommendation for remediating the site under both development options.
- d) **BMP implementation for rain and stormwater management** – The recent construction has created impermeable surface in the SPEA, although it represents a low percentage

compared to the total parcel area. The RAR report notes that tanks could be installed to collect and store water from the roof, for reuse in the summer months. If redevelopment occurs outside the development permit area, there would be no requirement for rain and stormwater management.

- e) **Silt and sediment control** – Page 14 of the RAR report discusses sediment and erosion control for both development options. Monitoring of development by an environmental professional could be made a condition of the development permit, for either development scenario.
- f) **Imperviousness figures** – Buildings on the site represent low impervious figures, relative to the size of the subject property.
- g) **Floodplain** – All structures are located above the 167 metre 200 year floodplain elevation.
- h) **Driveway design** – Not applicable, since there is no vehicle access to the subject property.
- i) **Footpaths** – There are two existing footpaths to the shoreline. The Madrone report mentions the possibility of replanting one of the footpaths, in order to enhance the native vegetation within the SPEA.
- j) **Retaining walls** – No retaining walls are proposed.
- k) **Retaining wall appearance** – Not applicable.
- l) **Retaining wall with fence** – Not applicable.
- m) **Cultural/heritage sites** – No such sites were identified.
- n) **Pilings/floats** – There is an existing float.
- o) **Applicable only to subdivision**
- p) **Develop with care** – The RAR Assessment Report covers this within the Riparian Assessment Area.
- q) **Wetlands** – There are no wetlands on the site.
- r) **Harmful Alteration/Destruction or Disruption of fish habitat** – Compliance with the RAR Assessment Report will by definition prevent a HADD.

Ministry of Environment Comments

Marlene Caskey, Senior Urban Ecosystem Biologist, has reviewed this application and provided the following comments:

- 1) The shade Zone of Sensitivity (ZOS) – how much over-riding influence the steep slope behind the shore has on the shading of the shoreline would require detailed calculations, including looking at the sun's arc at various times of day over the warm weather season (when shading has the highest fisheries value), as well as the hilltop elevation and setback from the lake in comparison to the height of the trees, both present and in the future mature stage, within the SPEA.
- 2) If the illegal structure is removed to a site beyond the SPEA, there will be environmental impacts associated with the transportation of the structure (or the materials it is comprised of) to the new location. However, the footprint area can then be rehabilitated for a permanent net benefit to the SPEA.
- 3) If the structure remains where it is, there will be additional work required to stabilize the foundation. The potential for environmental damage is unknown until an engineer has assessed it (e.g. heavy equipment, concrete pours).

As there are pros and cons to both courses of action and I do not have enough information to determine which will provide the least environmental impact, I will leave it to the Regional District to make a decision regarding this structure. I strongly recommend that the decision include a requirement for an environmental monitor to be onsite during the works and that restoration of the disturbed ground be undertaken, as well as additional compensatory replanting within the SPEA around and in front of the cabin. Any replanted vegetation should be monitored over 2 summers and replanted if the trees/shrubs do not survive.

Advisory Planning Commission Comments:

This application was reviewed by the Electoral Area I Advisory Planning Commission on March 20, 2012. The following motion was passed:

It was moved and seconded to recommend to the Electoral Areas Services Committee that the existing building can remain where it is if more work is done between CVRD staff and the applicant to arrive at a solution which will confirm no net loss of habitat and illustrate future protection of riparian area. MOTION CARRIED

Recommendation:

There appears to be no clear direction from Madrone Environmental Services or the Ministry of Environment as to whether relocation of the cabin is preferred from an environmental protection perspective. The Advisory Planning Commission is supportive of allowing the structure to remain in its current location, subject to future protection of the riparian area. The Madrone Report has provided advice that is intended to compensate for the structure encroaching into the SPEA. Therefore staff recommend that the structure is permitted to remain in its current location, subject to SPEA enhancement work.

Furthermore, Guideline 13.7(b) of the Riparian Areas Regulation Development Permit Area encourages a designated SPEA to be protected over the long term through measures, such as registration of a restrictive covenant, that ensure the SPEA's availability to act as a riparian buffer and remain free of development. Registration of a covenant on the 30 metre SPEA is also included in staff's recommendation.

Option A:

That Application No. 1-I-11 DP (Beausoleil & Day) be approved, and that a development permit be issued to authorize the previously constructed 60 m² expansion to a recreational cabin on Block 1, Cowichan Lake District, Plan 775, PID: 000-913-847, subject to:

- Compliance with the measures and recommendations outlined in RAR assessment 2206 by Madrone Environmental Services, dated November 15, 2011.
- An environmental monitor is present and provides professional advice during any required works to the foundation of the building.

And further, that prior to August 9, 2012,

- An irrevocable letter of credit in a form suitable to the CVRD is received, equivalent to 125% of the costs associated with SPEA enhancement, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified environmental professional, and
- Registration of a restrictive covenant, which will protect the 30 metre Streamside Protection and Enhancement Area in perpetuity.

Option B:

That Application No. 1-I-11DP not be approved, and the encroaching structure be removed from within the Streamside Protection and Enhancement Area, in compliance with Option 1 described in RAR Report No. 2206.

Option A is recommended.

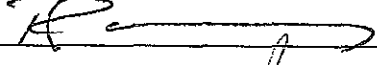

Submitted by,



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

AG/jah

Attachments

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



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE NO: 1-I-12DP/RAR

DATE: APRIL 24, 2012

REGISTERED PROPERTY OWNER(S):

KAREN DAY AND DUANE BEAUSOLEIL

3569 OAKRIDGE DRIVE

NANAIMO BC, V9T 1M3

DRAFT

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

Block 1, Cowichan Lake District, Plan 775 (PID: 000-913-847)

3. Authorization is hereby given for 60 m2 expansion of recreational cabin, subject to:
 - Compliance with the measures and recommendations outlined in RAR Assessment No. 2206 by Madrone Environmental Services, dated November 15, 2011.
 - An environmental monitor is present and provides professional advice during any required works to the foundation of the building.

And further, that prior to August 9, 2012,

- An irrevocable letter of credit in a form suitable to the CVRD is received, equivalent to 125% of the costs associated with SPEA enhancement, to be refunded after two years if the plantings are successful and to the satisfaction of a qualified environmental professional, and
 - Registration of a restrictive covenant, which will protect the 30 metre Streamside Protection and Enhancement Area in perpetuity.
4. 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.

5. The following Schedule is attached:

Schedule A – Riparian Areas Regulation Report No. 2206 by Madrone
Environmental Services, dated November 15, 2011

Schedule B – Site Plan

and it forms part of this Permit.

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

Tom Anderson, MCIP, General Manager
Planning and Development Department

DRAFT

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 KAREN DAY AND DUANE BEAUSOLEIL other than those contained in this Permit.

Owner/Agent (signature)

Witness (signature)

Print Name

Print Name

Date

Date



**Cowichan
Valley
Regional
District**

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

The Regional District does not warrant the accuracy.

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

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

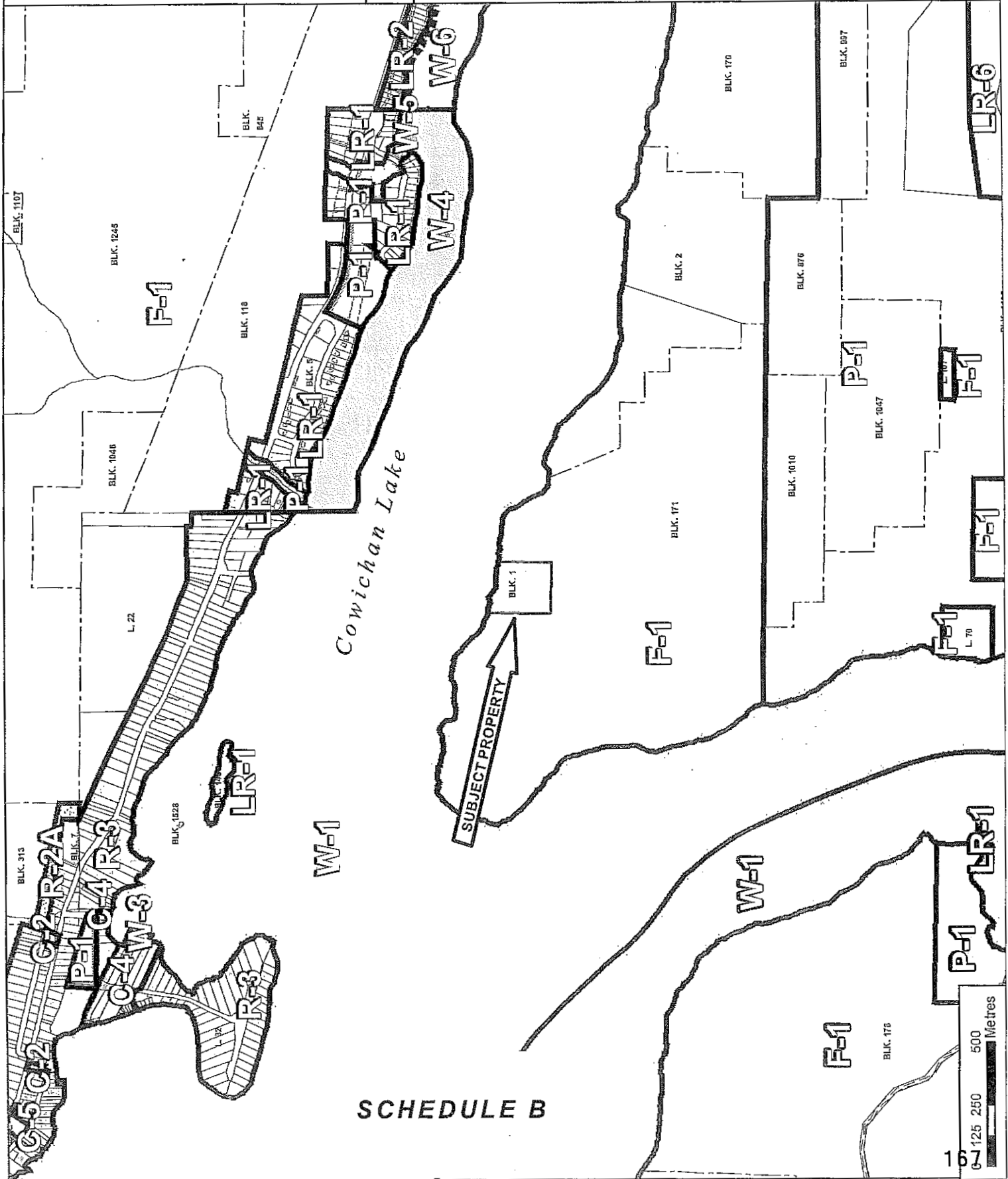
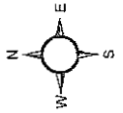
File: 01-J-11-DP-RAR

ZONING

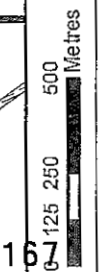
Legend



Subject Property
Zoning I



SCHEDULE B




SKETCH PLAN OF IMPROVEMENTS OVER PART OF
BLOCK 1, COWICHAN
LAKE DISTRICT.

LOCK

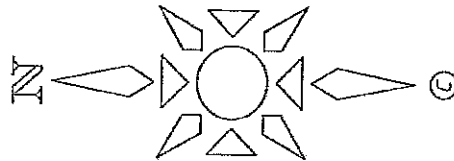
All distances and elevations are in metres and decimals thereof. Elevations are derived from GCM monument 729 (elev= 164.555m). Contours are shown at 1m intervals.

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INSERT
(scale = 1:3000)
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LAKE COWICHAN

 DWELLING
(approx location)

LOCK 1



BOMERS & ASSOCIATES
2856 CASWELL STREET,
CHEMAINUS, B.C., V0R 1K3
PHONE/FAX: 250-246-4928
File: 4381

"Existing" DWELLING
Floor level = 167.

"Addition

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

Riparian Areas Regulation: Assessment Report

Date 2011-11-15

I. Primary QEP Information

First Name	Trystan	Middle Name	
Last Name	Willmott		
Designation	Technologist	Company	Madrone Environmental Services Ltd.
Registration #	25491	Email	trystan.willmott@madrone.ca
Address	1081 Canada Avenue		
City	Duncan	Postal/Zip	V9L 1V2
Prov/state	BC	Country	Canada
		Phone #	250 746-5545

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

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

III. Developer Information

First Name	Duane	Middle Name	
Last Name	Beausoleil		
Company	Rock Steady Restorations		
Phone #	250 245 9560	Email	duane@rocksteadyrestorations.ca
Address	1181 Rocky Creek Road		
City	Ladysmith	Postal/Zip	V9G 1K4
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Construction: single family residential		
Area of Development (ha)	0.0049	Riparian Length (m)	40
Lot Area (ha)	4.45	Nature of Development	Re-development
Proposed Start Date	2011-11-16	Proposed End Date	2011-12-31

V. Location of Proposed Development

Street Address (or nearest town)	11171 Blackwood Heights		
Local Government	Cowichan Valley Regional District	City	Lake Cowichan
Stream Name	Cowichan Lake		
Legal Description	000-913-847	Region	Region 1- Vancouver Island
Stream/River Type	Lake	DFO Area	South Island
Watershed Code	920-257700		
Latitude	48	51	19
Longitude	124	10	27

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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)

Cowichan Lake is known to represent an important fishery resource value. Anadromous salmonids known to occur in the lake include Steelhead (*Oncorhynchus mykiss*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*Oncorhynchus kisutch*) and Chum Salmon (*Oncorhynchus keta*). These salmonids migrate from the ocean, up the Cowichan River and into Cowichan Lake, at which point they enter various tributary streams of the lake in order to spawn. It should be noted that resident forms of both Rainbow (*Oncorhynchus mykiss*) and Cutthroat Trout (*Oncorhynchus clarkii clarkii*) also exist in the lake and tributary streams. Brown Trout (*Salmo trutta*), Dolly Varden Char (*Salvelinus malma*) and Lake Lamprey (*Lampetra macrostoma*) exist in Cowichan Lake. Protected under the *Species at Risk Act* (SARA), the Cowichan Lake Lamprey is completely endemic to Cowichan and Mesachie Lakes. This species spawns in shallow water where creeks flow out into the lakes, where the substrate is suitable (small gravel).

Atlantic Salmon (*Salmo salar*) are also listed under the Fish Wizard lake report for Cowichan Lake. Their repeated introduction into the Cowichan River system in the early to mid 1900s to establish a spawning run for sports fishing was unsuccessful. Opinion on this fish has changed and establishment of a breeding population of Atlantic salmon would now be considered detrimental to native salmonids. Any incidental catches of Atlantic salmon in the Cowichan system would now only be possible as a result of the escapement of these fish from marine-based aquaculture. Although also an introduced species, the brown trout is well established in the Cowichan River and Cowichan Lake and supports a popular sport fishery. Their impact upon native salmonids is largely unknown, although their piscivorous nature likely results in significant negative impacts upon native juvenile salmonids.

The property is located to the north of Bald Mountain, directly opposite the town of Youbou. The property is on the southern shore of the north arm of Cowichan Lake and covers an area of 4.95 ha. Approximately 200m of the subject property parallels the edge of Cowichan Lake. Riparian vegetation along the length of the property is mainly undisturbed, and is providing proper biological function in the form of shade, bank stability and litter fall/insect drop. Minimal disturbance has occurred in the vicinity of the structure on the property.

The current property owner purchased the property in October 2010, with an existing structure located within 16.4 m of the High Water Mark (HWM), as per the surveyed 164m contour for Cowichan Lake (refer to site plan). The structure consisted of two sections: a previously constructed cabin, and a more recent addition, which had been initiated by the previous owner. The age of the western part of the structure (the cabin) is unknown, although it does represent a legally non-conforming development. The addition to the east is not legally non-conforming, however, as its construction began in 2010, prior to the current owner acquiring the property. This addition does not conform to the RAR, as it was built without the issuance of a Development Permit (DP) from the local government and was built without the completion of an assessment by a Qualified Environmental Professional (QEP) under the RAR. When purchasing the property in October 2010, the current owner finished the work that had been started on the more recent addition by putting in windows and adding a roof.

While carrying out the work, the current owner was advised to stop construction by the local government, as it was discovered the addition was inside the Riparian Assessment Area and was not associated with an RAR report or DP. The property owner was asked to retain the services of a QEP, which is when he contacted me. As advised, the property owner employed the services of a professional surveyor to identify the 164m contour, which represents the HWM for Cowichan Lake.

I visited the site on August 3rd 2011 with the property owner, with access provided by boat from Youbou, as there is no road access to the property. A floating dock, put in place by the previous owner, allows access to the portion of the property supporting the structure.

A wave-washed bedrock beach leads up into dense shrub/herb vegetation consisting of salal (*Gaultheria shallon*), swordfern (*Polystichum munitum*), thimbleberry (*Rubus parviflorum*) and red huckleberry (*Vaccinium parvifolium*) in front of the cabin. Soils are shallow throughout the riparian zone, with bedrock occurring close to the surface. To the north of the cabin, evidence of vegetation removal was observed, involving the cutting of young red alder (*Alnus rubra*), presumably to improve the view from the cabin. I was advised by the property owner that these trees had been removed by the previous property owner. Mature western redcedar (*Thuja plicata*) also exist throughout the riparian zone, which conceal the majority of the cabin and recent addition from view, if looking at the property from the lake. Invasive species are not present in the riparian area assessed, although one English holly (*Ilex aquifolium*) tree exists in front of the cabin. Two narrow trails lead from the bedrock beach to the cabin.

From the natural boundary of the lake to the cabin, the slope is relatively gradual, although both the cabin and recent addition are constructed on pillars due to the slope. To the immediate south of the cabin, the slope steepens.

A dilapidated wood store/shed exists behind the cabin, and there are numerous piles of old timbers and debris throughout the property, which the current property owner is in the process of cleaning up. I was advised that this debris was left behind by the previous owner of the property. More recent building supplies (tarps, timber etc.) were noted around the back of the cabin, where the current owner had been working on finishing the more recent addition.

The recent addition exists within 16.4m of the HWM, which respects the 15m Streamside Protection and Enhancement Areas (SPEAs) for LWD/bank stability and litter fall/insect drop, but not the 30m SPEA for shade. As the property faces due north, the shade SPEA would be set at the maximum of 30m from the HWM. As the recent addition cannot be made legal under the current regulation (it is built inside the 30m SPEA), two options exist:

- 1 - Remove the addition from the SPEA and either relocate it beyond the 30m SPEA, or build a different structure beyond the SPEA. With this option, the current footprint would be re-vegetated; or
- 2 - Leave the recent addition in its current location and enhance the SPEA in front of the cabin by implementing a planting plan.

Advice was sought from the provincial Ministry of Forests, Lands and Natural Resources Operations (MFLNRO) RAR reviewers for the best way to move forward with the current development activities on the property. The local government (Cowichan Valley Regional District – CVRD) were also involved in this correspondence. The advice that was given was for an RAR report to be submitted indicating the disadvantages and advantages of each option, as listed above. The MFLNRO also advised that the CVRD would make the final decision regarding the structure. The decision would be based on the DP/Building Permit application process, the details listed in this report and the Watercourse Protection Development Permit guidelines in the Youbou/Meade Creek Official Community Plan.

The potential biological impacts of each option are described below:

Option 1

The Zones of Sensitivity (ZOS) determined by the RAR are based on scientific principles that guide the determination of appropriate setbacks to maintain the valuable biological function provided by riparian zones adjacent to fish habitat. With regard to the ZOS on the subject

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property, both the recent addition and existing cabin encroach into the 30m shade ZOS. The reasoning for the 30m setback for shade is based on the aspect of the property (it faces to the north). In the northern hemisphere, maximum shading over water is provided by shade cast by riparian vegetation along north facing shorelines, due to the angle of the sun shining "behind" north facing shores. South-facing shorelines are facing the sun in the northern hemisphere, which is the reasoning for the decreased shade ZOS of 15m along south-facing shorelines.

The ZOS under the RAR are applicable to all water bodies and there are generally no opportunities to alter the setbacks based on site-specific characteristics. It should be noted, however, that the property in question is located at the base of a steep north-facing slope represented by the terrain associated with Bald Mountain. Although detailed calculations associated with precise slope aspect and the angle of solar insolation have not been carried out, the steep north-facing slope rising up immediately behind the property appears to provide shade over the lake more so than riparian vegetation within the 30m shade ZOS. Even in a state of maximum maturity, trees in the 30m riparian zone would not reach a height exceeding that of the steep slope behind.

Both the existing cabin and the recent addition are located beyond the 15m ZOS associated with LWD/bank stability and insect fall/litter drop.

The client understandably would like to maximize the amount of reclaimed material in the event that the structure is removed. Removal of the existing addition to the cabin would, therefore, involve the use of a crane for deconstruction purposes. Access to the property is by boat only, although a crane could conceivably be transported to the site by barge. It is assumed that a barge or larger boat was used by the previous property owner to transport material to the site, and also by the current property owner to transport the roofing timber to the site.

Using a small "man-lift" crane with wheels, as opposed to tracks, would limit the amount of disturbance to the riparian area while the crane accesses the structure. It may not be possible, however, for a wheeled crane to negotiate the slope up to the structure, in which case a tracked machine would be required, which would lead to more ground disturbance. In any event, the disturbance would be temporary, and disturbed areas could be replanted with native riparian vegetation. Using protective matting would also help to reduce the disturbance from a tracked machine on riparian vegetation. Once at the structure, it would be important to limit the movement of the crane in the riparian area to reduce the amount of disturbance. The number of trips from the structure to a barge/boat for loading the reclaimed material would need to be limited, and the crane would be required to use only one access route. This would only be applicable if the material was being entirely removed from the site. If the structure was to be moved to an area beyond the 30m SPEA, the material would stay on site.

Upon removal of the recent addition, the footprint area would be restored with native riparian vegetation. The older cabin would still be located inside the SPEA. Under the RAR, restoring the footprint of the recent addition would be aimed at improving the function of riparian vegetation based on the provision of shade over the adjacent lentic habitat. As previously described, the degree of biological function (i.e. shading of fish habitat) achieved through replanting the footprint area may be minimal, based on the steep north facing slope immediately to the south of the structure.

If the recent addition was to be moved to a location beyond the SPEA, a new footprint would need to be created in existing maturing forest on the slope to the south. Due to the steepness of the slope, there may be the requirement for blasting to create a developable area. It is also likely that an excavator would be required, in addition to any machines associated with the blasting operation. Machine access to a construction area beyond the SPEA would be through the riparian area, and would lead to ground disturbance. This disturbance would be temporary, and disturbed areas could be restored upon completion of the construction. The blasting of the slope, loss of vegetation and alterations to the slope would be permanent, however, although these changes

would be located beyond the 30m SPEA.

Other potential impacts that would need to be managed during the creation of a new development footprint beyond the SPEA include: sediment and erosion control (potential for turbid water to flow down the slope towards the lake); control of deleterious substances (e.g. hydrocarbons) from construction-related machinery; control of fly-rock from any blasting to prevent it entering the lake; protection of trees/tree roots in the adjacent SPEA from construction-related activities (specific measures would depend upon the proximity of the development to the SPEA edge); protection/restoration of the riparian zone in association with machine access; control of invasive species potentially being transported to the riparian area from machinery/construction personnel coming onto the site; and control of invasive species in the excavated footprint/area surrounding the footprint.

As part of Option 1, development would occur in proximity to the existing access location provided by the dock, as there are no other access points to the property.

Option 2

The existing structure would remain the same as its current configuration (i.e. the footprint would not change), although there may be the requirement for the construction of two additional supports for the foundation. The structure would also be completed to a state where it is habitable, due to the fact that finishing work inside the recent addition has not been completed. No machine access would be required to complete the work on the recent addition.

If required, the addition of two more supporting pillars would involve the excavation (by hand) of two pads approximately 0.5m x 0.5m underneath the structure (footprint of the structure would not change). Concrete would be mixed (by hand) and poured into the excavated pads. The supporting pillars would then be sited on these concrete pads.

This additional foundation work would be subject to mitigation measures that would aim to avoid the potential for uncured concrete to enter the riparian zone and, more importantly, to ensure that uncured concrete does not enter the lake. Uncured concrete is caustic, and if it mixes with water prior to becoming cured, can cause the pH of the water to rise to levels that are toxic to aquatic organisms. As the concrete work would be occurring at least 16.4m from the HWM, and the natural boundary of the lake is an additional 12m down from the HWM, the potential for uncured concrete to enter the lake during the mixing and pouring process is remote. The amount of concrete required is also minimal and would be done by hand, allowing the operation to be easily controlled. The concrete work would need to be carried out appropriately using properly constructed forms that ensure no leakage while the concrete is setting up.

There is the minimal potential for sediment generation during the excavation associated with the foundation-pillar pads. It should be noted, however, that the excavation would be occurring underneath the footprint of the structure, which would prevent rainwater from disturbing any exposed ground.

Finishing the structure in its existing location inside the SPEA would involve no further construction-related impacts to the surrounding riparian zone, notwithstanding the minimal foundation work described above. If the structure remained in its current location, however, it would permanently occupy an area inside the 30m SPEA, where no vegetation would be able to grow in the future. As discussed, however, the actual biological function (shading of the lake) provided by any vegetation in the footprint area of the recent addition (an area covering 49m²), even at a climax seral stage, may be minimal.

Replanting – Option 1

Option 1 would involve restoration of the area currently covered by the footprint of the recent addition. It should be noted that ground disturbance associated with the construction of the addition is minimal, as the structure is situated off the ground on pillars. Restoration would also involve replanting areas throughout the SPEA used for machine access to the development site beyond the SPEA and machine access associated with removing the structure.

All disturbed areas (including the 49m² represented by the footprint of the recent addition) would be replanted with an appropriate mix of native vegetation as part of Option 1.

Replanting – Option 2

As part of Option 2, replanting would be focused in those areas inside the SPEA that currently support little in the way of vegetation cover. The current vegetation cover in the SPEA is relatively dense, however, although there are some areas around the cabin and recent addition that could be enhanced. Some of the non-vegetated areas are naturally sparse due to the presence of bedrock close to, or at, the surface and corresponding shallow soils or absence of soils. Replanting would be focused in areas that have existing conditions that are conducive to vegetation survival (i.e. adequate soil depth). Tree cover inside the SPEA in front of the structure could also be enhanced, due to the previous removal of red alder in this area. As there are two trails through the SPEA, one of the trail footprints could also be replanted. Introduction of trees throughout the SPEA would be focused in areas where maximum biological function would be realized. To this end, at least 20 trees (preferably western redcedar) would be placed along the HWM (164m elevation) as part of Option 2.

The following list represents an appropriate mix of species to use with regard to Option 1 and Option 2:

Recommended Plants for Riparian Restoration

LATIN NAME	COMMON NAME
Trees	
<i>Tsuga heterophylla</i>	Western hemlock
<i>Thuja plicata</i>	Western redcedar
<i>Pseudotsuga menziesii</i>	Douglas fir
Shrubs	
<i>Rubus parvifolium</i>	Thimbleberry
<i>Gaultheria shallon</i>	Salal
<i>Lonicera involucrata</i>	Black twinberry
<i>Mahonia nervosa</i>	Oregon grape
<i>Symphoricarpos albus</i>	Common snowberry
<i>Rosa gymnocarpa</i>	Baldhip rose
Herbs	
<i>Polystichum munitum</i>	Swordfern

Planting Methodology – Option 1 and Option 2

With regard to planting stock, one-gallon pots would be used. These pots would be planted such that the centre of one plant is 1 m from the centre of the next plant, *i.e.*, 1 m centres. The suggested tree species would be interspersed throughout replanted areas to provide a greater diversity of biological function; focusing tree cover along the 164m elevation HWM would be appropriate.

Seasonal planting timing is important, with either early fall or early spring being the most appropriate seasons (depending upon specific annual variations). Early spring or early fall generally provide planted stock with optimal conditions for establishment (*i.e.* temperature and moisture). At the planting stage, each plant would be watered. During the first summer, watering occasionally, for example once per month, should be sufficient.

It would be important to ensure adequate soil depth and water holding capacity to allow for successful growth. Each plant would be planted using "Sea Soil" as an amendment. "Sea Soil" is a certified organic product, and is tested by the Organic Materials Review Institute (OMRI) for the presence of contaminants and pollutants. It contains a good mix of required nutrients and represents a suitable soil amendment for the replanting operation.

Once planting is completed, the planted areas would be assessed each year for two consecutive years after planting, to check for survival of planted stock. For each year during the two year period, a 90% plant survival rate must be achieved. To help determine survival, an inventory of the number of plants would be completed at the time of planting. Each plant would also be clearly labelled with the Latin plant name in order to help determine survival rates.

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

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: 2011-11-15

Description of Water bodies involved (number, type)

1 Lake

Stream	
Wetland	
Lake	X
Ditch	
Number of reaches	
Reach #	

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		
upstream		
downstream		
Total: minus high /low mean		
	R/P	C/P
Channel Type		

I, Trystan Willmott, hereby certify that:

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

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

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

Site Potential Vegetation Type (SPVT)

	Yes	No		
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes	
			<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Duane Beausoleil;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and</p> <p>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.</p>	
Polygon No:			Method employed if other than TR	
SPVT Type	LC	SH		TR
			X	
Polygon No:				Method employed if other than TR
SPVT Type	LC	SH	TR	
Polygon No:				Method employed if other than TR
SPVT Type	LC	SH	TR	

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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)	15					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	30	South bank	Yes	X	No	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes	No	If non-fish bearing insert no fish bearing status report			
SPEA maximum	30	(For ditch use table3-7)				

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


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

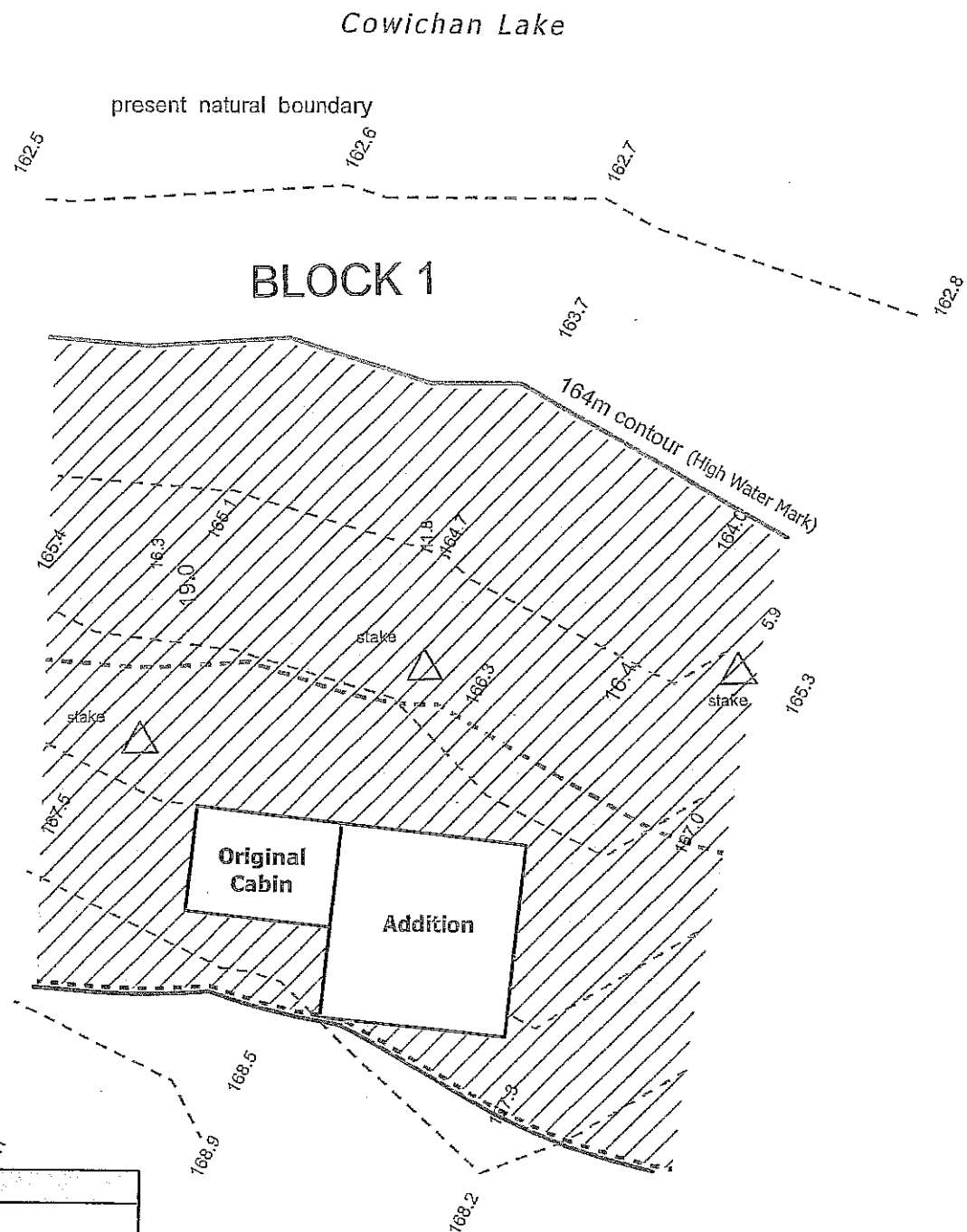
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Comments

Due to the aspect of the site, the SPEA is set at the maximum 30m from the HWM (164m contour). An existing, legally non-conforming, cabin exists 19 m from the HWM. The recent addition (not permitted, or legally non-conforming), which adjoins the eastern side of the cabin, exists within 16.4 m of the HWM.

PROJECT: RAR Assessment 11171 Blackwood Heights		LOCATION: Lake Cowichan	CLIENT: Duane Beausoleil	DOSSIER NO: 11.0186	
ASSESSED BY: Trystan Willmott, B.Sc., A.Sc.T.	FIELD VISIT: August 3, 2011	MAP SCALE: 1:300	MAPPING DATE: November 14, 2011	DRAWN BY: Anna Jeffries	



LEGEND

- Building
- High Water Mark
- Riparian Assessment Area (30m)
- Maximum SPEA (30m)
- Zones of Sensitivity**
- Shade (30m)
- Large Woody Debris (15m)
- Insect Drop / Litterfall (15m)

0 5 10 15 m

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	<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <p>e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Duane Beausoleil;</p> <p>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</p>
<p><u>Option 1:</u> This option would involve developing beyond the 30m SPEA. Maturing coniferous forest would be removed, although without a defined development footprint it is difficult to determine whether trees would need to be removed from the adjacent SPEA due to any danger associated with them.</p> <p><u>Option 2:</u> No danger trees currently exist that could represent a hazard to the structure. It should be noted, however, that the stand of young red alder to the immediate south of the structure would likely require future management in order to prevent potential impacts to the structure. Prior to any management occurring on these trees, a suitably qualified professional (e.g. arborist) must be involved in order to assess the potential for damage. The trees should only be altered if a suitable professional qualifies the trees as "Danger Trees". The client is aware that trees inside the SPEA are to remain in their current state, unless management is necessary, as described.</p>	
2. Windthrow	<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Duane Beausoleil;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>
<p>Windthrow often results from increased wind velocities due to the clearing of treed areas acting as natural shelter (wind breaks).</p> <p><u>Option 1:</u> Rebuilding beyond the 30m SPEA would involve removing maturing forest. Depending on the location and extent of clearing involved as part of Option 1 to provide a developable footprint, there may be the requirement for a detailed study regarding the potential for windthrow in the adjacent SPEA.</p> <p><u>Option 2:</u> No trees would be removed with this option and windthrow potential would not increase in relation to the existing conditions. The construction of both the cabin and the recent addition appears to have occurred without the removal of a significant number of trees, which has not increased windthrow potential to trees inside the SPEA.</p>	

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3. Slope Stability	<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <ol style="list-style-type: none"> a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Duane Beausoleil; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation <p>Option 1: Rebuilding beyond the 30m SPEA would involve developing on steep slopes. It is likely that blasting would be required to achieve a suitable building footprint in this area. Depending on the location and extent of the development, a geotechnical professional may also be required to ensure structural stability. A geotechnical professional would also be required as part of any development on the steeper slopes to ensure that areas down-slope of the development (e.g. SPEA) were not negatively impacted as a result of potential development-related increases in slope instability.</p> <p>Option 2: The existing cabin and recent addition are built on supports, which account for the moderate slope where the structure exists. As previously described, a professional engineer may recommend that two more support pillars are added to the existing foundation underneath the recent addition.</p>
4. Protection of Trees	<p>I, <u>Trystan Willmott</u>, hereby certify that:</p> <ol style="list-style-type: none"> a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Duane Beausoleil; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation <p>Option 1: As previously described, access to the lot is provided by the one landing (floating dock). Access to the development site beyond the 30m SPEA, therefore, would be through the riparian zone. Deconstructing the recent addition would involve the use of machines on site (i.e. a crane), which has the potential of damaging trees either during the deconstruction process or during access to the structure through the riparian zone. Machine access would also be required if development were to occur on the slope beyond the 30m SPEA, based on the probable need for blasting and, in addition, an excavator, to prepare the development site. Prior to developing beyond the 30m SPEA or deconstructing the recent addition, the most appropriate routes for machines to take through the riparian zone would need to be identified in order to limit the amount of disturbance to vegetation (including trees). Using rubber-tracked machines and also using protective matting over the ground would also help avoid potential negative impacts.</p> <p>Depending on the specific location of development activities beyond the 30m SPEA, there is the potential that trees inside the SPEA could be impacted during the site preparation phase. Activities such as blasting and excavating can lead to damage to the roots of trees and also to limbs and tree stems. Specific recommendations are difficult to design without a defined footprint identified, but depending on the proximity of development activities as part of Option 1, the following measures would represent general mitigation strategies:</p> <ul style="list-style-type: none"> - Construction of highly visible barriers around trees which protect the root structure of the trees from potential damage as a result of construction activities (e.g., trenching through the root zone of a tree, paving over a tree's dripline, parking under trees, altering the ground level under trees and allowing pollutants to contaminate the soil around a tree); - Communication of tree protection plans to on-site developers (especially those operating heavy machinery);

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- Monitoring construction activities adjacent to sensitive areas to ensure that the root structure barriers are being respected; and
- Ceasing work if any of the above provisions are violated, then ensuring measures are implemented as described above via communication with developers and contractors, and any damage rectified as much as possible.

Option 2:

The minimal hand-dug excavations associated with the installation of two supports for the foundation (if required) are not expected to lead to negative impacts to trees. No other work with the potential to impact trees would be associated with Option 2 (apart from the potential future management of trees, as described in the Danger Tree section).

5. Encroachment

I, Trystan Willmott, hereby certify that:

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Option 1:

If the recent addition were to be removed, the original cabin would remain inside the SPEA, as this is considered "legally non-conforming". Additional existing encroachment would also be represented by the trail accessing the structure. Temporary encroachment would also occur as part of machine access to allow the deconstruction of the recent addition. Development beyond the 30m SPEA would also involve the temporary encroachment by machines (and disturbance) through the riparian zone from the boat access dock to the area being developed. Following deconstruction of the recent addition and upon completion of development activities beyond the 30m SPEA as part of Option 1, the SPEA would be restored as per the replanting plan.

Option 2:

As part of Option 2, the recent addition would remain attached to the legally non-conforming cabin and would represent a permanent encroachment into the SPEA equalling an area of 49m². The client is aware that no further encroachment would be permitted inside the SPEA. Replanting would occur throughout the riparian area, as described previously, which would include reclaiming one of the access trails as riparian vegetation.

6. Sediment and Erosion Control

I, Trystan Willmott, hereby certify that:

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Option 1:

As the recent addition is located on pillars, there would be minimal ground disturbance during the deconstruction process. The potential for sediment generation during the deconstruction process of the recent addition itself would, therefore, be negligible. There is the potential for ground disturbance during machine (crane) access to the recent addition for deconstruction purposes and also during machine access to a new development area located beyond the SPEA. Using machines with appropriate tracks in addition to protective matting would help to manage the excessive production of disturbed ground that would be prone to erosion/sediment movement.

The potential for erosion and associated sediment production from development activities

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beyond the 30m SPEA would depend upon the size of the footprint, soil type and specific construction activities. Despite the fact that any new development would be located at least 30m from the HWM of the lake, the configuration of the slope introduces the potential for sediment to be transported from the construction footprint into the lake.

Sediment is a deleterious substance under the Federal Fisheries Act, and its introduction into watercourses can lead to negative impacts to adjacent and connected downstream fish habitat. Any developments on the steep slope beyond the SPEA would need to follow the following general mitigation measures. Specific measures would be developed in association with a defined footprint and construction methodology.

- covering all soil/fill stockpiles with tarps or mulch and surrounding them with silt fencing;
- covering any exposed slopes with straw mulch or rolled straw matting and installing silt fencing;
- carrying out major grading/site preparation during the dry summer period;
- retaining vegetation cover where possible, for as long as possible, to reduce erosion and mobilization of sediment; and
- ensuring that slopes are not compacted, as this can increase surface run off and the erosive capacity of water.

Silt fencing can be effective in controlling sediment movement, although control of erosion at the source should be the goal of any erosion and sediment control plan. When rain hits an exposed surface, it can cause erosion if the area is not covered adequately. Straw mulch, or rolled erosion control products such as coconut or straw matting, are effective in preventing the erosion and subsequent movement of sediment from exposed surfaces.

Option 2:

Minimal excavations would occur in association with Option 2. The hand-dug pads for the two additional supporting pillars (if deemed necessary) represent activities of low potential impact that could also be easily mitigated. The excavations would occur underneath the structure, which would effectively cover any exposed ground from rainwater. As a result, any disturbed ground would not be easily eroded or transported by rain-splash. As a precautionary measure, any disturbed ground created by the hand excavations would be covered with a layer of straw mulch to prevent soils from being incorporated in any surface flowing water.

7. Stormwater Management

I, Trystan Willmott, 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 Duane Beausoleil;
- 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

Construction activities generally lead to an increase in stormwater production, increasing the frequency and volume of short-lived surface run off events. In contrast, the infiltration rates of water into the ground are decreased. Covering areas with impermeable surfaces (e.g. rooftops and driveways) prevents the natural infiltration of water into the ground. The goal of stormwater management is to capture stormwater flow and return it to natural hydrological pathways.

Option 1:

Removal of the recent addition would remove 49m² of impermeable roof top from the SPEA, allowing for natural infiltration of stormwater in the restored area. Development of a footprint beyond the SPEA would create new impermeable areas, introducing the requirement for stormwater management initiatives. As there are no current development plans in place for Option 1, it is difficult to discuss specific stormwater management techniques. There would be numerous options, however, to capture stormwater from impermeable surfaces:

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

- Installation of a rain garden;
- Capturing stormwater in rainwater collection cisterns;
- Creation of a "green roof";
- Using permeable material for construction (e.g. permeable paving); and
- Construction of rock drains that capture stormwater and allow it to infiltrate slowly.

Option 2:

The recent addition represents a relatively small impermeable footprint over the ground (49m²), which will not lead to any significant increases in stormwater run-off. In addition, both the recent addition and connected cabin are built up off the ground on supports, allowing for the natural infiltration of any water coming down the slope into the ground. The rooftop, however, represents an impermeable footprint which will capture rainwater and decrease the natural infiltration of this water into the ground. The developer would install tanks to collect and store rainwater directed from rain-leaders on the roof. These tanks would be located in an area currently covered by an existing wood shed to the immediate south of the cabin. Installing rainwater collection tanks would help to capture stormwater run off from the roof top and provide a source of water that could be used during the drier summer months.

8. Floodplain Concerns (highly mobile channel)

I, Trystan Willmott, 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 Duane Beausoleil;
- 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

Cowichan Lake represents a dynamic system associated with extreme seasonal variations in water levels. Any developments associated with both Option 1 and Option 2 must conform to all necessary bylaws regarding specific elevations for construction (e.g. respecting the 200 year flood level).

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

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 documents 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.

Option 1:

The deconstruction process would need to be closely monitored to ensure that vegetation disturbance through the SPEA was minimized during machine access to the site (e.g. crane). The methodology for deconstruction would be discussed between the developer and QEP to ensure that appropriate mitigation was employed (e.g. limiting machine movement, using a crane with appropriate tracks, identifying an applicable route through the SPEA and using protective matting). Proper management of hydrocarbons would also need to be discussed (e.g. having appropriate spill kits on site).

Following the removal of the recent addition, the replanting operation would need to be checked for conformance to the replanting methodology. Replanted areas would need to be assessed once per year for two years to ensure survival of planted stock and that the target survival threshold is reached (90% survival). Site visits to check on the status of planted areas would be best conducted at the end of the dry summer period when vegetation would be stressed to the maximum.

If construction was to occur beyond the 30m SPEA in a new development footprint area, it would be beneficial to defer the replanting until machine access through the SPEA had ended. All disturbed areas in the SPEA could then be replanted at the same time and there would be no risk of impacting areas that had been replanted as a result of machine movement through the SPEA.

As with the deconstruction process, activities associated with any development occurring beyond the SPEA would also need to be monitored. The most important aspect to control would be machine access through the SPEA, to ensure disturbance to riparian vegetation was kept to an absolute minimum. Any blasting that was required would also be subject to close monitoring, to ensure that fly rock did not enter the lake. Depending on the location of the development footprint beyond the SPEA, specific tree protection measures would also need to be monitored (e.g. implementation of protective fencing). Specific sediment and erosion control methods would also need to be checked to ensure that there was no potential for turbid water from the new footprint area running down slope and into the lake.

The developer would be responsible for contacting the QEP during all phases of Option 1 (i.e. deconstruction, construction methodology beyond the SPEA, replanting of disturbed areas and machine access through the SPEA).

Option 2:

If deemed necessary by an engineer, the placement of the two additional supporting posts underneath the recent addition would be monitored. The most important aspects to control would be the proper management of uncured concrete and, though minimal, the management of potential sediment run off associated with the hand-dug excavations.

The replanting of areas throughout the SPEA would also be checked to ensure compliance to the replanting methodology. Replanted areas would be visited at the end of each summer for two consecutive years to ensure that the stated 90% survival threshold had been achieved each year.

As with Option 1, the developer would be responsible for ensuring that communications are kept open with the QEP throughout.

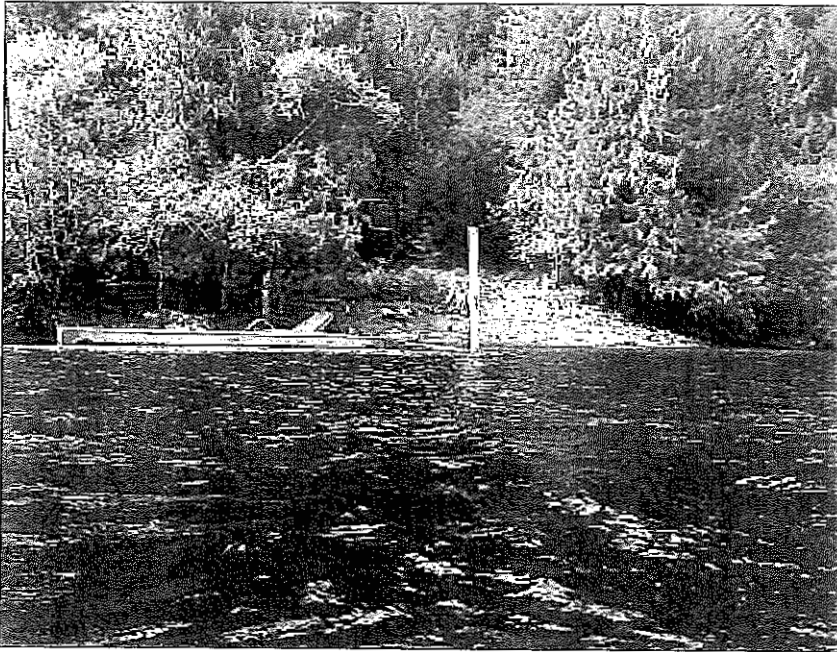
FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

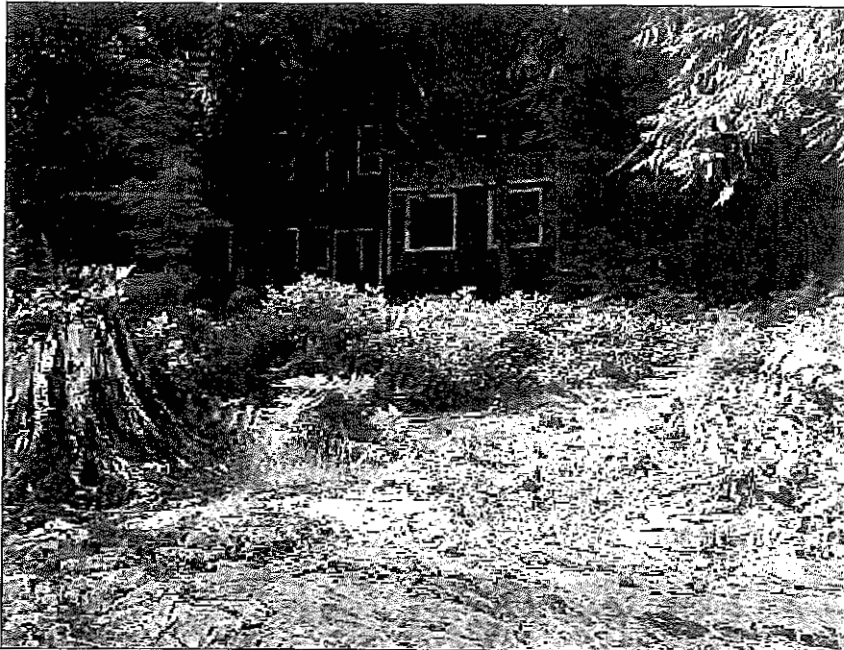
Post Construction Reporting:

As part of the monitoring process, a report that documents all construction activities would be required, regardless of which of the two options is followed. The report would contain a chronological break down (with site photos) of all development activities and describe compliance to the various measures. Once complete, the post construction report would be uploaded using the RAR on-line submission process.

Section 6. Photos



Looking south towards the floating dock access to the subject property. Existing, "legally non-conforming" cabin can be seen in the approximate centre of the photo (red structure).



Looking south-east towards the "legally non-conforming" cabin (red structure). The recent addition adjoins the cabin to the east.

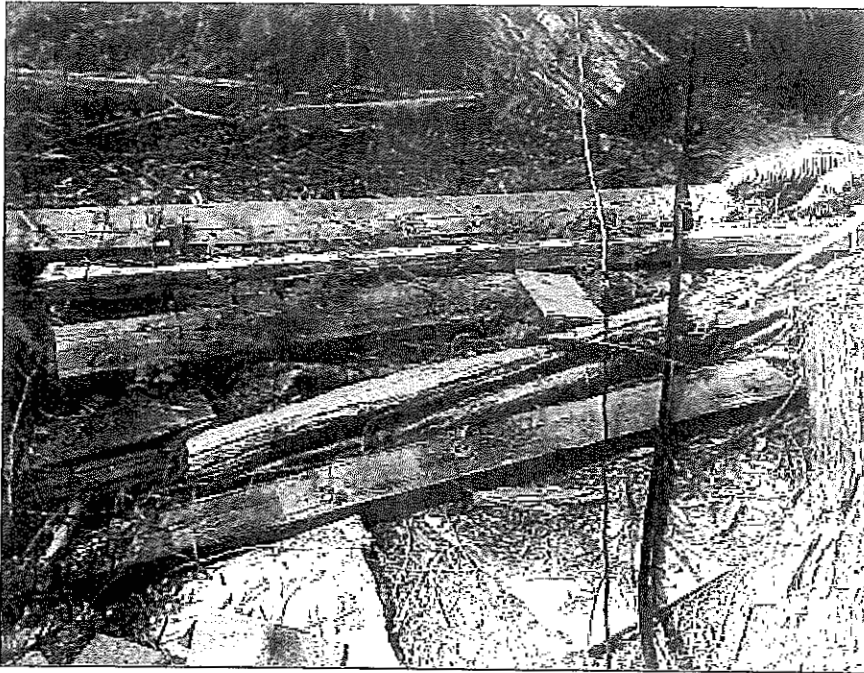
FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



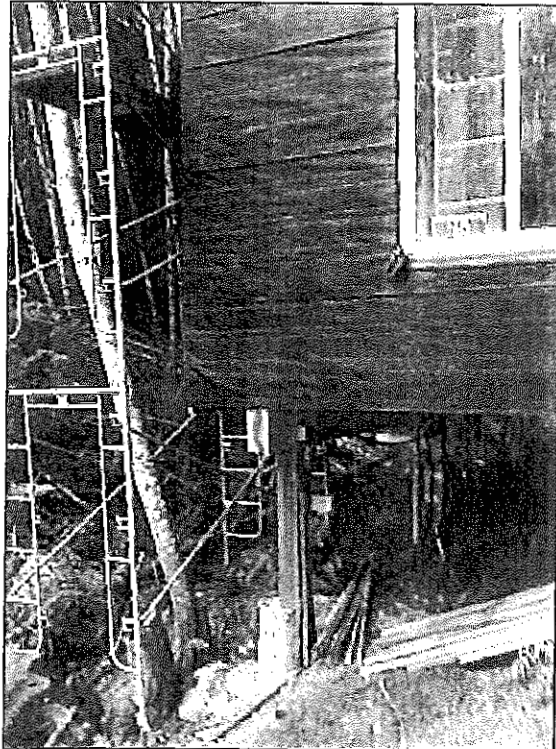
One of two trails providing access to the property from the dock.



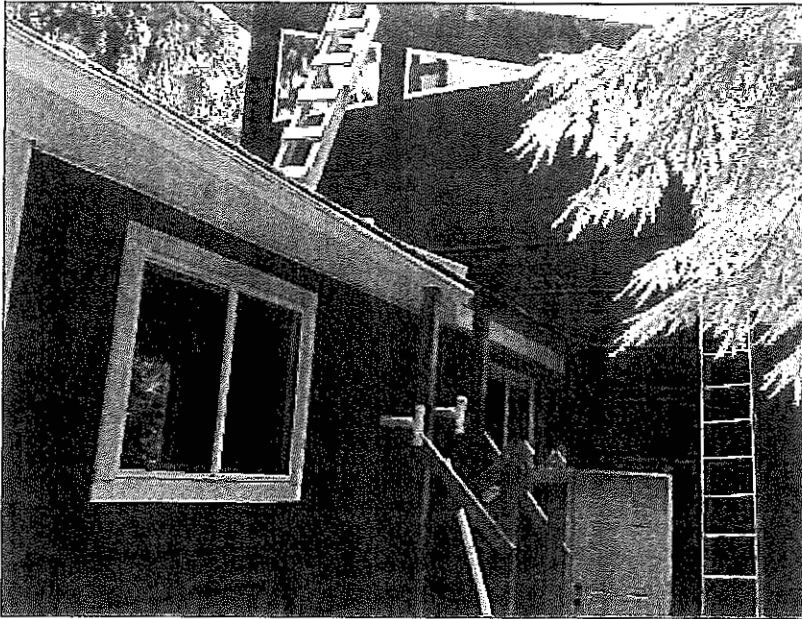
Looking west in front of the existing cabin. Bare areas such as this represent potential replanting zones (Option 2), although in places vegetation cover is naturally sparse, due to shallow soils over bedrock. The current property owner is in the process of removing old piles of debris/timbers from the property.



Example of old timbers that are being removed from the SPEA by the current property owner.



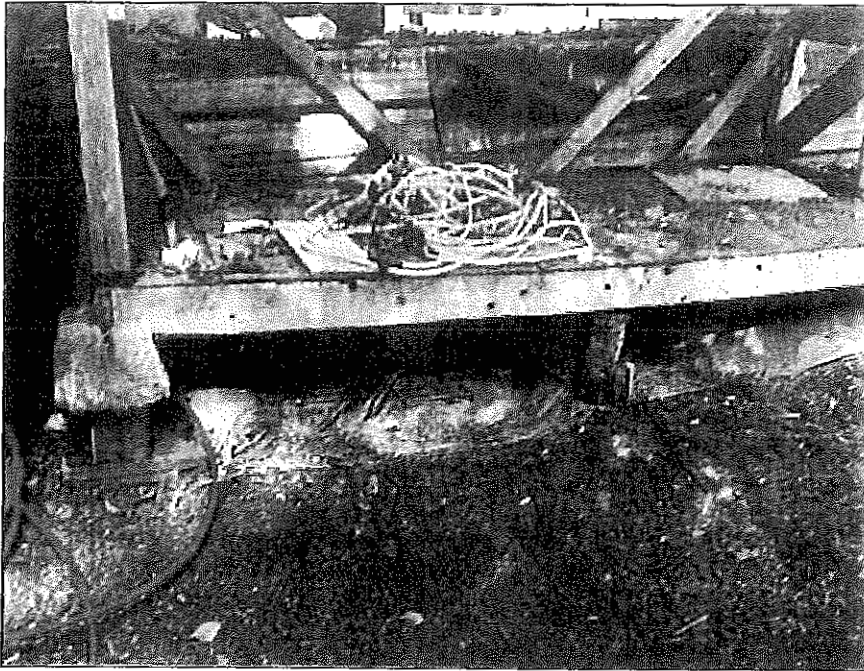
Looking south-east at the north-eastern corner of the recent addition showing the configuration of the foundation.



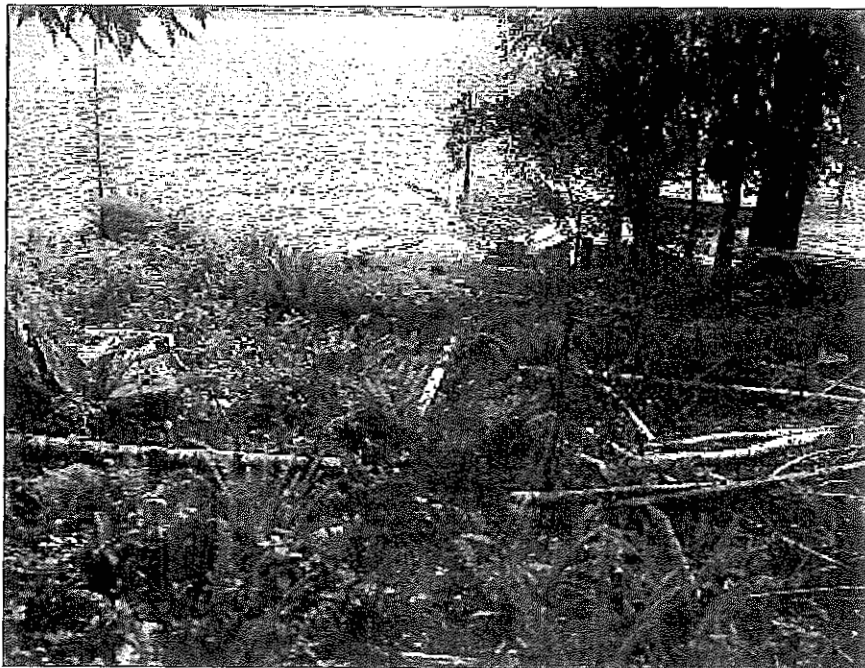
Looking north-east at the recent addition where it adjoins the "legally non-conforming" cabin.



Looking east towards the back of the recent addition. Note proximity of young red alder trees on the slope to the south, which would likely need future management if the recent addition remained in its current location.



Existing old woodshed located to the immediate south-west of the "legally non-conforming" cabin. This area would be used as a location for rainwater collection tanks, if Option 2 were followed.



Looking north over the SPEA showing the second trail access. Note evidence of removal of red alder (stems lying on the ground), allegedly carried out by the previous property owner.

Section 7. Professional Opinion

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

Date 2011-11-15

1. I, Trystan
Willmott _____
—

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

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 the assessment of the proposal made by the developer, Duane Beausoleil, which proposal is described in section 3 of this Assessment Report (the "development proposal");
- 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; AND

2. As a qualified environmental professional, I hereby provide my professional opinion that:

- a) if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, OR
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

- b) ☒ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

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

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise.



R9

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF MAY 1, 2012

DATE: April 25, 2012 FILE NO: Strata Plans
General

FROM: Mike Tippet, Manager BYLAW NO: n/a
Community & Regional Planning Division

SUBJECT: Strata Plans

Recommendation/Action:

This report is for information purposes only.

Relation to the Corporate Strategic Plan: N/A

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

Background:

On March 6, 2012, the Committee gave some direction to staff as to matters it would like to see in this report, regarding strata plans. Among the requested points of discussion were:

- Is there a way to prevent or discourage strata development?
- Is there a way to ensure that strata subdivisions of land have a minimum water frontage and road frontage requirement?
- Is the only reason that developers do strata development is so that road standards are considerably lowered, to the point where it may be difficult to have fire apparatus navigate?

Strata Plan Primer

Strata plans are a form of tenure that allow private ownership of either dwelling units or plots of land (as strata lots), but where the owner of the strata building unit or strata lot also owns a share in some form of "common property" along with other strata owners. The common property can be any one of a variety of things, and some examples are described later in this report. The creation, operation and dissolution of strata corporations are the direct, exclusive responsibility of the Province of British Columbia, through the *Strata Property Act*. The Regional District has no standing as an approving authority under most types of strata plans.

There are basically two kinds of strata plans permissible: Bare-Land strata and building strata. These are described below:

Bare-Land strata plans are those in which no building or structure dimensions are shown on the strata plan; instead all that is shown is the boundary of parcels of land and the boundaries of common property. In this sense, bare-land strata plans are very similar to conventional subdivision plans. The parcel sizes permitted in bare-land strata plans are prescribed in the zoning bylaw, just as is the case for non-strata subdivisions. The reason for creating a bare land strata plan is that some of the land within the subdivision will be held in common, as "common property". Often this land is the roadways, but it can also be open spaces and other infrastructure such as services and utilities.

Bare-Land Strata Subdivision Approval: Bare-land strata plans are approved by the Provincial Approving Officer, similarly to conventional subdivisions. The *Bare-Land Strata Subdivision Regulation*, a regulation under the *Strata Property Act*, specifies that notwithstanding the provisions of a zoning bylaw, bare-land strata subdivisions may be density-averaged. Density averaging allows subdividers to vary the size of lots throughout a subdivision, some below the minimum parcel size, and others above, so long as the total density permitted in the zone is not exceeded. For example, on a waterfront subdivision, bare-land strata subdivision could allow the subdivider to create more waterfront parcels (where the maximum land value is) and have the larger parcels inland, where land values are lowest.

Building (non-bare land) strata plans are those in which building footprints or dimensions, or internal dimensions of buildings appear on the plan. The boundaries of land also appear on the plan, but the land itself is not supposed to be subdivided by the strata plan - more about this later. For the sake of convenience, I will refer to these henceforth as "building strata".

One important thing to remember is that it is not possible to register a building strata plan on land that lies within a bare-land strata plan. For example, if a developer had land with multi-family residential zoning permitted on it, and decided to subdivide the site with that zoning from the parent parcel with a bare-land strata plan, the multi-family building, when constructed, could not be sold in strata ownership for each dwelling unit. The only way the individual dwelling units could be given separate ownership at that point would be to subdivide the land beneath them (assuming they are side-by-side units, using the vertical common party walls as a subdivision boundary, assuming bylaw setbacks would permit this) or dissolve the bare-land strata corporation first.

Building (non-bare land) Strata Plan Approval: There is no approving authority for building strata plans if the buildings upon which the strata plans would be registered have not been previously occupied. This means that, so long as the strata plan is prepared before any one of the buildings has been occupied, the surveyor submits the strata plan directly to the Land Title Office for registration. Although no local government approval is required for registration of the strata plan, presumably the building that is being stratified must be compliant with all of the applicable bylaws when a building permit is issued.

Although we think that the intent of the *Strata Property Act* was that building strata plans ought not to show areas of land as part of a strata lot (because that is what bare-land strata does), in some cases, the Land Title Office has accepted building strata plans that not only show buildings as strata lots, but also areas around the buildings as part of the "building" strata lot. The more proper way for such areas to be identified on the strata plan is "limited common property". Apparently the identification of land as part of a strata lot on a building strata plan is not at odds with the letter of the law; however, in practice it results in *de facto* subdivisions being approved without the benefit of an Approving Officer. Local government staff, both here and elsewhere, have made the Province aware of our concerns in this regard.

If a building strata is proposed on a previously occupied building or buildings, approval of the local government concerned is required under Section 242 of the *Strata Property Act*. Normally an approving official for the purposes of strata conversions is delegated by the Board or Council under Section 242(10), and in the case of the CVRD that approving official is the General Manager of Planning and Development. The approving official will examine the buildings being proposed for strata from the perspectives of bylaw (zoning, building) compliance, with a particular emphasis on occupant safety. The approving official is also entitled to examine the proposed strata conversion from the perspective of the availability of rental housing in the jurisdiction and possibly deny the conversion request on the grounds that it would unduly lower the availability of rental housing. The presumption here in the legislation is that the conversion could displace a number of renters who may not be able to afford the unit. Up to this point, this has not been a major consideration at the CVRD, given our rural context.

Considerations on Strata Plan Restrictions

The Committee asked for information regarding how strata plans could be discouraged, and staff believe that the main concern may be with respect to **bare-land** strata plans. Proceeding on that assumption, it is important to acknowledge the following points:

1. Local governments are not allowed to prohibit bare land strata plans;
2. All zoning standards (other than a prohibition on density averaging) that would apply to any subdivision also apply to bare land strata plans;
3. The Provincial Approving Officer has the discretion to vary roadway standards from the norm for public roadways within a bare-land strata plan.

The strata subdivision regulation allows relief from minimum parcel size provisions in zoning; however, it does not exempt bare land strata parcels from other zoning regulations. Notably, these other regulations can include:

- Minimum lake or marine frontage requirements
- Minimum road frontage requirements (the authority over this was apparently ceded by the CVRD to MoT decades ago)
- Minimum parcel depth standards
- Minimum parcel width requirements

All of the above are indirectly related to minimum parcel size and can obviously have an impact on the *de facto* ability to density average under bare-land strata. At the present time, none of the zoning bylaws has a restriction respecting minimum water frontage, parcel depth or width standards.

The proposed South Cowichan Zoning Bylaw will contain minimum lake and ocean frontage requirements for most residentially-zoned parcels that front on Shawnigan Lake or the ocean. Were we to introduce these to all other CVRD zoning bylaws, it would be possible to construct lot dimension regulations that would severely curtail density averaging, unless the CVRD Board grants variances from such regulations.

Additionally, any zoning bylaw could also contain regulations respecting:

- minimum and maximum parcel width
- minimum maximum parcel length
- minimum or maximum parcel width/length ratios
- parcel shapes (other than panhandles, which was delegated to MoT as mentioned above)

Introduction of some of these possible regulatory measures would require some research before implementation, in order to avoid unintended consequences, and to accommodate irregular parcels (for example, on a tapering or triangular parcel, where is proposed parcel width measured?).

Regarding the provision of CVRD services within strata plans, Engineering and Environmental Services would have to provide Directors with information concerning that topic.

If the Committee desires of further work in this regard, it would be appropriate for a motion to be proposed directing staff to prepare a sample amendment bylaw for a zone, with a specific bare-land strata development proposal from the past being used as an example to test the proposed regulations to see if they would prevent the development. There would be some challenge with respect to undertaking this work in a timely fashion due to other long-range planning commitments; however, it could be added to the list. Although any such eventual amendment could not prevent density averaging, it is expected that density averaging would become considerably more difficult with such regulations in place.

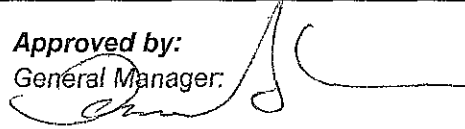
Importantly, there would be a considerable additional administrative burden that would accompany this type of regulation – both at the amendment bylaw development stage and at the implementation stage. In the development stage, complex dimensional regulations of this nature would require testing against actual subdivision plans (preferably those that the Committee considers to be undesirable). Further, several dozen zones in different zoning bylaws would have to be amended more or less at the same time. Afterwards, determinations of bylaw compliance at the subdivision stage will be significantly more complex.

A good test for Directors to apply in situations such as this is whether the problem that the contemplated action is intended to address is sufficiently important to justify the additional expense and effort of not only developing such regulations, but administering them once adopted.

Submitted by,



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

<p>Approved by: General Manager:</p> 
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MT/jah



R10

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF MAY 1, 2012

DATE: April 25, 2012

FILE NO:

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

BYLAW NO:

SUBJECT: Vacation Rentals of Single Family Dwellings

Recommendation:

That staff be directed to prepare a policy outlining circumstances under which enforcement will be pursued against vacation rentals of single family dwellings.

Purpose: To consider bylaw enforcement options for the short term rental of single family dwellings.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background:

Zoning bylaws for the CVRD's Electoral Areas generally permit "temporary accommodation" and "temporary stay accommodation" as principal permitted uses in Tourist Commercial zones. Residential zones typically permit "single family dwelling" as the principal permitted use, with tourist and temporary accommodation limited to accessory bed and breakfast use. Residential zones typically do not permit single family dwellings to be rented for short term stays or for "vacation rentals". Home exchanges, the use of dwellings or cottages by friends or family on a short term basis, and the rental of dwellings on a nightly or weekly basis are forms of vacation rentals that are not strictly compliant with single family residential zoning.

Staff is aware that single family dwellings in the region are regularly used for short term occupancies as vacation homes. This is particularly common on waterfront properties at Cowichan Lake, Shawnigan Lake and on oceanfront properties, where second homes are more common and where there is a demand for recreational rental properties. Despite the prevalence of this practice, the CVRD only occasionally receives complaints.

The Issue:

The CVRD has received a complaint about a property on Cowichan Lake in Area I that has been used as a vacation rental. The owner of the property primarily uses it as a personal vacation home, but has been renting it for 2 or 3 months of the year when he and his family are not using it. The CVRD has asked the owner to cease the short term rental of the property. In an effort to legalize the vacation rental use, the owner has contacted the Planning and

applying to rezoning the property to allow the dwelling to be rented for short stays during the summer months.

Staff has been hesitant to accept a rezoning application because we believe there are alternatives other than spot zoning that may be more effective at managing vacation rentals in residential zones.

Vacation Rental Options:

The following options are available for addressing vacation rentals through land use regulations and bylaw enforcement.

Option 1 – Status Quo

The Area I zoning bylaw currently only permits vacation rentals in the Tourist Commercial (C-4) and Waterfront Commercial (C-7) zones. The rental of detached dwellings for temporary stays is permitted in both these zones, though stays beyond 22 weeks in a calendar year are not permitted. A rezoning application is under consideration for The Cottages at Marble Bay, that would remove the length of stay limitation, essentially allowing dwellings within the development to be occupied either year round or for shorter stays.

The current approach to vacation rentals in Area I and other Electoral Areas is that they are not permit in single family residential zones. When complaints are received, property owners are asked to cease the rentals and enforcement action is commenced if the zoning violation continues. One advantage of this approach is that creates an incentive for the owner to try and limit the use of the dwelling so as to not disrupt neighbours to the point where they are motivated to make a complaint. Alternatively, it can penalize owners that have a neighbour that is unusually sensitive to noise or other activity, or where relations between property owners are poor for other reasons.

Option 2 – Establish an Enforcement Threshold

The CVRD has discretion as to when bylaws will be enforced. Some activities that commonly occur with residential homes but that do not strictly comply with zoning, such as garage sales, are not enforced unless they are conducted at a scale and frequency that exceeds what is commonly accepted in residential zones. This same approach could be taken with vacation rentals.

The use of single family homes for periodic vacation rentals could be permitted without a zoning change if enforcement action is only pursued if the rental activity is causing a nuisance or if the dwelling is used for rentals beyond some established standard. This option is only recommended for periodic vacation rentals and where dwellings are still used primarily for residential purposes. If the Board is interested in this approach, it is recommended that a policy be established to defer enforcement action on vacation rentals where the rentals occur less than 60 days in a calendar year, or some other number of days that is considered acceptable.

Option 3 – Temporary Use Permits

The Regional District could regulate vacation rentals through the issuance of temporary commercial uses permits. This approach has the advantage of being able to establish conditions and to withdraw the permit should a property become non-compliant. It also provides a good way of monitoring the number and location of vacation rentals.

In order to use temporary use permits, there must be enabling language in the applicable Official Community Plan. Most OCPs in the Electoral Areas do not accommodate the use of temporary use permits for vacation rentals and would need to be amended to do so. A notable

limitation of TUP's is that they can only be issued for 3 years and renewed for a further 3 years, so they cannot be used to authorize permanent vacation rentals.

Similarly, business licenses could also be used to regulate vacation rentals, but since the CVRD does not issue business licenses, this option is not presently available.

Option 4 – Text Amendment

A more comprehensive way of accommodating vacation rentals in residential zones would be through a zoning bylaw text amendment. Much like bed and breakfasts and home occupations, zoning could be amended to allow vacation rentals in single family dwellings as an accessory use. Regulations could also be established within zoning bylaws to establish criteria for vacation rentals to minimize potential impacts on adjacent properties.

A text amendment to allow vacation rentals as an outright permitted uses would be the most direct way of accommodating and regulating the use. However, such a zoning change could affect a large number of properties and would be best undertaken after a community consultation process or in the context of a large OCP and Zoning bylaw review.

Option 5 – Spot Zoning

Site specific zoning could be used to permit vacation rentals on single family properties. This would typically be done through a rezoning application process. While this approach provides opportunities for neighbours and the public to be informed and have input on the zoning change, it is expensive and time consuming. It may also be undesirable to fragment zoning in residential neighbourhoods and to establish vacation rentals as a permitted use on some properties but not others.

Staff Comments:

The use of single family dwellings for vacation rentals does not appear to have resulted in identifiable land use conflict in the region's unincorporated areas. However, as single family zoning does not explicitly allow short-term rentals, staff are obliged pursue bylaw compliance when complaints are received.

Staff is of the opinion that various forms of vacation rentals now occur in residential zones and that this use is often benign. Requiring vacation rentals to have site specific zoning could result in a drawn-out and controversial rezoning processes that may establish properties as permanent vacation rentals. We question if rigorous enforcement is the best way of dealing with what does not presently appear to be a problem.

Staff's preferred approach for dealing with vacation rentals would be to not pursue enforcement except in select situations where the rental is clearly disruptive to adjacent property owners or where the rental activity exceeds a to-be-determined level.

Options:

Option A:

That staff be directed to prepare a policy outlining circumstances under which enforcement will be pursued against vacation rentals of single family dwellings.

Option B:

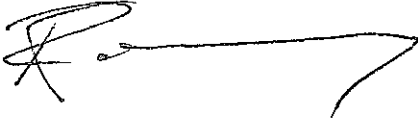
That staff continue to enforce zoning restrictions on vacation rentals of single family dwellings and that property owners interested in short term rentals of single family dwellings be advised to apply to rezone.

Option C:

That a consultation process for regarding vacation rentals in the Cowichan Lake area be considered for the 2013 work plan.

Option A is recommended.

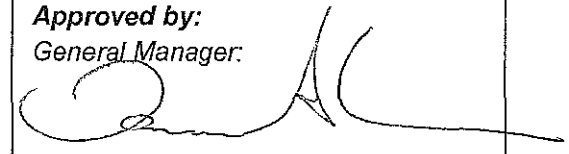
Submitted by,



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

RC/ca

Approved by:
General Manager:



C1



REGIONAL DISTRICT OF NORTH OKANAGAN

MEMBER MUNICIPALITIES:

CITY OF ARMSTRONG
DISTRICT OF COLDSTREAM
CITY OF ENDERBY

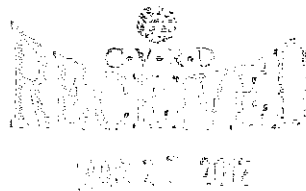
VILLAGE OF LUMBY
TOWNSHIP OF SPALLUMCHEEN
CITY OF VERNON

ELECTORAL AREAS:

"B" - SWAN LAKE
"C" - B.X. DISTRICT
"D" - LUMBY (RURAL)

"E" - CHERRYVILLE
"F" - ENDERBY (RURAL)

OFFICE OF: Board Chair



OUR FILE: 0530

March 12, 2012

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

RE: Annexation Impact Study – Funding Request

Regional District of North Okanagan Electoral Area "C" Director Mike Macnabb presented information at the Electoral Area Directors Forum during the 2011 UBCM Conference regarding an Annexation Impact Study that was being undertaken by the Regional District of North Okanagan. His presentation stimulated significant discussion and Director Macnabb was approached by a number of Electoral Area Directors requesting more information regarding the Study. The Ministry of Community, Sport and Cultural Development (The Ministry) has also taken an interest in the outcome of this study and has requested a copy of the Phase I Electoral Area Annexation Impact Study Report.

Due to the complex nature of the Study, it has been broken into three phases. Phase I, which entailed a review of the current situation, was recently completed by Urban Systems and a copy is enclosed for your reference. The Electoral Area Directors would now like to move forward with Phases II and III of the project.

Phase II will examine the cumulative effects of unincorporated annexations and Phase III will provide recommendations and conclusions. Phase III of the project would also incorporate the analysis developed in Phase II with the proposed joint protocol framework proposed by the Ministry. This action may involve negotiation and agreement with the affected municipalities, Regional District, provincial agencies, and the Ministry. The results of Phase III could provide guidance to other regional districts and the Ministry regarding annexation application policies, process and inter-jurisdictional protocols.

Given the level of interest displayed by others throughout the province, your assistance is requested to contribute to the cost of Phases II and III of the Study. The approximate cost of completing Phase II is \$100,000 - \$125,000 and Phase III is \$30,000. With 156 Electoral Areas in the Province, if each Electoral Area contributed \$900, the costs to complete Phases II and III would be covered. Terms of Reference for the Study are enclosed for your reference.

Original: TA	Copies to: Chair - Hutchins
Board:	
Committee(s):	
Received: [Signature]	Date: April 4/12
Phone: 250-550-3700	
File # Fax: 250-550-3701	
Web: www.rdno.ca	
E-Mail: info@rdno.ca	

As no similar study has been completed in the past which looks at the effects of annexation from the Electoral Area perspective, this Study may be useful as a template for other regional districts / electoral areas. As such, we are hopeful that Electoral Areas throughout the province will provide \$900 each to assist with funding for Phases II and III of this project.

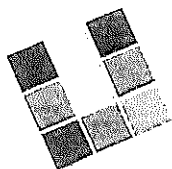
We respectfully request your assistance in bringing this matter before your Board to gauge the interest of Electoral Area Directors to contribute \$900 towards the cost of Phases II and III of the Annexation Impact Study. A response by April 20, 2012 would be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Nicol', written in a cursive style.

Patrick Nicol
Board Chair

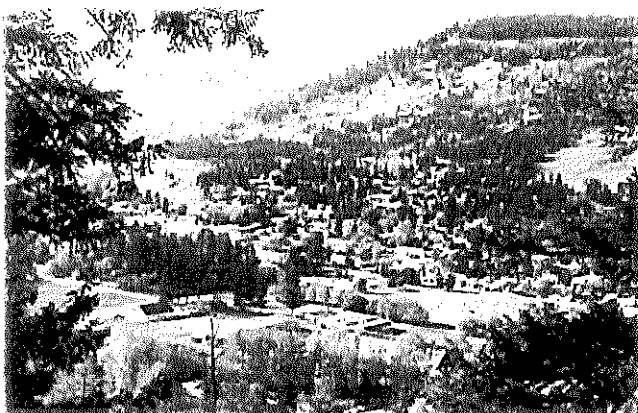
Encl.



Regional District of North Okanagan

Annexation Impact Study

Phase 1 Final Report



This report is prepared for the sole use of Regional District of North Okanagan. No representations of any kind are made by Urban Systems Ltd. or its employees to any party with whom Urban Systems Ltd. does not have a contract.

1203.0012.01 / January 2012

URBANSYSTEMS.

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RDNO Annexation Impact Study Phase 1 Final Report

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ACRONYMS	
ALC	Agricultural Land Commission
ALR	Agricultural Land Reserve
Ministry	Ministry of Community, Sport and Cultural Development
CCP	Official Community Plan
RGS	Regional Growth Strategy
RDNO	Regional District of North Okanagan

EXECUTIVE SUMMARY

The study was initiated by the Regional District of North Okanagan (RDNO) Electoral Area Directors to examine the impact of annexation on unincorporated areas in the District. Urban Systems Ltd. was commissioned by the RDNO in May 2011 to undertake the first phase of this three part study.

This report provides an overview of the issues, beginning with a review of the study area, including population, local government boundaries, political representation, services and land use planning and regulation. Specific attention is given to four key geographic areas identified for high potential of future annexation activity, each with specific drivers and concerns. These areas and their associated drivers are: the Commonage area to the southeast of Vernon (future development area, environmental protection, fire service delivery), the BX area to the northeast of Vernon (future development area, sewer service delivery), West Enderby (future development area) and Northwest Lumby (future development area).

The next section of the report focuses on the history and policies of annexation and specifically on annexation activity within the RDNO over the past two decades. This examination finds that, apart of the annexation of Okanagan Landing and Predator Ridge, a majority of the annexation activity has been small, one or two small-lot annexations within the BX-Swan Lake area, into the City of Vernon. The report includes a map which provides a visual representation of recent annexation activity in the study area.

In addition, a review of provincial, regional, and municipal annexation legislation and policies is undertaken. These include the *Local Government Act*, Regional Growth Strategy, Official Community Plans, and local policies and procedures. Though this review finds some similarities, there are striking differences in policy and expectations between the stakeholders.

A jurisdictional review of annexation procedure in Canada is then undertaken to provide a broader understanding of annexation policies and processes. This review found that due to the nature of the regional district system in BC, annexation of unincorporated land is, for the most part, unique in Canada. Some commonalities found between other jurisdictions include the existence of negotiations between two "equal" municipal jurisdictions, as well as more extensive public consultation including public hearings. In general, annexation in provinces other than BC included a greater level of provincial government involvement in the process.

The annexation history revealed a number of interesting and concerning findings. Though initially the RDNO Electoral Area Directors indicated their concerns regarding large annexations such as the 1993 annexation of Okanagan Landing, the review of recent annexations found that small, incremental annexations have become more prevalent and applicable to the concerns raised. These small annexations

The other concern regarding land use was the protection of agricultural land. Land that is within the Agricultural Land Reserve (ALR) is governed by the provincial Agricultural Land Commission. Regardless of municipal boundaries, non-farm use is restricted on ALR land, and an application to the ALC with the support of the local government is required to pursue non-farm use, exclusion, or subdivision. Although municipal boundaries do not technically impact ALR decisions, staff from the Commission have expressed

should be referenced in any future annexation applications. The 'Rural Protection Boundary' in the RGS is particularly applicable to this discussion, and approval of a new Regional Growth Strategy (RGS) for the Regional District of North Okanagan attempts of Vernon when there was already a population of over 5,000 people living in the area. The recent before the development of Predator Ridge, while the Okanagan Landing area was annexed into the City of Vernon when there was already a population of over 5,000 people living in the area. The recent some existing development in place. For example, the annexation of part of the Commonage occurred some annexation leads to urban sprawl and greater densification in an otherwise rural area. It was found that The second theme addressed in the issues was land use planning. This came from a concern that

needed to be undertaken in the potential next phases of the research. challenging issue to quantify and was outside the scope of this phase of the project; more research will annexations may disrupt the cohesive nature of existing neighbourhoods and communities. This is a which were raised by the elected officials through a series of interviews. There is a concern that the property owners and the municipality as a whole. This issue also includes the social and cultural impacts rural rate for the newly annexed residents for a period of time, which has an effect on both those the differing tax rates and structure for rural and incorporated areas. The tax rates may be held at the of properties participating in a regional district service. The other financial impact is tax rates, based on the mitigation would not be triggered by the small annexations that may be slowly reducing the number similar amount of revenue would be lost. Still, these measures are time limited (usually five years) and implemented to compensate the regional district if more than 5-10% of the service area is annexed or a sustainability of regional district services. There are potential mitigation measures that can be use, servicing, governance, and financial/other considerations. The financial issues include the financial

outlined in this Phase One of the research. triggered by the smaller, more incremental annexations that have been occurring in recent years. It is government has policy in place to provide mitigation measures for annexations, this measure is not stakeholders (municipal, provincial, regional district, and residents). As well, though the provincial do not seem to face the level of scrutiny that a large boundary restructuring would face from the

The central outcome of this research was problem definition – that is, are small, lot by lot, annexations being approved, contrary to local and provincial policy? The culmination of the research found a potential lack of integration of these issues for all parties involved in the overall annexation decision making process. This was identified as being in part because of the process and the differing powers of the participants, including the municipality, regional district, Agricultural Land Commission and provincial government. As well, there is a lack of integration of the issues – finance, land use, servicing and

their statutory and regulatory conditions for small boundary extensions. case studies were approved by the Ministry of Community, Sport and Cultural Development, as it met the increase in road maintenance costs. Despite these concerns expressed, all applications identified as area conflicts. Many applications, if approved, would mean a financial loss for the municipality because of annexation. The annexation of properties that were located in the Agricultural Land Reserve was not supported by the Agricultural Land Commission, due to the potential of exacerbating urban-rural fringe applications were small in nature (one or two lot annexations), some that had applied multiples times for the City of Vernon, were then analyzed. This review found that a majority of recent annexation through the research process. A number of case studies, selected from recent annexation applications to evaluate the potential impact of annexation on the delivery of services and other issues of concern raised From these key issues, an *Issues and Services Matrix* was developed as a frame work to demonstrate and

number of representatives both municipally and at the regional district level. population is moved from unincorporated areas to the municipality, potentially changing the strength and The final issue is that of governance, particularly related to political representation. With annexations,

the City of Vernon. Land, as there continues to be differing interpretations of commitments made before the area joined annexation discussion. This issue was most often raised in relation to the annexation of Okanagan particularly the delivery of urban level services of water and sewer, is a very important issue in the sewer servicing with annexation by policy, and does not allow one without the other. Servicing, to be made asking primarily to be connected to the City of Vernon sewer system. Indeed, the City aligns areas where septic systems are failing raising environmental concerns. Annexation applications continue environment. Some annexations have taken place with the main driver being the delivery of sewer to develop environmentally sensitive areas as part of an annexation, as well as servicing to protect the The final land use issue was environmental protection. This related to real and perceived pressures to

cause additional conflicts along the urban-rural fringe area. concerns that municipal annexations add to the pressure of expanding the urban boundary and potential

governance – in the annexation approval process by the key organizations of the municipality, regional district, Provincial government and Provincial agencies.

This research provides an introduction to the topic, which could be expanded through Phase Two of the study. Additional research would include an in-depth study of the 1993 annexation of Okanagan Landing, a detailed financial, service, and social impact of cumulative annexations in the RDNO over the last 10 years, and the establishment of a potential framework agreement for considering future annexation applications in the regional district. Phase Three would involve working with all affected parties to negotiate and ratify the framework, and prepare a joint protocol agreement and implementation strategy as appropriate.

1.0 Introduction

1.1 Background and Study Purpose

The Regional District of North Okanagan (RDNO) is interested in the potential impact of municipal annexation on electoral areas in the regional district. The impetus for this study is the effect of historical municipal annexations that have taken place, and concerns by the electoral area directors on the long-term sustainability of services to the communities of the electoral areas, as well as loss of community identity. The overall focus of this study is on the effect of incremental annexation of small areas or groups of properties, not the effect of large scale restructuring of municipal boundaries. It is those small annexations that the Electoral Area Directors are interested in how they, over time and cumulatively, affect the ability of the Regional District to provide services, as well as affecting the sense of community.

In June 2011, the RDNO commissioned Urban Systems Ltd. to undertake phase one of a three-phase study. Phase one represents a review of historical annexations, regional district services, local government planning documents and the Provincial policy context, in order to document issues related to electoral area service delivery and whether they still exist in today's context. If the RDNO elects to proceed further, phase two would explore in-depth the financial, social and other impacts to service delivery and community fabric in the electoral areas, and provide recommendations for consideration by the Regional Board, its member communities, and the Province of British Columbia. Phase three would involve the development of an implementation strategy and the establishment of a framework agreement by which future annexation decisions would be made in the North Okanagan.

In British Columbia, municipalities and regional districts are created and operate under the *Local Government Act* and *Community Charter*. Under this legislation, a boundary extension, or municipal annexation, involves transferring a defined area of local government jurisdiction from an unincorporated area in a regional district to a municipality. The municipality then takes responsibility for most local services, governance, local roads, subdivision approval and property tax collection. Some other responsibilities do not change, including provincial responsibility for Crown land, the levying of school property taxes, Regional Hospital taxes, and other regional district-wide services. The process of boundary extensions is governed by section 20 of the *Local Government Act*, which is detailed further in this document. Any annexation requests must have municipal electors' support in order for the Ministry of Community, Sport, and Cultural Development (the Ministry) to recommend the boundary extension.

The topic continues to be of relevance as the RDNO faces ongoing development pressures and there is indication of further plans for municipal annexations. Though there has been previous research on municipal annexation, studying the activity from an electoral area perspective is unique. As a result, there

is a high level of interest from other jurisdictions, both from other regional districts and the Provincial government.

1.2 Report Structure

Due to the size of the research and complexity of the topic, this Phase One report has been divided into a number of topic areas. The initial topic area examines the existing situation in the Regional District of North Okanagan in relation to political representation, service delivery, and taxation. The second topic area is a review of annexation activities and policies at the municipal, regional and provincial level. Finally, this information is organized into an Issues and Services Matrix to create a "base case" template for future analysis of scenarios.

This report is organized into the following main sections:

Section 1 provides an introduction to the report.

Section 2 provides an overview of the current situation in the RDNO, including population, municipal and electoral area boundaries, and political representation. Focusing on four key geographic areas, the report then reviews service delivery, land use planning and regulation, and property taxes and fees.

Section 3 reviews the history of annexation activity in the RDNO. It then provides provincial legislation and policy, current municipal and regional district policies, and a jurisdictional review of annexation policy across Canada.

Section 4 provides an analysis of the annexation process and issues raised through the study. An *Issues and Services Matrix* is developed to evaluate the impact of annexation on different stakeholders. The report presents case studies of recent annexation applications in the City of Vernon area. Finally, a number of conclusions are offered for consideration by the RDNO and its members.

The appendices offer background information on annexation policies and the jurisdictional review.

2.0 Overview of Current Situation

This section provides an introduction to the current situation in the Regional District of North Okanagan. After reviewing regional district-wide information on population, representation and service delivery, the report focuses on four key geographic areas identified by the Regional District for specific examination.

2.1 RDNO Population and Representation

The RDNO currently consists of six member municipalities (City of Vernon, Township of Spallumcheen, District of Colstean, Village of Lumby, City of Enderby, and City of Armstrong) and five electoral areas (B, C, D, E and F) as illustrated in *Figure 2.1*.

Figure 2.1 – RDNO Overview Map

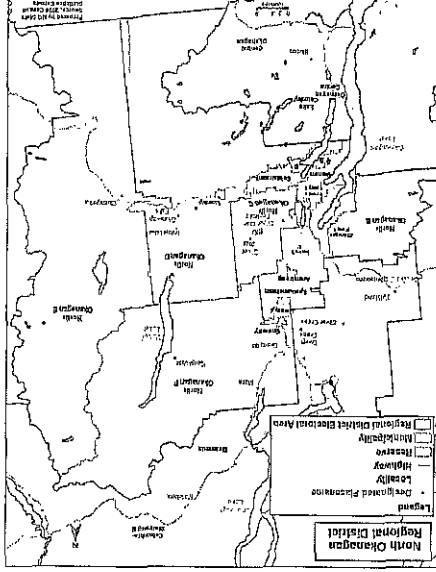


Figure 2.2 illustrates the names of directors, population data, and voting strength for each member jurisdiction of the RDNO. The number of directors and their voting strength is based on the population

data that includes people residing on Indian Reserves. Voting strength is based on a voting population unit of 2,500, and each member jurisdiction has one director for every 10,000 people, with a maximum voting strength of five for each director.

Figure 2.2 – Current RDNO Population and Representation

Regional District of North Okanagan 2012 BOARD OF DIRECTORS (Incorporated November 9, 1965) Voting Unit: 2,500 population				
Elected/Appointed Director	Population 2006	Number of Directors	(voting strength/5)	(population/ voting unit)
Cities:				
Armstrong	Shirley Fowler	4,241	1	2
Enderby	Howie Cyr	2,828	1	2
Vernon	Patrick Nicol (Chair); Rob Sawatzky; Juliette Cunningham	35,944	3	15
Districts:				
Coldstream	Doug Dink	9,471	1	4
Village:				
Spallumcheen	Janice Brown	4,960	1	2
Lumbly	Kevin Acton	1,634	1	1
Electoral Areas:				
B	Bob Fleming	6,061	1	3
C	Michael Macnabb	3,947	1	2
D	Rick Fairbairn	2,837	1	2
E	Eugene Foley	934	1	1
F	Jackie Pearase	4,444	1	2
Totals:		77,301	13	36

Source: Ministry of Community, Sport and Cultural Development / Regional District of North Okanagan

2.2 Key Areas

The RDNO has identified four key priority geographic areas in the Regional District as potential future annexation areas. These four priority areas are:

- Commorage (to the southeast of the City of Vernon);
- BX/Foothills (to the northeast of the City of Vernon);
- West Enderby; and,
- Northwest Lumbly.

Each area faces different pressures for future annexation including development potential, delivery of utility services and protection of the environment. These areas are identified in Figure 2.3 and described in further detail below.

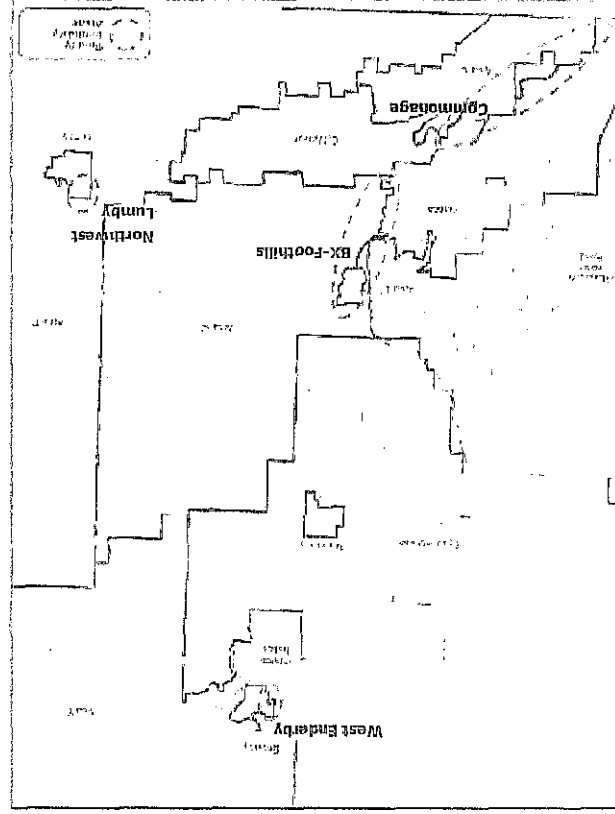


Figure 2.3 – Key Areas for potential annexation

2.2.1 Commonage

The Commonage is a grassland area south of Vernon. It is an environmentally sensitive area with rolling hills. A majority of the area was incorporated into the City of Vernon in 1996, with the development of Predator Ridge and the western portion of the Commonage area towards Okanagan Lake. The unincorporated area in Electoral Area 'B' faces continued development pressure as the land is very valuable due to its proximity to Vernon and Coldstream, and its view of Kalamalka Lake.

There is ongoing discussion regarding the provision of utility services to the remaining parcels in the Commonage. The area has relatively shallow soil and steep hills that makes individual septic systems challenging, thus there is an interest in municipal sewer. There is also pressure to bring domestic water service to the area, as past annexation in the area brought only spray irrigation water for agriculture. Finally, fire protection is an important consideration as the 92 properties in the area have no fire protection service at this time.

The City of Vernon's OCP recognizes the agricultural value of the Commonage, stating:

Attention must also be paid to the rural urban interface, to ensure that the residential subdivision pattern does not encroach into or serve to fragment ALR lands, particularly on the City's eastern boundary.

All of the Commonage area in Electoral Area 'B' is identified as a Rural Protection Area in the Regional Growth Strategy (RGS). This aligns with concerns with protecting this environmentally sensitive area.

2.2.2 BX/Foothills

The BX/Foothills area is located north and east of Vernon. It is facing strong development pressure as owners want to be able to develop to an urban standard. However, the majority of the lands within the study area are currently within the Agricultural Land Reserve as well as being designated as Rural Protection Area in the Regional Growth Strategy. Much of the remaining lands consist of pockets of residential development which were created several decades ago on septic systems, and are now faced with the potential of failing septic fields. Although the RGS discourages the provision of community sewer in Rural Protection Areas such as the Foothills area, it does recognize and support urban level servicing for existing parcels, for protection of the environment.

A review of the City's OCP growth projections indicates that the land base within the current municipal boundaries is more than adequate to support future growth within the planning horizon.

¹ City of Vernon Official Community Plan, 2008, p. 112.

- West Nile Virus.²
- Many services in the RDNO are provided by other agencies, including the following:

- Regional Hospital District;
- Okanagan Regional Library;
- Vernon Regional Transit;
- Municipal Finance Authority;
- BC Assessment Authority;
- Okanagan Basin Water Board;
- Sterile Insect Release Program;
- RCMP through Provincial contract and;
- Provincial rural tax that funds a portion of rural roads.

2.3.1 Key Services

This section of the report provides a more detailed review of current service delivery and potential impacts related to various local government structure changes.

The Regional District provides the following services:

- Administration;
- Building inspection;
- Bylaw enforcement;
- Community and infrastructure services;
- Development services;
- Engineering, including water and sewer, regional solid waste and recycling, regional transit;
- Financial services;
- Greater Vernon Water Utility (sub-regional service);
- Parks and Recreation (sub-regional service);
- Protective Services;
- Salvage logging;
- Victims' Assistance; and

² Population and Housing Trend Projection 2008-2031, 2010.

³ Regional District of North Okanagan website.

Fire Protection is delivered through various fire departments throughout the region, funded as local area services. The City of Vernon provides fire protection through a professional force in the central Vernon service area, while there is a volunteer force in the Okanagan Landing service area and the BX-Swan Lake area. All other fire protection in the region is delivered through volunteer forces.

Sewer is an urban level service, with rural areas relying on individual septic systems. In the RDNO, sewer utility services are provided by each municipal jurisdiction, coupled with policies that usually limit the service to areas within municipal boundaries. An exception to this is a contractual arrangement between the City of Vernon and the District of Coldstream that allows for sewage collection from a defined area of the westerly portion of Coldstream to be discharged into the City's system for treatment and disposal.

Water is an important local government service. Rural areas usually depend on wells and other private sources of water. Currently, water is supplied to the City of Vernon and surrounding electoral areas through the Greater Vernon Water Utility. This service is supplied on a sub-regional basis serving approximately 50,000 customers in Vernon, Coldstream, Electoral Area 'B' and 'C', and a small number of residents in Electoral Area 'D' and Spallumcheen (source: Greater Vernon Water Utility website). This service arrangement provides both domestic and agricultural water supply (the latter makes up 60% of total summer consumption) to areas both within and outside municipal boundaries.

Part of Electoral Area 'E' lying northwest of Lumby has been identified as a Future Growth Area in the RGS and has the potential for future annexation. There is some development pressure on this area because it is the only area with potential for development adjacent to Lumby's current boundaries, as other surrounding areas are in the Agricultural Land Reserve. The current growth rate is .82% annually, and there is sufficient zoned and designated land within the Village's current boundaries for projected growth until at least 2031.²

2.2.4 Lumby

There is some annexation potential for the area west of Enderby, and it has been identified as a future growth area in the RGS. Although it has been identified for growth, given the historical growth projection in the City, this potential development is likely beyond the 20 year horizon of the RGS. According to the *Population and Housing Trends and Projections 2008-2031*, Enderby is expected to grow at a rate of 1.46% per year until 2031, and has sufficient residentially zoned or designated land within its current boundary to meet this demand. Still, there is pressure for new development outside the City boundaries.

2.2.3 Enderby

Police protective services are provided on contract by the RCMP. Under the current police financing model, communities provide varying contributions towards policing costs, depending on their size and method of delivery:

- For electoral areas and municipalities with a population of less than 5,000, policing is provided by the Province through a contract with the RCMP. The current provincial police tax covers less than 50 percent of the total annual Provincial cost to police these areas.
- For municipalities with a population over 5,000, policing is usually provided by municipal (contracted) RCMP forces. For communities with populations of between 5,000 and 15,000, the municipality is responsible for 70 percent of total policing costs, plus facilities and support service staff costs.
- For communities with populations over 15,000, the municipality is responsible for 50 percent of total policing costs, plus facilities and support service staff costs.
- A final service delivery option is by an independent municipal police force, which is utilized by 11 municipalities within the Province (none within the RDNO). In this case, the local jurisdiction is responsible for 100 percent of total policing costs.

Land use planning is carried out on a municipal and regional basis. Municipalities have Official Community Plans (OCPs) and zoning bylaws to regulate land development. All of the Electoral Areas in the RDNO have OCPs which help define the character of each area, as well as zoning bylaws. On a regional basis, the Regional Growth Strategy aims to provide regional consistency to land designation and help with continuity of planning across jurisdictions.

Subdivision approval, an important part of land development, is provided by the Provincial Ministry of Transportation and Infrastructure in unincorporated areas, and by the locally appointed Approving Officer within each of the corresponding municipalities.

General description of land use planning and regulations

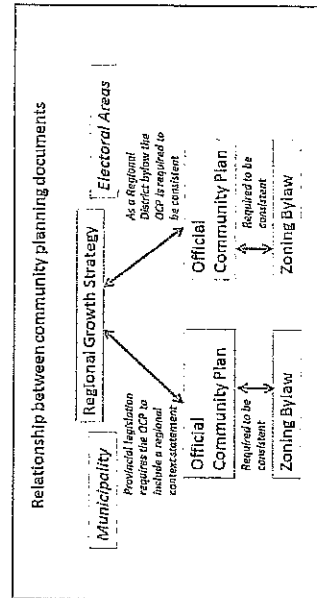
The Regional District provides regional planning, most notably with the recent approval of the Regional Growth Strategy. The Regional District also provides community land use planning for all of the unincorporated Electoral Areas and the member municipalities of Armstrong, Enderby, Spallumcheen and Lumby. This planning service includes the creation of Official Community Plans and subsequent zoning and bylaws.

Planning functions include:

- Regional planning;
- Community planning;
- Sustainability;
- Zoning;
- Mapping; and,
- Riparian Area Regulations.

Roads, other than provincial highways, are the responsibility of municipalities within their boundaries and the Provincial government in the unincorporated areas. This includes the responsibility for maintenance, snow clearing and street cleaning.

Street lighting is provided through local service areas in the regional district and is a general service within a municipality.



[illegible]

Figure 2.3 – Overview of Current Service Delivery

2.3.2. Service delivery arrangements

2.3.2 Service delivery arrangements

Property taxes and fees are the central means which municipalities and the regional district have to raise revenue. These rates are set to generate the tax revenue needed for costs not covered by other revenue sources. Figure 2.4 provides a general overview of current tax rates in the municipalities and electoral areas in the RDNCO.

2.4 Property taxes and other fees

of the property and differ based on the different property classes. Since each area has different levels applied depending on the service provided, the tax rate table as shown can be somewhat confusing. Ideally, the use of representative sample tax notices are a very effective way to illustrate the direct application of these tax rates on municipal and electoral areas respectively. Though not available for Phase One of the project, it is anticipated that as part of future phases of this study, sample property tax notices will be provided for the following areas:

- City of Vernon, BX area and Commonage area;
- Town of Enderby and Electoral Area; and,
- Village of Lumby and Electoral Area.

phases of this study, sample property tax notices will be provided for the following areas:

3.0 Annexation Activity and Policies

3.1 History of annexation activity

In recent years there have been several major and many minor annexations in the RDNO, most of which have taken place around the City of Vernon. A brief overview of select historical annexations into the City of Vernon, as well as Enderby and Lumby is provided below.

3.1.1 Okanagan Landing (1993)

One of the City of Vernon's most substantial boundary extensions took place in 1993 with the annexation of Okanagan Landing, southwest of the City. Formerly part of Electoral Area 'A' of the Regional District, the Okanagan Landing area had a population of approximately 5,000 people in 1990. With sufficient population to potentially form a municipality, one of the drivers for incorporation was to protect the water quality of Okanagan Lake by providing access to municipal water and sewer infrastructure to the residents. The residents voted in a two-part ballot with respect to incorporation, choosing to incorporate as part of the City of Vernon.

On April 3, 1993, Okanagan Landing residents voted in a Restructuring Referendum [with approximately 60% voter turnout]. In a two-part ballot, 81.6% of respondents voted in favour of local government structure change. When given the option of incorporating as a new municipality or joining the City of Vernon, 58.3% voted for "Inclusion of Okanagan Landing within the City of Vernon".

Source: Greater Vernon Services Committee, 1993.

Due to the nature of this annexation, specific measures were taken in its implementation. These measures were:

- Establishment of the Okanagan Landing Advisory Planning Commission, to advise on planning issues in the area and was to remain in place until 2003;
- Transfer of a number of regional district local services, including drainage, water, street lighting and sewer;
- Creation of the 'Okanagan Landing Fire Protection Specified Area', which allowed the continuance of the volunteer fire department that continues to operate concurrent to the Vernon professional fire department; and
- Creation of the 'Okanagan Landing Taxation Specified Area' which implemented an agreement to levy taxes on the newly annexed property at a rate no higher than the provincial rural rate until 2002 (10 year phase-in) or until a property was approved for subdivision or strata, whichever

⁴ Some of the area annexed had previously been part of the Vernon Fire Protection area in the Regional District. This area became part of the 'Vernon Fire Protection Specified Area.'

Figure 2.4 – 2011 Tax Rates (per \$1,000 of assessed value)

Class	Class 1: Residential	Class 2: Utilities	Class 3: Major Industry	Class 4: Light Industry	Class 5: Business	Class 6: Managed Forest	Class 7: Recreation	Class 8: Non-Profit	Class 9: Farm
Vernon	2.88	39.29	8.63	8.63	7.68	0.83	3.92		
Gen. Municipal	1.87	6.56	6.38	6.38	4.60	5.63	1.88		
Reg. District*	3.20	19.05	0	8.51	7.21	0	0.23	2.98	
Gen. Municipal	0.78	2.72	1.03	2.65	1.091	0	0.78	0.78	
Police tax**	0.30	1.06	1.03	0.74	0.91	0	0.30	0.30	
Lumby	3.07	38.65	16.31	11.49	5.76	0	3.28	4.20	
Reg. District*	3.30	11.57	11.24	11.24	8.10	0	3.31	3.31	
Police tax**	0.29	0.00	0.98	0.98	0.70	0.86	0.29	0.29	
Electoral Areas	0.52	3.95	4.84	2.87	2.87	0.46	0.88	0.51	
Provincial Rural	3.97	13.55	13.16	13.16	9.48	11.61	3.87	3.87	
Reg. District***	0.12	0.40	0.40	0.40	0.29	0.35	0.12	0.12	
Police Tax, Area B**	0.12	0.40	0.40	0.40	0.29	0.35	0.12	0.12	
Police Tax, Area C**	0.12	0.40	0.40	0.40	0.29	0.35	0.12	0.12	
Police Tax, Area D**	0.19	0.66	0.64	0.64	0.46	0.57	0.19	0.19	
Police Tax, Area F**	0.13	0.45	0.44	0.44	0.31	0.39	0.13	0.13	

*Includes taxes for participation in both region-wide services and local area services
**A separate Police Tax levy is additional to the stated municipal and provincial rates for municipalities under 5,000 population and electoral areas.
***Includes taxes for participation in region-wide services, services for electoral areas only (e.g. general administration, civic addressing, building inspection, elections, emergency planning, parks). Other local area services (e.g. fire protection, street lighting, water, sewer) are in addition to the sample rates shown.
Note: Tax rates for fire protection vary throughout the Regional District, including within the City of Vernon boundaries. For example, the residential tax rate for fire protection in Okanagan Landing at 0.7688, in BX-Swan Lake it is 0.7919, and in Silver Star it is 0.2727.

was earlier. In addition, the farm class improvements exemption was eliminated over a 6 year phase in period (City of Vernon letters patent, 1993).

Though not included in the letters patent, a significant influence on the annexation process was the City of Vernon's commitment to provide sewer to the area. Since annexation, there have been disagreements as to what that promise entailed, particularly related to who was responsible for different costs and the timing of implementation.

A 1993 letter to Okanagan Landing/Bella Vista Citizens Group from Mayor Wayne McGlothlin stated that the first commitment noted in the letter is that "The City will provide existing Landing residents with access to trunk sewer lines, force mains, lift stations, sewage treatment plant and effluent disposal at no cost. Existing residents will be required to pay, through a specified area tax, for the cost of collector lines that may be required to connect to trunk mains."

Patrick Lett was part of the original group that brought Okanagan Landing into the City. At a 2008 Council meeting he stated that the Okanagan Landing residents were advised that if they joined the City they would get a 10 year moratorium on taxes, as well as improvement in services, sewer, road widening, and street lights. This included the City advising the residents that grant money from the Province of BC could be accessed to rebuild Tronson and Eastside Roads. He felt there was a misunderstanding regarding original 'deal' and although "nothing in writing but a deal is a deal."

Source: Wayne McGlothlin, Letter to Okanagan Landing/Bella Vista Citizens Group, March 29, 1993
Financial Plan
Source: Public consultation on Vernon's 2009-2013

The annexation of Okanagan Landing was often referred to during preliminary interviews with current and former elected officials and staff. There continues to be outstanding issues and misunderstandings from this boundary extension. The issues are particularly related to the provision of sewer services. This consideration of the annexation proposal.

connected and therefore limited improvement in the protection of the environment, which was a major available in the area, due to the excessive cost, many residents adjacent to the lake are still not areas and limited improvement in access to the lake. While sewer service connections have been made an annexation before anything of benefit to the residents was received, with still no street lighting in many the availability of a domestic water supply to some residents. He noted it was some 12 years after the A). According to Hill, benefits to the Landing area have been limited to improved road maintenance and that were not met (copy of a letter from the City of Vernon dated March 29, 1993 attached as Appendix Okanagan Landing area was a less than satisfactory experience, with a significant increase in the level of taxation without a corresponding increase in services. He also referred to the commitments by the City in an interview with former Electoral Area "A" Director Alan Hill, he noted that the annexation of the

issue and others could be explored further in Phase Two if the RDNO continues to move forward on this research.

3.1.2 Anderson Rd subdivision/commercial area (1994)

The next boundary extension in Vernon occurred north of the City with the annexation of the Anderson subdivision and commercial area. The letters patent in this annexation created the 'Anderson Subdivision Protection and Control Service Area' under the Regional District.

3.1.3 Commonage (1996)

A portion of the Commonage south of the City of Vernon was annexed into the City in 1996, bringing in the area that would later be developed as Predator Ridge. This annexation was prompted by a need for additional agricultural lands for spray irrigation disposal of effluent (although this could have been addressed through a joint agreement) and to address development pressure for a new major golf course.

3.1.4 Blue Jay/BX (1998)

The boundary extension north of the City brought Blue Jay and a portion of BX area (Electoral Area C) within city limits, in response to servicing around sewer. The letters patent for this annexation established the "Blue Jay Sewer Local Service Area" and had the purpose of "recovery of cost of debt associated with this local service area," but was for all other purposes part of the overall municipal sewer utility. The area was excluded from the Regional District's "BX-Swan Lake Fire Protection and Control Service Area," but a contract was established to have the Regional District to provide fire protection to this area of the City to the previous standard of service.

3.1.5 Enderby and Lumby

The City of Enderby and the Village of Lumby both enjoy a good working relationship with the RDNO and the Electoral Area Directors in the neighbouring areas. The Village of Lumby has had two minor annexations in recent years to address commonly owned industrial land that was located in the two jurisdictions and to provide sewer services to a potential development property to the north of the Village boundary. There has also been one recent annexation south of Enderby. Overall, demand for development and further expansion of boundaries of both municipalities is very low at this time.

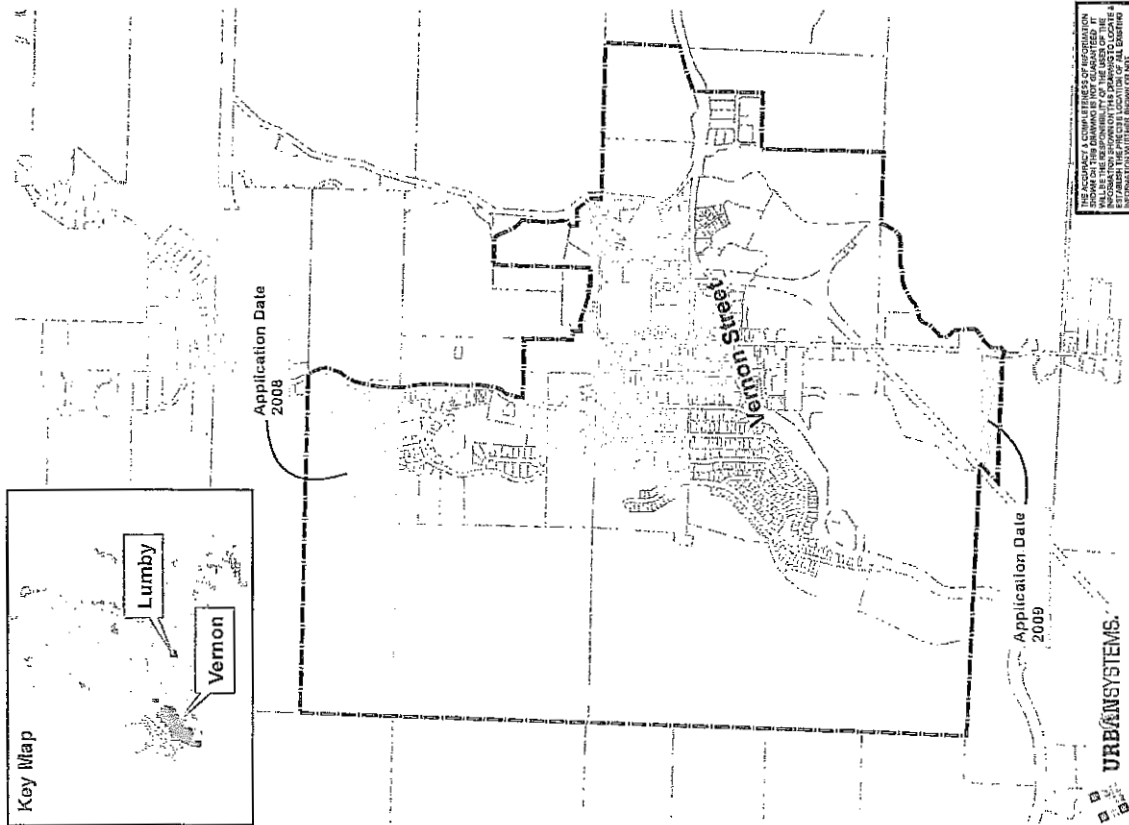
3.1.6 Regional District of North Okanagan

In 2008 the Regional District of North Okanagan undertook a survey of all electoral areas residents in regard to governance and incorporation. This survey was in response to comments and concerns from residents as part of a valley-wide review. The results of the survey were non-binding and for information only.



ANNEXATION STUDY

2012-01-10
DATA SOURCE: REGIONAL DISTRICT OF NORTH OKANAGAN



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URBANSYSTEMS

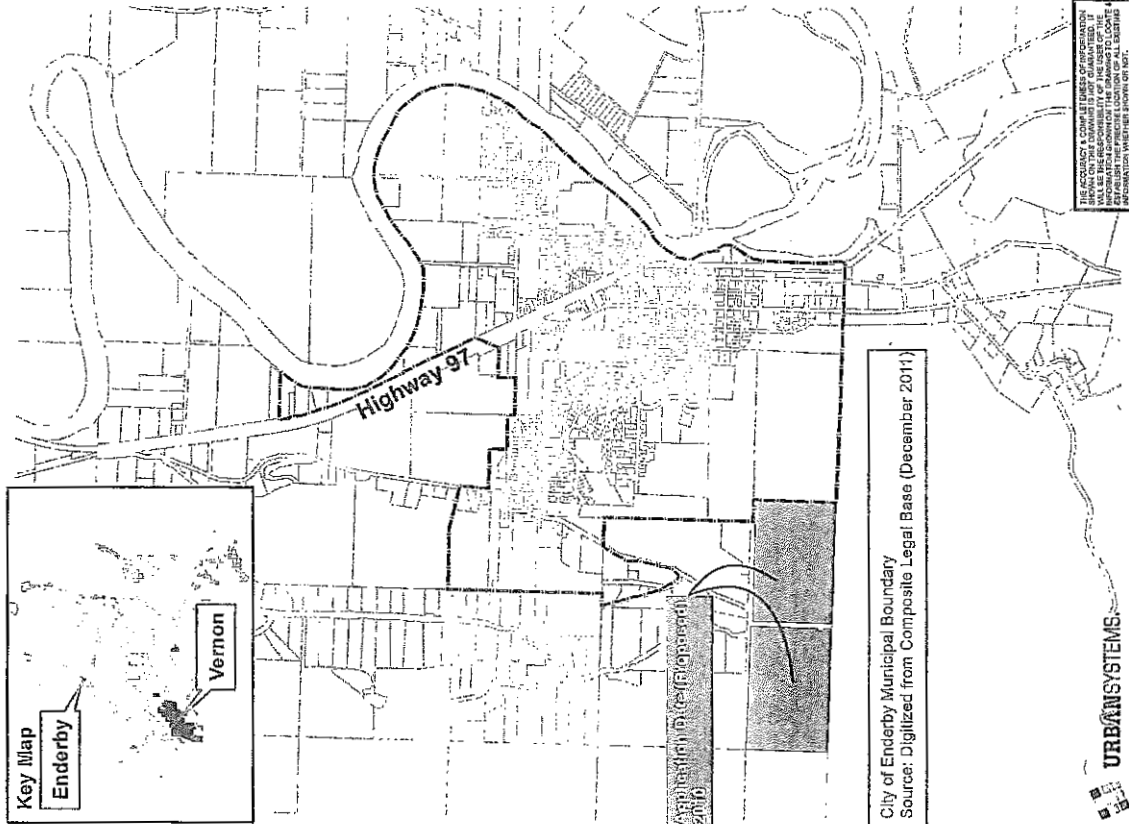
VILLAGE OF LUMBY

FIGURE 2



ANNEXATION STUDY

2012-01-10
DATA SOURCE: REGIONAL DISTRICT OF NORTH OKANAGAN



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URBANSYSTEMS

CITY OF ENDERBY

FIGURE 3

3.3 Provincial, regional, and municipal annexation legislation

and policies

This section provides a review of Provincial legislation and procedures that governs the annexation process. It then provides regional and municipal annexation policies in the RDNO included in the Regional Growth Strategy (RGS), Official Community Plans (OCPs) and policies. This information focuses on four geographic areas, the regional district as a whole, Vernon and Rural Vernon (Electoral Area B and C), Enderby and neighbouring Electoral Area F, and Lumby and Electoral Area D.

3.3.1 Provincial legislation and policy

The *Local Government Act* outlines the legislative requirements for municipal boundary extensions. The Ministry of Community, Sports and Cultural Development has also created handbooks to assist municipalities and land owners in the process. Within the Provincial government, the Local Government Structure Branch provides assistance and advice related to research, legislation and grant funding.

The *Local Government Act* governs the process and requirements for granting boundary extensions. Section 20 of the Act requires the approval of the electors of the proposed annexed land before the extension is granted. Once approved by the Lieutenant Governor in Council (Cabinet), the Letters Patent for the municipality is updated to represent the new boundaries. In 2008 the *Local Government Act* was amended to modernize and clarify sections related to local government structures, including boundary extension. With this revision, the contents of Letter Patent became much more prescribed.

The *Municipal Boundary Extension Policies Guide* outlines the boundary extension process and the principles that influence the Ministry's approach to municipal boundary extensions. These principles are:

- Municipal leadership;
- Inter-jurisdictional collaboration;
- Consultation with, and consent of, those affected;
- Consistency with community sustainability objectives; and,
- Provincial approval.⁵

The Guide describes the roles and responsibilities of the Ministry, municipality and regional district in a boundary extension process. Municipalities are also responsible for consulting with local First Nations, which the Province provides direction for in the *Interim Guide to Engagement with First Nations on Local Government Statutory Approvals*.⁶

⁵ Municipal Boundary Extension Policies Guide, 2010, pg. 2.
⁶ www.cd.gov.bc.ca/jgd/libray/First_Nations_Engagement_Guide.pdf

Roles and Responsibilities in an Annexation Application	
<ul style="list-style-type: none">• The Ministry is responsible for establishing policies and processing the boundary extension requests submitted by municipalities.• The municipality is responsible for taking the lead role in developing a municipal boundary extension proposal.• The regional district is encouraged to actively participate in the review and implementation of municipal boundary extensions.	Source: <i>Municipal Boundary Extension Policies Guide (2010)</i>

The other Ministry document is the *Municipal Boundary Extension Process Guide* (2010). The Guide outlines the steps for submitting a municipal boundary extension for provincial approval. The Guide provides extensive information on consulting with the regional district on all servicing and other potential issues, and emphasizes that the regional district should be involved early in the process. Once the boundary extension proposal is complete, the municipality must refer the proposal to the regional district. The regional district is responsible for determining the impact on existing services and the details of transferring services should the municipal boundary extension be approved.

Boundary Extension Process	
1. Proposal Development and Referrals	
2. Proposal Submission	
3. Ministry Review	
4. Electoral Approval	
5. Provincial Approval	
6. Implementation	

The Provincial government recognizes that there may be significant impact on a regional district when a boundary extension is approved. If there is a potential financial or service impact identified by the regional district, this information should be provided by the regional district to the municipality, including taxable assessment, current services (and requisitions), and the potential financial effect on services. The Provincial government then determines the significance of the impact with two tests. Firstly, the Province considers if the assessments in the municipal boundary extension area range from five to ten per cent or more of the service area. Secondly, the Ministry examines the actual amount of property taxation revenue involved in relation to the requisition for the service and the financial impact on the remainder of the service area. Each service of the regional district is evaluated individually. If significant financial impact is found, the Provincial government can determine appropriate mitigation measures including debt contributions, contractual arrangements, governance structure and consideration of a phased-in approach.

<p>District of Clearwater Mitigation Measures</p> <p>When the District of Clearwater incorporated in 2007, mitigation measures were put in place to compensate the Thompson-Nicola Regional District. These included:</p> <ul style="list-style-type: none">• Contract for the Regional District to provide services for 1-2 years to ensure a smooth transition, and, regional district an annual contribution for 5 years for the benefit of that portion of the water local service area remaining outside the municipal boundary. The amount ranged from \$60,000 in 2005 decreasing to \$28,000 in 2009. <p>Source: Regional District Taskforce Progress Report, 2009, pg. 29.</p>	<p>Town of Qualicum Beach Mitigation Measures</p> <p>In 2004, a boundary extension was granted to Qualicum Beach to encompass Chartwell subdivision and the Town's aquifer. This boundary extension had a significant financial effect on the Regional District of Nanaimo's French Creek Water Service, and thus mitigation measures were instituted. The Town was required to pay the regional district an annual contribution for 5 years for the benefit of that portion of the water local service area remaining outside the municipal boundary. The amount ranged from \$60,000 in 2005 decreasing to \$28,000 in 2009.</p> <p>Source: Town of Qualicum Beach Supplementary Letters Patent, 2004.</p>
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3-3.2 Regional District of North Okanagan (RDNO)

The RDNO's 2003 *Municipal Annexation Policy L10047* was "to establish policies and procedures for the consideration of municipal annexation referrals" that augmented Provincial policies. The policy established that the Regional District would generally only consider annexation applications that were as follows:

- Larger blocks of land or several properties rather than individual properties;
- Provided sufficient public consultation opportunities to affected residents;
- Supplied information on financial and servicing impacts on local services delivered by the Regional District; and
- Consistent with the Official Community Plan, and if not, the Regional District will consider an amendment.

The policy provides specific reference to City of Vernon annexation proposals. The policy outlines that the Regional District will generally only support:

- Block annexations that are consistent with established social neighbourhoods, which they identify by name, or
- Annexations follow logical servicing boundaries established by a servicing study or are within an 'Urban Containment Boundary' as defined by the OCP.

The policy also states the Regional District will not support annexation requests that are solely for servicing. The complete policy is provided in Appendix B.

The RDNO approved a new Regional Growth Strategy (RGS) on September 21, 2011. This document will guide the growth and development within the six municipalities and five electoral areas based on a planning horizon of 20 years. It refers to annexation in relation to land use and Provincial policy.

The Regional Growth Strategy speaks to the issue of boundary extensions/annexations in relation to land use planning. The RGS includes goals and policies around urban containment and rural protection (UC-1 Focus Development into Growth Areas). The section includes specific mention of the role of annexation, stating that:

Local and regional government will respect the Rural Protection Boundary and Rural Protection Area when reviewing relevant proposals, including: annexations, Official Community Plan amendments and reviews, bylaw development, permit review and applications for large developments.⁷

The RGS provides a framework for regional planning within the RDNO. The plan aims to provide continuity in land use planning regardless of boundaries. This should assist with providing consistency for land owners and elected officials when considering annexations, as the local government parties have agreed to land use planning designations inside and outside municipal boundaries.

Within the RGS, the Regional District identified that it would like the Provincial government to consult with municipalities and regional districts to review and update its boundary expansion policies to "ensure the process is equitable, transparent and inclusive.⁸

In response, the Ministry encourages inter-jurisdictional collaboration, recommending:

There is potential scope to advise that the local governments that sign-on to the RDNO RGS to jointly establish a protocol or process for the development of boundary extension proposals before they are submitted to the Ministry. As adherents to a voluntary set of policies, the local governments could themselves ensure equitable, transparent and inclusive processes.

3-3.3 City of Vernon and Rural Vernon (Electoral Area B & C)

A review of the City of Vernon and Rural Vernon's OCPs finds agreement in policy that annexations should take place as part of a larger restructuring of the boundary rather than a place by place, property by property approach, and have the support of property owners.

⁷ Regional Growth Strategy, 2011, pg 13; emphasis added.
⁸ Regional Growth Strategy, 2011, GS-1.9, pg. 37.

The City of Enderby explicitly addressed the issue of boundary adjustment in their OCP (1995; last amended in 2010). In the OCP's *Boundary Adjustment* section, the Council's objective regarding boundary adjustments is to "accommodate the projected rate of growth and development of 4% or less over the term of this Plan within current municipal boundaries" (pg. 18). The Plan's *Boundary Adjustment Policies* states that Council will maintain the City's current municipal boundaries for the term of the OCP, though with the caveat of high growth (over 4%), shortage of readily developable land within the city limits, or to include new lands adjacent to the Shuswap River formed by the process of accretion (pg. 18). According to the RDNO's *Population, Employment and Housing Forecast 2008-2031*, Enderby is expected to grow at a moderate rate of 1.46% per year until 2031.

The OCP identifies that "premature extension of the City boundaries and services would be wasteful and costly in social, economic and environmental terms." The Plan does recognize longer term expansion options, calling for land west of the City within Electoral Area F to be "maintained in a manner that does not interfere with the future expansion and development of the City" (pg. 18).

The City's *Boundary Adjustment Policies* can be found in Appendix E.

Electoral Area F
The Electoral Area F OCP (2005; last amended 2010) contains a section on fringe area planning to specifically provide longer term planning for the Greater Enderby area. This policy builds on the *Enderby West Comprehensive Development Plan* completed in 1994. The potential of future boundary extensions for the City of Enderby are directly acknowledged in the OCP, identifying property adjacent and to the west of the City. To enable future annexation and urban development options, these properties are designated as Country Residential and larger zones.
3-3.5 Village of Lumby and Electoral Area D
The Village of Lumby completed an OCP in 2007 (last amended in 2005). Its neighbouring Electoral Area D completed an OCP in 2007 with Electoral Area E. Neither of these documents mention the issue of annexation.

City of Vernon
Annexation Policy
The City of Vernon provides an *Annexation Procedure Flowchart*, which outlines the procedure the City follows when considering annexation applications. In this process, annexations are intended to be considered once a year with staff commencing a review and analysis process on March 1st to prepare a preliminary report to Council. The flowchart of this procedure can be found in Appendix C.

Official Community Plan
Vernon's 2008 *Official Community Plan* outlines the procedure for which the consideration of annexations should take place. The OCP also provides a map of a proposed ultimate City of Vernon boundary, subject to further refinement. The approach of identifying a long term boundary and annexation plan was chosen in an attempt to avoid "a 'property by property' approach [that] is time consuming for all parties, and tends to reflect individual property interests as opposed to the city's long term plans for planning, development and infrastructure phasing" (pg. 112). The section also proposes future study of possible phased amalgamation of appropriate land, if the City does not receive direction from the Provincial government. The full annexation policy can be found in Appendix D.

Rural Vernon (Electoral Area B & C)
The Rural Vernon OCP includes policies to respond to an annexation request. The OCP specifically refers to the City of Vernon noting that neither Coldstream, Spallumcheen, nor Lake Country (directly to the south of the RDNO) had demonstrated any interest in boundary changes at that time. The Plan outlines three important aspects when considering an annexation:
- Property owners in the proposed annexation area be able to give input on the proposal;
- The annexation must receive provincial approval and the Ministry must be satisfied that property owners support the initiative; and
- Annexations are only considered in a block and generally not lot-by-lot.

The OCP specifically mentions the experience of the annexation of Okanagan Landing and what can be learned from it in terms of large boundary extensions that encompass a whole identifiable community (arguing this ensures existing social and cultural structures stay intact) versus a piece-meal lot-by-lot annexation. The OCP goes on to note that policies are being developed to facilitate the annexation of larger community-based blocks of land into the City of Vernon rather than small blocks or individual properties. This approach is mirrored in the City of Vernon's OCP policy on annexation.

3-3.4 City of Enderby and Electoral Area F
The Electoral Area and City have a good working relationship and there is a general agreement on future boundary extension plans.

3.4 Jurisdictional Review

This section provides a review of annexation policies and procedures across Canada. General information was obtained from the Intergovernmental Committee on Urban and Regional Research (ICURR), with critical commentary provided by John Meligrama, a professor at Queen's University's School of Urban and Rural Planning, who has studied the phenomena in-depth.⁹

BC has a unique system of local government with municipalities and regional districts. The unincorporated areas are represented by Electoral Area Directors on the Regional District Board, but do not have their own form of local government. Annexations in BC occur when municipalities extend their boundaries and acquire additional land from an unincorporated area. In other provinces across Canada annexation, for the most part, refers to municipalities acquiring additional land from bordering municipalities, such as the rural county.

In Canada, boundary annexations were popular in the immediate post war years, but widespread use has diminished greatly, especially in Ontario.¹⁰ Still, Alberta and BC continued to use annexation frequently until the 1980s. John Meligrama argues that these provinces have chronic boundary issues and are "stuck" at that stage of local government restructuring.

Across Canada there are varying processes and policies that provincial governments have implemented in respect to municipal annexations. One commonality across the jurisdictions is that a vast majority of annexations are now a locally initiated, voluntary and consensual process that is not forced by senior government. To that extent, the provincial governments generally puts the onus on the municipality to initiate a boundary extension, and grants and other incentives are no longer available to municipalities who want to undertake boundary extensions.

Appendix F provides a summary of annexation policies and procedures across the country. The table and provided incentives for annexation. More detailed information on evaluation criteria and mitigation measures is provided below.

Evaluation criteria for annexation applications

In Alberta, the *Municipal Government Board* will consider the criteria on annexation, as well as public option, when preparing a written report providing recommendations to the Minister on an annexation

⁹ Intergovernmental Committee on Urban and Regional Research (ICURR), *Municipal Annexation Processes in Canadian Provinces*, October 2008.

¹⁰ Meligrama, John (2000) "Toward a process model of local government restructuring: Evidence from Canada" *Canadian Journal of Regional Science* Vol XXIII (3), pages 509-530.

request.¹¹ Alberta's annexation principles requires annexation applications to be evaluated based on municipal growth projections, availability of land within current boundaries, development densities, and the logical extension of growth patterns for the affected municipalities. Annexation applications must also "illustrate a cost effective, efficient and coordinated approach to the administration of services".¹² This approach looks at both participating municipalities to ensure a logical delivery of services within the corresponding boundaries.

Mitigation

When focusing on the potential ramifications of an annexation on the electoral area, BC has identified possible mitigation measures, as discussed in the provincial annexation policy section. Alberta, Nova Scotia and Quebec also have standard practices to compensate the original government of the area that is being annexed.

In Alberta, the standard agreement includes the equivalent five to ten years of taxation revenue from the annexed area as compensation for the municipality from which the land is being annexed. In some cases, municipalities may be required to provide compensation for recently constructed infrastructure built in the annexed area or take over a bond from the bordering municipality (ICURR, 2008). As well, special tax arrangements can be made for land owners, especially for owners of agricultural property.

In Nova Scotia, the *Utility and Review Board* is responsible for approving an annexation request. In their decision they may order compensating grants for a period of up to five year from a benefiting municipality to a municipality that loses assessment as a result of an annexation.

In Quebec, there is a distribution of liabilities and assets between the participating municipalities.

Challenges of Annexation

John Meligrama has examined local government restructuring across Canada, comparing different types of restructuring, including annexation, amalgamation and government reform. He argues that "annexation occurs at the expense of rural areas that are not yet politically organized".¹³ This "fringe development," he argues, "present planning challenges and raises questions of equity and efficiency in distributing the costs and benefits of municipal services to developments beyond municipal boundaries" (ibid.). He cites both BC and New Brunswick as examples of this issue.

¹¹ These reports are available to the public at: http://www.municipalaffairs.alberta.ca/abc_MGB_annexations.cfm
¹² Province of Alberta, MdB 123/06, pg. 1.
¹³ Meligrama, 2000, pg. 522.

Mellgrana identifies some of the challenges of annexation as follows:

1. Annexation can influence the number of unincorporated places. As well, substantial annexation

may prevent the incorporation of adjoining communities.

2. Substantial enlargement may enhance the relative regional power of the annexing municipality.

3. Several annexations in a given region may reflect a need for regional coordinating body.

4. Initiators are usually local stakeholders, including property owners or municipal governments,

and that, "provincial legislation contains few, if any, specific guidelines regarding the amount, type or planning purposes for annexing lands to municipal government."¹⁴

Mafra argues that because of local initiation and lack of provincial direction, annexations are applied in an *ad hoc* manner over time and do not necessarily lead to the "efficient" boundaries. He likes the irregular boundaries of Nariño and Edmundo that have come from a series of annexation applications.

מסלול

This section reports on a jurisdictional review of annexation policies and processes across Canada, as well as an academic study of the activity. Though the British Columbia system of local government with its different sub-jurisdictions is different from other provinces, there are still lessons to be learned from reviewing and comparing other jurisdictions. In many other provinces, the annexation process involved extensive negotiation and consultation beyond the referral and assessment process followed in British Columbia. As well, in other jurisdictions there is more provincial government involvement in the process. Still, like in British Columbia, a jurisdictional review of jurisdictional processes that are initiated by residents and local governments and a jurisdictional review of the approval of residents in the affected area are to be approved.

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One of the key outcomes of this phase of research was problem definition – put another way, “Is there really a problem with annexation in the North Okanagan?”. Our research found that the central concern and issues in recent years were due to small annexations along the urban fringe, where they appear to be less rigor and consultation in the annexation process. A review of the history and accompanying map demonstrates that many small annexations have taken place, particularly in the last five years. Over time, those small annexations add up to a substantial change in boundaries between the city and electoral areas. Many of the interviewees raised concerns regarding the Okanagan Landing boundary extension and restructuring, and though there are many lessons to be learned from that process, the smaller annexations appear to be more relevant to the future of the Regional District.

4.1 Annexation Process

The annexation process in the RDNO is governed by Provincial legislation and a number of policy documents.

At a Provincial level, the Local Government Act governs the annexation process. The reference manuals created by the Ministry outline the process, including required referrals from the municipality to the Regional District, First Nations, and Agricultural Land Commission, if applicable, according to Ministry officials, an annexation will not move forward if it does not include a referral to the Regional District. It is the Regional District's responsibility to provide information on the social and financial impacts of the annexation. Once an application is complete, it is reviewed by staff and a recommendation is made to the Minister. Annexation applications require provincial cabinet approval to be implemented.

The municipality must follow a novel provincial procedure when applying for a boundary extension. In addition, the municipality has created a flow chart and policy in the OCP to guide staff and elected officials in processing annexation applications (see Appendix C). The flow chart indicates that planning staff will review annexation applications and provide preliminary reports to Council on March 1st of each year. The appropriate staff will also receive public input and the proposed ultimate boundary for the City to guide the OCP 2008, provides a proposed ultimate boundary for the City to guide the OCP 2008.

consideration of annexation applications. The section notes concerns over small annexation and for annexations that facilitate residential development outside of the city and neighbourhood centres, specifically noting that "residential intensification shall not be encouraged at the periphery of the city," Simultaneously, the City has a policy to continue to move towards the ultimate boundary, "by responding to requests for annexation from properties that fall within the specified area."¹⁵

The remaining policy notes that the City intends to undertake to study to ratify the ultimate municipal boundaries for Vernon. This study will include a review of the costs of servicing new land, evaluation of potential new land uses, consideration of rural-urban interface and protection of agricultural land, identification of expansion phases, and consultation with stakeholders.

The Regional District of North Okanagan also has a Municipal Annexation Policy (Policy LU047, 2003). This policy outlines that the RDNO will generally only consider annexation requests that are larger blocks of land, specifying established social neighbourhoods that it believes should be preserved through large block annexations. The RDNO supports consultation completed through petition or referendum, and does not support counter petition procedures. The policy also states that municipality should provide information on financial and servicing impacts on the Electoral Area local services, as part of an annexation application.

A review of the Provincial, Regional District and City of Vernon policies reveals a number of conflicts. This includes a disagreement between the Regional District and the City of Vernon over public consultation techniques, and a misunderstanding as to who should provide financial and servicing impact information. According to provincial procedure, the Regional District is responsible for providing the financial and servicing impact information as part of their referral response. As well, though there is agreement in preferring to support large lot annexations, the City of Vernon's policy also indicates support for applications that move the City towards the proposed ultimate boundary.

4.2 Issues

The extensive review of materials and interviews with Electoral Area Directors, local government staff and Provincial staff revealed a number of issues throughout the annexation process and subsequent impacts. These issues relate to finance and other considerations, land use, servicing, and governance and are outlined in the following section.

4.2.1 Financial and other

Financial sustainability of Regional District services

One of the central drivers for this study relates to the sustainability of services provided by the Regional District in the face of ongoing annexation activity. This is of particular concern because of the financial

¹⁵ City of Vernon, Official Community Plan, p. 113.

arrangements regional districts must follow in providing services. In practice, each service the regional district delivers is on an individual cost recovery formula. This requires that each service be separately defined in the budget and the operating accounts of the regional district (Separate Fund Accounting basis). This system allows residents to "pay for what they get," but also limits the financial flexibility of the regional district when residents are removed from a service area because of annexation.

The Ministry recognizes that annexation may have an effect on the financial situation of services. During the annexation application process the regional district is responsible for identifying the services currently provided in the extension area and the financial impact on those services if the boundary extension is approved. For example, the Ministry asks, "Can the service be continued for the remainder of the service area with a reduction in operating costs with minimal financial impact?" The Ministry recognizes that mitigation measures such as financial compensation may be appropriate. However, each annexation is reviewed as a single application, prompting concerns with respect to the potential cumulative effects of multiple small annexations.

Tax rates

Depending on the nature and structure of services provided, there may be significant differences between the rural and municipal tax rates, which directly impacts the annexed residents and businesses. This may lead to special agreements to maintain current rural tax rates for newly annexed residents or provide a phased-in tax rate; both of these approaches were utilized in the annexation of Okanagan Landing. This approach has a financial effect on both the residents of the annexed area and the municipality as a whole.

Social/Cultural

Concerns were raised regarding the continuity of community identity and social cohesion as a result of ongoing boundary extensions. Rural Vernon's OCP raised the issue of social and cultural identity, noting preference for the annexation of a block of properties that incorporated a complete community, rather than piecemeal annexations that break up the fabric of a community identity. RDNO identifies social communities in the Municipal Annexation Policy LU047. In order to preserve established social neighbourhood identities for the long term, the Regional District will generally only support block annexations that are consistent with the 12 social neighbourhoods they identify on or near the City of Vernon boundaries.

4.2.2 Land use

Land use planning

Another motivation for this study was concerns related to land use planning in relation to annexation. In this discussion, some residents and elected officials identified boundary extensions as being responsible for rural sprawl in the fringe areas. Fringe area refers to the area immediately outside of, or boundary edge area of a municipality.

In the past (before the Regional Growth Strategies were implemented across the Province), a lack of fringe area planning often resulted in conflict between neighbours and poor land use planning. Conflict could spill over to shared involvement (services) and Provincial involvement (boundary extensions).¹⁶ According to the Provincial government, Regional Growth Strategies are another instrument to achieve an "integrated and complementary land use planning frameworks for fringe areas."¹⁷

Regional Growth Strategies (RGS) provide an overall planning direction for Regional Districts within the Province. With the support of each member municipality and electoral area, the RGS should provide continuity of planning direction regardless of municipal boundaries, as individual municipal OCPs must contain a Regional Context Statement. For example, areas that have been identified as rural protection areas are protected under the RGS. Still, there are concerns that these identified areas could be reviewed and designations changed through a minor amendment to the RGS. Criterion for a minor amendment includes, "where a land use or development proposal is inconsistent with the Regional Growth Strategy and, in the opinion of the Board of Directors is not of regional significance in terms of scale, impacts or precedence" (pg. 44).

Agricultural land

With agriculture playing an important socio-economic role in the RDNO, a number of individuals interviewed for this study were concerned about the loss of farm land with annexations into city boundaries. In BC, agricultural land in the Agricultural Land Reserve (ALR) is regulated, in part, by the Agricultural Land Commission. This means that regardless of the land's location within or outside of city boundaries, the land is protected from development. The land owner must apply to the Agricultural Land Commission to take the land out of the ALR if they want to develop it for non-farm uses. In this process, property owners may seek the support of the local government for their application for non-farm use.

In an annexation application (referrals, the Agricultural Land Commission has indicated their concerns regarding protection of agricultural land and annexations. This included concern that "including into City will result in speculation and purchase of adjoining ALR land for non-farm uses. It is the Commission's experience that even though significant ALR areas exist within the City of Vernon boundaries, incremental, edge annexations are perceived as the precursor to urbanization".¹⁸

Within the RGS there is a commitment from all member jurisdictions to work together, through OCPs, to discourage the removal or subdivision of ALR lands.

¹⁶ Regional District Taskforce Progress Report, pg. 17.
¹⁷ Regional District Task Force Progress Report, pg. 17.
¹⁸ Annexation application for 975-25th Ave. Referral response from Agricultural Land Commission, June 18, 2008.

Environmental Protection

There is concern that environmentally sensitive land is not sufficiently protected if annexed into a municipality. This issue was especially emphasized in relation to the Commonage land in Electoral Area B.¹⁹

With the approval of the RGS there is an agreement among participants to "designate and protect significant open spaces and environmentally sensitive areas in Official Community Plans and through other planning mechanisms" (RGS, ENV-2.10, p. 26). The Commonage area in Electoral Area 'C' is currently designated as a Rural Protection Area. This designation would not automatically change if the boundaries of the City of Vernon enveloped it.

There is also a relationship between urban servicing and environmental protection. On one hand urban level services is seen as part of increased density and further development. On the other hand, one of the drivers of annexation is providing city servicing to properties that may be facing significant water or sewer challenges. For example, in areas where septic systems are failing and there is a threat to the water supply, an annexation may be approved to allow the municipality to provide sewer services. This was one of the contributing factors to the annexation of Okanagan Landing.

4.2.3 Servicing

One of the key motivations for property owners to join a municipality is to access city servicing, including municipal water and sewer. The want and need for sewer is particularly important for environmental protection, especially to address the issue of potential septic system failures. In some cases, residents are not actually interested in joining the municipality, but request annexation because, for instance, the City of Vernon by policy will not provide sewer servicing outside of its boundary. At the same time, RDNO policy states that in general the Regional District will not support annexation applications that are purely to obtain city servicing.

The issue of servicing is inter-related with land use. For effective and efficient delivery of urban servicing, including water and sewer, there must be a sufficient density of development; however, once urban services have been delivered to an area further density is possible.

The RGS created the designation of rural protection areas and a rural protection boundary. Rural protection areas are those "that will not have access to water and sewer infrastructure, consist of large lot sizes and are associated with rural uses".²⁰ The Rural Protection Boundary is the "line that divides

¹⁹ Regional District of North Okanagan, Regional Growth Strategy, 2011, pg. 16.

lands that have access to water and sewer infrastructure and lands that must rely on local water and septic solutions".²⁰

Furthermore, the RGS states that the provision or expansion of community water and/or sewer services to the Rural Protection Area should be discouraged, unless there are health or environmental motivations, and the provision of services does not result in additional development.²¹

4.2.4 Governance

Any annexation affects the population levels of both the municipality (which gains new residents), and the electoral area (which a number of residents are removed). Depending on the extent of the population difference, this may change the balance of power on the regional district board and the opportunity for future representation of rural communities and issues with in the regional district. For example, the annexation of Okanagan Landing meant the dissolution of Electoral Area 'X' and an increase to the strength and number of representatives for the City of Vernon on the RDNO Board. Future large-scale annexations of populous areas, such as the BX neighbourhood, could lead to additional changes to the makeup of the Regional Board.

4.3 Issues and Services Matrix

The creation of an Issues and Services matrix provides a framework to demonstrate and evaluate the potential impact of annexation on the delivery of services and other issues of concern raised through the research process. For instance, in some areas there is little or no impact on service provision, while others are impacted to the extent of threats to continued financial sustainability. While some analysis, such as tax rates are quantitative, others like social and cultural impacts of the annexation are more qualitative in nature.

By examining the impact of annexation on the regional district, municipality, residents and Provincial government, a clearer picture is drawn on benefits and challenges of an annexation. From this, one can ask "Does the annexation make sense for all involved?" If there are concerns raised during this examination there is an opportunity to choose to not continue with the annexation process or to identify mitigation or compensation measures to alleviate hardship that results from an annexation.

²⁰ Regional District of North Okanagan, Regional Growth Strategy, 2011, pg. 17.
²¹ Regional District of North Okanagan, Regional Growth Strategy, 2011, UC-2.4.

Issues		Regional District/		Municipality		Residents		Provincial government	
Financial and other	Sustainability of services	Depends on the service, % of participants, assessment base, and level of debt/expense	Addition to an existing service	Potential for more urban services	Elimination of responsibility for police service and roads	Increase in tax rates	Potential loss or reduction of larger entity	n/a	
Land use	Community identity	Cumulative impact of a number of annexations may significantly change the complexion of the community	Impact on municipality with no likely social/cultural impact on municipality	Guided by municipal OCP and Development guidelines	n/a	Level services and development options	Depends on RGS/OCP	Agricultural Land Commission (no change)	
Land use planning	Loss of direct responsibility for planning, RGS still applies	Gain of direct responsibility for planning, RGS still applies	Accelerated and subject to RGS/OCP	Opportunities for Urban level services and development options	n/a	Depends on RGS/OCP	Depends on RGS/OCP	Agricultural Land Commission (no change)	
Development (rate and density)	Depends on RGS/OCP	Depends on RGS/OCP	Depends on RGS/OCP	Depends on RGS/OCP	n/a	Depends on RGS/OCP	Depends on RGS/OCP	Agricultural Land Commission (no change)	
Environmental Protection	Preservation of agricultural land in the ALR (change)	Preservation of agricultural land in the ALR (change)	Preservation of agricultural land in the ALR (change)	Preservation of agricultural land in the ALR (change)	n/a	Preservation of agricultural land in the ALR (change)	Preservation of agricultural land in the ALR (change)	Agricultural Land Commission (no change)	
Water	No change in GVWD	No change in GVWD	No change in GVWD	No change in GVWD	n/a	No change in GVWD	No change in GVWD	Agricultural Land Commission (no change)	
Sewer	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Agricultural Land Commission (no change)	
Fire	Shift in area of service, but cumulative effect of a number of annexations may negatively impact on available revenue	Shift in area of service, but cumulative effect of a number of annexations may negatively impact on available revenue	Shift in area of service, but cumulative effect of a number of annexations may negatively impact on available revenue	Shift in area of service, but cumulative effect of a number of annexations may negatively impact on available revenue	n/a	Shift in area of service, but cumulative effect of a number of annexations may negatively impact on available revenue	Shift in area of service, but cumulative effect of a number of annexations may negatively impact on available revenue	Agricultural Land Commission (no change)	
Police	No impact on RD	No impact on RD	No impact on RD	No impact on RD	n/a	No impact on RD	No impact on RD	Agricultural Land Commission (no change)	
Governance	Political representation	May result in a loss in the number of elected representatives from area	May result in a loss in the number of elected representatives from area	May result in a loss in the number of elected representatives from area	n/a	May result in a loss in the number of elected representatives from area	May result in a loss in the number of elected representatives from area	Agricultural Land Commission (no change)	

4.4 Case Studies

This section presents a number of case studies based on a review of recent annexation applications to the City of Vernon. These selected applications were provided by the RDNO based on publicly available information. Each case study included a City of Vernon staff report, map of the property, referral responses from applicable agencies, and financial impact analysis. The reports were reviewed in detail to identify and clarify issues brought up in other research, as well as to assess the use of annexations policies in the jurisdiction. A summary of the case study highlights is provided in the following table.

4.4.1 Selected Case Studies

Figure 4.2 Selected Case Studies

Case Study #	1	2	3	4	5	6
Property Location	Silver Star/ BX Rd	5770 Pleasant Valley Rd	Hitchcock Rd	Heritage View Estates Inc; 975- 25th Ave	811-39th Ave	1907-15th St, 1094 and 1102 Pottery Rd
File	3370-20-13	3370-20-11	3370-20-05/ 3370-22-11	ANX00008 3370-20-16	ANX00007 3370-20-15	ANX00009 3370-20-17
Year	2006/2007	2006/2007	2007/2008	2008	2008	2009
Number of properties	15	2	10	1	1	3
Response from RD	No response*	Not supported	No response	Not supported	Not supported	Not supported
Response from ALR	No	No	No	Yes	Yes	Yes
Response from ALC	n/a	n/a	n/a	Not supported	Not supported	Not supported
Annual municipal financial impact: excess or (shortfall)	\$70,628	Not specified**	(\$5,099)	(\$710)	(\$1,330)	\$1,400
Past annexation applications	2006	2004	n/a	1990	1990, 2004	n/a
Ministry response	Approved	Approved	Approved	Approved	Approved	Approved

* Previously, RDNO staff and Electoral Area 'C' APC stated they did not support the annexation application.

** Estimated \$4,200 annual maintenance cost for portion of Pleasant Valley Rd.

4.4.2 Case Study Findings

Based on the above summary of recent annexation applications to the City of Vernon, a number of common themes are revealed, as follows:

- Multiple annexation attempts;
- Indication of intent for development, including intent to apply to remove land from the ALR and/or obtain OCP/zoning re-designation;
- Applications are not supported by the Regional District of North Okanagan;
- Financial cost or benefit to the City, with a majority of recent annexations being a financial cost to the municipality; and,
- Property is located within the ultimate city boundary in Vernon's 2001 OCP "Plan Vernon" or City of Vernon's OCP 2008.

None of the case study applications were supported by the Regional District, where commented upon. Applications for lands within the ALR were not supported by the Agricultural Land Commission, due to potential pressures for ALR exclusions within the urban fringe area. Furthermore, a number of the applications identified financial deficits to the municipality, putting into question the motivation for the annexation. Despite a number of these issues and objections from the RDNO and ALC, all of the applications identified in the case studies (some after repeated attempts) were approved by the Ministry, as they met the technical requirements for minor boundary extensions. These themes raise questions with respect to the value and impact of the referral process, and the Ministry's consideration of the integration of issues (finance, land use, servicing and governance) as part of the boundary extension approval process.

Based on research and interviews with former and current RDNO elected officials and staff, as well as Provincial staff, a list of key issues was created. These issues focused on finance and other issues, land use planning, servicing, and governance. Once identified, a matrix was created that could be applied to evaluate the impact of annexation on key participants in the process: the municipality, regional district and residents of the affected area.

A number of case studies explored recent annexation activity within the urban fringe area, and identified an apparent lack of integration of the key drivers – land use, finance, servicing, and governance – for consideration in the annexation approval process. In reviewing the case studies as presented, the process generally included four key players: the municipality, the regional district, the Provincial government and, in the case of land in the Agricultural Land Reserve, the Agricultural Land Commission. The case study review reinforced the different roles and influences that these players have in the annexation process. In particular, there is different influence in relation to the themes of governance, land use, servicing and finance. Figure 4.3 demonstrates the areas of influences each organization holds.

Figure 4.3 Roles and Decision-making Power of Key Organizations in the Annexation Process

	Governance	Land Use	Servicing	Finance
Regional District		o	o	o
Municipality	o	o	o	o
Ministry	o		o	o
Agricultural Land Commission		o		

The review of key organizations and their roles reveals that there may be a lack of integration with the four different themes of governance, land use, servicing and finance. There is a need for a broader consideration of these themes as a whole in the annexation process by all key organizations. Specifically, it would be beneficial if the Regional District were more involved with governance aspects, and if the Ministry were more considerate with respect to potential land use impacts.

Some of the case studies highlighted this apparent disconnect between land use and governance, especially as it applied to agricultural land. The Agricultural Land Commission, in response to one annexation application, provided an option that would provide more integration of the issues, "recommend[ing] that an annexation decision await the outcome of an exclusion application."²² This

²² Annexation application for 975-25th Ave. Agricultural Land Commission. Referral response, June 18, 2008.

Urban Systems Ltd. was commissioned to explore the cumulative impact of recent annexation activity on electoral areas in the Regional District of North Okanagan. This report is the result of the first phase of the study, which provides an overview of the history, current situation and issues involved with respect to the subject.

This report provided an overview of the existing situation in the RDNO, including population, municipal and electoral area boundaries, political representation, services, and land use planning and regulation. The report focuses on four key areas identified for further study, namely the Commonage and EX-Foothills neighbourhoods adjacent to the City of Vernon, as well as west Enderby and northwest Lumby.

A review of annexation policies and procedures outlined in Provincial legislation and best practices was undertaken. In addition, a review of local government community planning documents including the Regional Growth Strategy and Official Community Plans, as well as regional and municipal policies was undertaken. There were a number of similarities found in the policies, such as the preference to support annexations of large blocks of land, as well as to consider land use, servicing and finance during the application process. In practice, however, these similarities in local and regional policy do not appear to be followed through in the decision making process, as recent annexations were approved by the Ministry that appear to be in contravention of these policies. To bring greater cooperation and agreement in the annexation process, the Ministry has suggested the participating local governments (RDNO and municipalities) establish a joint protocol or process for the development of boundary extension proposals before they are submitted to the Ministry. By doing so, the parties involved could achieve greater agreement within a more equitable, transparent and inclusive process.

A review of recent annexation activity was completed as part of this phase of the project. This research found that the majority of annexations were small boundary extensions. The results of these applications and some concerns regarding Regional District input in the process. One of the key areas of input that Regional Districts have in the annexation process is to identify the effect that annexation will have on the financial and services. With small annexations, this effect is not seen immediately, but instead becomes part of the cumulative effects related to multiple annexations. As well, these small annexations do not seem to receive the same level of scrutiny by the Ministry because they are only a few contiguous lots, rather than a larger area. Finally, the case studies revealed that in many cases the approved annexations did not follow the OCPs or applicable municipal and RD annexation policies.

application was subsequently approved by the Ministry of Community, Sport and Cultural Development. Perhaps with a joint protocol framework, a broader and more comprehensive assessment of boundary extensions could be undertaken in the future.

The RDNO Annexation Impact Study is proposed to be undertaken in three phases. This first phase report provides an introduction to annexation policy and procedures and the issues involved from the RDNO. If the committee decides to pursue further research on this topic, phase two would provide a detailed evaluation of the cumulative effects of annexation on unincorporated areas in the RDNO. This research would include the following:

- A more detailed evaluation of the financial, land use, service delivery and social impacts and outcomes of the 1993 Okanagan Landing annexation of Electoral Area "A" into the City of Vernon;
- An overall financial accounting of cumulative annexation applications over the last 10 years for affected Electoral Areas, focusing on the key priority boundary areas;
- A analysis framework to identify the **cumulative effects** of annexation on Electoral Area priority boundary areas, including:
 - Economic and taxation impacts;
 - Land use impacts;
 - Service levels and infrastructure cost;
 - Social and community fabric and identity;
 - Agricultural Land Reserve loss; and
 - Governance.

An area of interest which was not specifically identified in the original terms of reference for detailed review is the Foothills area. Similar to the Okanagan Landing area, a more detailed analysis of the Foothills area could be explored in Phase Two of this initiative.

The final phase of the project would incorporate the analysis developed in phase two with the proposed joint protocol framework proposed by the Ministry. It would involve negotiation and agreement with the affected municipalities, regional district, provincial agencies, and the Ministry of Community, Sport and Cultural Development.

The consultants acknowledge and thank those who provided information and agreed to be interviewed for this project. The report is not meant to cast a shadow on those involved in boundary extension approvals, but merely to provide an overview of the current process and identify and potential issues and gaps which could be addressed through further analysis and a protocol agreement for future annexations.



THE CORPORATION OF THE CITY OF VERNON

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REPLY ATTENTION:

OUR FILE:

March 29, 1993

TO: THE OKANAGAN LANDING/BELLA VISTA CITIZENS GROUP

Dear Sirs:

In response to your recent letter, I am pleased to provide the following clarification regarding various issues as they relate to possible amalgamation of Okanagan Landing and the City of Vernon:

1. The City will provide existing Landing residents with access to trunk sewer lines, force mains, lift stations, sewage treatment plant and effluent disposal at no cost. Existing residents will be required to pay, through a specified area tax, for the cost of collector lines that may be required to connect to trunk mains.
2. Sewer services will be provided as far as Okanagan Lake in 1993. The majority of existing subdivisions would have sewer services installed in 1994, subject to the residents agreeing to specified areas as described above.
3. The City is currently amending its Waste Management Plan to provide expansion of the existing sewage treatment plant to service a population of 60,000. The Marshall Farm will be retained by the City for recreational purposes upon approval of the amended Waste Management Plan.
4. Under amalgamation, the provincial government has agreed to the City's proposal for a separate 10-year Advisory Planning Committee for the Landing to provide input into planning, servicing and environmental matters. Additionally, all Landing residents will have access to the public hearing process associated with a review of the Official Community Plan. Until this review is completed, the City will impose a moratorium on all new rezoning or subdivision applications.
5. The City is committed to provide City water to Landing customers upon request of the individual water utilities. Trunk water mains will be extended as far as Okanagan Lake in 1993. As water demand increases, it is the City's intention to convert the existing outfall line to a domestic water intake.

Page two

6. The provincial government will be responsible for all police costs in the Landing for 5 years. The Consultant's report states that this will include 4 additional R.C.M.P. officers to serve the current Okanagan Landing population.
7. Existing garbage collection will be maintained.
8. The present volunteer fire department will be maintained. Any possible future changes would only be considered if requested by the Landing community.
9. Roads in the Landing will be maintained to the current standards.
10. The condition of provincial grants for policing, road maintenance and upgrading, water, sewer, etc. will require that all money be spent only in the Okanagan Landing area.
11. All existing properties in the Landing would pay taxes at the lower of the rural tax rate or the City tax rate until the year 2002.

Yours truly,

Wayne McGrath,
Mayor.

REGIONAL DISTRICT OF NORTH OKANAGAN



POLICY NO. LU047

Page 1 of 3

Title		Municipal Annexations	
Purpose		To establish policies and procedures for the consideration of municipal annexation referrals.	
Approved By		Regional Board	
Approved Date		July 8, 2003	
Revised Date			
Prepared by		Development Services	
Supersedes		GG008, GG009, GG010, GR001, GR002	

POLICY STATEMENT		This policy is subject to any specific provision of the Municipal Act, or other relevant legislation or Union Agreement.	
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The Regional District recognizes that an adjoining municipality may initiate a process to annex land within an Electoral Area. The Regional District also recognizes that the Ministry of Community, Aboriginal and Women's Services has developed Policies that the Municipality and the Regional District should follow. However, the Regional District also considers that these Provincial Policies do not fully involve the Regional District and the residents in the Electoral Areas; therefore, the following policies have been enacted to augment these Provincial Policies

General Annexation Policies

1. The Regional District generally will only consider an annexation request that follows a larger block of land or several properties and will generally not consider an annexation request that includes an individual property or a small block of properties.
 2. The municipality must provide all current property owners and residents in a proposed annexation area an opportunity to register their approval or rejection of the proposed annexation; and
 - it is the policy of the Regional District that this consultation should be done by information sessions followed by a petition or referendum. The Regional District does not support the use of a counter-petition process as a means to determine public support for a proposed annexation.
 3. The Regional District may hold a public meeting on a proposed annexation prior to the Regional District providing any resolution on the proposed annexation.
 4. It is the policy of the Regional District that the results of the consultation with property owners and residents as well as the results of any petition or referendum should be made generally available prior to the Regional District providing any resolution on the proposed annexation; however,
- the Regional District also recognizes that there may arise special circumstances where a resolution may be necessary before this information is available.

Regional District of North Okanagan Annexation Policy (LU047)

APPENDIX B

URBAN SYSTEMS.



REGIONAL DISTRICT OF NORTH OKANAGAN

POLICY NO. LU047

Page 2 of 3

Municipal Annexations			
To establish policies and procedures for the consideration of municipal annexation referrals.			
Approved By		Effective Date	
Approved By		Revised Date	
Supersedes	GG008, GG009, GG010, GG021; GR001, GR002	Prepared by	Development Services

POLICY STATEMENT This policy is subject to any specific provision of the Municipal Act, or other relevant legislation or Union Agreement.

- Any proposed annexation advanced by a municipality should include a proposal on any financial or servicing impacts on the provision of local services in the Electoral Area for consideration by the Regional District.
- Where a proposed annexation entails land development, the Regional District will only support an annexation that is consistent with the policies of the Regional District Official Community Plan and if not the Regional District will consider an amendment to the Plan prior to providing comment on the annexation request with special consideration of buffers as may be appropriate with new developments adjacent to Agricultural or Rural Lands in the Electoral Areas.

Annexation Policies Specific to City of Vernon Annexation Proposals

- It is understood that the annexation of land into the City of Vernon may be undertaken by blocks; however, to preserve established social neighbourhood identities for the long-term, the Regional District will generally only support block annexations that are consistent with established social neighbourhoods such as:

- BX Villa
- The BX
- MacDonald Road area
- Tillikum
- Dixon Dam
- Hartnell Road area
- Malennan Road area
- West Swan Lake
- PV Road Commercial Properties to the Stickle Road area
- Swan Lake Commercial District
- Birnie Road area
- North Communeage



REGIONAL DISTRICT OF NORTH OKANAGAN

POLICY NO. LU047

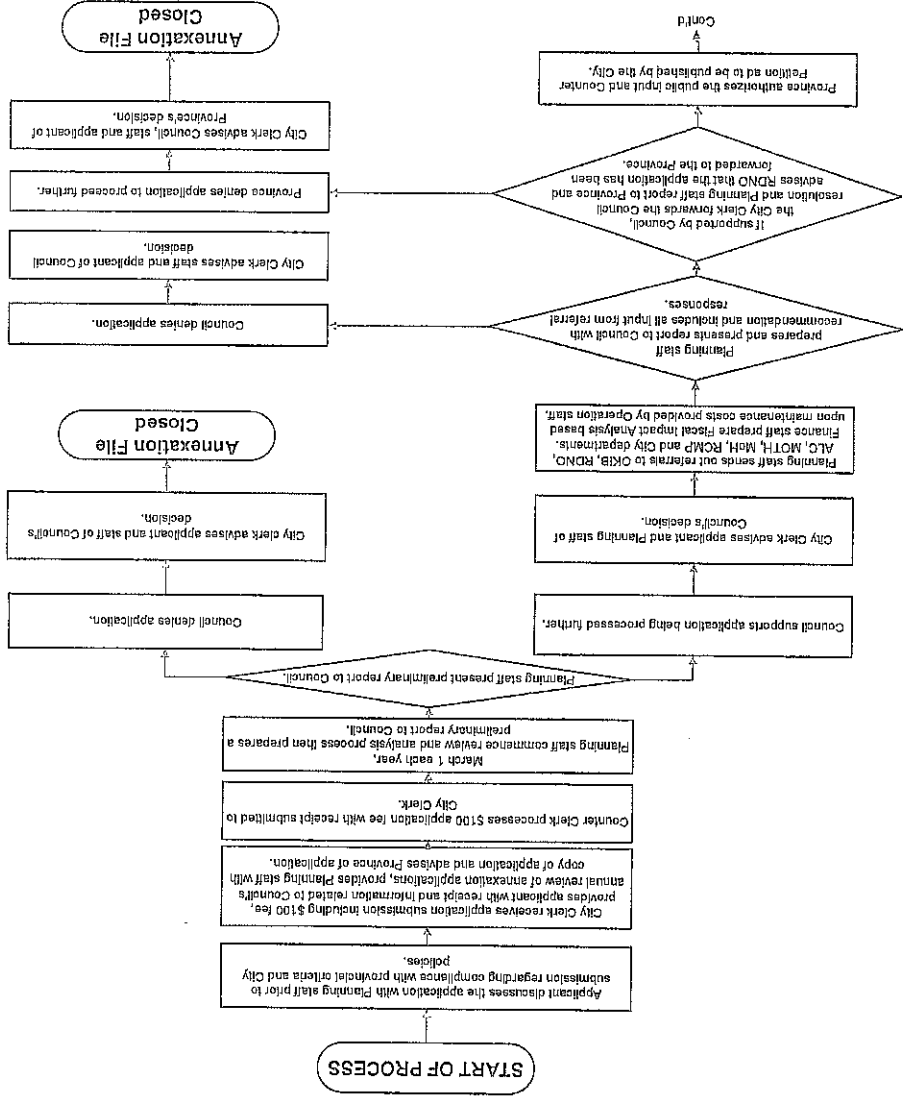
Page 3 of 3

Municipal Annexations			
To establish policies and procedures for the consideration of municipal annexation referrals.			
Approved By		Effective Date	
Approved By		Revised Date	
Supersedes	GG008, GG009, GG010, GG021; GR001, GR002	Prepared by	Development Services

POLICY STATEMENT This policy is subject to any specific provision of the Municipal Act, or other relevant legislation or Union Agreement.

- Notwithstanding the policy to preserve established social neighbourhood identities, the Regional District will consider a block annexation that follows a logical servicing boundary that has been established through a servicing study or a block annexation within an 'Urban Containment Boundary' as defined in an Official Community Plan.
- The Regional District will not recognize an annexation application or petition to the City of Vernon from an individual or developer who has agreed to annexation to facilitate a connection to the City of Vernon sewer system and that individual or developer does not currently wish to be annexed.
- When any comprehensive plan is being undertaken to consider the 'Ultimate Boundary of the City of Vernon' or if a full annexation proposal is being presented towards the 'Ultimate Boundary', it will be necessary to consider the provision of local services to the properties located on the east side of Kalamalka Lake which are not within this 'Ultimate Boundary'.

ANNEXATION APPLICATION PROCEDURE FLOWCHART



City of Vernon Annexation Procedure Flowchart

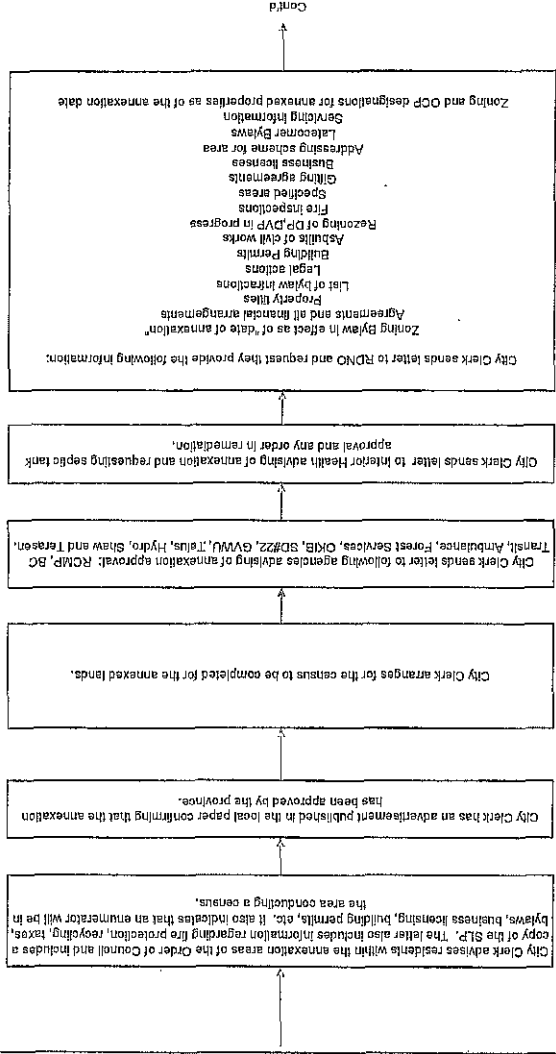
APPENDIX C

URBAN SYSTEMS.

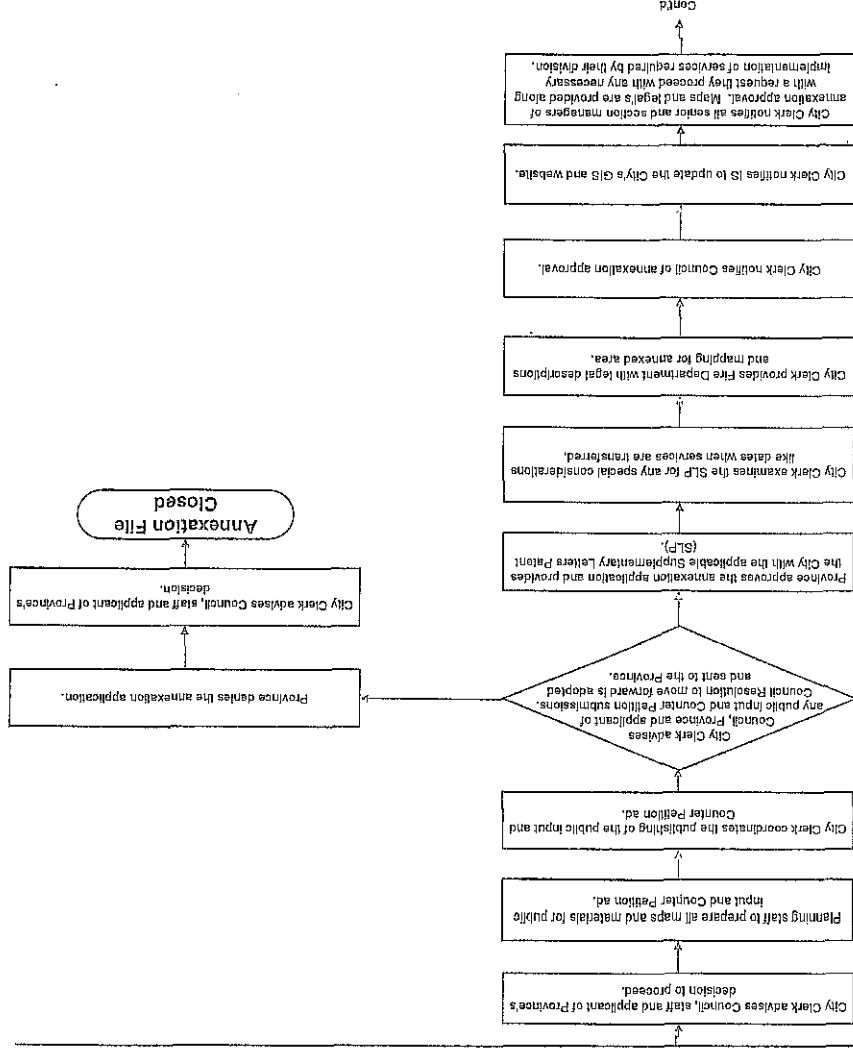
1203.0012.01 / January 2012
RDNO Annexation Impact Study - Final Report Jan 2012

RDNO Annexation Impact Study
Phase 1 Final Report

ANNEXATION APPLICATION PROCEDURE FLOWCHART (CONT'D)

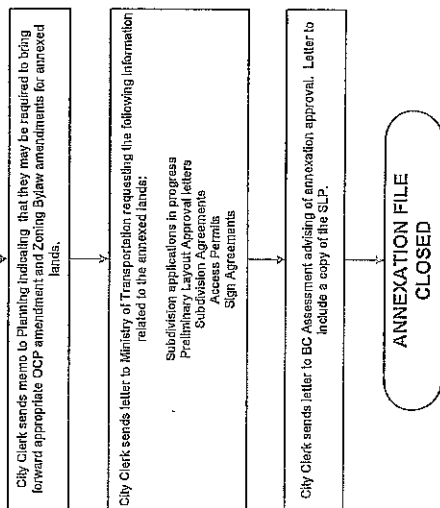


ANNEXATION APPLICATION PROCEDURE FLOWCHART (CONT'D)





ANNEXATION APPLICATION PROCEDURE FLOWCHART (CONT'D)



AAPFFORM: Dec 22/08

1209.0012.01 / January 2012
2012-01-15 RDNO Annexation Impact Study - Final Report Jan 2012

URBAN SYSTEMS.

APPENDIX D

City of Vernon OCP-Annexation (2008)

21.0 Annexation

To provide a process for consideration of annexation applications.

To propose undertaking a study to determine the phased amalgamation of appropriate lands, in the absence of direction from the provincial government in this regard.

- Protect and preserve green spaces and sensitive areas
- Ensure housing meets the needs of the whole community
- Create a culture of sustainability
- Protect agricultural land
- Create strong, compact and complete neighbourhoods
- Ensure development pays for itself

Map 14 proposes an ultimate municipal boundary for Vernon, prepared to provide general guidance in the consideration of annexation applications. In some locations the boundary is quite precise, such as along Kalamalka Lake or along the Okanagan Indian Band Reserve boundary. In other areas the potential boundary is very general and will need to be refined, such as on the hillside east of the city. Map 14 is incorporated in the OCP simply to illustrate where the boundary could be over the long term. Specific land use designations cannot be assigned to lands outside the City's boundary and there is no intent to apply City land use policies to lands outside the existing City boundaries. The projected future boundary of the City would involve the phased annexation of parts of Electoral Areas B and C, based on the desires of residents to join the City.

While this has been and continues to be the City's approach to annexation, there are a number of issues associated with this that need to be examined. A "property by property" approach is time consuming for all parties, and tends to reflect individual property interests as opposed to the city's long term plans for planning, development and infrastructure phasing.

Further, there are concerns related to the trend towards annexation to facilitate residential densification. With the direction of the land use plan, allocations of increased density far from the City Centre and designated neighbourhood centres are contrary to the growth strategy embodied in this plan. Attention

must also be paid to the rural-urban interface, to ensure that the residential subdivision pattern does not encroach into or serve to fragment ALR lands, particularly on the city's eastern boundary.

In 2007 and 2008, the provincial government took preliminary steps at considering the governance structure of the area, including changes to the municipal boundaries, but no changes resulted from this. If no additional direction is provided by the province in this regard, a study should be undertaken in advance of the next OCP review to address these issues. That study should examine the relative cost and benefits of the extension of the municipal boundaries, and determine what those boundaries should ultimately be and the best way of pursuing it.

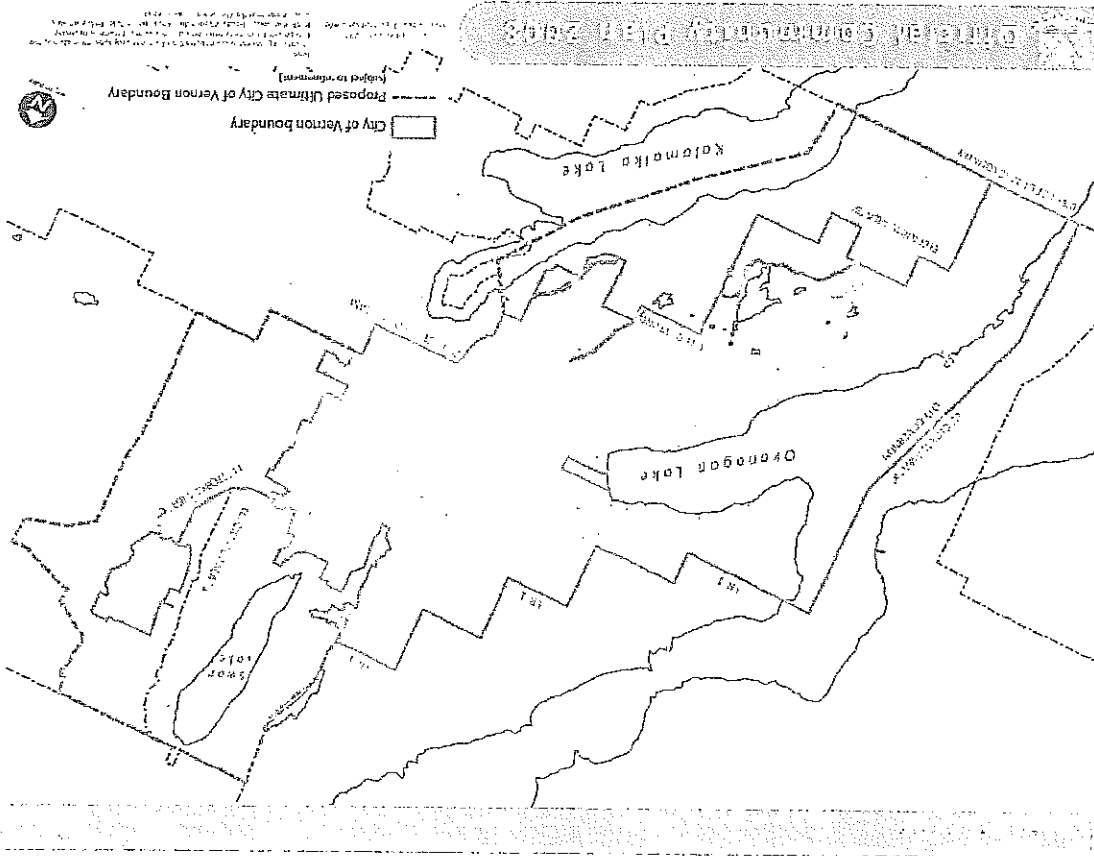
- 21.1 Continue to move towards the establishment of the municipal boundaries as set out in Map 14, by responding to requests for annexation from properties that fall within the specified area.
- 21.2 In expanding the municipal boundaries, the City will work closely with residents to ensure that the rural character of an area is respected and considered in the evaluation of the annexation application. With respect to the growth strategy embodied in this plan, residential intensification shall not be encouraged at the periphery of the city.
- 21.3 In the absence of direction from the provincial government in a timely manner on the city's ultimate boundary, the City shall undertake a study on the ultimate municipal boundaries for Vernon, to include consideration of the following:
 - a. Costs of servicing new lands (and outstanding service provision to any previously-annexed lands, if applicable), phasing and fiscal impact assessment.
 - b. Evaluation of potential new land uses, with due consideration to the City's land use plan and growth strategy, as well as the results of the Regional Growth Strategy planning process.
 - c. Consideration of the rural-urban interface and policies to protect agricultural lands.
 - d. Identification of expansion phases, if appropriate, in order to include large areas within a single application.
 - e. Consultation with residents and property owners, affected jurisdictions and agencies.

APPENDIX E

Village of Enderby Boundary Adjustment Policies

URBANSYSTEMS.

1203.0012.01 / January 2012
2010-11 RDND Annexation Impact Study - Final Report Section



Annexation / page 114

City of Vernon CCP 2008

SECTION 8 – BOUNDARY ADJUSTMENT

8.1 Discussion

Research and analysis has determined that there is enough land base within current City boundaries to accommodate a sustained growth rate of 4% for at least the five year term of this plan. The premature extension of City boundaries and services would be wasteful and costly in social, economic and environmental terms. The objectives and policies stated below maintain existing municipal boundaries for the term of this Plan. In addition, they call for land to the west of the City within Electoral Area "F" of the Regional District to be maintained in a manner that does not interfere with the future expansion and development of the City beyond the term of this Plan.

8.2 Boundary Adjustment Objective

Council has the following objective for Boundary Adjustment:

- a. To accommodate the projected rate of growth and development of 4% or less over the term of this Plan within current municipal boundaries.

8.3 Boundary Adjustment Policies

- a. Council will maintain the City's current municipal boundaries for the term of this Plan.
- b. Notwithstanding policy 8.3a., Council may contemplate and subsequently implement an extension of the City boundaries under the following circumstances.
 - i. If the rate of growth is, or is projected to exceed, a rate of 4% per annum;
 - ii. if Council is satisfied that there is a shortage of readily developable land within the City; and/or,
 - iii. to include new lands adjacent to the Shuswap River formed by the process of accretion.

- c. Council will cooperate with the Regional District in maintaining those lands to be west of current boundaries with rural uses, densities and configurations that do not encumber the future expansion and development of the City.

APPENDIX

Jurisdictional Review of Annexation Processes across Canada

URBANSYSTEMS.

RDNO Annexation Impact Study
Phase 1 Final Report

Province	Local Government System	Annexation process	Annexation options	Final Decision	Provincial incentives
Alberta	Cities, towns, villages, rural municipalities, and districts.	Participating municipalities negotiate the annexation and then apply to the <i>Municipal Government Board</i> . If there is an agreement, the Board makes a recommendation to the Minister. If there are objections, a public hearing may be held before a final recommendation.	The <i>Municipal Government Board</i> may be held before a final recommendation. The Minister may give the equivalent (grant) of 5 to 10 years of taxation revenue from the annexed area, with additional compensation for recently built infrastructure.	Minister of Municipal Affairs and Housing Council with recommendation from the Minister of Municipal Affairs and Housing	Information resources
Manitoba	Cities, towns, villages, rural municipalities, and local government districts.	Participating municipalities negotiate and must consult with the public. A report of the process and results is submitted to the Board of Municipalities. Public hearings may be held before a recommendation is made to the Minister.	Participating municipalities must come to an agreement and consult with the public before applying to the Minister. For annexation of areas in an unincorporated territory, the <i>Manitoba Municipal Board</i> may approve the annexation upon application from a local municipality, Minister, or regional municipalities.	Cabinet	None
Ontario	Cities, counties, district municipalities, regional municipalities, and township, united counties, and villages.	The <i>Municipal Government Board</i> passes a bylaw to extend their boundaries, which the affected municipality responds to. A referendum is held in the affected area, with an optional public hearing. Conflicts are heard by the <i>Commission municipale du Québec</i> with mediation to decide the distribution of assets and liabilities.	Participating municipalities must come to an agreement and consult with the public before applying to the Minister. For annexation of areas in an unincorporated territory, the <i>Manitoba Municipal Board</i> may approve the annexation upon application from a local municipality, Minister, or regional municipalities.	Minister	but partial annexation is not encouraged.
Quebec	Urban municipalities, and villages.	The <i>Municipal Government Board</i> passes a bylaw to extend their boundaries, which the affected municipality responds to. A referendum is held in the affected area, with an optional public hearing. Conflicts are heard by the <i>Commission municipale du Québec</i> with mediation to decide the distribution of assets and liabilities.	Participating municipalities must come to an agreement and consult with the public before applying to the Minister. For annexation of areas in an unincorporated territory, the <i>Manitoba Municipal Board</i> may approve the annexation upon application from a local municipality, Minister, or regional municipalities.	Minister	but partial annexation is not encouraged.
Newfoundland and Labrador	Cities, towns, and unincorporated municipalities.	Participating municipalities must come to an agreement and consult with the public before applying to the Minister. For annexation of areas in an unincorporated territory, the <i>Manitoba Municipal Board</i> may approve the annexation upon application from a local municipality, Minister, or regional municipalities.	Participating municipalities must come to an agreement and consult with the public before applying to the Minister. For annexation of areas in an unincorporated territory, the <i>Manitoba Municipal Board</i> may approve the annexation upon application from a local municipality, Minister, or regional municipalities.	Minister	but partial annexation is not encouraged.
New Brunswick	Cities, towns, villages, and rural municipalities.	A municipality sends a letter of interest to the Minister, who determines if annexation is a feasible option. After measuring local support in the affected area, the Minister conducts a feasibility study. If the Minister is satisfied, a public hearing is held. If the Minister is not satisfied, a public hearing is held. If the Minister is not satisfied, a public hearing is held.	Participating municipalities must come to an agreement and consult with the public before applying to the Minister. For annexation of areas in an unincorporated territory, the <i>Manitoba Municipal Board</i> may approve the annexation upon application from a local municipality, Minister, or regional municipalities.	Minister	but partial annexation is not encouraged.
Nova Scotia	Rural municipalities, towns, and rural municipalities.	The <i>Municipal Government Board</i> passes a bylaw to extend their boundaries, which the affected municipality responds to. A referendum is held in the affected area, with an optional public hearing. Conflicts are heard by the <i>Commission municipale du Québec</i> with mediation to decide the distribution of assets and liabilities.	Participating municipalities must come to an agreement and consult with the public before applying to the Minister. For annexation of areas in an unincorporated territory, the <i>Manitoba Municipal Board</i> may approve the annexation upon application from a local municipality, Minister, or regional municipalities.	Minister	but partial annexation is not encouraged.
Prince Edward Island	Cities, towns, and unincorporated municipalities.	Participating municipalities must come to an agreement and consult with the public before applying to the Minister. For annexation of areas in an unincorporated territory, the <i>Manitoba Municipal Board</i> may approve the annexation upon application from a local municipality, Minister, or regional municipalities.	Participating municipalities must come to an agreement and consult with the public before applying to the Minister. For annexation of areas in an unincorporated territory, the <i>Manitoba Municipal Board</i> may approve the annexation upon application from a local municipality, Minister, or regional municipalities.	Minister	but partial annexation is not encouraged.

North Okanagan Electoral Area Annexation Impact Study
Terms of Reference

1.0 Background

The Regional District is preparing an Electoral Area Annexation Impact Study for the Regional District of North Okanagan. A study has never been undertaken within the Province of British Columbia to explore the cumulative financial, social and environmental impacts of annexation on electoral areas. A number of priority areas that have experienced heightened annexation pressure historically (see Appendix "B") have been identified. The Regional District of North Okanagan and our municipal partners have undertaken the development of a Regional Growth Strategy that may contain provisions that embrace the evaluation of the full cost of development and provide a policy framework for fiscally, socially and environmentally responsible growth patterns. This study will assist in developing the Regional Growth Strategy and provide the context for its implementation.

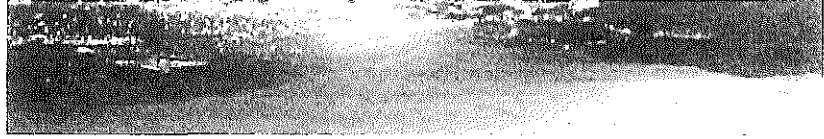
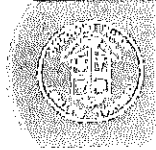
2.0 Regional Profile

The Regional District of North Okanagan is located in the northern portion of the Okanagan Valley, in central British Columbia. The Regional District is located approximately 50 kilometres north of Kelowna and 80 kilometres east of Kamloops, and is central to Salmon Arm to the northwest, Sicamous to the north and Oyaama to the south.

Jurisdiction	Area	Population
City of Armstrong	5.24 km ²	4,241
District of Coldstream	67.25 km ²	9,471
City of Enderby	4.23 km ²	2,828
Village of Lumby	5.27 km ²	1,634
Township of Spallumcheen	254.9 km ²	4,960
City of Vernon	94.2 km ²	35,944
Area "B"	489 km ²	6,061
Area "C"	301 km ²	3,947
Area "D"	1,797 km ²	2,837
Area "E"	2,613 km ²	934
Area "F"	1,767 km ²	4,444
Regional District of North Okanagan	7100 km ²	77,301

The Regional District of North Okanagan consists of six municipalities and five Electoral Areas, shown on Appendix "A". Municipalities include the City of Vernon at the southwest of the Regional District, the District of Coldstream to the immediate east, the City of Armstrong to the north of Vernon, the Township of Spallumcheen surrounding Armstrong, the City of Enderby near the northwest of the Regional District, and the Village of Lumby near the geographic centre of the Regional District. The five Electoral Areas are Area "B" surrounding Vernon to the west and south, Area "C" to the northeast of

REGIONAL DISTRICT OF NORTH OKANAGAN
Electoral Area Annexation
Impact Study



Vernon and including Silver Star Mountain, Area "D" at the centre of the Regional District, Area "E" to the east, and Area "F" to the north.

3.0 North Okanagan Electoral Area Annexation Impact Study

3.1 Purpose

The Regional District of North Okanagan Electoral Areas Annexation Impact Study will examine the financial, social and land use impacts of cumulative municipal annexations in key electoral area boundary regions. The study will provide recommendations for any issues that have been identified. A key deliverable will be a fair, transparent, equitable and collaborative annexation policy framework that will provide criteria that reflects the interests of all parties involved.

The purpose of this study is to impartially evaluate current annexation practices and identify the impacts that are felt within the affected unincorporated communities.

3.2 Goal

The goal of the Regional District of North Okanagan Electoral Areas Annexation Impact Study is to explore the costs, benefits and social, economic and land use impacts of current annexation policy within the North Okanagan, specifically focusing on the Greater Vernon area.

3.3 Scope

The Electoral Area Advisory Committee (EAAC) has agreed to the following scope of the Study to be undertaken:

I. The study will explore the cumulative social, environmental, economic and land use impacts and issues associated with past and current annexation activity within the Electoral Areas.

II. The study will focus on identified high priority Electoral Area/municipal boundary areas (see attached map), which include:
 • Electoral Area "C" and City of Vernon;
 • City of Vernon and Electoral Area "B", specifically within the Commonage;
 • Electoral Area "D" and northwest Village of Lumby boundary; and
 • Electoral Area "F" and western border of the City of Enderby.

III. Unincorporated community identity and fabric will be explored within the context of municipal annexation policy and activity.

IV. An analysis of the social, fiscal and land use outcomes and impacts of the City of Vernon annexation of Electoral Area "A" (Okanagan Landing) in 1993.

V. The product of the study will be a full cost accounting of annexation activity and policy on the areas of focus will be the cumulative impacts of annexations on:
 • unincorporated community service provision and fiscal sustainability;

September 22, 2011



3.4 Objectives

VI. The final report will provide recommendations for annexation regulatory changes, a more transparent and equitable review of annexation applications by all affected parties and collaborative and cooperative annexation processes that take into consideration the impacts experienced by all jurisdictions.

In conducting a Regional District of North Okanagan Electoral Areas Annexation Impact Study, the Regional District has the following objectives:

- To review current North Okanagan municipal annexation policies and provincial legislation, as well as annexation policies from throughout North America. The review should take into account jurisdictional representation, equity in process, referral mechanisms, transparency of process, annexation criteria and impact analysis mechanisms.
- Evaluate annexation application activity and annexation policies in relation to current municipal and regional strategic direction, including Official Community Plans, municipal policy direction and the Regional Growth Strategy.
- Present an overall financial accounting of cumulative annexation applications over the last 10 years for affected jurisdictions.
- Identify the cumulative effects of annexation on Electoral Areas
- Explore governance options based upon the outcomes of the evaluation of annexation impacts across all jurisdictions.
- Develop recommendations on broad, strategic policies on the identified issues that reflect the realities of both municipalities and unincorporated rural areas.

3.5 Tasks

PHASE I: Review Existing Situation

- a) Document the current situation within the study area(s) with respect to the following:
- North Okanagan municipal annexation policies and provincial legislation, as well as annexation policies from throughout North America;
 - Services provided by the Regional District of North Okanagan to Electoral Areas;
 - Property taxes and other fees, with a full accounting of service provision costs per household;
 - Local political representation; and
 - General description of land use planning and regulation.

The consultant will conduct a thorough overview of relevant background information and documents related to annexation and restructuring in the North Okanagan, including but not limited to:

- RDNO policies, including the Draft Regional Growth Strategy, annexation policies, and affected Electoral Area and Municipal Official Community Plans (e.g. Vernon, Enderby, Lumby);

September 22, 2011



- Provincial legislation and best practices related to governance and boundaries, as well as select policies in North America (although the Regional District model is quite unique);
- A list and details of all Regional District services (regional, sub-regional, and local) that pertain to the study area;
- Interviews with key RDN staff and elected officials, and other key stakeholders (e.g. Mr. Alan Hill, former EA "A" director and Derek Trimmer, Ministry of Community, Sport and Culture);
- Other documents and information as provided. By the RDN

The consultant will summarize and document the key findings and issues identified in our research in a discussion paper, to be utilized as part of the public consultation process in Phase II and final reporting in future phases of the project.

- b) Evaluate annexation application activity and annexation policies within the key priority areas, in relation to current municipal and regional strategic direction, including Official Community Plans, municipal policy direction and the Regional Growth Strategy.

This task explores specific issues and land use activities within the four priority areas (Comonage, BX, west Endery and northwest Lumbly). The consultant will review each Official Community Plan (both municipal and Electoral Area) and Regional Growth Strategy and interview municipal and regional staff, where appropriate, to further understand the pressures facing each area. The consultant will to evaluate how the local issues fit into the broader regional context.

- c) The current situation information will represent the "base case" for analysis of financial, land use and service delivery implication of cumulative unincorporated area annexations.

The consultant will create an Issues and Services Matrix, which will be used as the "base case" template, by which future scenarios can be measured against. Especially important will be the financially viable post-annexation. The outcome of Phase I will identify the issues to be explored in Phase II, as well as the scope, tasks and approach taken in Phase II and Phase III. A preliminary scope of work has been included within this Terms of Reference for Phase II and III of this project, although it should be acknowledged that the scope and tasks will be revisited based upon the outcomes of Phase I.

PHASE II (Preliminary): Cumulative Effects of Unincorporated Annexations

- a) Provide an evaluation of the financial, land use, service delivery and social impacts and outcomes of the 1993 annexation of Electoral Area 'A' into the City of Vernon;
- b) Present an overall financial accounting of cumulative annexation applications over the last 10 years for affected Electoral Areas, focusing on the key priority boundary areas;
- c) Identify the cumulative effects of annexation on Electoral Area priority boundary areas, including:
 - o Economic and taxation impacts;
 - o Land use impacts;



September 22, 2011

- o Service levels and infrastructure cost;
 - o Social and community fabric and identity;
 - o Agricultural Land Reserve loss; and
 - o Governance.
- d) Identify any significant thresholds, in relation to population, tax base and service delivery, which may compromise the financial sustainability of the Electoral Areas;
 - e) Prepare a written summary of the implications of cumulative annexation on the identified key priority border areas, informed by the perspective of current Electoral Area residents, in a form suitable for wide circulation.

- f) In conjunction with the analysis of cumulative effects of unincorporated annexations, develop and undertake a public engagement program to:

- Develop a profile of unincorporated community identity and fabric;
- Obtain the perspective of Electoral Area residents on:
 - o Current annexation policy and activity;
 - o Identify key issues and concerns of the community;
 - o Understand the preserved impacts on community identity; and
 - o What suggestions that the communities have to address concerns.
- Present the outcomes of study, including recommendations, for public information and respond to any questions from Electoral Area residents.

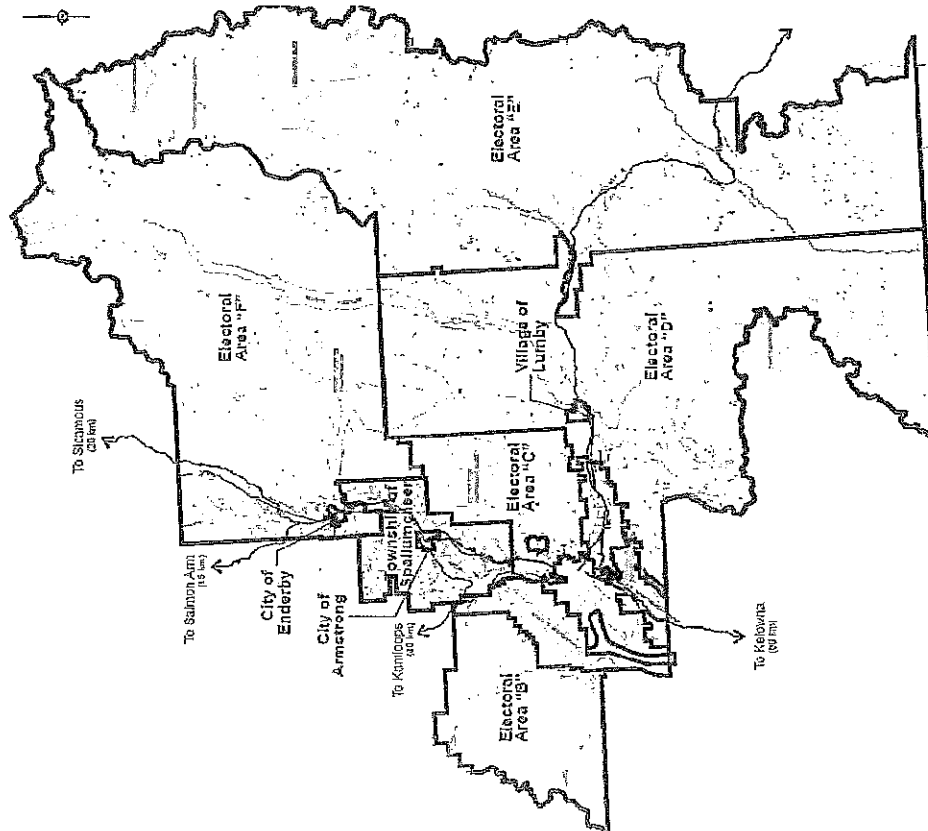
PHASE III (Preliminary): Recommendations and Conclusions

- a) Provide an overview of the review and analysis of cumulative annexation impacts on the long-term sustainability of Electoral Areas, with a focus on priority border regions;
- b) Present Electoral Area governance options that may assist in mitigating the identified issues;
- c) Develop recommendations on broad, strategic policies on the identified issues that reflect the realities of long-term sustainability of unincorporated rural areas; and
- d) Provide recommendations for annexation regulatory changes to ensure a more transparent and equitable review of annexation applications based upon the impacts experienced by all affected jurisdictions.



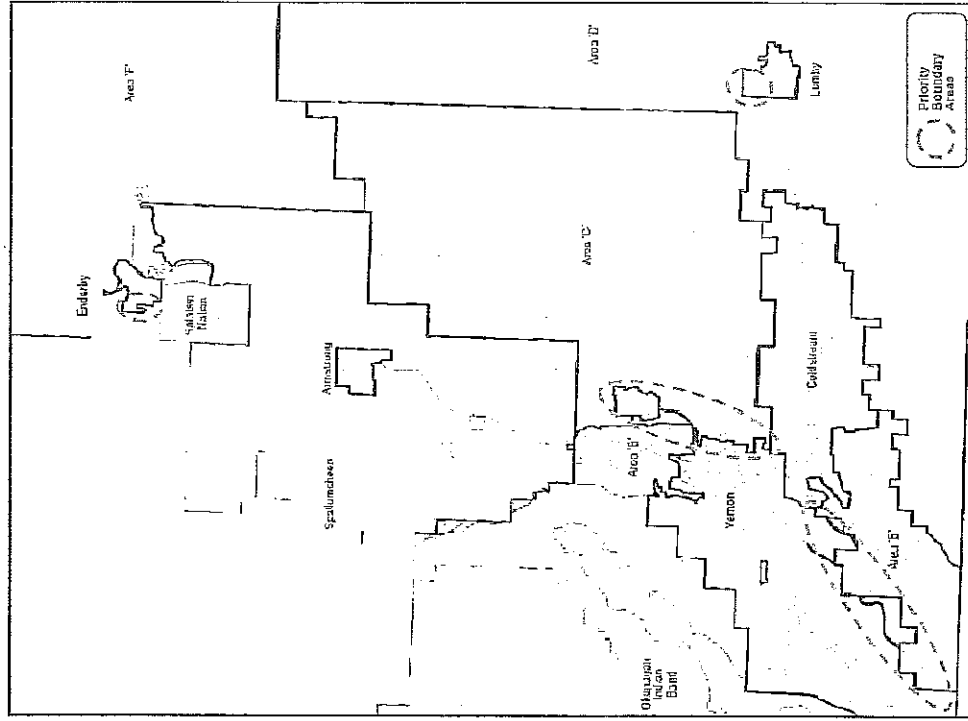
September 22, 2011

Appendix 'A' Map of Regional District of North Okanagan



September 22, 2011

Appendix 'B' Project Area



September 22, 2011



C2

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director G. Giles Area C

Financial Services Department

Grantee:	Grant Amount \$ <u>500.00</u>
NAME: <u>BC Farm Women's Network</u>	
ADDRESS: <u>96 3330 Jackson Rd</u>	
<u>Duncan BC V9L 6N7</u>	
Contact Phone No: <u>Anthea Archer 746-4621</u>	
PURPOSE OF GRANT: <u>to help with the cost associated with the 25th annual Seminar + AGM</u>	
REQUESTED BY: _____	Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
01-2-1950-0396-113	500.00	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 _____



c/o 3330 Jackson Road, Duncan, BC V9L 6N7

April 13, 2012

Gerry Giles, Director Area C
Cowichan Valley Regional District
175, Ingram Street, Duncan V9L 1N8

The BC Farm Women's Network's Twenty-fifth annual Seminar & AGM will be held at the Oceanfront in Cowichan Bay on Vancouver Island, October 19th to 21st, 2012 with attendees from all over British Columbia. It is eighteen years since the seminar was last held in the Cowichan Valley as the majority of members are from the Cariboo, Peace River, Okanagan and other regions of the province. Many attendees will stay until Monday with the opportunity to experience more of our local sites encouraging them to return for a longer stay.

The BC Farm Women's Network is dedicated to farm families. We come together in friendship and purpose to advance agricultural education, to provide a forum for farm women to network, and to speak with an integrated voice. Our accomplishments include: a \$250 scholarship to BCFWN members' children, financial support for members attending various agricultural seminars, media exposure via articles in farm journals and press releases, an educational presence at agricultural fairs and conventions, and publication of our own quarterly newsletter. In addition regular conference call meetings throughout the year address issues of concern for our members and matters that affect the farming community.

The seminar provides a forum for education, information sharing and networking between women farmers, some accompanying spouses, including those interested in new ventures in small-scale production to augment income on larger acreages. We will promote the seminar on Vancouver Island to encourage farm women, especially younger farm women, to attend.

We have a budget of \$10,000 so expenses can be kept to a reasonable level in view of the costs of travel from distant areas of the province. Recognizing this is a time of austerity we encourage sponsorship through a donation of \$250 Bronze, \$500 Silver or \$1,000 for a Gold sponsor; details on the accompanying page. If you have any questions please feel free to contact me or another member of the organizing committee.

Sincerely,

Anthea Archer, 250-746-4621 daarcher@telus.net

Joint Organizing committee:

Margaret Cargill: 250-723-4255 m.cargill82@gmail.com

Maryann Hartmann: 250-746-4317 maryannhartmann@gmail.com

Tammy Knowles

From: Gerry Giles [ggiles12@shaw.ca]
Sent: Saturday, April 21, 2012 10:06 AM
To: Tammy Knowles
Subject: Grant in Aid - Cobble Hill

Hello Tammy,
Could the attached please be processed as two separate grant in aids from Cobble Hill each for \$500.00. Thank you.
Gerry



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director G. Giles Area C

Grantee:

Grant Amount \$ 500.00

NAME: Cowichan Valley Jolly Dragons Senior Dragon Boat Team

ADDRESS: 910 1696 Eagle View Place
Duncan BC V9L 6R1

Contact Phone No: Mary Ames 746-7950

PURPOSE OF GRANT: Help cover the cost of new team shirts
and team expenses.

REQUESTED BY:

Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-0331-113</u>	<u>500.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

Original: <i>Finance</i>	Copies to:
Board	<i>Area C</i>
Committee(s)	
Directed by: <i>RJ</i>	Date: <i>April 17/12</i>
File #	



Cowichan Valley Jolly Dragons Senior Dragon Boat Team
c/o 1696 Eagle View Place,
Duncan, BC, V9L 6R1
250.746.7950 - mlames@telus.net

April 7, 2012

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

Attention: Ms. Gerry Giles, Director, Area C – Cobble Hill

Dear Ms. Giles:

We are writing on behalf of the Cowichan Valley Jolly Dragons Senior dragon boating team. The purpose of this letter is to request a grant-in-aid.

Our senior's team is made up of 50 to 75 year-old paddlers, from Mill Bay, Shawnigan Lake, Cobble Hill, Cowichan Bay, Glenora, Duncan, and Chemainus. This is an excellent form of exercise and camaraderie for the seniors involved. This season, we are hoping to enter Dragon Boat Festival races in Victoria, Nanaimo and Pt. Alberni, funds permitting. The fees for these races add up to over \$2000 per season, as well as our travel costs. Entry fees for the festivals support cancer charity. Presently, we subsidize the annual fee for each paddler from money raised over the past year. The fees are to cover the cost of boat usage, dock rental and insurance, and a coach who ensures proper technique to avoid injuries from paddling. We also are planning to take part in the Cowichan Bay Days celebration in corroboration with the Wooden Boat Society to promote our paddling team to other seniors.

We support local businesses by having our meetings and get-togethers in local restaurants and grocery stores. We supply paddles, hats, and shirts for our team. Our "Jolly Dragon" team shirts are quite tattered now and we would like to buy new ones for our team this year. We are planning to hold a garage sale in June to try and raise some money to assist with team expenses.

We are very appreciative of your past generosity to our team of 30-35 local area seniors. We are once again hoping that you will consider a grant-in-aid, as per our request.

Yours sincerely,

Mary & David Ames
Co-Captains
Jolly Dragons Seniors Dragon Boat Team

Tammy Knowles

From: Gerry Giles [ggiles12@shaw.ca]
Sent: Saturday, April 21, 2012 10:06 AM
To: Tammy Knowles
Subject: Grant in Aid - Cobble Hill

Hello Tammy,
Could the attached please be processed as two separate grant in aids from Cobble Hill each for \$500.00. Thank you.
Gerry



COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director G. Giles Area C

Sample form for reference

Grantee:	Grant Amount \$ <u>1000.00</u>
NAME: <u>Shawnigan Cobble Hill Farmers Institute Agricultural Society</u>	
ADDRESS: <u>PO Box 148</u> <u>Cobble Hill BC V0R 1L0</u>	
Contact Phone No: <u>George Baird</u> <u>743-4377</u>	
PURPOSE OF GRANT: <u>Support for the 103rd Annual Cobble Hill Fall Fair</u>	
REQUESTED BY: _____ Director Requesting Grant	

ACCOUNT NO.	AMOUNT	HST CODE
01-2-1950-0325-113	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 _____

*103rd Annual
Cobble Hill Fall Fair*

PO Box 148
Cobble Hill, B. C.
V0R 1L0

April 21, 2012

Sent by Email

Dear CVRD Directors:

The Shawnigan Cobble Hill Farmers Institute and Agricultural Society (SCHFIAS) invites your support for the 103rd Annual Cobble Hill Fall Fair, which will be held the weekend of August 24th, 25th and 26th. Our organization is made up of many dedicated volunteers who are committed to providing an educational wholesome country fair that is fun for the entire family and the community. Our fair committee works hard every year to make our fair a celebration of our South Cowichan community and of our agricultural roots.

Organizing the fair brings substantial financial expenses; therefore, we are very grateful for the financial support we receive from our sponsors. Without this community support we would not be able to organize this great event.

As in past years, we ask the CVRD Directors from Areas A, B, C and D to support this great agricultural/community event by sponsoring a one page ad in our fair catalogue at a cost of \$300.00 each.

The SCHFIAS and the Cobble Hill Fall Fair committee again thanks you for your past support and for your consideration of our current request.

For further information please contact James Clark at 250-743-8995 or George Baird at 250-743-4377.

Sincerely,

George Baird

George Baird, President
SCHFIAS

Tammy Knowles

From: Gerry Giles [ggiles12@shaw.ca]
Sent: Saturday, April 21, 2012 10:29 AM
To: Tammy Knowles
Subject: Grant in Aid - Cobble Hill
Attachments: Sponsorship Letter.pdf

Hi Tammy,
Could you please process the attached in the amount of \$1000.00 from the Area 'C' grant in aid function. Thank you.
Gerry



REC

C5

COWICHAN VALLEY REGIONAL DISTRICT

AI

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

Financial Services Department

Submitted by Director IANNIDINARDO Area D

Grantee:	Grant Amount \$ <u>500⁰⁰</u>
NAME:	<u>COWICHAN GREEN COMMUNITY</u>
ADDRESS:	<u>181 STATION ST. DUNCAN</u> <u>BC. V9L 1M8</u>
Contact Phone No:	<u>JUDY STAFFORD 250-748-8506</u>
PURPOSE OF GRANT:	<u>HELP WITH PRINTING COST</u> <u>FOR THIS YEARS FOOD MAP</u>
REQUESTED BY:	<u>Loi L. Iannidardo</u> Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
01-2-1950-0291-114	500.00	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 _____



March 8, 2012

Lori Iannidinardo
CVRD Area D Director
175 Ingram Street
Duncan, British Columbia
V9L 1N8

Dear Lori,

Cowichan Green Community (CGC) is pleased to let you know that the 3rd edition of the *Buy Local! Buy Fresh!* Cowichan Food Map is currently under production.

As the most comprehensive directory available for local food in the Cowichan Valley, the *Buy Local! Buy Fresh!* Map is an important tool for achieving food self sufficiency targets outlined in the CVRD's Area Agricultural Plan. With targets such as increasing local vegetable production from 7% to 60%, fruit production from 15% to 60% and meat production from 17% to 47%, the *Buy Local! Buy Fresh!* map stands as a bridge to help achieve these goals and strengthen connections between local producers and local consumers.

Furthermore, the *Buy Local! Buy Fresh!* map is a pivotal tool in encouraging the establishment of new farmers, providing them with an important resource for developing a customer base and promoting their brand.

Currently in Area D, 10 farms are listed on the *Buy Local! Buy Fresh!* map, including fruit, vegetable and meat producers, with the majority being repeat map registrants. In order to continue our work in supporting farms in your electoral area, we are requesting financial support in the amount of \$1000 to assist with covering a portion of map printing costs.

Feedback from participating farms has been overwhelmingly positive and the *Buy Local! Buy Fresh!* map has become a shining example of how various stakeholders can collaboratively enhance local economy. Your support would ensure the continued success of this important resource for our region and help both Cowichan Green Community and the CVRD to achieve their goals of greater food security in our community.

We thank you in advance for your consideration. We will contact you in the next two weeks to follow up and address any questions you may have.

Sincerely,

A handwritten signature in dark ink, appearing to read "Judy Stafford".

Judy Stafford
Executive Director, Cowichan Green Community

Cowichan Agricultural Society
5855 Clements St. Duncan, BC V9L 3W2
www.cowichanfarmers.org



March 12th, 2012

To Whom it May Concern,

The Cowichan Agricultural Society (CAS) wishes to extend its sincere support for Cowichan Green Community's request for funding to produce the 2012 edition of the Buy Local! Buy Fresh! Map. Many CAS members have participated in this initiative since its inception and continue to benefit from the heightened profile it has helped to achieve for agriculture in the Cowichan Valley.

Our farmers benefit directly from greater farm gate sales and indirectly from the encouraged presence of local processors. As stated in the Area Agricultural Plan, "Local processing and sale represent 19% of farm gate revenue, with an estimated value added to local processors of about \$8.2 million (adding 16% to the overall producer dollars value added the potential to have a further 16% added to overall producer dollars)."

As such, the Buy Local! Buy Fresh! Map is an important tool for helping our farmers to increase their capacity to become more financially sustainable. The map not only provides a link between our members and consumers seeking locally produced food, but also promotes the wide range of products available and showcases the capacity of our farmers to feed our community.

Our Valley is fertile and boasts hardworking growers with great ingenuity. We support the Buy Local! Buy Fresh! Map as it recognizes the value of local food producers to our community and helps to increase the visibility of their products amongst local consumers and visitors, who are both crucial to sustaining the business of local agriculture.

We hope you will support this fantastic project and make it possible for our members to benefit from its value in our community.

Sincerely,

Bob Crawford
President



CVRD

REC

C6

APF

COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS) Financial Services Department

Submitted by Director IANNIDINARD Area D

Grantee:	Grant Amount \$ <u>300.00</u>
NAME: <u>SHAWNIGAN COBBLE HILL FARMERS INSTITUTE</u>	
ADDRESS: <u>PO. BOX 148</u>	
<u>COBBLE HILL BC.</u>	
<u>VOR 1LO.</u>	
Contact Phone No:	<u>GEORGE BAIRD -</u>
PURPOSE OF GRANT: <u>SPONSOR A ONE PAGE AD FOR SCHEFIAS</u>	
REQUESTED BY: _____	
Director Requesting Grant	

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-0325-114</u>	<u>300.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY
BUDGET APPROVAL <u>✓</u>
VENDOR NO. _____

Disposition of Cheque:
Mail to above address: _____
Return to _____
Attach to letter from _____
Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

*103rd Annual
Cobble Hill Fall Fair*

PO Box 148
Cobble Hill, B. C.
V0R 1L0

April 21, 2012

Sent by Email

Dear CVRD Directors:

The Shawnigan Cobble Hill Farmers Institute and Agricultural Society (SCHFIAS) invites your support for the 103rd Annual Cobble Hill Fall Fair, which will be held the weekend of August 24th, 25th and 26th. Our organization is made up of many dedicated volunteers who are committed to providing an educational wholesome country fair that is fun for the entire family and the community. Our fair committee works hard every year to make our fair a celebration of our South Cowichan community and of our agricultural roots.

Organizing the fair brings substantial financial expenses; therefore, we are very grateful for the financial support we receive from our sponsors. Without this community support we would not be able to organize this great event.

As in past years, we ask the CVRD Directors from Areas A, B, C and D to support this great agricultural/community event by sponsoring a one page ad in our fair catalogue at a cost of \$300.00 each.

The SCHFIAS and the Cobble Hill Fall Fair committee again thanks you for your past support and for your consideration of our current request.

For further information please contact James Clark at 250-743-8995 or George Baird at 250-743-4377.

Sincerely,

George Baird

George Baird, President
SCHFIAS



R C7

COWICHAN VALLEY REGIONAL DISTRICT
SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS)

Finance

Submitted by Director IANNIDINARDO Area D

Grantee:	Grant Amount \$ <u>500⁰⁰/₁₀₀</u>
NAME:	<u>COWICHAN Valley Jolly Dragons Senior</u>
ADDRESS:	<u>c/o 1696 EAGLE VIEW PLACE</u> <u>DUNCAN. BC. V9L 6R1</u>
Boat Team	
Contact Phone No:	<u>MARY + DAVID AMES 250-746-7950</u>
PURPOSE OF GRANT:	<u>TO HELP WITH FEES TO COVER</u> <u>COST OF BOAT USAGE</u>
REQUESTED BY:	<u>Lois L IannidinarDO</u> Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-0331-114</u>	<u>500.00</u>	<u>10.0</u>

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

Original: <i>Finance</i>	Copies to: <i>Area D</i>
Board:	
Committee(s):	
Directed by: <i>RJ</i>	Date: <i>April 11/12</i>
File #	

Cowichan Valley Jolly Dragons Senior Dragon Boat Team
 c/o 1696 Eagle View Place,
 Duncan, BC, V9L 6R1
 250.746.7950 - mlames@telus.net

April 7, 2012

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

Attention: Ms. Lori Iannidinardo, Director, Area D – Cowichan Bay

Dear Ms. Iannidinardo:

We are writing on behalf of the Cowichan Valley Jolly Dragons Senior dragon boating team. The purpose of this letter is to request a grant-in-aid.

Our senior's team is made up of 50 to 75 year-old paddlers, from Mill Bay, Shawnigan Lake, Cobble Hill, Cowichan Bay, Glenora, Duncan, and Chemainus. This is an excellent form of exercise and camaraderie for the seniors involved. This season, we are hoping to enter Dragon Boat Festival races in Victoria, Nanaimo and Pt. Alberni, funds permitting. The fees for these races add up to over \$2000 per season, as well as our travel costs. Entry fees for the festivals support cancer charity. Presently, we subsidize the annual fee for each paddler from money raised over the past year. The fees are to cover the cost of boat usage, dock rental and insurance, and a coach who ensures proper technique to avoid injuries from paddling. We also are planning to take part in the Cowichan Bay days celebration in corroboration with the Wooden Boat Society to promote our paddling team to other seniors.

We support local businesses by having our meetings and get-togethers in local restaurants and grocery stores. We supply paddles, hats, and shirts for our team. Our "Jolly Dragon" team shirts are quite tattered now and we would like to buy new ones for our team this year. We are planning to hold a garage sale in June to try and raise some money to assist with team expenses.

We are very appreciative of your past generosity to our team of 30-35 local area seniors. We are once again hoping that you will consider a grant-in-aid, as per our request.

Yours sincerely,

M & D Ames

Mary & David Ames
 Co-Captains
 Jolly Dragons Seniors Dragon Boat Team



RE

C8

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director IANNIDINARDO Area D.

Financial Services Department

Grantee:

Grant Amount \$ 500.00

NAME:

BC Farm Women's Network~~FAIRBURN WATER BUFFALO FAIRBURN FARM~~

ADDRESS:

3330 JACKSON ROAD -DUNCAN, BC V9L 6N7

Contact Phone No:

AN THEA ARCHER 250-746-4621

PURPOSE OF GRANT:

SUPPORT FOR BC FARM WOMEN'SNETWORK SEMINAR OCT 19/21 2012 TO BEHELD IN THE COWICHAN VALLEY

REQUESTED BY:

Loi L. IannidinarDO

Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-0396-114</u>	<u>500.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL OX

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

FAIRBURN WATER BUFFALO
FAIRBURN FARM
3330 Jackson Road, Duncan,
British Columbia, V9L 6N7
250-746-4621
daarcher@telus.net

RECEIVED
CVRD

APR 17 2012

Administrative Services

April 13, 2012

Lori Iannidinardo, Director Area D
Cowichan Valley Regional District,
175 Ingram Street,
Duncan, BC V9L 1N8

Dear Lori,

Re: BC Farm Women's Network Seminar, October 19 – 21, 2012 – Cowichan Valley

I enclose a two page letter regarding the upcoming B C Farm Women's Network Seminar to be held in the Cowichan Valley in October 2012.

As Director of Area D, Cowichan Bay, the location of the seminar is there an avenue for funding or in kind contribution. As I mention in the letter I hope that farm women from Vancouver Island will attend this seminar as it is close to home.

I have to be in the UK on family business from April 17 til May 9th but messages can be relayed to me or contact Margaret Cargill of the organizing committee.

Thank you for your kind attention.

Kindest regards,



Anthea Archer

Original: <i>Finance</i>	Copies to: <i>21</i>
Board:	
Committee(s):	
Directed by: <i>DJ</i>	Date: <i>April 17/12</i>
File #	



c/o 3330 Jackson Road, Duncan, BC V9L 6N7

April 13, 2012

Lori Iannidinardo, Director Area D
Cowichan Valley Regional District
175, Ingram Street, Duncan V9L 1N8

The BC Farm Women's Network's Twenty-fifth annual Seminar & AGM will be held at the Oceanfront in Cowichan Bay on Vancouver Island, October 19th to 21st, 2012 with attendees from all over British Columbia. It is eighteen years since the seminar was last held in the Cowichan Valley as the majority of members are from the Cariboo, Peace River, Okanagan and other regions of the province. Many attendees will stay until Monday with the opportunity to experience more of our local sites encouraging them to return for a longer stay.

The BC Farm Women's Network is dedicated to farm families. We come together in friendship and purpose to advance agricultural education, to provide a forum for farm women to network, and to speak with an integrated voice. Our accomplishments include: a \$250 scholarship to BCFWN members' children, financial support for members attending various agricultural seminars, media exposure via articles in farm journals and press releases, an educational presence at agricultural fairs and conventions, and publication of our own quarterly newsletter. In addition regular conference call meetings throughout the year address issues of concern for our members and matters that affect the farming community.

The seminar provides a forum for education, information sharing and networking between women farmers, some accompanying spouses, including those interested in new ventures in small-scale production to augment income on larger acreages. We will promote the seminar on Vancouver Island to encourage farm women, especially younger farm women, to attend.

We have a budget of \$10,000 so expenses can be kept to a reasonable level in view of the costs of travel from distant areas of the province. Recognizing this is a time of austerity we encourage sponsorship through a donation of \$250 Bronze, \$500 Silver or \$1,000 for a Gold sponsor; details on the accompanying page. If you have any questions please feel free to contact me or another member of the organizing committee.

Sincerely,


Anthea Archer, 250-746-4621 daarcher@telus.net

Joint Organizing committee:

Margaret Cargill: 250-723-4255 m.cargill82@gmail.com

Maryann Hartmann: 250-746-4317 maryannhartmann@gmail.com



Benefits of Sponsorship

The Twenty-fifth annual seminar of the British Columbia Farm Women's Network October 19th – 21st, 2012, will bring farm women and some spouses from all areas of the Province. This is an opportunity for women who operate farms to join with other farmers to exchange information, network on a commodity level and research other opportunities for their own farms, commodity groups or for their areas.

During their stay they will visit diverse farms in the Cowichan Valley, attend workshops with local agricultural entrepreneurs some specific to this region, relax in our temperate climate and enjoy the company of farmers with some lighthearted banter and recreation.

We have a budget of \$10,000 so we can keep seminar expenses to a reasonable level and encourage more attendees from Fort St. John, Cariboo, Okanagan and the Kootenays as well as the Fraser Valley and Vancouver Island.

As a Sponsor your organization or business will be listed in media advertising, in the programme, posters in the conference room and post-conference material. The money will sponsor a meal or nutrition break, the tour and speakers. Your contribution will be identified accordingly at the time and acknowledged to you after the seminar.

Gold Sponsorship- \$1000.00

- Logo and recognition on all print and media materials across BC
- Logo on program cover
- Introduce keynote speaker
- Sponsor lunch and associated recognition

Silver Sponsorship- \$500.00

- Logo and recognition on all local media
- Logo within the program
- Introduce a speaker
- Sponsor coffee break and associated recognition

Bronze Sponsorship- \$250.00

- Logo and recognition in the program
- Logo and recognition on selected local media

Additional sponsorship opportunities:

Silent auction: Items to be auctioned to attendees that promote your business as a product or goodwill – this is very popular;

Welcome bags: these are given to registered attendees on arrival and will contain promotional material for the Cowichan Region and special souvenirs donated by businesses.



CVRD

RECEIVED

APR 2

C9

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director IANNIDINARD Area D

Grantee:

Grant Amount \$ 2000.00

NAME: COWICHAN ENERGY ALTERNATIVES SOCIETY.

ADDRESS: _____

Contact Phone No: RICK JULIUSSEN

PURPOSE OF GRANT: PURCHASE
TO HAVE A BIN TO COLLECT
HOUSEHOLD COOKING OIL -

REQUESTED BY: Lou L. Iannidnardo
Director Requesting Grant

ACCOUNT NO.	AMOUNT	HST CODE
<u>01-2-1950-6390-114</u>	<u>2000.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

VENDOR NO. _____

Disposition of Cheque:

Mail to above address: _____

Return to _____

Attach to letter from _____

Other _____

Approval at Regional Board Meeting of _____

Finance Authorization _____

Lori Iannidinardo
Director, Electoral Area D – Cowichan Bay
CVRD
175 Ingram Street
Duncan, BC V9L 1N8

April 12, 2011

Dear Lori,

Re: Request for \$2,000 Grant-in-Aid for Residential Waste Cooking Oil Collection Bin

Greetings from Cowichan Energy Alternatives (CEA) – a local non-profit with a strong track record of environmental and community service in partnership with the CVRD. Let me begin by thanking you for the \$885 grant-in-aid you provided us with at the end of 2011. As promised, that money enabled us to kick-start our initiative to collect waste residential cooking oil for conversion into biofuel. Specifically, we used the funding to (a) complete the design and costing process for the kiosk, and (b) design the campaign to expand the offering throughout the Cowichan Valley and beyond, including more detailed research into the quantifiable benefits of this project.

With this solid foundation, we have successfully placed our first collection bin in downtown Duncan, have a second bin manufactured and about to be installed in Ladysmith, have been budgeted for 3 bins at CVRD's waste transfer stations, and are in negotiations for many more in North Cowichan, CRD, Nanaimo, Vancouver, Surrey and White Rock. In short, the start-up funding provided by Area D has enabled this initiative to quickly take off and start making a difference.

As we discussed last fall, we would now like to take the next step and request a one-time grant-in-aid of \$2,000. In recognition of your first contribution, this is a lower amount than we are requesting in other areas, but still sufficient to start providing this collection service in Cowichan Bay. The project would include:

- Manufacture and placement of one collection bin
- Education campaign so that area residents and visitors (including boaters) will understand how to correctly use the facility

CEA will be responsible for all ongoing bin servicing, maintenance, clean-up, and oil collection and processing. Our costs for this will be sustained by the sale of the resultant biofuel; therefore, no further support will be required from CVRD to continue this initiative.

CEA is undertaking this project as a free public service – the ROI for us is actually very small considering the volumes we'll be able to process versus the work to collect and sort. However, the benefit to the community and environment is considerable:

- ✓ Protection of Cowichan Bay water quality and lowered carbon footprint through decreased residential waste oils in the waste stream (see attached backgrounder for numbers)
- ✓ Decreased CVRD maintenance costs
- ✓ Increased public awareness and action around this waste issue
- ✓ Positive publicity for the CVRD and its directors for cutting-edge environmental leadership

The proposed bin will be placed in front of Pier 66 Store – a good location in terms of accessibility, safety and visibility, without impeding pedestrian or vehicle traffic. The store owner has already agreed to host the bin.

We look forward to closing the loop on this initiative that you helped start, providing an important service for the people of Cowichan Bay.

Thank you for your support,

A handwritten signature in cursive script, appearing to read "Rick Juliusson".

Rick Juliusson
Manager, Residential Waste Oil Initiative
Cowichan Energy Alternatives Society
www.CowichanEnergy.org

CVRD APC Monday April 2, 2012

Call to order 7:05 PM Brian Peters in the Chair

Ian Morrison commented that the CVRD may be able to supply a staff member to act as secretary for the meetings in future.

Attendance: Board Members: Phil Archbold, Peter Devana, Sharon Devana, Joe Allen, Brian Peters and Susan Restall. Additional attendees: CVRD: Ian Morrison, Brian Duncan, Mike Tippet, Allison Garnett. Applicants: Mark Coombs, Frank Limshue, Anita Rafidi. Gallery: Jim Humphry, Bob Restall.

Bob Restall agreed to act as recording secretary.

Ian conducted election of chairman and Vice-Chairman. Sharon D. acclaimed as chairman, and Jim Allen acclaimed as Vice-chairman. Position of secretary postponed until later pending outcome of staffing by CVRD.

Sharon D. assumed the chair. Sharon D. encouraged Ian to get staff for secretary.

Brian P. read the minutes of the November 7, 2011 meeting. Minutes accepted as read.

Correspondence: none.

Reports: none.

Unfinished business: to be dealt with as new business.

NEW BUSINESS:

File: 2-F11RS: Anita Rafidi appearing as representative of Sun Lotus. Seeking zoning change to P2 Institutional Ms Rafidi outlined the existing use of the property and how she felt the zoning change would bring the uses into conformation. She cited survey results from neighbours and the concerns that they had, as well as general support for the operation. Joe A. outlined what was allowed under existing zoning. Allison G. and Mike T. clarified zoning for existing and proposed designations, Ms Rafidi was asked and provided information on the number of major events and their size on average. (13 per year and 90-110 persons per event with +/-40 overnights per event.) Phil A. expressed concern about sewer and water requirements. Ms Rafidi indicated that discussions were ongoing with VIHA. Susan asked if a land use contract could be implemented and was told by staff that that was no longer an option. Joe A. suggested that a new zoning classification be created IE: P2A to limit uses for the institution's benefit. Peter expressed concern about parking and high traffic levels. Anita said all parking is off-road, on the property.

Brian Peters MOTION: Move to create a new zone for the properties to list the particulars of the operation existing or proposed, for recommendation to the board. Second: Phil A. MOTION CARRIED

File 1-F-11RS: Mark Coombs appearing for owners of the property. Mr Coombs gave a synopsis of the property, operated as a public house and restaurant. He indicated that the present zoning and allowable usage is not viable. He is requesting a zoning change to add uses as allowed under C3. General discussion as to what zoning would allow viable uses, to enhance commercial activity congruent with the area's perceived wants and needs.

Peter A. MOTION: Recommend to the board a C3/C5 zone. Joe A. second. Joe A. AMMENDMENT: to change "C3/C5 zone" to read "enhanced C5 zone" MOTION CARRIED AS AMMENDED.

TimberWest/Couvert Properties: Frank Limshue appeared on behalf of the owners. Joe Allen recused himself in consideration of a potential conflict. Mr. Limshue outlined the parcels of concern in the areas

of Mesachie and Honeymoon Bay and indicated that they should receive consideration for inclusion in the Future Development Area contiguous to them. He outlined that there exists potential suitability for use as sewage treatment areas, residential, multiuse and commercial developments, congruent with area development. He also indicated that the owners would be amenable to zoning changes to move currently zoned industrial land to a more appropriate area. Mike expressed concern with the fact that some of the property under consideration is included in the ALR and that this could provide a complicating factor to a timely resolution.

Brian P. MOTION: That the board craft an expression of interest that the subject properties be considered for inclusion in the Future Development Area. Peter D. second. MOTION CARRIED

Ian: a note that CVRD staff could attend meetings as recording secretary for \$50.00

Peter: Expressed concern that meetings are not advertised to the public. Ian showed that the meeting was given notice in the Honeymoon Bay news, with a list of items to be discussed. Mike agreed that the meetings can be noted on the CVRD website. He went on to say that the public can petition for input at the Electoral Area Services Committee level.

Chair declared meeting adjourned at 9:26PM

Next meeting at the cal of the Chair



IN2

**CVRD AREA F PARKS ADVISORY COMMITTEE
APRIL 2012 MINUTES**

Called to Order at 19:00 hours. David Lowther in the Chair.

Present: David Darling, David Lowther, Raymond Wear, Bill Bakkan, Brian Peters,
Thor Repstock, Ian Morrison.

MSC: to approve the Agenda.

Elections:

Ian Morrison assumed the Chair.

Chair: David Lowther (acclaimed)

Vice Chair: David Darling (acclaimed)

Secretary: unfilled

David Lowther resumed the Chair.

MSC: to approve the Previous Minutes.

Other Business:

MSC: to approve a request to provide four portable toilets at Mesachie Lake Park
between June 15 and 17.

MSC: to forward the request from Deena MacAulay regarding the use of Central Beach
Park for a wedding Saturday, July 7, 2012 to Cowichan Lake Recreation with our
approval in principle.

Committee Reports:

Lawn Bowling: The Honeymoon Bay Lawn Bowling Society has incorporated under the
Societies Act and submitted a proposal to CVRD staff which has been
accepted in principle and is awaiting final approval.

MSC: to accept the Report.

Central Beach: The Committee have tabled purchase of volleyball equipment. Plans will
continue to remove invasive species, including additional gravel.

MSC: to accept the Report.

MSC: to Adjourn at 19:55 hours.

IN3



**MINUTES OF ELECTORAL AREA I (YUBOU/MEADE CREEK)
PARKS COMMISSION MEETING**

DATE: April 10, 2012

TIME: 7:00 pm

MINUTES of the Area I Parks Commission meeting held on the above noted date and time at the Youbou Upper Community Hall, Youbou BC. Called to order by Recording Secretary Tara Daly at 7:00 pm.

PRESENT:

Chairperson:

Vice-Chairperson:

Members: Dave Charney, Dan Nickel, Marcia Stewart, Gerald Thom, Ken Wilde

ALSO PRESENT:

Recording Secretary: Tara Daly

REGRETS:

Gillian Scott

Director: Pat Weaver

ELECTIONS:

T. Daly handled the elections for Chairperson and Vice-Chairperson.

M. Stewart was elected by acclamation for the position of Chairperson.

G. Thom was elected by acclamation for the position of Vice-Chairperson.

M. Stewart assumed the Chair. She thanked the Commission for their support of her leadership.

AGENDA:

It was moved and seconded that the agenda be amended with the addition of a Closed Session item in accordance with the *Community Charter* Part 4, Division 3, Section 90 {Sub (1) (e)} Land Acquisition/Disposition and that the agenda, as amended, be approved.

MOTION CARRIED

MINUTES:

It was moved and seconded that the minutes of February 14, 2012 be accepted as circulated.

MOTION CARRIED

BUSINESS ARISING OUT OF THE MINUTES:

T. Daly made the Commission aware that the video, 'Youbou Dust' created by Trish Waddington, would be shown at the CVRD Board meeting tomorrow (April 11, 2012) evening.

CORRESPONDENCE:

None

AREA DIRECTOR REPORT ~ DIRECTOR P. WEAVER

None

COWICHAN LAKE RECREATION ~ LINDA BLATCHFORD, MANAGER

- Safety Audit is complete, there should be a report for the May Commission meeting
- Monthly visits by the exterminator seem to be working as the Community Hall remains ant and rodent free

CHAIRPERSON REPORT ~ M. STEWART

None

CVRD REPORT ~ RYAN LENDRUM

- Rob Summers of Lakefront Drive in Woodland Shores will be the new gatekeeper for Stoker Park starting on May 1st
- Maintenance Contractors have started as of April 1st; Price Park trails have been cleared, Arbutus Park has been aerated, and it has been mulched around the sign at Mile 77 Park

OLD BUSINESS:

1. Gatekeeper at Stoker Park was dealt with under the CVRD Report; overseers for other parks are: Little League Park – K. Wilde, Mile 77 Park – G. Thom, Nantree Park – D. Nickel, Arbutus Park – M. Stewart, Swordfern Park – D. Charney
2. Brian Farquhar asked for clarification of the reaffirmation at the February 2012 meeting of the Commission's direction for the trail corridor between Marble Bay Park and Bald Mountain Park

NEW BUSINESS:

1. M. Stewart will contact Vicki Marrs about plans for Canada Day at Arbutus Park; G. Thom has the flag, the Commission will arrange for the flag (either the existing one or a new one) to be ready to be raised
2. CVRD staff asked for direction on what the Commission would like to see the Summer Student Crew work at: the Commission determined that the priority be clearing the trails on Bald Mountain with the suggestions by staff of work at Price Park, Marble Bay Park, and Woodland Shores secondary
3. Discussion on repairs on and/or replacement of fencing at Little League Park directed mostly at the posts and brushing out of Price Park beach to make it more accessible to the many people that use the park for swimming. K. Wilde will investigate the fencing at Little League Park.

It was moved and seconded that the Parks Commission recommend that CVRD Parks' staff investigate the beaches at Price Park with the intent of doing minimal clearing of rosehips and alder to enhance the swimming area while keeping in mind the riparian area.

MOTION CARRIED

4. Parks Walkabout ~ the Commission agreed M. Stewart would contact them with a date when she returned from Ontario; D. Charney, G. Thom, and K. Wilde expressed an interest in participating

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, {Sub (1) (e)} Land Acquisition/Disposition.

MOTION CARRIED

It was moved and seconded that the Commission rise without report.

MOTION CARRIED

ADJOURNMENT:

The meeting was adjourned at 8:15 pm