



C·V·R·D

## NOTICE OF ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday,  
June 15, 2010  
Regional District Board Room  
175 Ingram Street, Duncan, BC

3:00 pm

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	Tuesday, July 6, 2010	
<b>14.</b>	<b><u>ADJOURNMENT</u></b>	

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

Director B. Harrison  
Director K. Cossey  
Director I. Morrison

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

Director L. Iannidinardo  
Director L. Duncan  
Director M. Dorey

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, June 1, 2010 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

**PRESENT**

Director B. Harrison, Chair  
 Director M. Marcotte, Vice Chair  
 Director K. Kuhn  
 Director I. Morrison  
 Director M. Dorey  
 Director L. Duncan  
 Alt. Director John Krug  
 Alt. Director G. Gutensohn  
 Alt. Director L. Heinio  
 Absent Director K. Cossey, Director G. Giles, Director L. Iannidinardo

**CVRD STAFF**

Tom Anderson, General Manager  
 Rob Conway, Manager  
 Mike Tippet, Manager  
 Brian Farquhar, Parks and Trails Manager  
 Jill Collinson, Planning Technician  
 Brian Duncan, Chief Building Inspector  
 Cathy Allen, Recording Secretary

**APPROVAL OF AGENDA**

The Chair noted changes to the agenda which included adding five listed New Business items, and one additional New Business item.

It was Moved and Seconded  
 That the agenda, as amended, be accepted.

MOTION CARRIED

**M1 - MINUTES**

It was Moved and Seconded  
 That the minutes of the May 18, 2010, EASC meeting, be accepted.

MOTION CARRIED

**BUSINESS ARISING**

There was no business arising.

## DELEGATIONS

### D1 – Weaver

Lynn Weaver was present on behalf of the Matoto Multicultural Arts Society to request CVRD support to hold the SLAM Street Festival in Shawnigan Lake Village on September 18, 2010.

Ms. Weaver advised that the Ministry of Transportation and Infrastructure requires approval from the CVRD before a permit is issued for a street closure and noted that the road closure will occur from 11:00 am to 7:00 pm.

The Committee directed questions to the delegate.

It was Moved and Seconded

That the Cowichan Valley Regional District support the SLAM Street Festival proposed by the Matoto Multicultural Arts Society in Shawnigan Lake Village on September 18, 2010.

### MOTION CARRIED

### D2 – Grisdale/ Grondin

Jill Collinson, Planning Technician, presented Application No. 1-A-10DVP (Grisdale/Grondin) to vary the setback to front parcel line by 3.0 metres to allow construction of an addition to existing dwelling at 2581 Partridge Road. It was noted that no comments have been received from adjacent property owners.

David Grisdale, applicant, was present.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Application No. 1-A-10DVP by David Grisdale and Isabel Grondin for a variance to Section 8.4.A(b)(3) of Zoning Bylaw No. 2000 to decrease the setback to the front parcel line from 7.5 metres to 4.5 metres, and to decrease the setback to the side exterior parcel line from 4.5 metres to 3.18 metres on Lot 1, District Lot 18, Malahat District, Plan 21362 (*PID 002-706-849*), be approved, subject to a legal survey confirming compliance with approved setbacks.

### MOTION CARRIED

### D3 - Fitzpatrick

Rob Conway, Manager, presented Application No. 5-D-09DP/VAR (Fitzpatrick) to rebuild a stilt home at 1781 Cowichan Bay Road, in accordance with the Cowichan Bay Village DPA.

Peter Fitzpatrick, applicant, was present.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

1. That Application No. 5-D-09DP/VAR by Peter Fitzpatrick for a development permit on District Lots 199 and 200, Cowichan District, for the construction of a dwelling be approved, subject to:
  - a) Construction in strict compliance with the attached plans by Pacific West Home Design Ltd., dated May 26, 2010,
  - b) Construction in compliance with the recommendations and mitigation measures specified by the Cowichan Estuary Environmental Management Committee, and the Castor Consultants report, dated October 9, 2009,
  - c) That non-combustible building materials be used for the platform supports, deck and building sides of the proposed structure,
  - d) That the underside of the floor system be constructed at 2.95 metre elevation, and that approval from a geotechnical engineer is required prior to building permit to ensure the proposal is safe for the intended use.
2. And that the following variances be granted regarding Application No. 5-D-09DP/VAR:
  - a) Relax Section 12.7 (b)(3) of Zoning Bylaw 1015 to reduce the front parcel line from 7.5 metres to zero, the west and east side parcel lines from 1.5 metres to zero to allow for construction of the deck, and
  - b) Relax Section 4.1 of Off-street Parking Bylaw No. 1001 to reduce the number of required off-street parking spaces for a single family home from two to zero.

MOTION CARRIED

**D4 - Koutougos**

Rob Conway, Manager, presented Application No. 3-A-09RS (Koutougos) to create a new residential duplex zone and rezone the property located at 2691 Mill Bay Road from R-3A to the new zone.

The Committee directed questions to staff.

It was Moved and Seconded

1. That the draft OCP amendment bylaw respecting Application No. 3-A-09RS (Koutougos) be amended by deleting the words "It is recommended that" under #2 of the Duplex Development guidelines; and that the draft amendment bylaws (as amended) be referred to the Regional Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> readings.
2. That the following be provided prior to a public hearing:
  - Draft Section 219 Covenant which requires the appropriate disposal of invasive plants, roots systems and soil of affected areas, under the direction of a qualified invasive plant species biologist, prior to the development of the land.
  - Draft Section 219 Covenant which requires a 3 metre wide trail dedication along Mill Bay Road.

3. That a public hearing be scheduled with Directors Harrison, Morrison and Giles appointed as Board delegates.
4. That application referrals to the Ministry of Transportation and Infrastructure, Malahat First Nation, Mill Bay Waterworks, Mill Bay VFP, School District No. 79, the Vancouver Island Health Authority, the Ministry of Community and Rural Development, the CVRD's Parks, Recreation and Culture Department, and Engineering and Environmental Services Department, be accepted.

MOTION CARRIED

**D5 - Thom**

Gerald Thom, was present as a taxpayer, and as a member of the Area I APC, the Cowichan Lake and River Stewardship Group, and Cowichan Stewardship Roundtable, regarding concern of development of F-1 lands west of Youbou. The concern is that F-1 lands are being sold as group purchases and used as recreation lots.

Mr. Thom stated that recreation is not a permitted use in the F-1 zone and wants CVRD staff to enforce the zoning, and also stated that there has been serious destruction of riparian areas.

Director Kuhn confirmed the concerns of the delegate and stated he is in favour of moving forward with enforcement and appropriate action.

Mr. Anderson, General Manager, also confirmed the problems and noted that Real Estate agencies need to be reminded of CVRD regulations. He stated that direction is required for staff to investigate the matter further after which a report could be brought back to Committee with options.

General discussion ensued.

It was Moved and Seconded

That the matter respecting F-1 zoned lands in Area I be referred to Closed Session.

MOTION CARRIED

**SR1 – Release of  
Covenant**

It was Moved and Seconded

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to release Covenant EV117674 in favour of the Cowichan Valley Regional District, concurrent with the registration of the subdivision of District Lot 151, Malahat District (PID 002-019-817).

MOTION CARRIED

**SR2 – Youbou Lands** Rob Conway, Manager, reviewed Staff Report dated May 25, 2010, regarding Youbou Lands Rezoning draft covenants.

It was Moved and Seconded  
That Staff Report dated May 25, 2010, from Rob Conway, Manager, regarding Youbou Lands rezoning – draft covenants, be received and filed.

MOTION CARRIED

**APC**

**AP1 & AP2 - Minutes** It was Moved and Seconded  
That the minutes of the Area A APC meeting of May 11, 2010, and the minutes of the Area B APC meeting of May 5, 2010, be received and filed.

MOTION CARRIED

**CORRESPOND-  
ENCE**

**C1 – Grant in Aid** It was Moved and Seconded  
That a grant in aid (Area E) be given to Cowichan Station Area Association in the amount of \$2000 to assist with repair and restoration costs for the Cowichan Station train station.

MOTION CARRIED

**PARKS**

**PK1 - Minutes** It was Moved and Seconded  
That the minutes of the Area E Parks Commission meeting of April 29, 2010, be received and filed.

MOTION CARRIED

**NEW BUSINESS**

**NB1 – D1 Add-on** Add-on information (SLAM Festival web site) for agenda item D1 regarding Shawnigan Lake Street Festival.

**NB2 - Delegation** NB2 dealt with as new agenda item D5 (Gerald Thom).

**NB3 – RONA bike tour**

Brian Farquhar, Parks and Trails Manager, reviewed Staff Report dated June 1, 2010, from Tanya Soroka, Parks and Trails Planner, regarding 10<sup>th</sup> Annual RONA MS Bike Tour.

It was Moved and Seconded

That the application from the MS Society of Canada to hold their 10<sup>th</sup> annual RONA MS Bike Tour event on August 14<sup>th</sup> and 15<sup>th</sup> in the Cowichan Valley, including having a rest stop in West Shawnigan Lake Park and a lunch stop in Hecate Park, be approved, subject to the following conditions:

1. Proof of a minimum \$2 million liability insurance coverage be provided by the organizers which covers the event and also includes the CVRD as an additional insured;
2. A Course Marshall Plan is submitted prior to the event for CVRD review and approval;
3. Confirmation that there will be appropriate flag persons at all road crossings along sections around West Shawnigan Lake Park and Hecate Park in Cowichan Bay.

MOTION CARRIED

**NB4 – Teresen Gas**

Brian Farquhar, Parks and Trails Manager, reviewed Staff Report dated June 1, 2010, from Ryan Dias, Parks Operations Superintendant, regarding Teresen Gas Utility through Hollings Creek Park.

It was Moved and Seconded

1. That the request from the Developer of Briarwood Green for installation of a Terasen gas service adjacent existing water and sewer utilities previously authorized by the CVRD Board through Hollings Creek Park in Electoral Area A, be approved.
2. That the Board Chair and Corporate Secretary be authorized to execute the necessary legal land registration documents as required in favour of Terasen Gas for a utility gas corridor through Hollings Creek Park for the gas service.

MOTION CARRIED

**NB5 – Parks Minutes**

It was Moved and Seconded

That the minutes of the Area D Parks Commission meeting of May 17, 2010, be received and filed.

MOTION CARRIED



**NB6 - Conferences**

Mr. Anderson reviewed the list of Directors who have requested to attend the Building Sustainable Communities conference in Kelowna in November. Director Marcotte and Morrison noted that they had also requested to attend so requested that their names be added to the list.

It was also confirmed that Directors Duncan, Marcotte, Harrison and Dorey have requested to attend the next FCM conference.

**CLOSED SESSION**

It was Moved and Seconded

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

MOTION CARRIED

The Committee moved into Closed Session at 4:07 pm.

**RISE**

The Committee rose without report

**AJDOURNMENT**

It was Moved and Seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 4:27 pm.

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Chair

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Recording Secretary

D1

## Request to Appear as a Delegation

### Meeting Information

Request to Address:\*

☐ CVRD Board

☒ Committee

If Committee, specify the Committee here:\*

Regional Services Committee → EASC

Meeting Date:\* 06/23/10

Meeting Time:\* 6pm

### Applicant Information

Applicant Name: Roger van Nieuwkerk

Representing: Cowichan Bay Petition for affordable access to the (Name of organization if applicable)

As: the coordinator (Capacity / Office)

Number Attending: 8

### Applicant Contact Information

Applicant Mailing Address: 1675 Glen Rd

Applicant City: Cowichan Bay

Applicant Telephone: 250-715-8740

Applicant Fax:

Applicant Email: vannieuwkerk@telus.net

### Presentation Topic and Nature of Request:

Hello,

Our group has collected in excess of 500 signatures of area D residents who wish to contribute \$22-\$27/\$100,000 of assessed property value through taxation immediately in return for regular access to the cowichan aquatic center and its program offerings vs. the current punitive structure that is in place.

#### Nature of Request:

1. to present our signatures to the regional services committee illustrating that area D is essentially divided on this important issue, thus it is worthy of a referendum to democratically resolve it.

2. To have 5 minutes on the agenda to speak on the subject and 5-10 minutes to exchange comments. As a meeting outcome, we would appreciate a commitment from the committee to formally respond to our request in a timely fashion.

Regards,

Roger van Nieuwkerk  
petition coordinator



D2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 15, 2010

**DATE:** June 8, 2010 **FILE NO:** 2-G-10DVP  
**FROM:** Jill Collinson, Planning Technician **BYLAW NO:** 2524  
**SUBJECT:** Development Variance Permit Application No. 2-G-10DVP  
(Kevin Lamont)

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#### **Recommendation:**

That the application by Kevin Lamont for a variance to Section 5.3(4) of Zoning Bylaw No. 2524, decreasing the setback of the rear parcel line from 7.5 metres to 1.5 metres, **be approved**, subject to the applicant providing a survey confirming compliance with approved setbacks.

#### **Purpose:**

To consider an application to relax the setback to the rear parcel line for an accessory building.

#### **Background**

Location of Subject Property: 11024 Chemainus Road

Legal Description: Lot 1, District Lot 34, Oyster District, Plan 24772 (PID 002-821-362)

Date Application and Complete Documentation Received: April 9<sup>th</sup>, 2010

Owner: Scott Lamont

Applicant: Kevin Lamont

Size of Parcel: 0.62 acre (2521sq.m)

Zoning: R-2

Setback Permitted by Zoning: 7.5 metres from rear parcel line

Proposed Setback: 1.5 metres from rear parcel line

Existing Plan Designation: Suburban Residential

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North: Residential (R-3)  
 South: Residential (R-2)  
 East: Residential (R-2)  
 West: Residential (R-2)

Services:

Road Access: Chemainus Road  
Water: Saltair Water System Service  
Sewage Disposal: Septic Field

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: None identified

Archaeological Site: None identified

**The Proposal:**

An application has been made to: vary Section 5.3(4) of Zoning Bylaw No. 2524 of Electoral Area G – Saltair.

For the purpose of: issuing a Development Variance Permit for construction of an accessory building located 1.5 metres from the rear parcel line.

**Planning Division Comments:**

The subject property is a corner lot located at 11024 Chemainus Road in Electoral Area G, Saltair. This 0.62 acre property is flat, predominantly lawn, with a large cedar hedge bordering to Porter Road. As it is adjacent to both Chemainus Road and Porter Road, clarification of the front parcel line is necessary. The shortest parcel boundary contiguous with a road is specified in the Zoning Bylaw 2524 as the front parcel boundary. In this case, the boundary along Chemainus Road is noted as the front parcel line, resulting in the most opposite parcel boundary defined as the rear parcel line.

Currently there is a single family dwelling located on the subject property. The applicants are proposing to construct a new garage on the northwest corner of the lot. A Development Variance Permit is required as the applicants are requesting to vary the setback to the rear parcel line, by 6 metres, from 7.5 metres to 1.5 metres. The R-2 zone in Area G has the largest setback to the rear parcel line of any residential zone in the CVRD. In most other single-family residential zones the rear parcel line setback is 4.5 metres, rather than 7.5 metres

The applicants are requesting the variance to the rear parcel line as abiding by the 7.5 metre setback would situate the proposed garage on top of their existing driveway. Siting the proposed garage immediately east of the driveway would place it on top of the septic area and siting it in the north eastern corner of the lot is not permissible as the garage would then be situated within the site triangle of Chemainus Road and Porter Road. The applicants could move the proposed siting for the garage to the southwest corner of the lot but a variance would still be required due to the existing home's patio and driveway. There is a large cedar tree located approximately 5 metres away from the proposed garage location. The applicants will be removing this tree prior to construction.

The applicants have indicated that the proposed garage siting provides a safe turn-a-round area which permits easy garage access for their boat. The applicants would also like to leave as large of an undisturbed yard area as possible. The neighbouring home, at 11014 Chemainus Road, is not situated near applicant's rear parcel line and has written a letter in support of the proposed 6.0 metre variance.

Staff is recommending approval of the 6.0 metre variance to permit siting of the garage 1.5 metres from the rear parcel line. Staff would prefer a lesser variance request to comply with the intent of the bylaw but acknowledge that the benefit is negligible. The constraints of the present driveway, existing septic field area, and avoidance of the site triangle result in a Staff recommendation for approval.

#### **Surrounding Property Owner Notification and Response:**

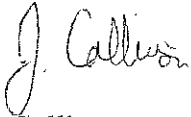
A total of twenty (20) letters were mailed-out or hand delivered, as required pursuant to CVRD Development Application and Procedures and Fees Bylaw No. 3275. The notification letter described the purpose of this application and requested comments regarding this variance. To date we have received two letters in support of the variance, including one from the immediate neighbour at 11014 Chemainus Road.

#### **Options:**

1. That the application by Kevin Lamont for a variance to Section 5.3(4) of Zoning Bylaw No. 2524, decreasing the setback of the rear parcel line from 7.5 metres to 1.5 metres, **be approved**, subject to the applicant providing a survey confirming compliance with approved setbacks.
2. That the application by Kevin Lamont for a variance to Section 5.3(4) of Zoning Bylaw No. 2524, decreasing the setback of the rear parcel line from 7.5 metres to 1.5 metres, **be modified to a 4.5 metre setback**, subject to the applicant providing a survey confirming compliance with approved setbacks.
3. That the application by Kevin Lamont for a variance to Section 5.3(4) of Zoning Bylaw No. 2524, decreasing the setback of the rear parcel line from 7.5 metres to 1.5 metres, **be revised** to comply with existing setbacks.

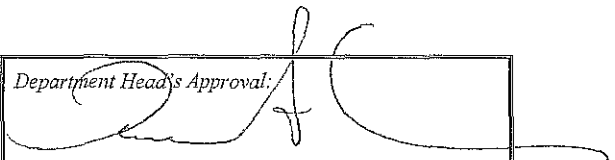
Option 1 is recommended.

Submitted by,



Jill Collinson,  
Planning Technician  
Development Services Division  
Planning and Development Department

JC/ca

Department Head's Approval:

Signature



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 2-G-10 DVP (DRAFT)

DATE: JULY XX, 2010

TO: SCOTT LAMONT c/o KEVIN LAMONT

ADDRESS: 11024 CHEMAINUS ROAD

LADYSMITH BC VOR 2E0

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 (legal description):

*Lot 1, District Lot 34, Oyster District, Plan 24772*

*(PID 002-821-362)*

3. Zoning Bylaw No. 2542, applicable to Section 5.3(4) is varied as follows:  
the setback for a rear parcel line is decreased from 7.5 metres to 1.5 metres, subject to the applicant providing a survey confirming compliance with the approved distance.

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 and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

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 Development Services Department.

6. AUTHORIZING RESOLUTION NO. xxxx PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 14<sup>th</sup> DAY OF JULY 2010.

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**Tom Anderson, MCIP**  
**General Manager, Planning and Development Department**

**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.**

**NOTE:**

**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 KEVIN LAMONT other than those contained in this Permit.**

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**Signature**

---

**Witness**

---

**Owner/Agent**

---

**Occupation**

---

**Date**

---

**Date**





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.

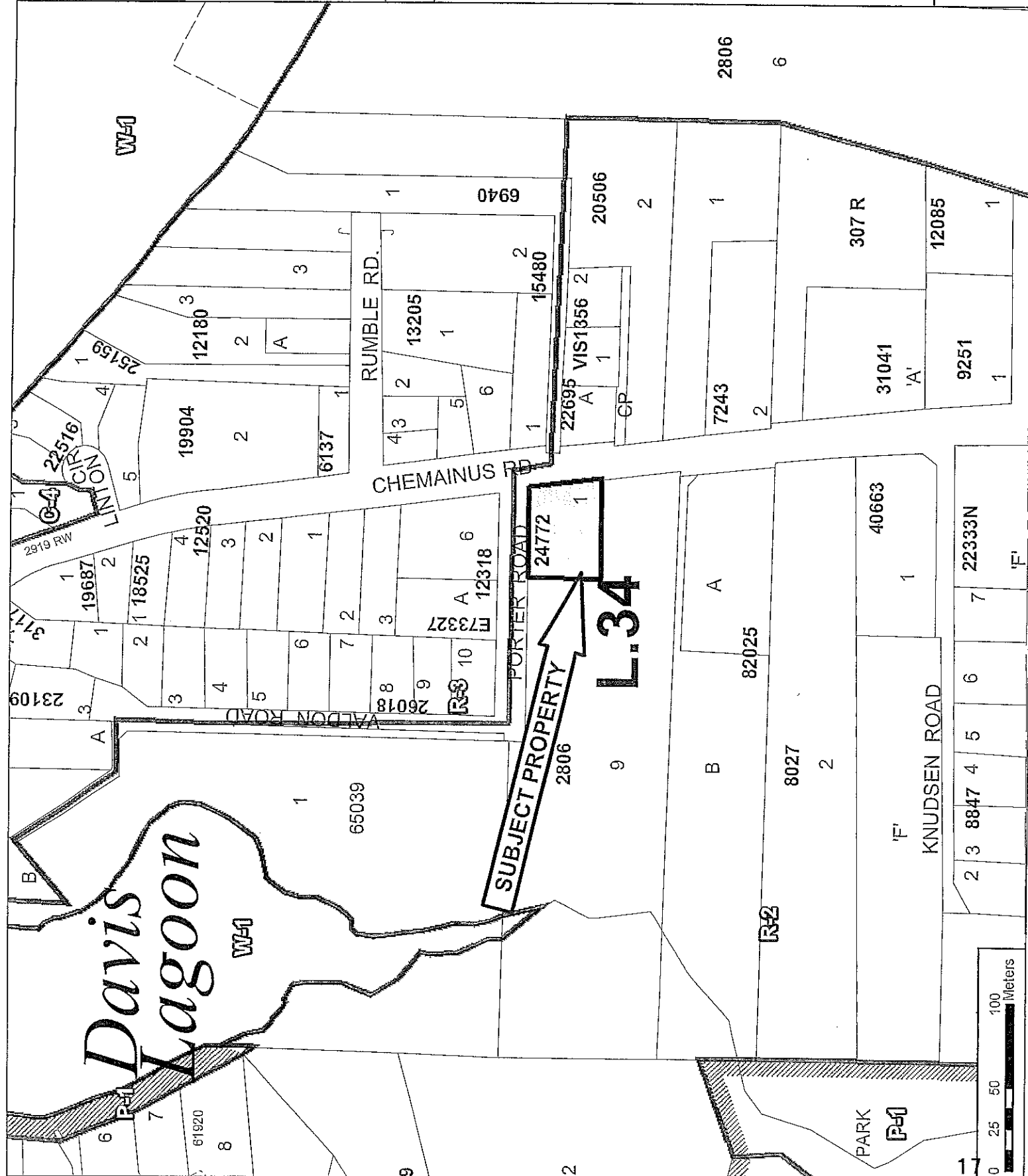
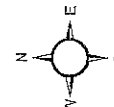
FILE: 2-G-10  
-DVP

# ZONING

Legend



Subject Property  
Zoning Electoral Area G



Lot 1, District Lot 34, Oyster

District, Plan 24772.

All distances are in metres.

Porter Road

Chemainus Road

Lot 1

1

CEDAR HEDGE

4.496 (14'9")

9.801 (31'6")

NEW DRIVEWAY

UPPER DRIVEWAY (EXISTING)

LOWER DRIVEWAY (EXISTING)

SEPTIC AREA

CONCRETE SLAB (EXISTING)

11024

RESIDENCE (EXISTING)

FENCED PATIO (EXISTING)

DECK (EXISTING)

North



KEVIN LAMONT  
BUILDING SPECIALIST  
LLOYDGE, B.C.  
PHONE 255-415-6539

PROJECT NAME:

PROPOSED GARAGE  
THE LAMONTS

DRAWING NAME:

SITE PLAN

SCALE: AS NOTED

FILE NAME: LAMONT

DRAWN BY: K.J.L.

DATE: JUNE 2010

DRAWING NO.

A1 of 3

Rem. Lot 9

Proposed  
Variance  
From 7.5m  
to 1.5m.

1.524 (5'0")

### 5.3 R-2 SUBURBAN RESIDENTIAL 2 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the R-2 Zone:

#### 1. Permitted Uses

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

(a) Single family dwelling;

The following accessory uses are permitted in the R-2 Zone:

(b) Restricted agriculture;

(c) Bed and breakfast accommodation;

(d) Home-based business;

(e) Secondary suite, on parcels 0.4 ha or larger in area;

(f) Residential day care centre;

(g) Buildings and structures accessory to a principal permitted use.

#### 2. Minimum Parcel Size

The minimum parcel size in the R-2 Zone is 1 hectare for parcels not connected to a community sewer system, and 0.4 hectare for parcels connected to a community sewer system.

#### 3. Number of Dwellings

Not more than one dwelling is permitted on a parcel under 0.4 hectare in area, that is zoned R-2. For parcels zoned R-2 that are 0.4 hectare in area or larger, one secondary suite is also permitted.

#### 4. Setbacks

The following minimum setbacks apply in the R-2 Zone:

Type of Parcel Line	Principal and Accessory Residential Use	Restricted Agricultural Use
Front parcel line	7.5 metres	30 metres
Interior side parcel line	3.0 metres	15 metres
Exterior side parcel line	4.5 metres	15 metres
Rear parcel line	7.5 metres	15 metres

#### 5. Height

In the R-2 Zone, the height of all principal buildings and structures shall not exceed 10 metres, and the height of all accessory buildings shall not exceed 6 metres, except in accordance with Section 3.8 of this Bylaw.

#### 6. Parcel Coverage

The parcel coverage in the R-2 Zone shall not exceed 25 percent for all buildings and structures.

#### 7. Parking

Off-street parking spaces in the R-2 Zone shall be provided in accordance with Section 3.13 of this Bylaw.

## **Jill Collinson**

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**From:** CVRD Development Services  
**Sent:** Friday, May 14, 2010 8:12 AM  
**To:** Jill Collinson  
**Subject:** FW: 2-G-10VP (Lamont)

---

**From:** Rheta Lamont [mailto:rlamont@telus.net]  
**Sent:** Thursday, May 13, 2010 8:46 AM  
**To:** CVRD Development Services  
**Subject:** 2-G-10VP (Lamont)

As the only owners of adjacent property we have no objections to the Development Variance applied for at 11024 Chemainus Road.

## **Jill Collinson**

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**From:** CVRD Development Services  
**Sent:** Friday, May 14, 2010 8:13 AM  
**To:** Jill Collinson  
**Subject:** FW: 2-G-10-DVP(Lamont)

---

**From:** Rheta Lamont [mailto:rlamont@telus.net]  
**Sent:** Thursday, May 13, 2010 9:15 AM  
**To:** CVRD Development Services  
**Subject:** 2-G-10-DVP(Lamont)

Pursuant to our earlier e-mail I forgot to sign our names.  
James & Rheta Lamont  
11014 Chemainus Road  
Ladysmith, BC  
V9G 1Z2  
Telephone (250)245-3487

## Jill Collinson

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**From:** CVRD Development Services  
**Sent:** Friday, June 04, 2010 8:32 AM  
**To:** Jill Collinson  
**Subject:** FW: 2g10SDVP

---

**From:** mo [mailto:mibeardsley@shaw.ca]  
**Sent:** Thursday, June 03, 2010 8:25 PM  
**To:** ds@cprd/bc/ca; CVRD Development Services  
**Subject:** re: 2g10SDVP

RE: Kevin Lamont  
Request to exceed variance for garage.

Dear Ms. Collision

As per our conversation on the phone this afternoon I am  
forearding this email to let you know I approve of the garage  
variance. Thanks for your help

Your truly

Maureen Beardsley  
phone 245 9542  
postal: 11021 Chemainus Road  
Ladysmith B.C. V9G 1Z2



D3

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 15, 2010

**DATE:** June 8, 2010 **FILE NO:** 1-E-10 DVP  
**FROM:** Alison Garnett, Planning Technician **BYLAW NO:** 1840  
**SUBJECT:** Development Variance Permit Application 1-E-10 DVP  
(Reinhold Gerz)

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#### **Recommendation:**

That the application by Reinhold Gerz (1-E-10 DVP) be approved, and the setback of an accessory building on Lot 1, Section 9, Range 9, Sahtlam District, Plan 19055 except parts in Plan 23851, 24796, 26014 and VIP 54052, be relaxed from 7.5 metres to 3.7 metres, subject to:

- a survey confirming compliance with the approved setback prior to issuance of building permit,
- the applicant obtaining a permit from the Ministry of Transportation and Infrastructure for construction within a road setback.

#### **Purpose:**

To consider an application to vary the front yard setback from 7.5 metres to 3.7 metres, to allow construction of an accessory building.

**Financial Implications:** N/A

#### **Interdepartmental/Agency Implications:**

Construction proposed within 4.5 metres of a road requires approval of the Ministry of Transportation and Infrastructure.

#### **Background:**

**Location of Subject Property:** 4332 Gerz Road

**Legal Description:** Lot 1, Section 9, Range 9, Sahtlam District, Plan 19055 except parts in Plan 23851, 24796, 26014 and VIP 54052 (PID 003-700-402)

**Date Application and Complete Documentation Received:** March 18, 2010

**Owner:** Reinhold Gerz

**Applicant:** As above

**Size of Lot:** 1.6 ha

Existing Zoning: A-2 (Secondary Agriculture)

Minimum Lot Size Under Existing Zoning: 2 ha

Existing Plan Designation: Agriculture

Existing Use of Property: Residential

Existing Use of Surrounding Properties:

North:	Residential
South:	Cowichan Lake Road and Agriculture
East:	Residential
West:	Residential

Services :

Road Access:	Gerz Road
Water:	On site
Sewage Disposal:	On site

Agricultural Land Reserve Status: Out

Environmentally Sensitive Areas: Inwood creek travels across the subject property, however the proposed building is located approximately 81 metres from the watercourse.

Archaeological Site: None have been identified.

### **The Proposal:**

The subject property is zoned A-2 (Secondary Agriculture) and is located at the intersection of Gerz Road and Cowichan Lake Road, near the Sahtlam Fire Hall. Currently located on the lot is a single family residence. Although the property is 1.6 ha in size, Inwood creek occupies a large portion of the lot, and residential activity is concentrated close to Gerz Road. The property slopes from Gerz Road towards Inwood creek, and a lock block retaining wall has been built (as shown on the attached plan) to level out the driveway area. The applicant proposes to construct a 50 m<sup>2</sup> utility shed, located between the road and the retaining wall. The applicant is requesting to relax the setback to the front parcel line from 7.5 metres to 3.7 metres, in order to locate the building on a level area and in close proximity to the house.

In staff's opinion, there would be a low impact on adjacent property owners as a result of this setback relaxation. Lots in the vicinity are small, and residential construction is focused close to the roads, so this proposed building location would be consistent with development in the area. The Ministry of Transportation and Infrastructure's (MOTI) interests may be affected, and the applicant has submitted the necessary application to MOTI, as required when construction is being proposed within 4.5 metres of a road. Staff expect a response from MOTI in the near future, and recommend that approval by the CVRD Board be subject to receipt of the necessary MOTI permit.

**Surrounding Property Owner Notification and Response:**

A total of 20 letters were mailed out and/or otherwise hand delivered to adjacent property owners, as required 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 comments have been received.

**Options:**


1. That the application by Reinhold Gerz (1-E-10DVP) be approved, and the setback of an accessory building on Lot 1, Section 9, Range 9, Sahtlam District, Plan 19055 except parts in Plan 23851, 24796, 26014 and VIP 54052, be relaxed from 7.5 metres to 3.7 metres, subject to:
  - a survey confirming compliance with the approved setback prior to issuance of building permit,
  - the applicant obtaining a permit from the Ministry of Transportation and Infrastructure for construction within a road setback.
2. That the application by Reinhold Gerz (1-E-10 DVP) be denied.

Option 1 is recommended.

Submitted by,



Alison Garnett,  
Planning Technician  
Planning and Development Department

Department Head's Approval: 
Signature

AG/ca





COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

NO: 1-E-10 DVP

DATE: June 8, 2010

TO: Reinhold Gerz DRAFT

ADDRESS: 4365 Cowichan Lake Road

RR 2, Duncan BC V9L 1N9

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 (legal description):  
*Lot 1, Section 9, Range 9, Sahtlam District, Plan 19055 except parts in Plan 23851, 24796, 26014 and VIP 54052 (PID 003-700-402)*
3. Zoning Bylaw No. 1840, applicable to Section 7.6(b)(4), is varied as follows: The front yard setback for an accessory building is reduced from 7.5 metres to 3.7 metres.
4. The following plans and specifications are attached to and form a part of this permit.
  - Schedule A – Subject Property Sketch Plan, dated March 12, 2010.
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. 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 Development Services Department.

AUTHORIZING RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE  
COWICHAN VALLEY REGIONAL DISTRICT THE \_\_\_\_\_ DAY OF \_\_\_\_\_  
2009.

---

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

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Witness**

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

\_\_\_\_\_  
**Occupation**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**



Cowichan  
Valley  
Regional  
District

This map is compiled from  
various sources 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: 1-E-10  
-DVP

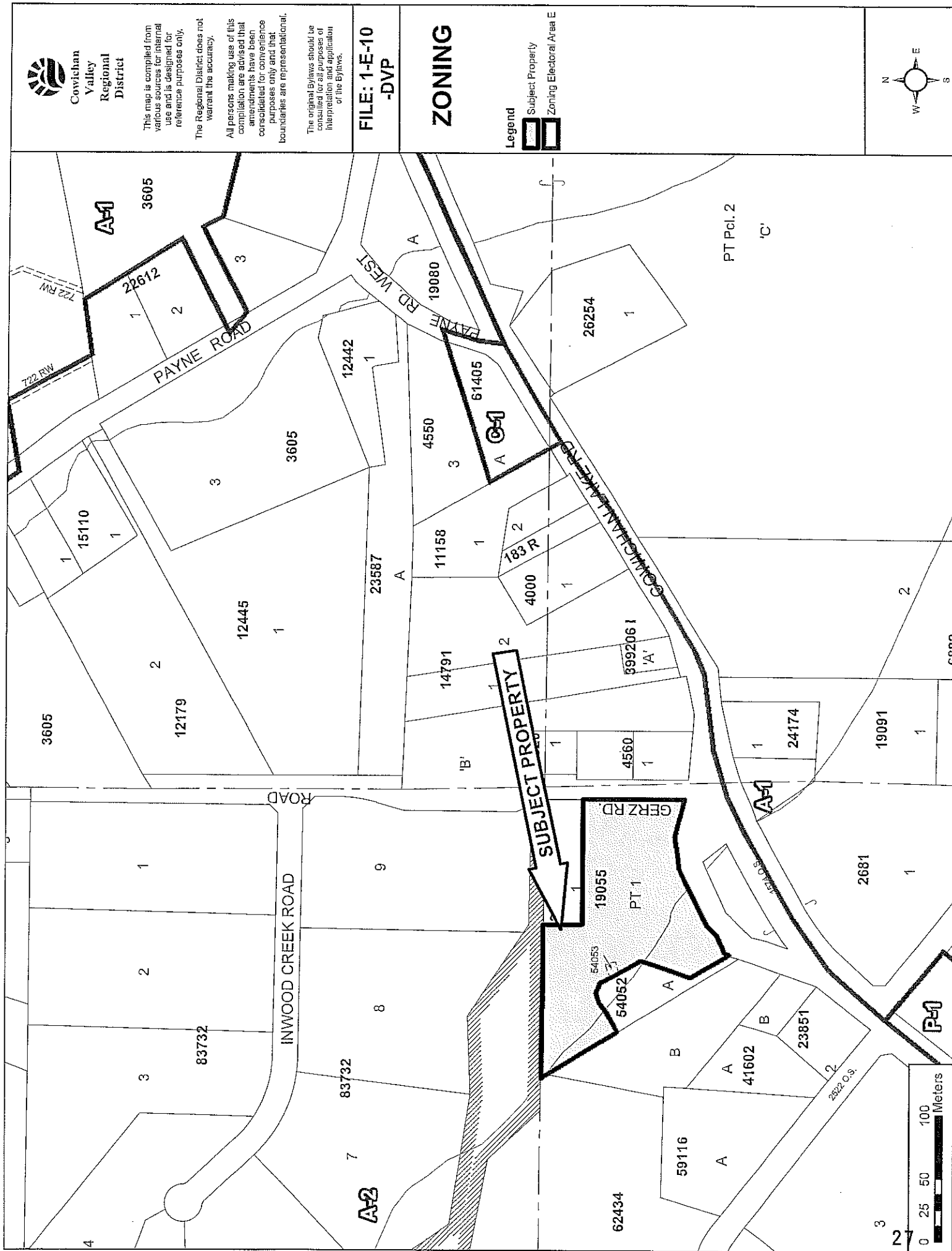
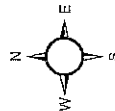
## ZONING

### Legend



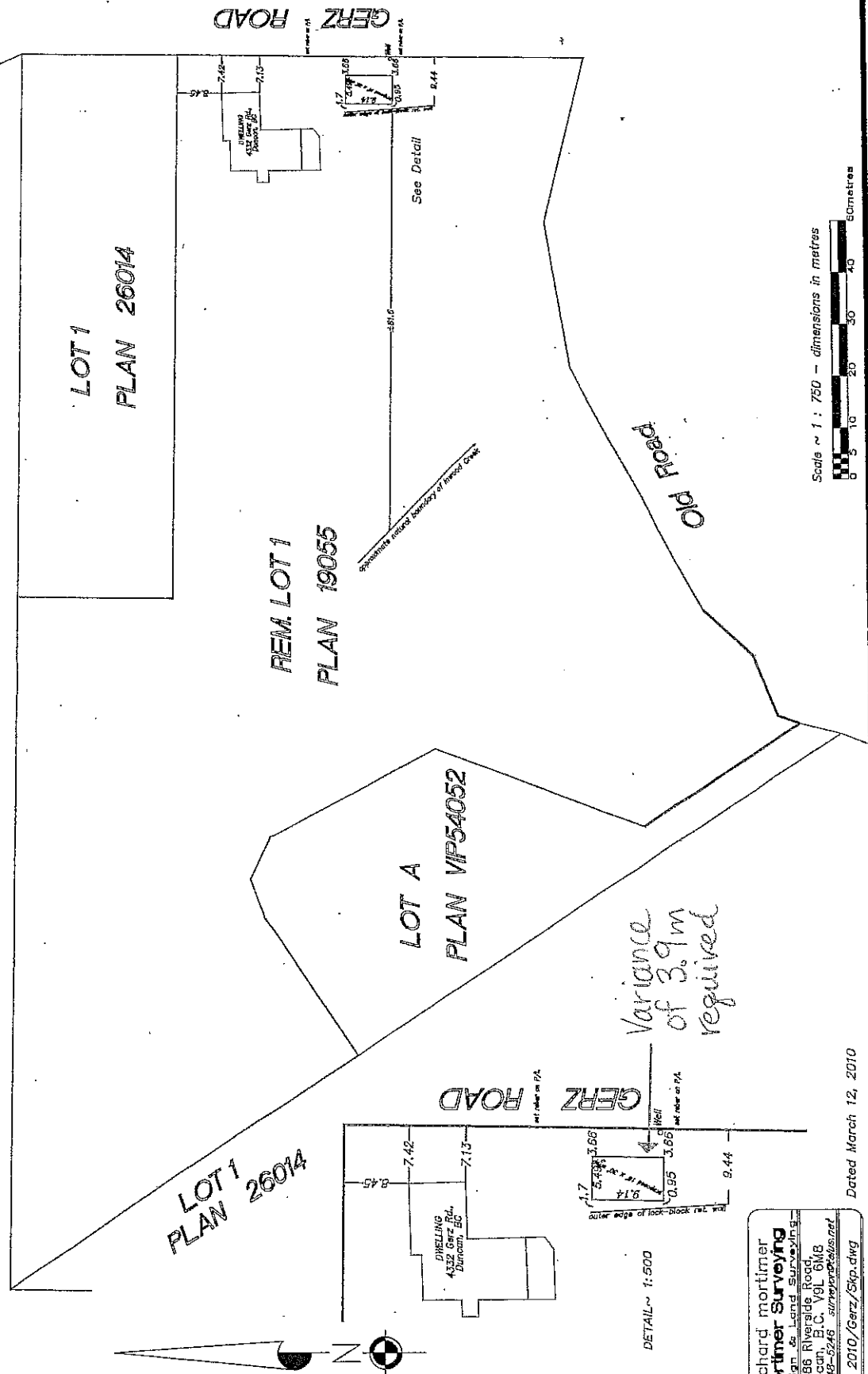
Subject Property

Zoning Electoral Area E



0 25 50 100 Meters

SKETCH PLAN SHOWING PROPOSED BUILDING LOCATION ON  
THE REMAINDER LOT 1, SECTION 9, RANGE 9, SAHTLAM DISTRICT PLAN 19055.



richard mortimer  
**Mortimer Surveying**  
—Design & Land Surveying—  
4386 Riverside Road,  
Duncan, B.C. V9L 6M8  
Tel: 748-5246 [survey@rtalus.net](mailto:survey@rtalus.net)  
File: 2010/Gerz/Skp.dwg

Dated March 12, 2010

## 7.6 A-2 ZONE - SECONDARY AGRICULTURAL

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*, *uses* permitted under Section 4.4, and no others are permitted in an A-2 zone:

- (1) *agriculture, horticulture, silviculture, turf farm\* and fish farm;*
- (2) *one single family dwelling;*
- (3) *a second single family dwelling on parcels six hectares or larger\*;*
- (4) *bed and breakfast accommodation\*;*
- (5) *daycare, nursery school accessory to a residential use\*;*
- (6) *home occupation\*;*
- (7) *sale of products grown and reared on the property;*
- (8) *small suite\* or secondary suite\*.*

\*use may require approval of Agricultural Land Commission

### (b) Conditions of Use

For any *parcel* in an A-2 zone:

- (1) the *parcel coverage* shall not exceed 30 percent for all *buildings* and *structures*;
- (2) notwithstanding 7.6(b)(1) *parcel coverage* may be increased by an additional 20% of the site area for the purpose of constructing greenhouses;
- (3) 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;
- (4) the minimum *setbacks* for the types of *parcel* lines set out in Column I of this section are set out for residential and *accessory uses* in Column II and for *agricultural uses* in Column III:

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

- (5) notwithstanding Section 7.6(b)(4), a *building* or *structure* used for the keeping of livestock shall be located not less than 30 metres from all *watercourses*, sandpoints or wells.

### (c) Minimum Parcel Size

Subject to Part 12, the minimum *parcel* size shall be 2 Ha.



**STAFF REPORT**

**ELECTORAL AREA SERVICES COMMITTEE  
OF JUNE 15, 2010**

**DATE:** June 9, 2010 **FILE No:** 5-A-09 DP  
**FROM:** Jill Collinson, Planning Technician **BYLAW No:** 2000  
**SUBJECT:** Development Permit Application No. 5-A-09DP  
(Tom Shadlock/Brentwood College)

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**Recommendation:**

That Development Permit Application No. 5-A-09 DP be approved and that the Planning and Development Department be authorized to issue a Development Permit to Brentwood College Association with respect to Lot A, Section 2 and 3, Range 9, Shawnigan District and District Lots 2067 and 2068 Cowichan District Plan EPP10, subject to the applicant submitting a detailed landscape plan and providing security in the form of an irrevocable letter of credit equivalent to 125% of the estimated cost of landscaping.

**Purpose:**

To construct a new Visual Arts Centre for Brentwood College School.

**Background:**

Location of Subject Property: 2735 Mt. Baker Road (private road)

Legal Description: Lot A, Sections 2 & 3, Range 9, Shawnigan District Plan and District Lots 2067 and 2068 Cowichan District, Plan EPP10 (PID: 027-684-393)

Date Application and Complete Documentation Received: November 5, 2009

Owner: Brentwood College Association

Applicant: Tom Shadlock

Size of Parcel:  $\pm$  18.5 hectares ( $\pm$ 45.7 acres)

Existing Zoning: P-1 Zone (Parks and Institutional)  
R3-A Zone (Urban Residential)

*NOTE: Area subject to construction is zoned P-1, therefore, all zoning information henceforth with pertain to P-1, unless otherwise stated*

Minimum Lot Size Under Existing Zoning:

- 1.0 hectares for parcels served by neither a community water or community sewer system;
- 0.4 hectares for parcels served by a community water system only; and
- 0.2 hectares for parcels served by a community water and a community sewer system.

Existing Plan Designation: Urban Residential

Existing Use of Property: Institutional: Private School including student and faculty accommodations.

Existing Use of Surrounding Properties:

North: Saanich Inlet  
 South: Residential (R3-A), Commercial (C-4)  
 East: Saanich Inlet  
 West: Residential (R-3), Commercial (C-2 & C-3)

Services:

Road Access: Mount Baker Road (private road)  
Water: Community Water System – Mill Bay Waterworks  
Sewage Disposal: Existing on-site sewage disposal

Agricultural Land Reserve Status: The subject property is not within the ALR.

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) identifies one stream planning area on the northern portion of the property as well as a non-TRIM stream, with possible fish presence, on the southern portion of the property. Shoreline sensitive areas are identified along the eastern property edge adjacent with Saanich Inlet.

Upon visiting the site, it was determined that the location of proposed construction is greater than 30m away from onsite streams, and at least 15m from Saanich Inlet.

Archaeological Sites: Two archaeological sites have been identified along the foreshore of the Saanich Inlet—one at the northwestern tip of the subject property, and another at the southeastern corner of the subject property (see attached).

In March of 2010, an Archaeological Impact Assessment (AIA) report was completed by Madrone Environmental Services. This AIA report indicated that there was no evidence of archaeological deposits or remains found at the proposed site of the new Visual Arts building. However, the report did indicate that future development occurring on any other portion of Brentwood College property should be discussed with a professional archaeologist (see attached).

### **The Proposal:**

An application has been made to the Regional Board to issue a Development Permit in accordance with Mill Bay Development Permit Area policies as found in the Official Community Plan (OCP) Bylaw No. 1890 for the purpose of constructing a new Visual Arts Centre for Brentwood College School.

### **Planning Division Comments:**

#### *Property Summary*

The subject property is located on the Brentwood College property on the east side of Mill Bay Road. The property currently encompasses academic buildings, playing fields and green space, student residences, the Gill Bunch Theatre, faculty accommodation, and associated parking and loading.

This proposal is to construct a Visual Arts Centre to replace the aging visual arts building and provide greater studio space. The applicant has indicated the existing two-level structure housing visual arts activities will remain intact with potential of becoming either an exam centre or boat storage facility.

The proposed building location for the new Visual Arts Centre is adjacent to the recently erected dining hall on the southeastern portion of the property and will link to the pedestrian spine that runs the length of campus. The new facility's lower level will house a pottery studio, sculpture studio and photography studio whereas the main level is predominately classrooms (see attached drawings). A bell tower will serve as an architectural highlight of the new building and will stand 16.75 metres in height.

The applicant requires a development permit prior to proceeding onward with this proposal as the subject property falls within the Mill Bay Development Permit Area.

#### *Mill Bay Development Permit Area*

Mill Bay Development Permit Area was established to guide form and character of new development in Mill Bay to ensure that development is aesthetically screened and landscaped. The guidelines were also established to protect the natural environment.

Highlighted below are the development permit guidelines along with information on how the development addresses the guidelines.



Please see attached Section 14.5.5 Mill Bay Development Permit Area Guidelines.

a) Services and Utilities

1. The applicant has an existing hydroxyl system with an aeration treatment plant and ocean outfall to treat on-site sewage. During construction the applicant will ensure that the existing sewer system remains in use.
2. Stormwater for the proposed development will use existing outfalls located onsite (see attached plan). The applicant has indicated that an underground stormwater retention structure may be implemented to allow for rainwater harvesting and reuse.
3. The subject property is serviced by Mill Bay Waterworks and as such water will not be drawn from Shawnigan or Hollings Creeks.
4. No water laden land or unstable soil subject to degradation has been identified on the subject property
5. Drainage facilities shall divert away from identified hazardous lands.

b) Vehicular Access

1. Vehicle access will be provided from a private road owned by the college (named Mt. Baker Way). The subject property is located within 800 m from the Trans Canada Highway and the applicant has not proposed any new access points.
2. There is only one access to Brentwood College School and it is located on the west side of the subject property. Vehicular access to the proposed Visual Arts Centre will be on the north side of the building near the existing William T. Ross Academic Centre for Administration and Admissions.
3. Not applicable
4. Not applicable

c) Vehicular Parking

As the new building will not increase enrollment at Brentwood College School, no new parking areas are proposed. Existing parking is approximately 300 metres southwest of the proposed Visual Arts Centre and is accessible via an established walkway.

d) Pedestrian Access

The new facility will tie into the existing pedestrian corridor on campus. Pedestrian routes on campus are clearly defined.

e) Landscaping

The development permit may specify the amount and location of tree and vegetation cover to be planted or retained. Brentwood College's landscaping philosophy includes the use of native, drought tolerant and deer resistant plantings. Three trees are to be removed from the site. The applicants will be planting of 12 ornamental deciduous trees, but have not indicated the species. Surrounding the proposed Visual Arts Centre will be a mixture of garden beds and grasses adjacent to the building, however the applicant has not formally indicated where or the proposed species of plants. Green space south of the proposed Visual Arts Centre is secured under LEED requirements for a

previously constructed building. The applicant currently has no formal landscape plan but has provided a conceptual landscape plan (see attached). They have also provided for review photographs of typical existing landscaped garden beds and have indicated that future landscaping will be similar to existing (see attached photographs).

f) Signage

The applicant has indicated that upon completion internal campus way finding signage will be accordingly distributed. As new signage will be similar to existing, attached for review are examples of current signage found on campus.

g) Lighting

Pathways to the proposed building location will utilize existing bollard lighting for pedestrian traffic as additional street or bollard lighting will be added (see attached plan). Exterior lights will be mounted on the proposed building to provide pedestrian safety and satisfy building regulations.

h) Overhead Wiring

Service wiring will be underground.

i) Building Design

The proposed new Visual Arts building will define the quadrangle at the southern end of campus. The applicant has indicated that the building design will respect that of neighbouring buildings and be based on sound design principles. Materials will include brick cladding, standing seam metal roofing, glass and accent timber elements. The applicant has indicated that the Visual Arts Centre materials are to match the design of the T.Gil Bunch Centre. Attached are building plans, and watercolour renderings for the proposed development.

j) Development Adjacent to Environmentally Sensitive Areas and Hazardous Lands

1. Wheelbarrow Creek and a small unnamed tributary stream are located on the southern portion of the subject property. Upon the site visit, it was determined that location of proposed construction is greater than 30m away from onsite streams, thus a Riparian Areas Assessment is not required.

Saanich Inlet is east of the subject property. To facilitate protection of the ocean shoreline, the Official Community Plan Policy 3.3.2(a) recommends a 15 metre setback. Zoning Bylaw No. 985 stipulates a 15 metre setback from the high watermark.

2. The applicant has indicated no net increase in runoff will result from this development. However, an engineer's report has yet to be submitted to confirm this.
3. No disturbance to the shoreline is proposed. Thus, the ocean shoreline and bank will not be affected by this development as proposed construction adheres to the 15 metre minimum setback from a watercourse.

4. As the area of development is currently lawn, protection of sensitive and native plant communities is not applicable.

*k) Timing of Development on Land*

The development permit may specify the sequence and timing of development on the land. The applicant has indicated that it is preferred that construction begins late spring, early summer of 2010.

*l) Siting of Buildings and Structures*

The proposed building will conform with setbacks outlined within the P-1 zone in Zoning Bylaw No. 2000.

*m) Riparian Areas Regulation Guidelines*

A Riparian Areas Assessment report is not necessary as development is not within 30 metres of a stream or lake.

**APC Comments:**

The Electoral Area A Advisory Planning Commission met on February 9th, 2010 and they discussed this application at that time. Tom Shadlock and Clyde Ogilvie presented an overview and answered questions about the proposed new Visual Arts Centre for Brentwood College School. The Advisory Planning Committee submitted to us the following comments and recommendation:

***The APC had the following questions and concerns:***

- *Size of tower-not more than 3 storeys will house chimney for boilers and air conditioning inside the tower.*
- *Bell in tower-not sure if a bell will be part of the tower, if hung it will not ring*
- *Drainage-no engineer report yet-OPUS will meet requirements*
- *Existing space in geothermal loop, if not enough, will use high efficiency gas boilers*
- *Landscape plan will be developed to ensure a "greens common area" to meet Brentwood donor expectations*
- *Concern of that the three mature large trees will be cut down. Brentwood advised that they would not survive if left in place due to disruption of the area*

***APC Recommendations:***

- 1) Tower bell be kept to the minimum necessary to house the chimney and bell or clock*
- 2) Bell will not ring*

**Additional Staff Comments**

CVRD Staff are supportive of recommendations from the February 9<sup>th</sup> APC meeting and have incorporated them as conditions of the Development Permit. Since this application was submitted to APC, the applicant has provided detailed building plans for consideration. Staff has repeatedly asked for a formalized landscaping plan that the applicant has yet to submit. The applicant has provided a conceptual landscape plan and photographs of landscaping around

campus for consideration; however these documents are too conceptual to allow for specific landscaping to be required through the development permit.

**Options:**

1. That Development Permit Application No. 5-A-09 DP be approved and that the Planning and Development Department be authorized to issue a Development Permit to Brentwood College Association with respect to Lot A, Section 2 and 3, Range 9, Shawnigan District and District Lots 2067 and 2068 Cowichan District Plan EPP10.
2. That Development Permit Application No. 5-A-09 DP be approved and that the Planning and Development Department be authorized to issue a Development Permit to Brentwood College Association with respect to Lot A, Section 2 and 3, Range 9, Shawnigan District and District Lots 2067 and 2068 Cowichan District Plan EPP10, subject to the applicant submitting a detailed landscape plan and providing security in the form of an irrevocable letter of credit equivalent to 125% of the estimated cost of landscaping.
3. That Development Permit Application No. 5-A-09 DP be tabled until the applicant has submitted a detailed landscape plan and has provided security in the form of an irrevocable letter of credit equivalent to 125% of the estimated cost of landscaping.

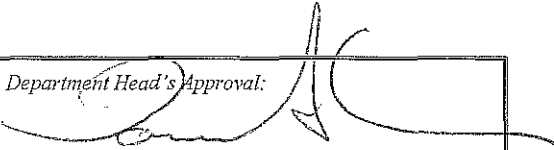
Option 2 is recommended.

Submitted by,



Jill Collinson,  
Planning Technician  
Development Services Division  
Planning and Development Department

JC/ca  
Attachments

<p>Department Head's Approval:</p> 
<p>Signature</p>

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 BRENTWOOD COLLEGE ASSOCIATION other than those contained in this Permit.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 5-A-09 DP DRAFT

DATE: JUNE XX, 2010

TO: BRENTWOOD COLLEGE ASSOCIATION

ADDRESS: 2375 MT. BAKER ROAD

MILL BAY BC, V0R 2P1

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) for purposes of constructing Visual Arts Centre:

*Lot A, Sections 2 & 3, Range 9, Shawnigan District Plan and District Lots 2067  
and 2068 Cowichan District, Plan EPP10 (PID: 027-684-393)*

3. Authorization is hereby given for the construction of a Visual Arts Centre in accordance with the Mill Bay Development Permit guidelines subject to the following:
  - 1) *The building conforms to height and setback regulations*
  - 2) *Tower bell will not ring*
  - 3) *Removal of three identified mature trees*
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 – Site Plan
  - Schedule B – Building Drawings
  - Schedule C – Elevation Drawings

and it forms part of this Permit.

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

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO.XX-XXX(X) PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE X<sup>TH</sup> DAY OF JUNE 2010.

---

Tom Anderson, MCIP  
Manager, Development Services

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.

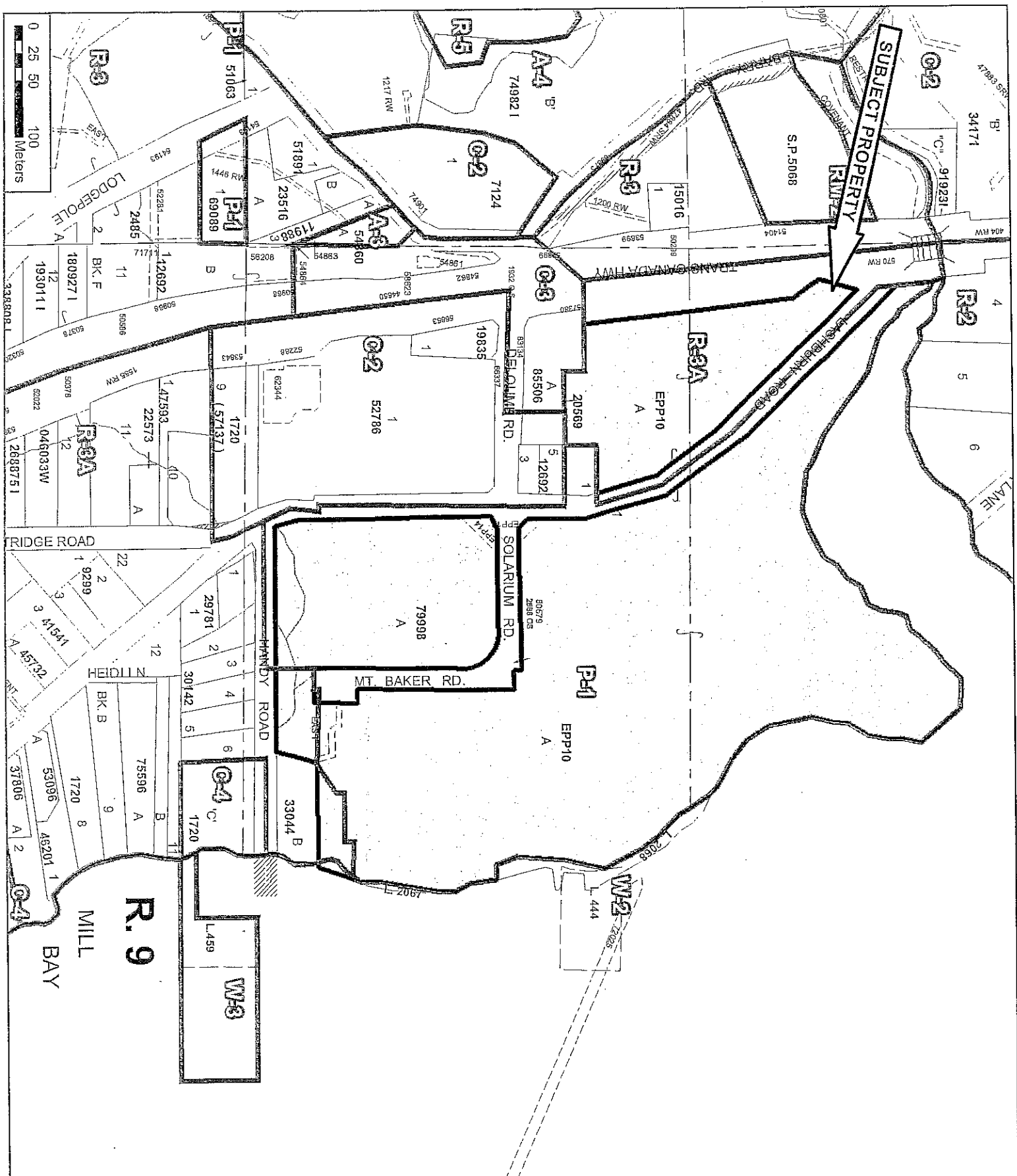
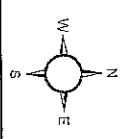
The official Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**FILE: 5-A-09-DP**

# **ZONING**

## **Legend**

-  Subject Property
-  Zoning Electoral Area A



## 10.0 PARKS AND INSTITUTIONAL ZONES

Subject to compliance with the general requirements detailed in Parts 4 and 5 of the Bylaw, the following regulations shall apply in the P-1 Zone:

10.1 P-1 ZONE - PARKS AND INSTITUTIONAL(a) Permitted Uses

The following *uses* and no others are permitted in a P-1 zone:

- (1) *Assembly*;
- (2) *Civic use*, transportation facility including airport;
- (3) Ecological reserve, *public park*, greenbelt;
- (4) *Institution, religious facility*;
- (5) *Personal care* facility;
- (6) Public botanical garden;
- (7) Public school, private school including accessory boarding facilities and *accessory* staff accommodation;
- (8) One single *family dwelling* per *parcel* *accessory* to a *use* permitted in Section 10.1(a)(1)-(7).

(b) Conditions of Use

For any *parcel* in a P-1 zone:

- (1) The *parcel coverage* shall not exceed 40 percent for all *buildings* and *structures*;
- (2) The *height* for all *buildings* and *structures* shall not exceed 10 m;
- (3) The following minimum *setbacks* shall apply:

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	6.0 metres
Interior & Exterior Side	6.0 metres
Rear	6.0 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the P-1 zone shall be:

- (1) 0.2 ha for *parcels* served by a *community water and sewer system*;
- (2) 0.4 ha for *parcels* served by a *community water system* only;
- (3) 1.0 ha for *parcels* served neither by a *community water* or *sewer system*.



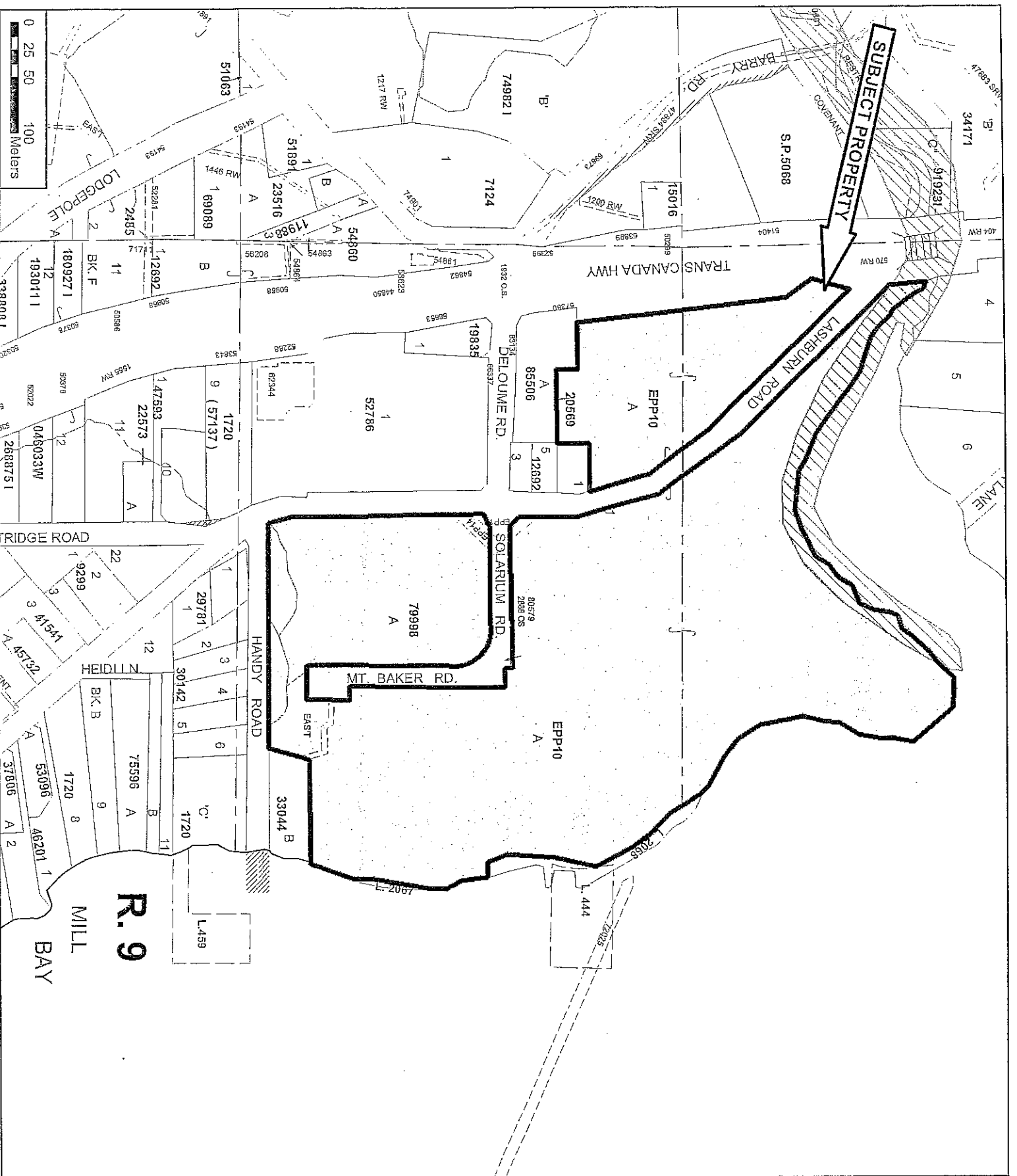
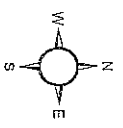


This map is compiled from various sources for internal use and is designed for reference purposes only. The Regional District does not warrant the accuracy. All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational. The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 5-A-09-DP

# Sensitive Ecosystem Inventory









- Legend
- SEI 2004
  - Subject Property

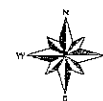


# Cowichan Val Environmental Planning

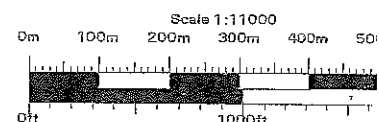
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58 092B.072.2.2	092B.073.1.1	092B.073.1	
062.4.3	62	63	64
61 092B.062.4.4	092B.063.3.3	092B.063.1	
062.4.1	67	68	69
66 092B.062.4.2	092B.063.3.1	092B.063.1	
062.2.3	72	73	74
71 092B.062.2.4	092B.063.1.3	092B.063.1	
062.2.1	76	77	78
75 092B.062.2.2	092B.063.1.1	092B.063.1	

\*Warning\* -The accuracy and currentness of this information varies. Refer to data description in appendix.

-  Stream Planning Area
-  Shoreline Sensitive Area
-  Sensitive Ecosystem Polygon  
with Reference # N012.4  
(refer to table for values)
-  TRIM Stream (Confirmed Fish Presence)
-  TRIM Stream (Possible Fish Presence)
-  Non-TRIM Stream (Possible Fish Presence)
-  Cadastral line work (eg. lot boundary)
-  Eagle or Heron Nest



Projection is UTM Zone 10  
**Mapsheet 092B.063.3**



459000E

459000E

## 14.5 MILL BAY DEVELOPMENT PERMIT AREA

### 14.5.1 CATEGORY AND AREA

All lands located within the area highlighted in grey on Figure 7 are designated as the Mill Bay Development Permit Area. The Mill Bay Development Permit Area is proposed pursuant to the following sections of the Local Government Act:

- (a) Section 919.1(a) for protection of the natural environment, its ecosystems and biodiversity; 919(e) for the establishment of objectives for the form and character of intensive residential development, and 919.1(f) for the establishment of objectives for the form and character of commercial, industrial and multi-family residential development; and
- (b) Section 919(a) for protection of the natural environment, its ecosystems and biodiversity, for riparian assessment areas outlined in Section 14.5.2.

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to:

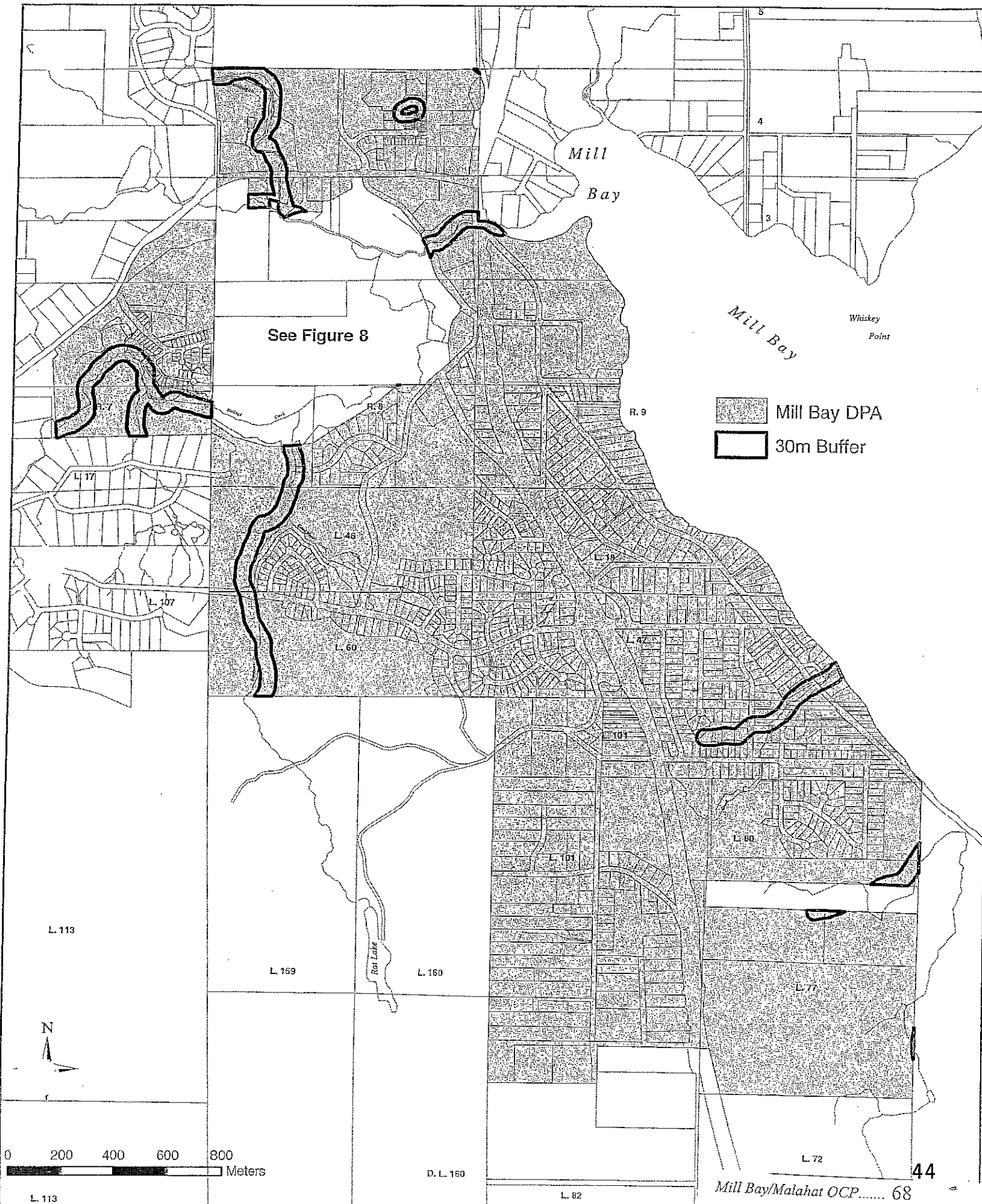
- (c) commencement of the subdivision of land or any commercial, industrial, or multi-family or related development within the Mill Bay Development Permit Area, shown in Figure 7; and
- (d) For riparian assessment areas outlined in Section 14.5.2, any of the following activities occurring in the Mill Bay Development Permit Area, where such activities are directly or indirectly related to existing or proposed residential, commercial or industrial land uses in any Zone or Land Use Designation, subject to Section 14.5.1 (a) (b) and (c):
  - removal, alteration, disruption or destruction of vegetation;
  - disturbance of soils;
  - construction or erection of buildings and structures;
  - creation of nonstructural impervious or semi-impervious surfaces;
  - flood protection works;
  - construction of roads, trails, docks, wharves and bridges;
  - provision and maintenance of sewer and water services;
  - development of drainage systems;
  - development of utility corridors;
  - subdivision as defined in section 872 of the *Local Government Act*.

### 14.5.2 RIPARIAN ASSESSMENT AREAS

Additionally, Riparian Assessment Areas, as defined in the *Riparian Areas Regulation* that are within the area shown as Mill Bay Development Permit Area on Figure 7, are (as measured on the ground):

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

# Figure 7 - Mill Bay Development Permit Area



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

And within these areas, the Riparian Areas Regulation Guidelines below will also apply.

#### 14.5.3 DEFINITIONS

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

#### 14.5.4 JUSTIFICATION

- a) An objective of the Regional District is to ensure that the design of any intensive residential, multi-family residential, commercial or industrial development is more stringently regulated than provided for in the zoning bylaw, in order to ensure that it is compatible with surrounding land uses.
- b) An objective of the Regional District is to ensure that intensive residential, multi-family residential, commercial and industrial activities are attractive, with rigorous requirements for the storage of materials, landscaping, traffic mitigation and environmental protection.
- c) An objective of the Regional District is to ensure that intensive residential, multi-family residential, commercial and industrial development does not impact negatively on the attractive character of any portion of the community, the livability of any residential neighbourhood, or the natural environment, in particular the groundwater resource.
- d) An objective of the Regional District is to ensure that intensive residential and multi-family residential development is designed to encourage affordability, safety, and accessibility, and is aesthetically landscaped and screened.
- e) Land uses within the development permit area may directly impact the Mill Bay Aquifer, the Saanich Inlet and/or freshwater streams, such as Shawnigan Creek, Hollings Creek or Handysen Creek, which flow into the Inlet. An objective of the Regional District is to ensure that the integrity of surface water and groundwater is protected from indiscriminate development. It is recognized that:
- a majority of residents in the Mill Bay Village area rely upon the Mill Bay aquifer for domestic water use, both in the form of drilled wells and the Mill Bay Waterworks Community Water System,
  - the Mill Bay Aquifer has a high vulnerability rating and a moderate productivity level, due to the depth to static water being shallow and, in many cases, the aquifer being unconfined (the aquifer flows north to northeast and has a mean depth of 7.2 metres (23 ft), a median depth of 6.7 metres (22 ft), with a total range of 0-38.1 metres (0-125 ft)),
  - the vulnerability of the Mill Bay Aquifer may be greatest in the upslope recharge areas and the northern area near Hollings Creek (the Mill Bay Aquifer is recharged through infiltration of precipitation along the upslope southern portion of the aquifer, groundwater flow is towards the

north and northeast, and the discharge zone is in the northern portion in the vicinity of Wheelbarrow Springs),

- significant areas along Shawnigan Creek and its tributaries may be subject to flooding, erosion and channel shifting,
  - provincial Fishery officials and the Federal Department of Fisheries and Oceans are concerned about the loss and degradation of trout and salmon spawning and rearing streams in the area,
  - the construction of buildings and structures and the clearing of land can create sedimentation problems which can adversely affect aquatic habitat, and
  - “Develop With Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia”, published by the Ministry of Environment requires that sensitive areas be left undisturbed wherever possible, with most development being preferably at least 30 metres away from the natural boundary of a watercourse.
- f) The province of British Columbia’s *Riparian Areas Regulation (RAR)*, under the *Fish Protection Act*, aims to protect fish habitat. This regulation requires that residential, commercial or industrial development as defined in the *RAR*, in a Riparian Assessment Area near freshwater features, be subject to an environmental review by a Qualified Environmental Professional (QEP).

#### 14.5.5 GUIDELINES

Prior to commencing any development, including subdivision or construction, on lands within the Mill Bay Development Permit Area, the owner shall obtain a development permit which conforms to the following guidelines:

- a) Services and Utilities
1. All sewage disposal facilities shall be approved by the Vancouver Island Health Authority or the Ministry of Environment.
  2. Storm sewers should be designed to retain and delay storm water runoff in order to reduce peak storm flows and the possible negative impact of flash flooding on the creeks. A storm water retention plan is encouraged to be developed as part of any engineering work in the development permit area.
  3. Primary water sources for housing should not include Shawnigan or Hollings Creeks.
  4. In any area that has unstable soil or water laden land which is subject to degradation, no septic tank, drainage, irrigation or water system shall be constructed.
  5. Drainage facilities shall divert drainage away from hazardous lands.
- b) Vehicular Access
1. Vehicular access shall not be provided directly to the traveling surface of the Trans Canada Highway. All such points of access shall be located on

secondary roads or frontage roads, and shall be approved by the Ministry of Transportation and Highways.

2. Unnecessary duplication of access points is discouraged. Where two or more multi family, commercial or industrial facilities abut one another, it is strongly encouraged that road access points be shared and internal parking areas and walkways be physically linked and protected by legal agreements.
3. Roads shall be paved with curbs, gutters, and sidewalks or similarly dedicated walkways/bikeways. Paths and bikeways shall be encouraged to link the on-site uses together and to connect with off-site amenities and services.
4. The Regional Board may give favourable consideration to variances of the terms of its parking bylaw (as stated in Policy 14.5.6 VARIANCES), for intensive residential development that features extended care facilities for seniors, if the development is located within the Urban Containment Boundary and in the vicinity of a public transit route which connects with Mill Bay Centre.

c) Vehicular Parking

1. Parking surfaces shall be constructed of asphalt or concrete and should be located a minimum of three metres from any parcel line.
2. Parking areas shall be designed to physically separate pedestrian and vehicular traffic.
3. Parking areas shall have interior landscaping, to break up large parking areas.
4. Parking areas shall be well lit and designed to provide for the safety of users.

d) Pedestrian Access

Within a development site, pedestrian routes should be clearly defined by means of separate walkways, sidewalks or paths in order to encourage and accommodate safe pedestrian access on and off the site. Where public sidewalks, pedestrian routes and crosswalks exist, the on-site walkways should tie in with these.

e) Landscaping

1. Landscaping shall be provided as a minimum 6 metre visual buffer between a multi family, commercial or industrial use and neighbouring parcels and public roads. Combinations of low shrubbery, ornamental trees, and flowering perennials are recommended.
2. Safety from crime should be considered in landscaping plans.
3. The intermittent use of landscaped berms and raised planter berms as a visual and noise barrier between a multi family use and public roads is encouraged.
4. Landscaping may include lawn areas, however for commercial and industrial uses such areas should not exceed 50% of the total landscaping on the site, and for multi family uses such areas should not exceed 80% of the total landscaping on the site.

5. The Development Permit may specify the amount and location of tree and vegetation cover to be planted or retained.

f) Signage

1. Signage should be designed to reflect the architecture of the site and to be in harmony with the landscaping plans for the site.
2. Where multiple free standing signs are required on a site, the signs shall be consolidated into a single, comprehensive sign.
3. Free standing Signage should be low and should not exceed 5 metres in height, except where a site is lower than the adjacent road surface. In these cases variations may be appropriate and should be considered on their own merit.
4. Facia or canopy signs may be considered provided that they are front-lit and designed in harmony with the architecture of the building or structure proposed.
5. Projecting signs shall be discouraged since they tend to compete with one another and are difficult to harmonize with the architectural elements of the commercial or industrial building.
6. Where signs are illuminated, favorable consideration shall be given to external lighting sources or low intensity internal sources. Signs shall be designed so that they are not in contravention with provincial legislation and the Ministry of Transportation and Highway's policies High intensity panel signs shall be avoided.
7. Signs shall be designed so that they are not in contravention with provincial legislation and the Ministry of Transportation and Highway's policies.

g) Lighting

Parking areas and pedestrian routes on a site should be well lit, however lighting should be designed to illuminate the surface of the site only without glare spill-over to adjacent parcels or to adjacent roads.

h) Overhead Wiring

Underground wiring shall be encouraged rather than overhead wiring.

i) Building Design (applies only to intensive or multiple family residential, commercial and industrial buildings)

Buildings and structures shall be designed in harmony with the aesthetics of the surrounding lands, on-site signage and landscaping plans. All plans and building designs should promote personal and public safety and should be referred to the Advisory Planning Commission for comment before being approved by the Regional Board.

j) Development Adjacent to Environmentally Sensitive Areas and Hazardous Lands

This section applies to intensive residential, multi-family residential, commercial and industrial uses:



1. such development shall be discouraged within 30 metres of any watercourse, including the Saanich Inlet, except as approved in writing by the Ministry of Environment and Fisheries and Oceans Canada, and a Development Permit under this Section.
  2. Any alteration, construction or development must not impact water quality and quantity, and be done in an environmentally sensitive manner resulting in no net loss of fisheries habitat. For example, this means that post-development stormwater flows should equal pre-development stormwater flows, and earth piles must be covered during construction, and construction machinery must be maintained to prevent oil spills.
  3. The ocean shorelines and creek banks shall be left as much as possible in a natural state using existing vegetation and slope as guidelines.
  4. Adequate buffering and protection of any sensitive native plant communities shall be provided.
- k) Timing of Development on Land  
The development permit may impose conditions for the sequence and timing of development on land described in the permit.
- l) Siting of Buildings and Structures  
The regulations of the zoning bylaw will normally prevail, however since site conditions will vary, there may be a need to alter the siting in certain locations to create a more aesthetic setting, protect environmentally sensitive areas, protect amenities, enhance views or increase the functionality of the site design.
- m) Riparian Areas Regulation Guidelines  
Prior to undertaking any of the development activities listed in Section 14.5.1(d) above, an owner of property within the Mill Bay Development Permit Area shall apply to the CVRD for a development permit, and the application shall meet the following guidelines:
1. A qualified environmental professional (QEP) will be retained at the expense of the applicant, for the purpose of preparing a report pursuant to Section 4 of the *Riparian Areas Regulation*. The QEP must certify that the assessment report follows the assessment methodology described in the regulations, that the QEP is qualified to carry out the assessment and provides the professional opinion of the QEP that:
    - i) if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area; and
    - ii) the streamside protection and enhancement area (SPEA) that is identified in the report is protected from the development and there

- are measures identified to protect the integrity of those areas from the effects of development; and
- iii) the QEP has notified the Ministry of Environment and Fisheries and Oceans Canada, both of whom have confirmed that a report has been received for the CVRD; or
  - iv) confirmation is received from Fisheries and Oceans Canada that a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian area has been authorised in relation to the development proposal.
2. Where the QEP report describes an area designated as Streamside Protection and Enhancement Area (SPEA), the development permit will not allow any development activities to take place therein, and the owner will be required to implement a plan for protecting the SPEA over the long term through measures to be implemented as a condition of the development permit, such as:
    - a dedication back to the Crown Provincial,
    - gifting to a nature protection organisation (tax receipts may be issued),
    - the registration of a restrictive covenant or conservation covenant over the SPEA confirming its long-term availability as a riparian buffer to remain free of development;
    - management/windthrow of hazard trees;
    - drip zone analysis;
    - erosion and stormwater runoff control measures;
    - slope stability enhancement.
  3. Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit will only allow the development to occur in strict compliance with the measures described in the report. Monitoring and regular reporting by professionals paid for by the applicant may be required, as specified in a development permit;
  4. If the nature of a proposed project in a riparian assessment area evolves due to new information or some other change, a QEP will be required to submit an amendment report, to be filed on the notification system;
  5. Wherever possible, QEPs are encouraged to exceed the minimum standards set out in the *RAR* in their reports;
  6. The CVRD Board strongly encourages the QEP report to have regard for "Develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia" published by the Ministry of Environment.

#### 14.5.6 REQUIREMENTS

Prior to issuing a development permit on a parcel in the Mill Bay Development Permit Area, the Regional District, in determining what conditions or requirements

it will impose in the development permit, shall require the applicant to submit, at the applicant's expense, a development permit application which shall include:

- a) a brief text description of the proposed development,
- b) maps/elevation drawings which include:
  - 1. the location of the project,
  - 2. a scale drawn site plan showing the general arrangement of land uses including parcel lines, existing and proposed buildings and structures, parking and loading areas, vehicular access points, pedestrian walkways and bike paths, and outdoor illumination design,
  - 3. a scale drawn landscaping plan, identifying the existing and proposed plant species, and areas to be cleared or planted for all landscaped areas,
  - 4. a Signage plan showing all existing and proposed signs or sign areas,
  - 5. a preliminary building design including proposed roof and exterior finish details,
  - 6. the location of all natural watercourses and water bodies,
  - 7. the location of all greenways or open space,
  - 8. setback distances from a watercourse for construction or the alteration of land,
  - 9. location of break of land at the top of bank, or the significant or regular break in slope which is a minimum of 15 metres wide away from the watercourse, pursuant to the document "Develop with Care – Environmental Guidelines for Urban and Rural Land Development in British Columbia" published by the Ministry of Environment,
  - 10. topographical contours,
  - 11. the location of all soil test sites and soil depths,
  - 12. the location of hazardous slopes exceeding 25 percent grade,
  - 13. the location of lands subject to periodic flooding,
  - 14. existing and proposed roads, drainage systems, septic tanks and other sewage systems, irrigation systems, and water supply systems,
  - 15. the location of the sewage treatment plant and disposal field, if applicable,
  - 16. proposed erosion control works or alteration proposed, and
  - 17. areas of sensitive native plant communities.
- c) For development in areas that are subject to Section 14.5(a), a report of a Qualified Environmental Professional pursuant to Section 14.5.4(m).
- d) In addition to the requirements in subsections (a), (b) and (c), the Regional District may require the applicant to furnish, at his/her own expense, a report certified by a professional engineer with experience in geotechnical engineering which shall include:
  - 1. a hydrogeological report/environmental impact assessment assessing any impact of the project on watercourses in the area,
  - 2. a report on the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition,

3. a report regarding the safety of the proposed use and structures on-site and off-site or indicating that the land may be used safely for the use intended,
4. a drainage and stormwater management plan, and
5. a report on the potential impact of the development on the groundwater resource.

#### 14.5.7 EXEMPTIONS

The terms of the Mill Bay Development Permit Area do not apply to:

- a) construction or renovations of single family dwellings and accessory structures that lie outside of the area that is subject to Section 14.5(a);
- b) interior renovations to existing buildings;
- c) agriculture (except veterinary clinics) forestry, and parks;
- d) changes to the text or message on an existing sign that was permitted under an existing development permit.

#### 14.5.8 VARIANCES

Where a proposed development plan adheres to the guidelines of this Development Permit Area, the Regional Board may give favorable consideration to variances of the terms of its zoning, sign and parking bylaws, where such variances are deemed by the Regional Board to have no negative impact on adjacent parcels and would enhance the aesthetics of the site in question. Such variances may be incorporated into the development permit.

#### 14.5.9 VIOLATION

Every person who:

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

commits an offence under this Bylaw.

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

## Brentwood College School - Visual Arts Centre Project Summary

### **Mission Statement**

Brentwood College School nurtures, challenges and inspires scholars, athletes and artists as global citizens, stewards and leaders of integrity.

### **Project Intent**

The proposed Visual Arts Centre with Global Studies classrooms is intended to achieve the following:

- o Completion of the upgrade to all Campus teaching facilities;
- o Consolidation of a cohesive Campus Plan;
- o Knitting together of the building inventory around a Commons;
- o Reinforcing the north-south axial focus for pedestrian flow on the Campus;
- o Connections through to the waterfront;
- o Visual connection to the waterfront and preservation of the view from T.Gil Bunch;
- o Resolution of the south elevation of the Ross Centre;
- o Resolution of the Campus arrival into a celebration point and preservation of the regatta loading link;
- o Distinguishing of the Global Studies facilities from the Visual Arts facilities;
- o Ease of implementation on an "open" site - eliminating the need for demolition, phasing and interim accommodation of teaching spaces;
- o Project delivery collaboration through Ward Phillips and an established project team.

The project seeks fundamentally to consolidate, knit together and complete the Campus. The form of development is defined by linkage and offers opportunities for delight in its resolution and acknowledgment to the greater Campus whole.

### **Educational Philosophy**

The intentional integration of Global Studies within the Visual Arts Centre (which includes the two multi-media labs), reflects the need for research and creativity, divergent and convergent thinking, and "out of the box" perspectives in the education of 21st century global citizens, stewards and leaders of integrity. The opportunity for the visual artists to highlight issues, stimulate ideas, and initiate discussion, as students move daily through their work on display, will create a synergy of right and left brained thinking.

### **21st Century Learning Centre for Global Studies**

8 dynamic teaching, learning and seminar spaces within the Visual Arts Centre are envisaged. Global Studies will encompass the following disciplines:

- o **History** (if one does not learn the lessons of the past, one is doomed to repeat them)
- o **Comparative Government and Politics** (the nature of power, democracy and its alternatives)
- o **Art History and Comparative Civilizations** (art mirrors society and provokes debate)
- o **Modern Languages** (learning to think in another language, without loss in translation).
- o **Geography** (physical & human, including demographics, patterns of settlement, urbanization)
- o **Earth & Ocean Science, Geology and Environment** (including climate, resource management)

## Brentwood College School - Visual Arts Centre Project Summary

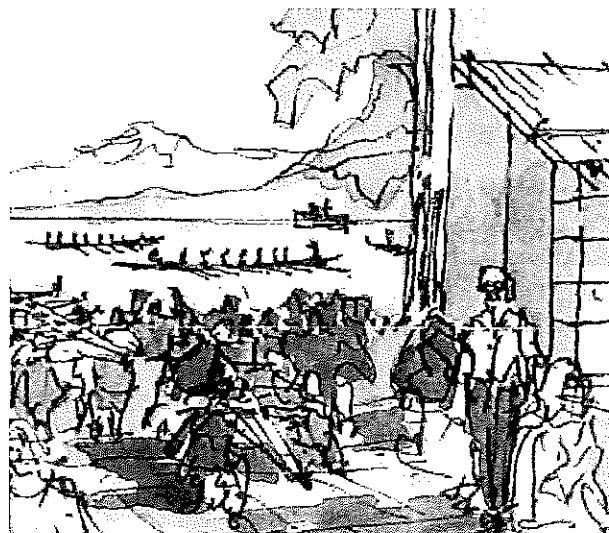
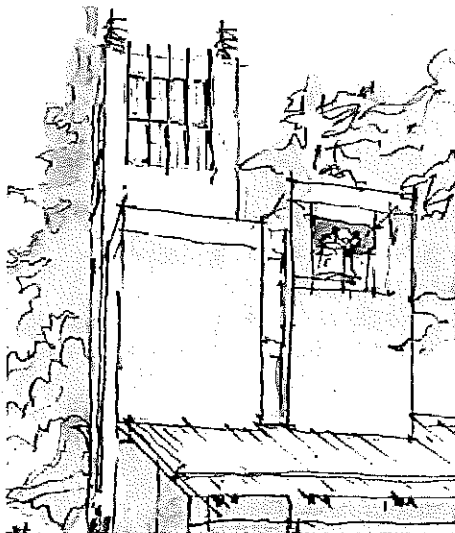
### Completion of Campus Renewal

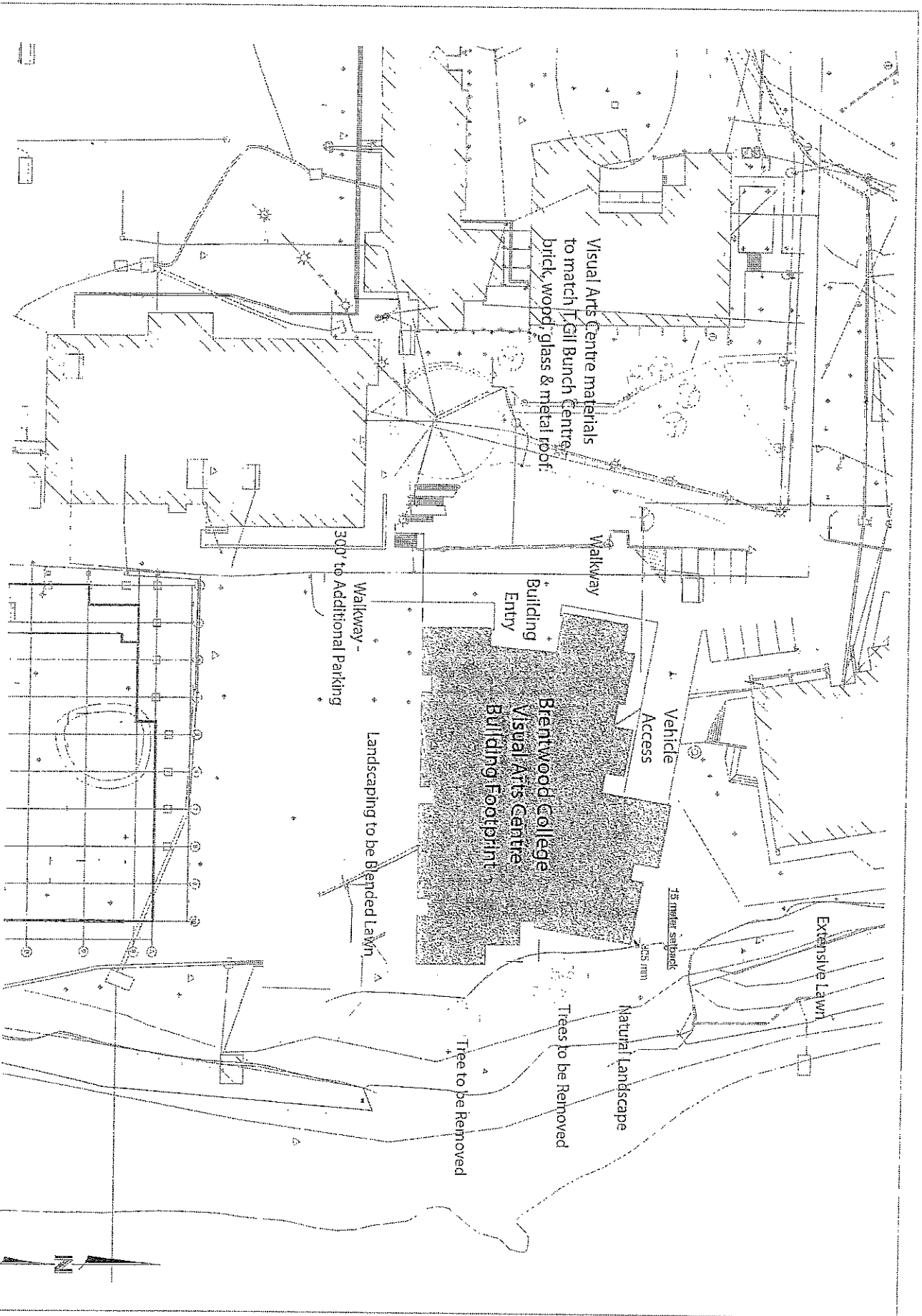
A 21st Century Learning Centre for Global Studies within the Visual Arts Centre will complete the process of campus renewal of teaching and learning spaces, replacing the cramped, outmoded classrooms in the Annex. As a result, the following movement and welcome integration of academic departments will be possible:

- o English (4 classrooms in Ross, with 5<sup>th</sup> in Bunch)
- o Mathematics (5 classrooms in Ross)
- o Science (existing 6 labs for physics, chemistry, biology in Ross, with 7<sup>th</sup> for Earth Sciences in VAC)
- o Business & Entrepreneurship (2 classrooms & seminar room in Crooks)

### Visual Arts Centre Special Features

- o Passive solar management through considered window placement, overhangs and exposure protection;
- o Photovoltaic demonstration array on south facing sloped roof surfaces;
- o Wind generation demonstration off Brentwood Bay;
- o Rainwater harvesting, storage and use for plumbing and irrigation;
- o Circulation space programmed as Gallery space;
- o Automated natural ventilation throughout;
- o Open, naturally daylight studios;
- o Campanile incorporating an historical bell;
- o Reuse of timber logged from the site;
- o Interactive building systems for increased occupant control and learning.





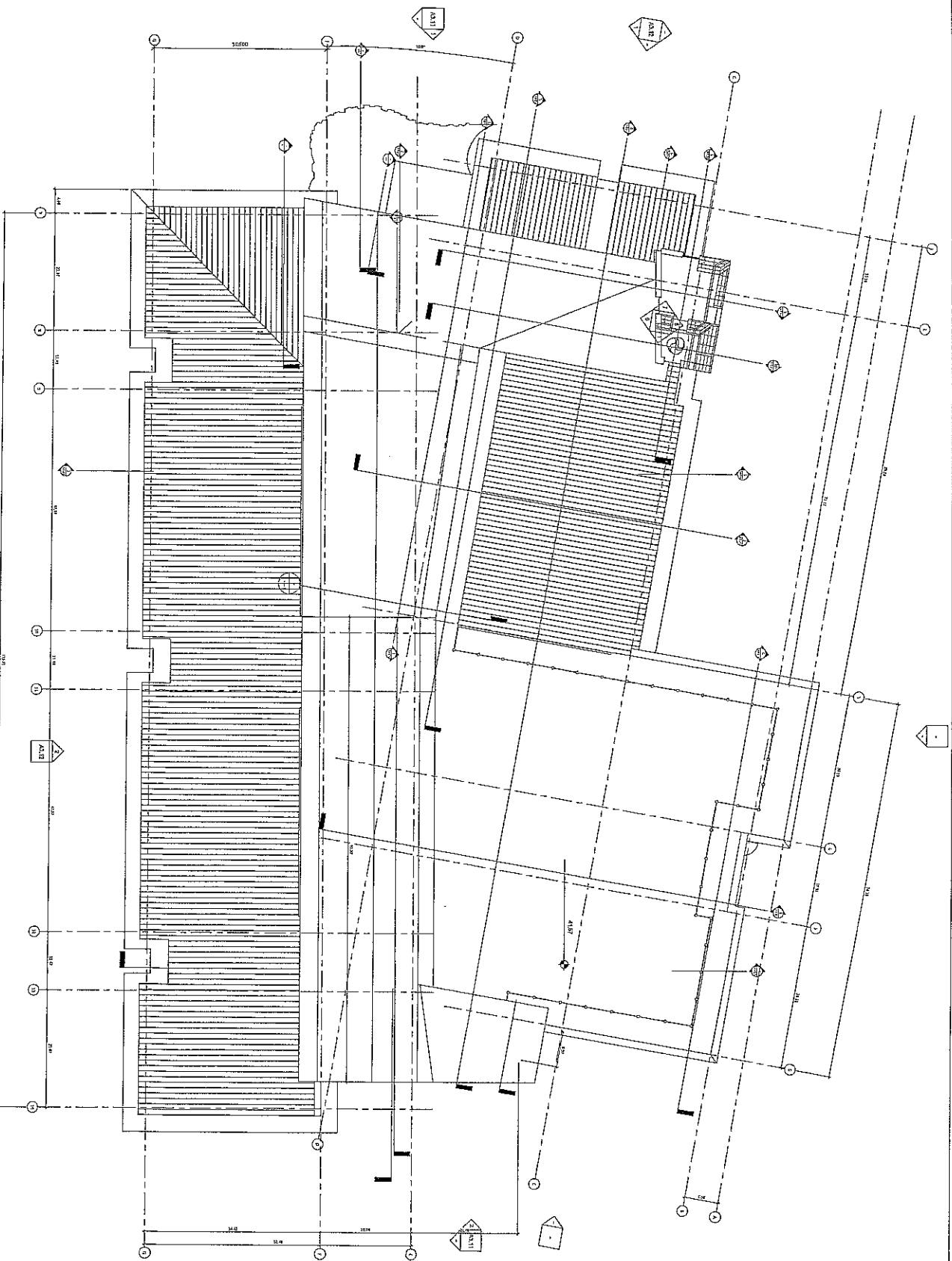
SITEPLAN

1 Proposed Building Location  
Scale 1:500

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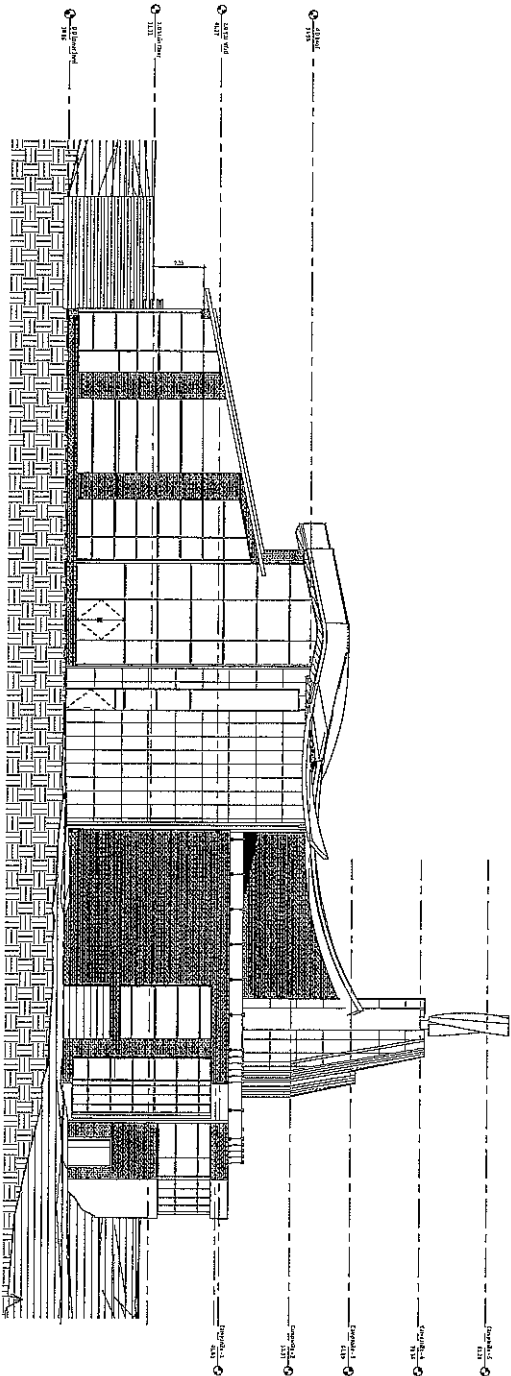
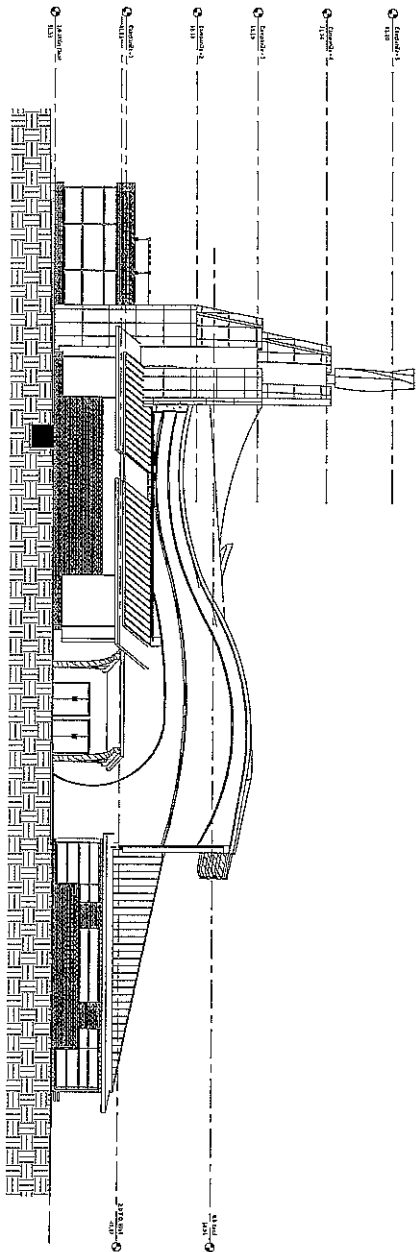






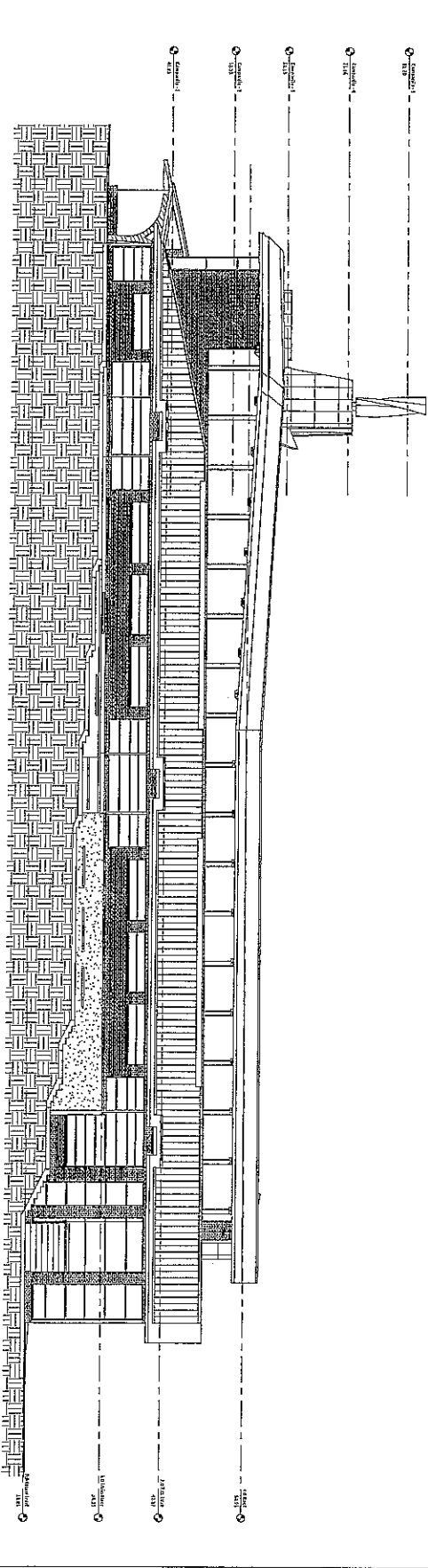
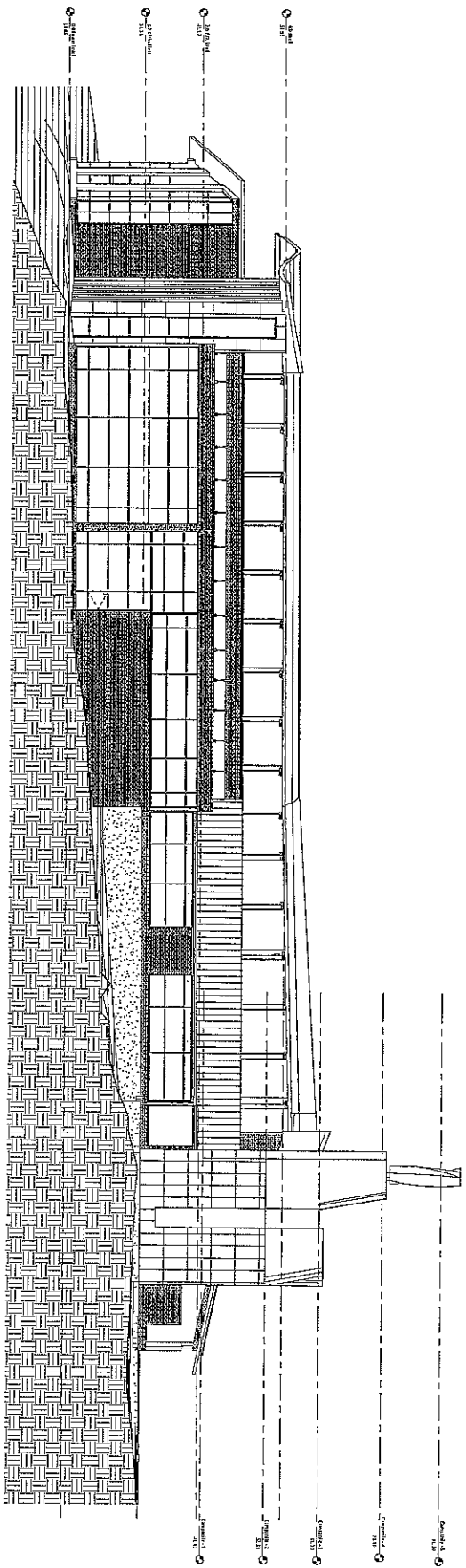
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<p><b>Brentwood</b>  <b>Visual Arts Centre</b></p>		<p>Revision          No. Description Date</p>
<p><b>Roof Plan</b></p>		<p>Consultant</p>
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Project	Drawn
Revision	Date
No.	Description
<p>Comments</p>	
<p>Elevations</p>	
<p>Brentwood Visual Arts Centre</p>	
<p>Drawn by: MARY LO SELL Checked by: ALBERT Date: 11/11/11</p>	
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Issue Date

Revision No. Description Date

Consultant

Brentwood  
Visual Arts Centre

Elevations

Drawn by	LMG 12.10.10
Checked by	LMG 12.10.10
Approved by	LMG 12.10.10
Scale	A3.12

Christine Lintott  
Architect  
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Name: \_\_\_\_\_ Date: \_\_\_\_\_

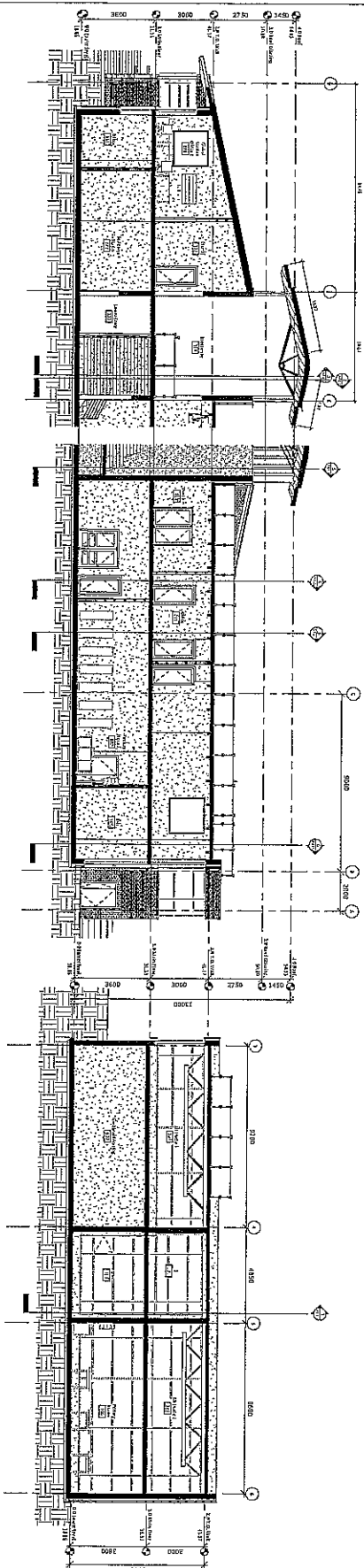
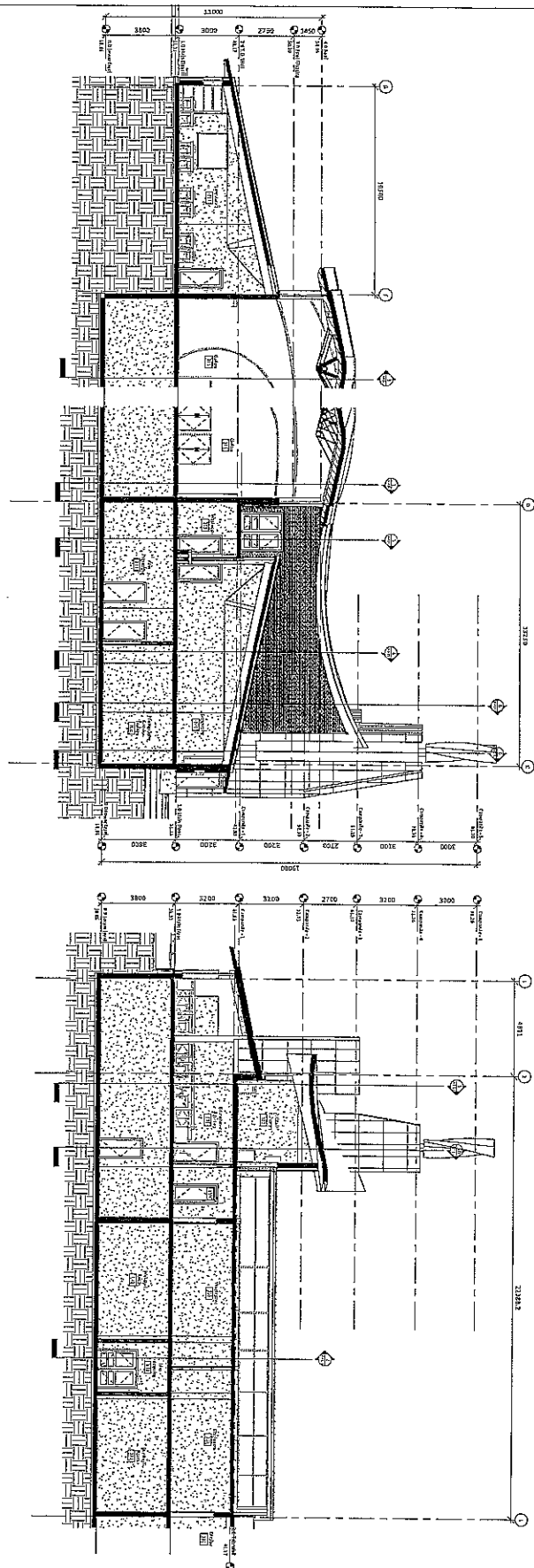
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Comments:

Brentwood  
Visual Arts Centre

Sections

Project Name:	May 13 2013
Client:	City of Vancouver
Contract:	CM@R
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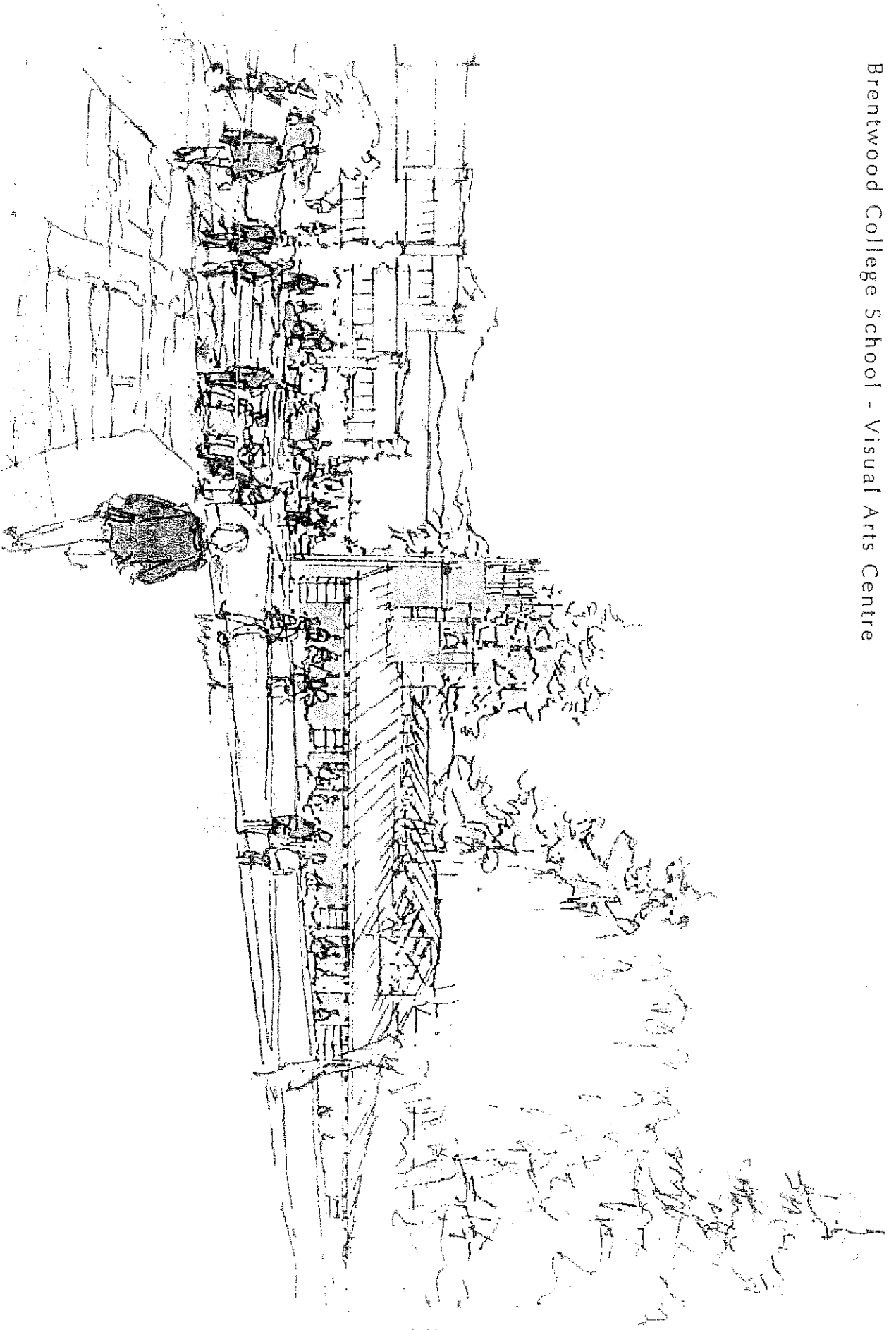
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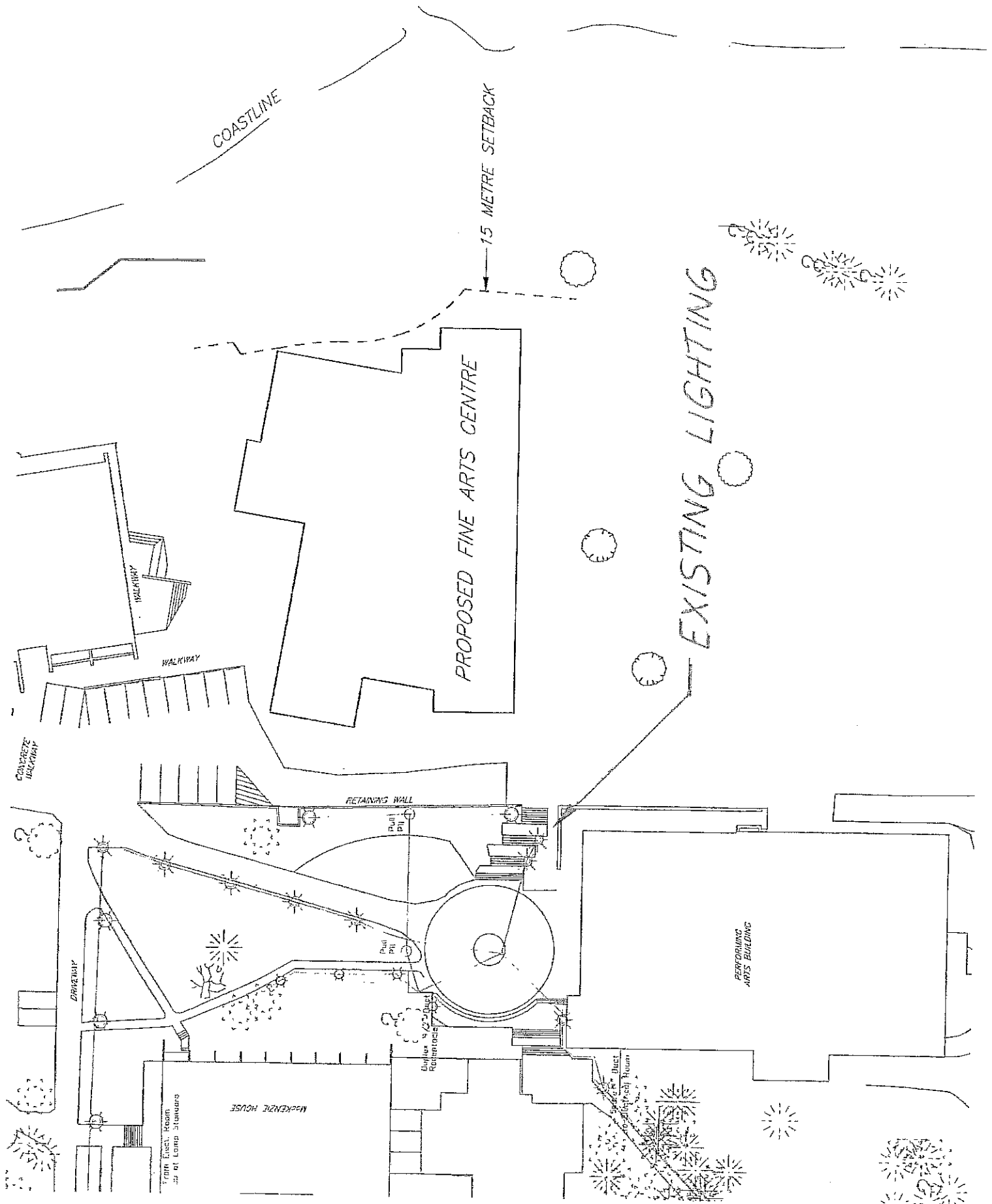
Brentwood College School - Visual Arts Centre



Brentwood College School

Visual Arts Centre from Campus arrival

October 2009



**File No.:** 010674-21 (02)

**Date:** May 03, 2010

**To:** Brentwood College Scholl  
2731 Mt. Baker Road RR1  
Mill Bay, B. C., Canada  
V0R 2P1

**From:** Joseph Marr, E.I.T.  
Focus Corporation  
57 Cadillac Avenue  
Victoria, BC V8Z 1T3  
Ph: (250) 474-1151  
Fax: (250) 474-7751

**Attention:** Tom Shadlock,  
Facilities Manager

**RE:** BRENTWOOD COLLEGE VISUAL ARTS CENTRE  
STORMWATER MANAGEMENT PLAN

---

### ***1.0 Purpose***

The purpose of this memorandum is to provide a brief description of the existing and proposed storm water system to be applied to the proposed building site.

### ***2.0 Existing Drainage***

The Visual Arts Centre is proposed to be located between the existing Academic Centre and the recently completed Dining Hall. It is our understanding that the existing parking lot and driveway at the northwest corner of the building site will be used for site access and parking.

The existing site is currently an empty field with a rock outcrop and several trees which drains overland to the ocean. The parking lot and driveway drainage is currently collected in catch basins and conveyed to an existing 300mm storm main that discharges into the ocean via a culvert.

### ***3.0 Proposed Drainage System***

Brentwood College has indicated a desire for a potential storm water retention structure to reuse rainwater for irrigation purposes. The conceptual design may include a structure within the building or an underground structure such as the Brentwood StormTANK storage system which would utilize a PVC liner to prevent loss to infiltration. A sump manhole may be installed at the downstream end of the retention structure so an appropriately sized sump pump can be used for irrigation. An overflow will also be installed within the sump manhole which will discharge via a piped outfall to the ocean. Focus has also completed a preliminary evaluation





## Memorandum #1 Storm Water Management Plan

---

of the existing storm drain outfall located at the north end of the building site. Using flows based on the proposed foot print area, the existing outfall has enough capacity to support the new building if so desired.

We have proposed that the new driveway and parking drainage be serviced by the existing 300mm storm drain at the north end of the site. Treatment of storm water collected from the parking areas or turnaround will be required prior to discharge to the ocean. Focus will identify applicable green treatment options and/or oil/grit separation devices suitable for the site during detailed design.

Sincerely,

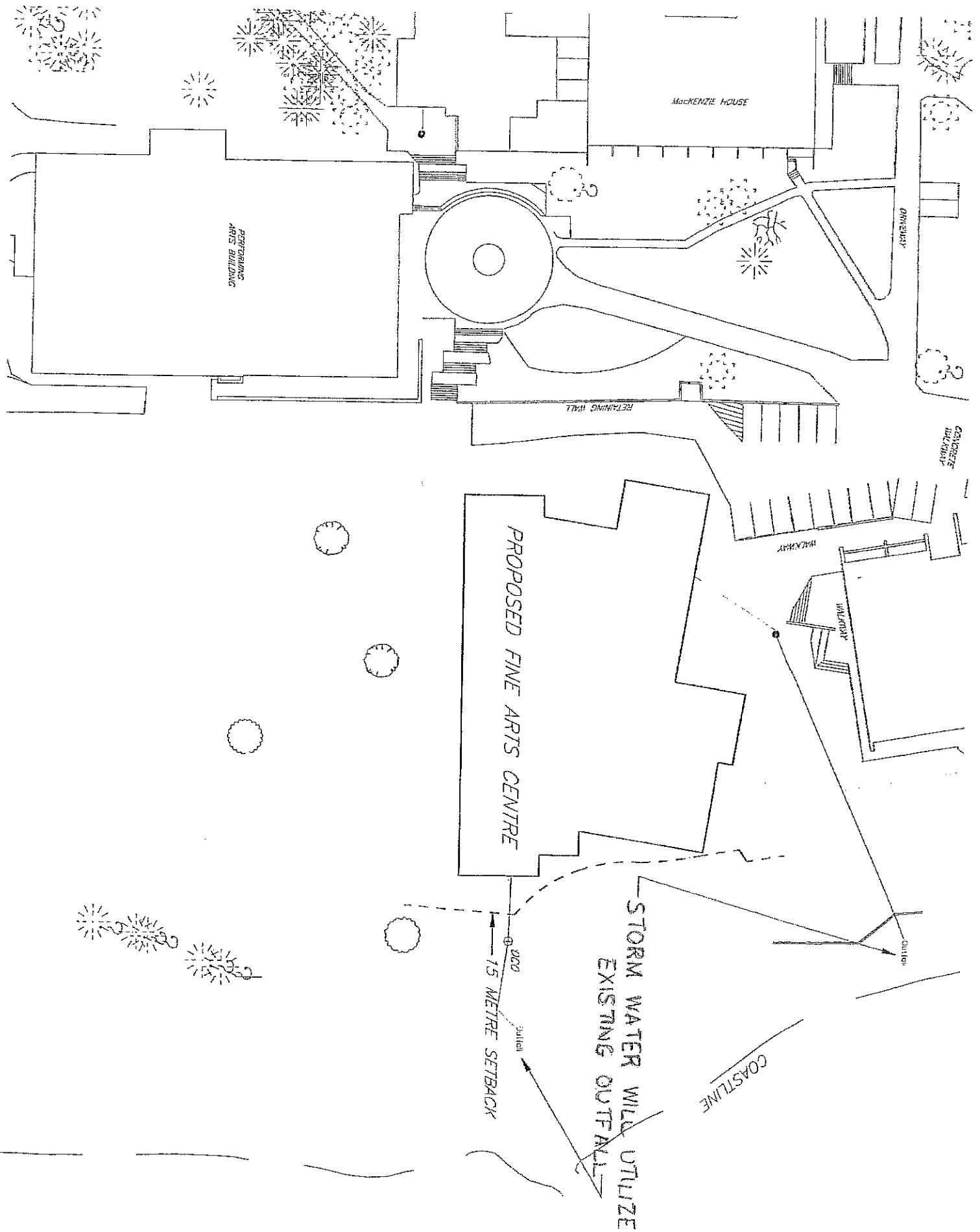
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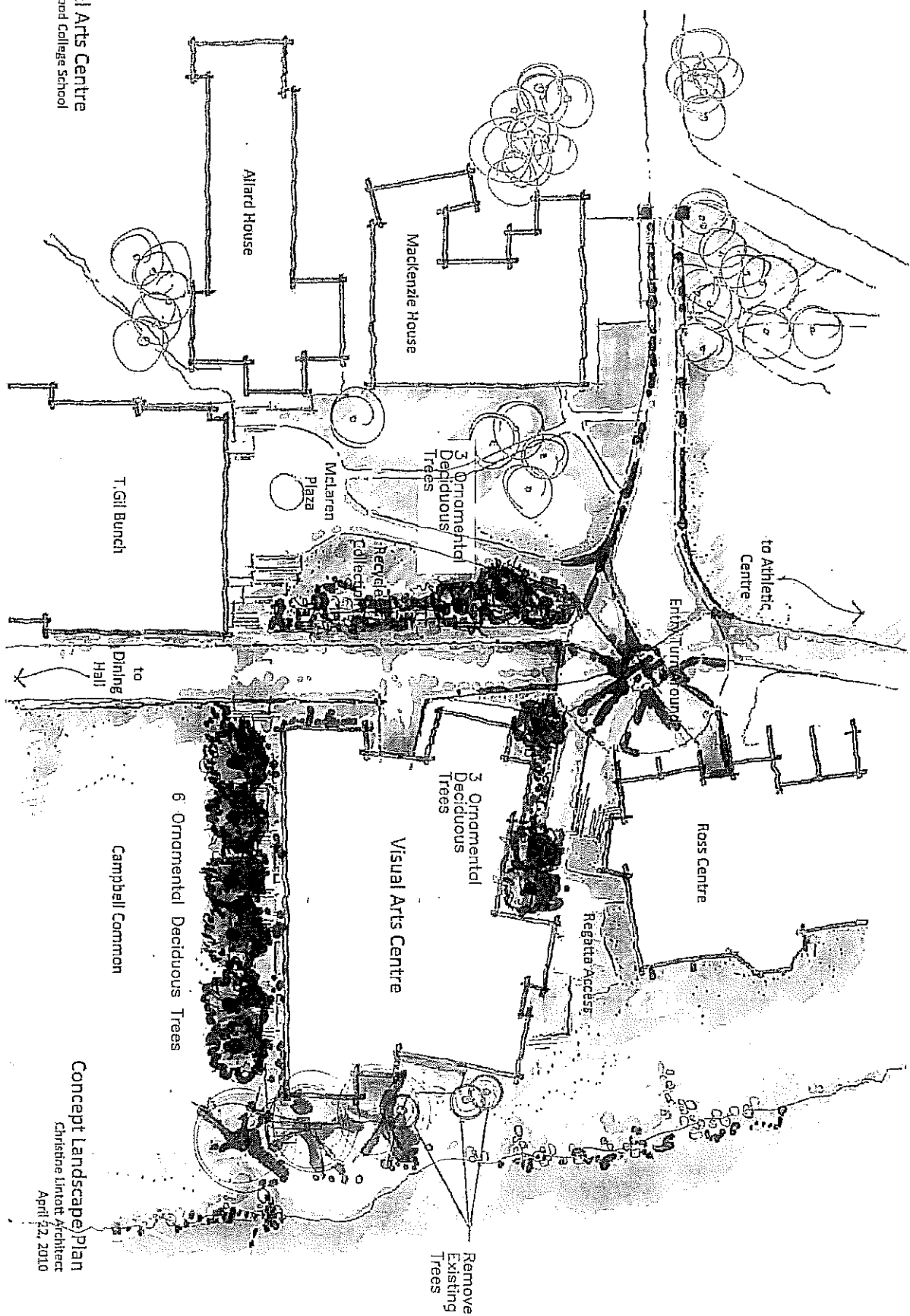
A handwritten signature in black ink, appearing to read "Joe Marr".

Joseph Marr, E.I.T.  
Project Engineer

Reviewed By Ian Sander, P.Eng  
Project Engineer

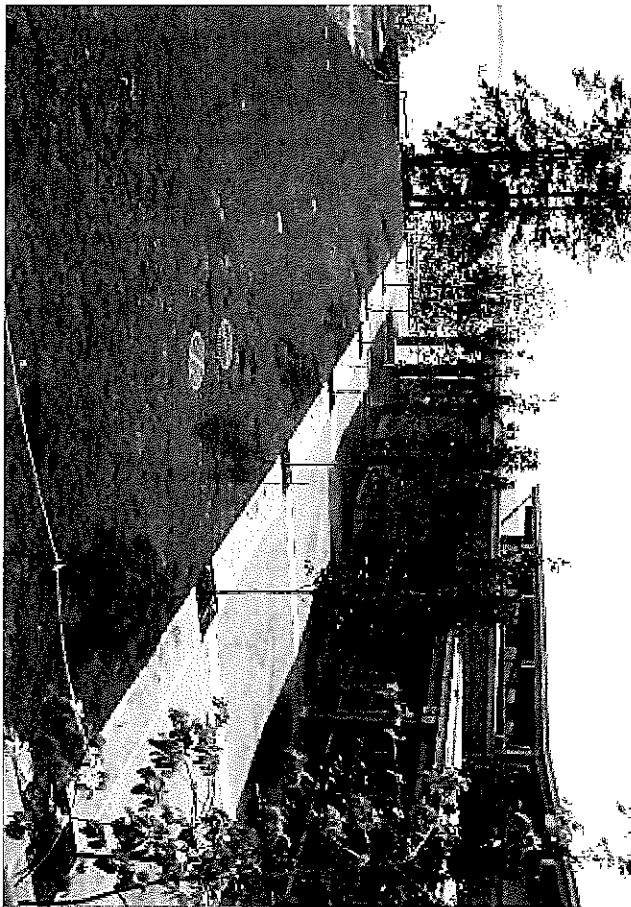
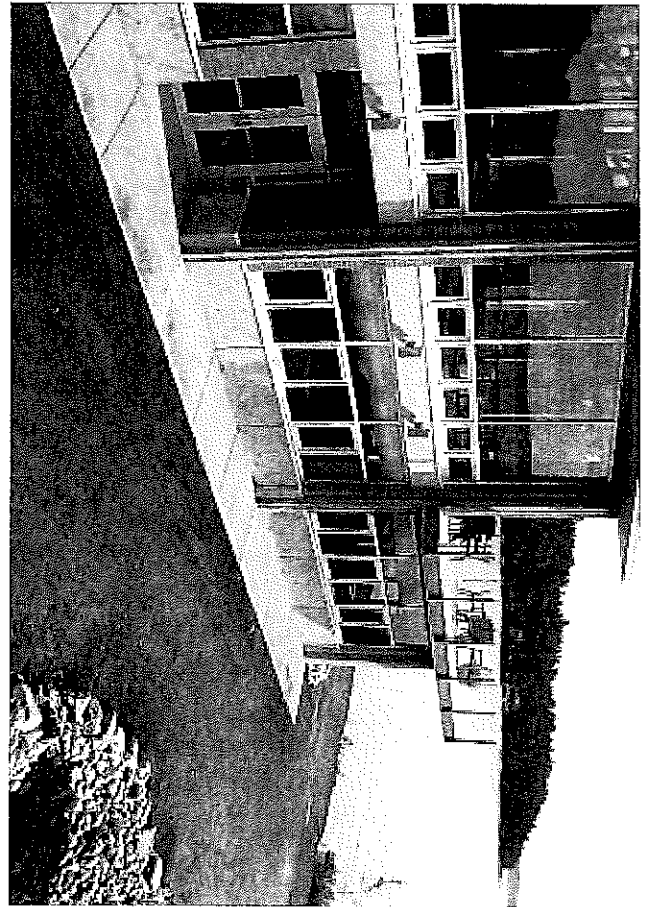
cc. Christine Lintott.

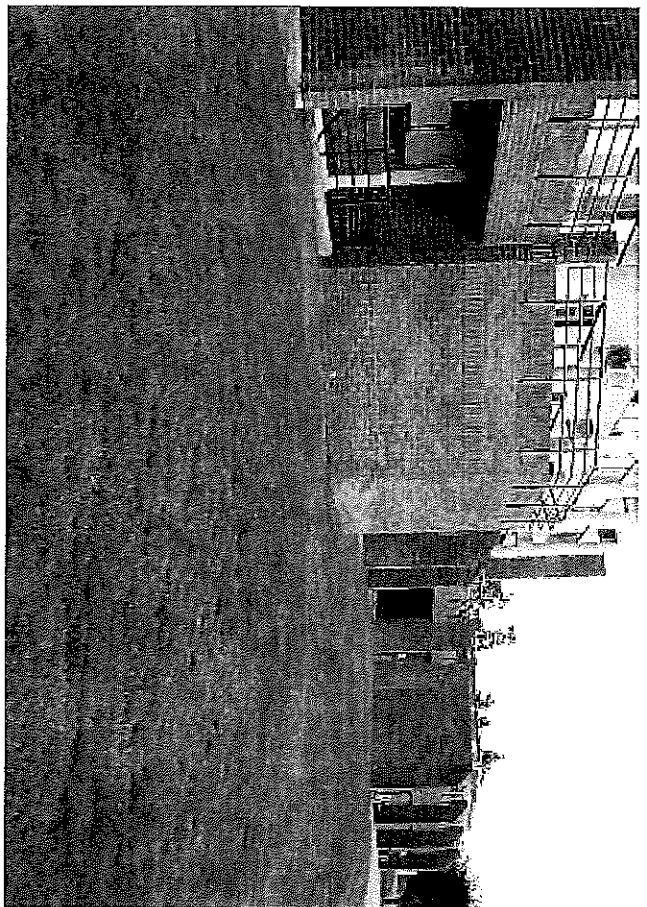
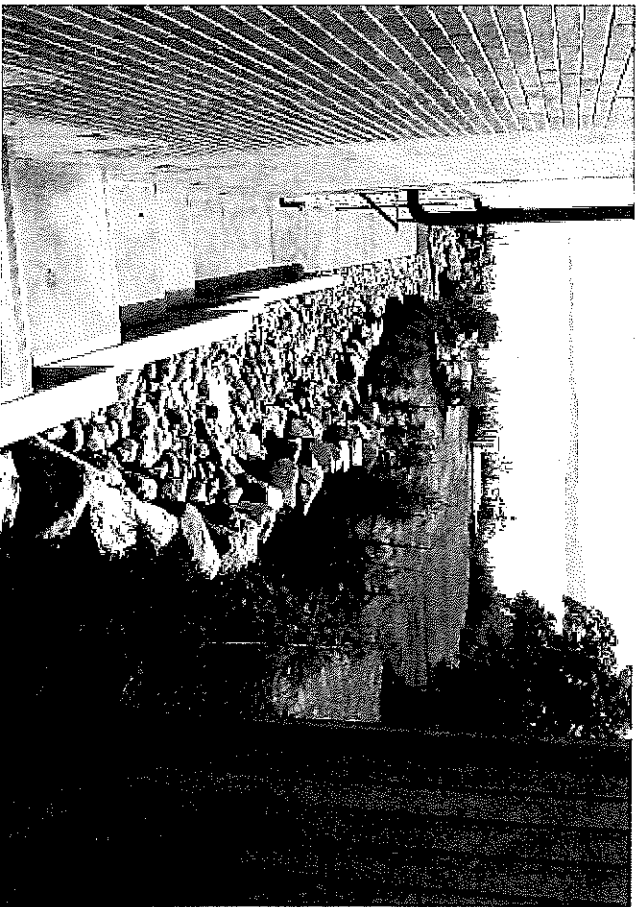
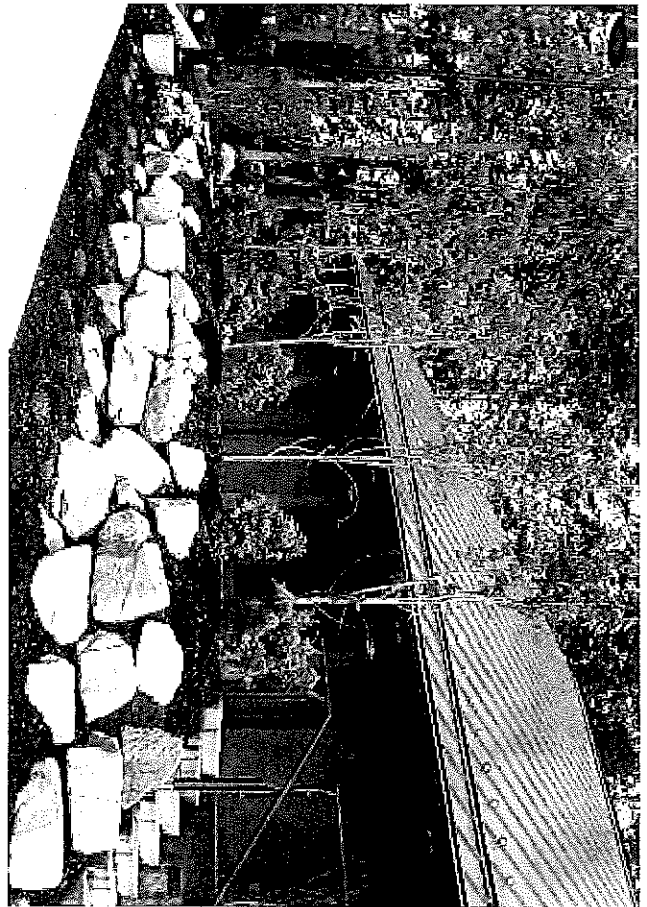
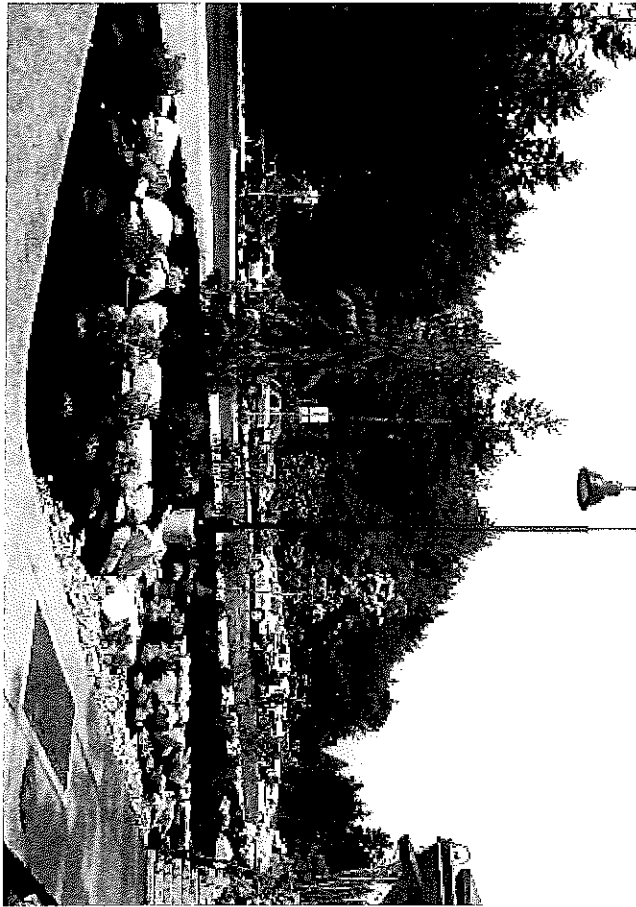




Visual Arts Centre  
Brentwood College School

Concept Landscape Plan  
Christine Lintott Architect  
April 22, 2010







**Archaeological Impact Assessment for Brentwood  
College School's Proposed Visual Arts Centre Building,  
Mill Bay, BC**

**Heritage Inspection Permit #2010 – 0045**

*for:*

**Tom Shadlock, Facilities Manager, Brentwood College  
2735 Mount Baker Road, Mill Bay, BC, VOR 2P1**

*by:*

**Madrone Environmental Services Ltd.  
1081 Canada Avenue, Duncan, BC V9L 1V2**

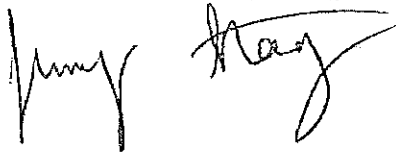
**April 26, 2010**

Dossier 10.0002

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Executed this 26<sup>th</sup> day of April, 2010, by



Jenny Storey, M.A.  
Madrone Environmental Services Ltd.

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Field Crew (Cowichan Tribes)	Tim Kulchyski
Report Editor	Margaret Rogers, B.A., RPCA
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Report Production	Melanie Nash



## ACKNOWLEDGEMENTS

Madrone Environmental Services Ltd. would like to thank Brentwood College School for initiating this archaeological study, specifically, Tom Shadlock for facilitating the project on behalf of Brentwood College and Casey Rivers for operating the backhoe during the project. We would also like to extend thanks to Dianne Hinkley for facilitating the project on behalf of Cowichan Tribes and Tim Kulchyski for participation in the field and for sharing his knowledge of the area.

The professional opinions expressed in this report are those of Madrone Environmental Services Ltd. and not those of any outside individuals or groups that were involved in the study. Madrone alone takes responsibility for the content of this report, including any errors or omissions.

## MANAGEMENT SUMMARY

Madrone Environmental Services Ltd. (Madrone) was contacted by Brentwood College School in December 2009 in regards to the proposed construction of a Visual Arts Centre building on the school's property, on the eastern portion of the property approximately 20 m from the existing shoreline. The Brentwood School property is located along the west side of Saanich Inlet, east and adjacent to the Trans-Canada Highway in the Town of Mill Bay, BC. Brentwood College School intends to construct the 30,000 square foot structure complete with a basement, outdoor patios and decks, as well as conducting general landscaping directly surrounding the building. As a boarding house was previously located on a portion of the development land, Brentwood College plans to utilize already existing service lines and storm water outfalls for the Visual Arts Centre building.

The proposed Visual Arts Centre building is situated immediately northwest of shell midden site DdRv-14, which was originally recorded during a regional archaeological survey project, that occurred in the 1970's. As the proposed development of the new Visual Arts Centre building is located adjacent to a recorded archaeological site, an archaeological impact assessment (AIA) was initiated. The project area lies within the traditional territory of the Malahat First Nation and the Hul'qumi'num Treaty Group (whose members include Cowichan Tribes, Stz'uminus First Nation, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation and the Penelakut Indian Band).

On March 10, 2010, an assessment was conducted under *Heritage Conservation Act* (HCA) permit 2010-0045 in order to: (1) identify and evaluate any archaeological sites that may be affected by the proposed construction of the Visual Arts Centre building on the Brentwood College school's property, (2) identify and assess any possible impacts that may occur to any archaeological sites in conflict with development activities, (3) provide the necessary recommendations regarding the need and appropriate scope for further archaeological studies, and (4) provide the appropriate recommendations for viable alternatives for the management of any future impacts.

The AIA was conducted in one day by one archaeologist from Madrone and one First Nation representative from the Cowichan Tribes. A general survey of the development area noted the presence of some thin and somewhat disturbed deposits of shell midden along the shoreline bank. It was also noted that this bank has been disturbed by the construction of a wooden walkway (Plate 1), the importation of rip-rap and the installation of various outfall pipes.



**Plate 1.** View north along shoreline in front of the northeast corner of the development area showing shoreline bank built up with rip-rap as well as wooden deck extending from the bank.

The assessment found that deposits on the property consisted primarily of a very thin layer of organic material followed by large quantities of fill (imported sands and gravels), previously blasted rock and medium brown silts overlying tan to grey clays. Testing along the western portion of the development area found that deposits were highly disturbed (likely due to the presence of a large building that once stood in this area) and no original deposits were observed. Testing along the eastern portion of the development area (closest to the shoreline) found that deposits consisted of medium brown silts, some fill and large quantities of tree roots and stumps, evidence of previous tree removal in this area.

Based on results from the subsurface tests as well as from general survey, it is clear that the development area has been significantly altered with the construction (as well as removal) of several buildings, the installation of extensive irrigation and sewer lines across the development area, the removal of several trees (specifically along the north eastern portion), the construction of a boardwalk along the shoreline bank as well as by various landscaping activities.

Therefore, while archaeological resources and potential still exists elsewhere on the property, no further archaeological work is required for the current development area of the Visual Arts Centre building.

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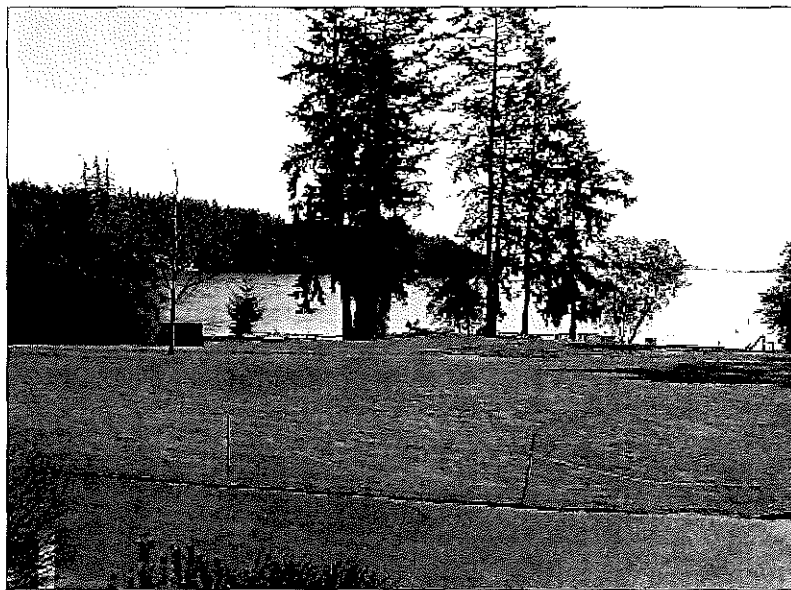
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## 1.0 INTRODUCTION

The study area is located along the Strait of Georgia, along the east coast of Vancouver Island, on the west side of Saanich Inlet, east and adjacent to the Trans-Canada Highway in the Town of Mill Bay, BC (Figure 1). Specifically, the proposed project is situated on the easternmost side of the Brentwood College School property, located at the easternmost end of Solarium Road. The proposed building location lies immediately east and south of the visitor parking lot, immediately south of the William T. Ross Academic Centre and immediately west from the shoreline of Mill Bay (Figure 2).

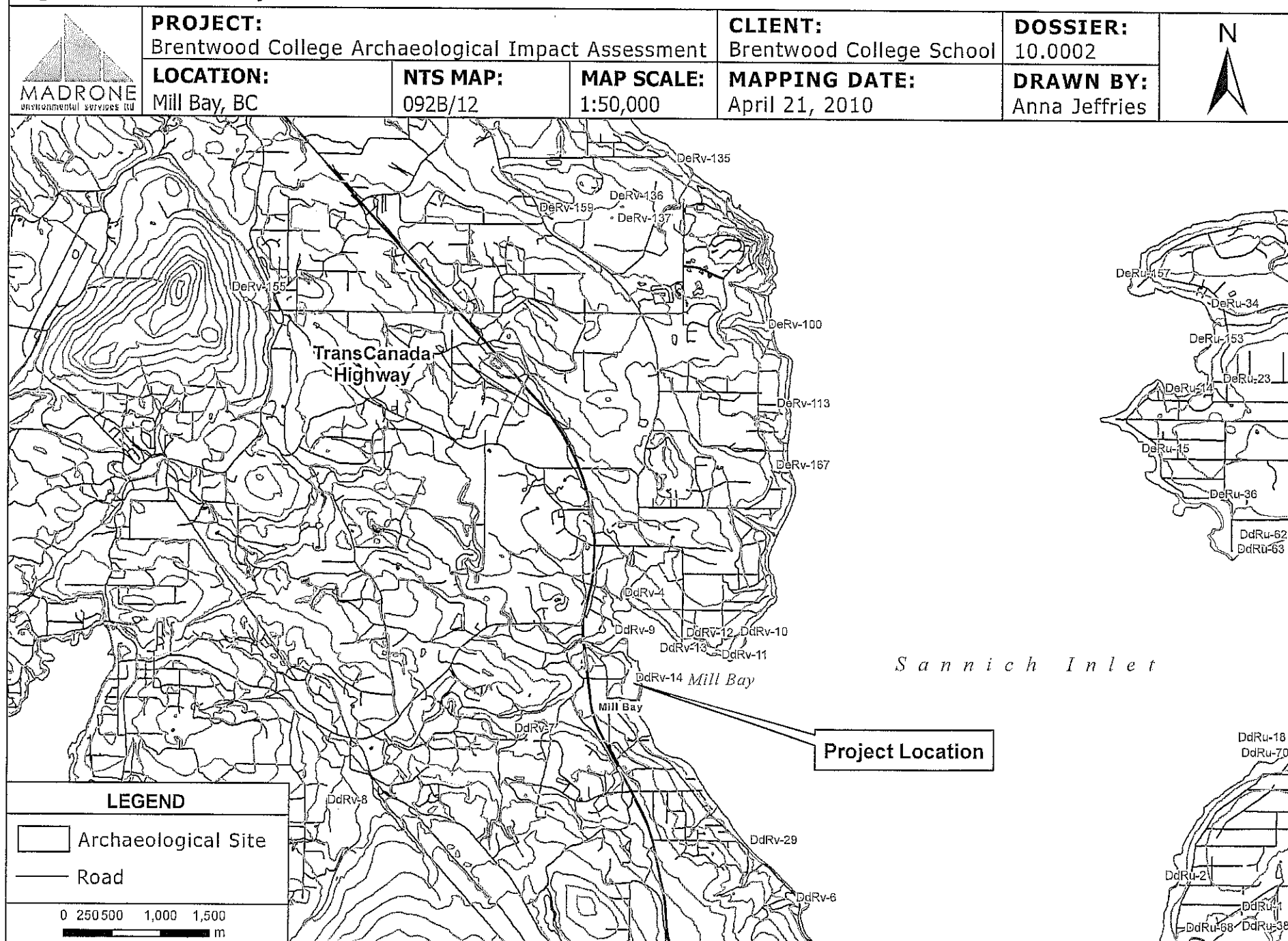
On March 10, 2010, Madrone conducted an AIA on the development area of the proposed Visual Arts Building at Brentwood College (Plate 2). The AIA included a survey of 100% of the area allotted to the proposed development by a two-person pedestrian survey. During the survey of the development area, all ground surface exposures were examined for any evidence of cultural materials and/or features.





**Plate 2.** View east across development area towards Saanich Inlet.

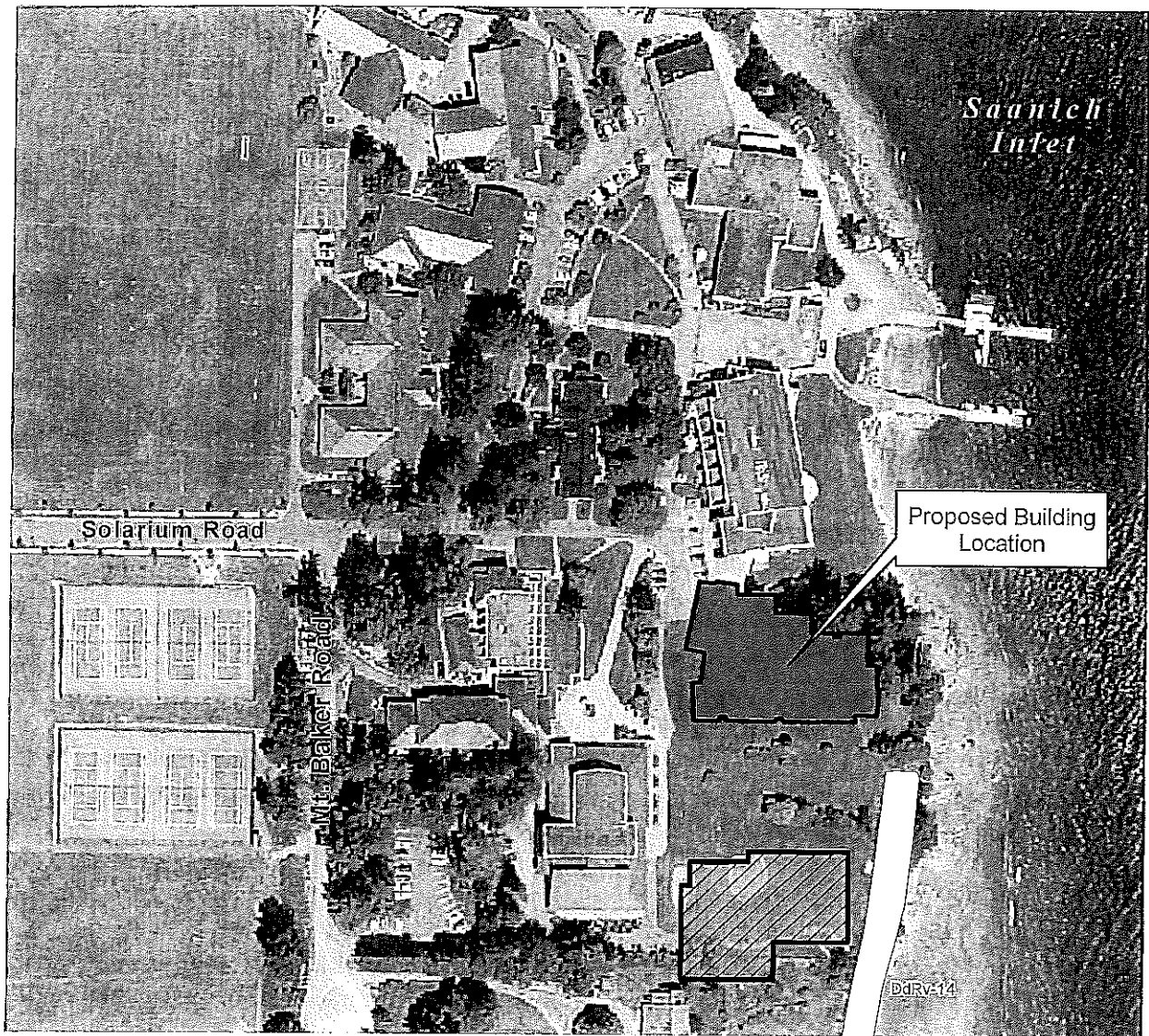
Although a set-back of approximately 15 m from the current shoreline was proposed for the development, survey during the AIA included the shoreline bank as well as a survey along the beachfront. Following the survey, a program of testing utilizing a small backhoe was conducted in the area to be affected by the current development plans, including the building footprint and surrounding area that may be impacted by the construction of decks, patios and general landscaping (Plate 3).

**Figure 1: General Project Location**





**Figure 2:** Proposed Building Location for Visual Arts Centre

	<b>PROJECT:</b> Brentwood College Archaeological Impact Assessment		<b>CLIENT:</b> Brentwood College School	<b>DOSSIER:</b> 10.0002	
	<b>LOCATION:</b> Mill Bay, BC	<b>NTS MAP:</b> 092B/12	<b>MAP SCALE:</b> 1:2,000	<b>MAPPING DATE:</b> April 15, 2010	



0 15 30 60 90 120 150  
Meters

	Archaeological Site
	New Student Services Building (see Simonsen 2007)



Systematic backhoe testing was conducted in order to determine whether cultural deposits and/or features were present. A total of 22 backhoe tests and three shovel tests were excavated during the AIA.



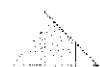
Plate 3. View west across development area showing rock outcrop and surrounding Brentwood College School buildings.

### 1.1 Study Objectives

Archaeological remains in the Province of British Columbia are protected from any form of disturbance, intentional or accidental, by the *Heritage Conservation Act* (RSBC 1996 Chap 187). To assist with the evaluation and management of archaeological sites within the province, the Archaeology Branch has published the *British Columbia Archaeological Impact Assessment Guidelines* (1998).

The objectives of an AIA include:

- i. Identifying and evaluating archaeological potential and resources that may be situated within the subject development area;
- ii. Assessing possible impacts to archaeological resources present;
- iii. Providing recommendations regarding the need and appropriate scope for further archaeological studies; and
- iv. Recommending viable alternatives for managing any identified impacts.



Please note that this assessment does not address potential impacts to traditional use sites within or near the study area. This report is provided without prejudice toward Aboriginal Rights and Title that any affected First Nation groups have and should not be used to fulfil First Nation consultation requirements.

## **1.2 Proposed Project**

The proposed development lands are owned and managed by Brentwood College School who plans to construct a new Visual Arts Centre building on the eastern portion of the property approximately 20 m from the shoreline. Although the specific design plans have yet to be finalized, it is likely that the building will be approximately 18,600 square feet with a maximum depth of 8 feet to allow for the construction of a basement. Development plans will include decks, outdoor patios and general landscaping (Figure 3). As a boarding house was previously located on a portion of the development land, Brentwood College plans to utilize the already existing service lines and storm water outfalls for the Visual Arts Centre building. The total development area will measure approximately 30,000 square feet.

## **1.3 Project Area**

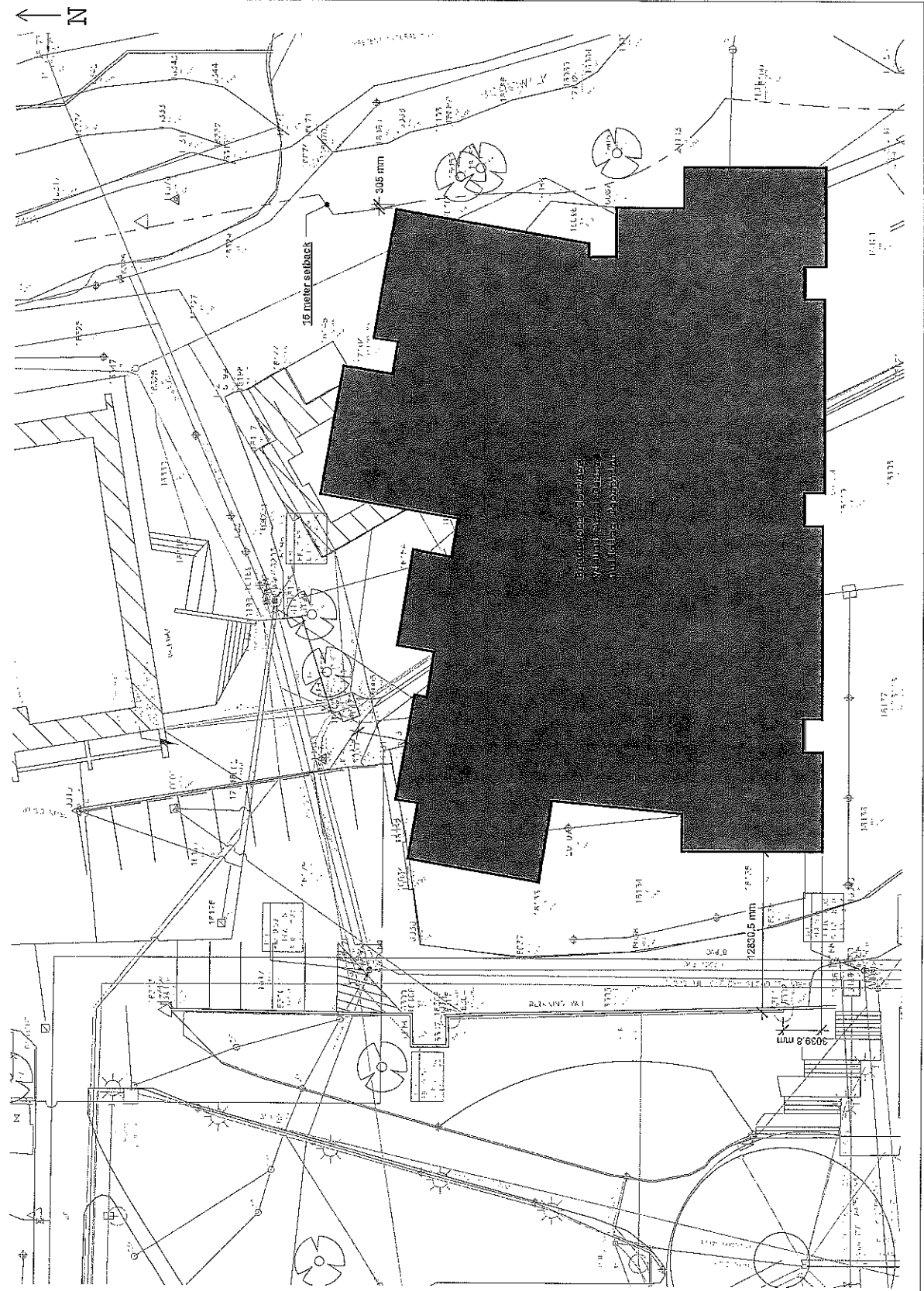
### **1.3.1 Environment**

The current project at Brentwood College School is encompassed within the broader geological region termed the *Nanaimo Lowlands*, which extend from Campbell River to Victoria on the east side of Vancouver Island and includes most of the Gulf Islands. The physiographic setting of this region is identified by the presence of gently rolling hills that reach elevations of 200 m with flatter plains that border most of the Gulf of Georgia (Yorath and Nasmith 1995). Similarly to other regions of Vancouver Island, the past physical landscape of the study area has been subjected to constant change as a result of glaciation, earthquakes and erosional processes. Those areas located along the coastal shorelines have received the most extensive impact due to continual wave action and sea level change resulting in the erosion of archaeological sites.

### **1.3.2 Paleoenvironment and Sea Level History**

Paleoenvironmental studies of Vancouver Island have identified three major periods of glaciation with features left behind from the last period, the Fraser Glaciation, being the most widespread and exposed today. Beginning approximately 29,000 years ago, the Fraser Glaciation period witnessed an accumulation of ice on the mountains of Vancouver Island forming vast alpine glaciers that expanded to create valley glaciers. These valley glaciers created significant shifts in the vegetation with areas of temperate forest disappearing and being replaced by alpine and tundra vegetation.

Figure 3: Site Plan Map for Proposed Visual Arts Centre at Brentwood College School



Site map reproduced with permission from Brentwood College

After the climax of the Fraser Glaciation, around 15,000 years before present (BP), the climate changed significantly and increasingly warmer temperatures melted valley glaciers (Yorath and Nasmith 1995: 33-34). As the climate continued to change, the vegetation shifted from an alpine and tundra environment back to a temperate landscape. After 6,600 BP, the climate on Vancouver Island became increasingly cool and wet resulting in the development of the modern temperate coastal forest. This temperate forest was increasingly dominated by Douglas fir and Western Hemlock. There was also a significant increase in the presence of red cedar (Pellatt *et al.* 2001). By between 4,500 and 3,000 years BP, the environment of Vancouver Island mirrored that of the present (Mathewes 1976, 1985). These shifts in climate and vegetation would have affected the early peoples who occupied Vancouver Island. Specifically, changes in forest resources may have had an effect on subsistence and settlement patterns.

Sea level history along coastal British Columbia is varied and dependant on the distance from the main concentrations of ice accumulation and the specific timing of glacier retreat. During de-glaciation, there were substantial fluctuations in sea levels as a result of eustatic, isostatic, and tectonic activities (Muller 1980). On the mainland, relict shorelines are located up to 200 m above the present sea level while, on the west coast of Vancouver Island, these relict shorelines occur at less than 50 m elevation.

In Haida Gwaii (the Queen Charlotte Islands), the situation is reversed and the oldest relict shorelines are now submerged under the ocean (Clague 1983). During late Pleistocene de-glaciation, sea levels ranged from 75 m to 175 m above present day levels (Clague 1981). At this time, the current study area would have been fully submerged. As glacial ice melted, sea levels fell several meters below the present. Archaeological sites occupied during the late Pleistocene are found on elevated shoreline areas and sites dating to the rebound period (ca. 9,000 BP) are expected to be located below the present day tide levels.

After this drop in sea levels during the early Holocene, the ocean began rising until approximately 5,000 years ago when the tide line reached its present extent again (Yorath and Nasmith 1995: 34-35). Therefore, any evidence of early human occupation or land use extending back farther than 5,000 BP along the Strait of Georgia<sup>1</sup> may potentially be submerged under the ocean. Subsequently, archaeological survey and investigations on Vancouver Island and other regions of British Columbia must account for the specific sea level history in any given study area.

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<sup>1</sup> The Strait of Georgia is now encompassed within the broader name the *Salish Sea* which also includes the Straits of Juan de Fuca and Puget Sound. The name change is meant to honour the Coast Salish people who have used these waters for thousands of years. For the purposes of this report, the study area will still be referred to as the Strait of Georgia in order to maintain consistency with the previously defined culture history for the area.

In the Strait of Georgia, the only archaeology site that has been tentatively associated with early Holocene sea levels is the Montague Harbour site on Galiano Island which has intertidal and sub-tidal components (Easton 1991, 1992). A deeply buried organic layer from the site was dated to 6000 B.P. and a bone tool from the same layer was dated to 3,500 BP however, the association between these two elements is not yet understood (Reinhardt *et al.* 1996; Fedje *et al.* 2009). Recent archaeological work being conducted in the Gulf Island Park Reserve by Parks Canada archaeologists has found several archaeological sites with intertidal components that have the potential to produce cultural deposits dating to the early Holocene (Fedje *et al.* 2009).

### 1.3.3 Biogeoclimatic Environment

The project area is situated within the Coastal Douglas Fir (CDF) biogeoclimatic zone. This zone is limited to only a small area of south eastern Vancouver Island, several Gulf Islands and a portion of the adjacent BC mainland (Nuszdorfer *et al.* 1991: 82). The climate within the CDF zone is relatively dry with mild annual temperatures and the vegetation is diverse with species that occupy rock outcrops, seaside, aquatic and forest habitats.

The CDF is characterized by the predominance of Douglas fir (*Pseudotsuga menziesii*), with an understorey of salal (*Gaultheria shallon*), and/or Oregon grape (*Mahonia aqua folium*). Other tree species commonly occurring in this zone include western red cedar (*Thuja plicata*), grand fir (*Abies grandis*), Red alder (*Alnus rubra*) and, in drier areas, arbutus (*Arbutus menziesii*) and Garry Oak (*Quercus garryana*). Other less-common species include Sitka spruce (*Picea sitchensis*), western hemlock (*Tsuga heterophylla*), shore pine (*Pinus contorta*), bitter cherry (*Prunus emarginata*), bigleaf maple (*Acer macrophyllum*), western flowering dogwood (*Cornus nuttallii*), black cottonwood (*Populus trichocarpa*), and trembling aspen (*Populus tremuloides*) (Nuszdorfer *et al.* 1991: 82).

Native wildlife commonly found within the Coastal Douglas Fir zone includes black-tailed deer (*Odocoileus hemionus*), black bear (*Ursus americanus*), elk (*Cervus elaphus*), cougar (*Felis concolor*) and various other small land mammals. Birds and waterfowl known to be found in this zone include the pileated woodpecker (*Dryocopus pileatus*), blue grouse (*Dendragapus obscurus*), Stellar's jay (*Cyanocitta stelleri*), great blue heron (*Ardea herodias*), raven (*Corvus corax*), hooded merganser (*Lophodytes cucullatus*), mallard (*Anas platyrhynchos*), Canada goose (*Branta canadensis*) and glaucous gull (*Larus hyperboreus*) (Nuszdorfer *et al.* 1991: 88-90).

Sea mammals known to occupy the waters near to the current study area include harbour seal (*Phoca vitulina richardi*), northern sea lion (*Eumetopias jubata*), California sea lion (*Zalophus californianus*), killer whale (*Grampus rectipinna*) and

harbour porpoise (*Phocoena vomerina*). Many types of fish are also commonly found in the area, each occupying a specific local habitat such as a rocky shoreline or sandy beach. Fish species include dogfish (*Squalus suckleyi*), skate (*Raja binoculata*), Pacific herring (*Clupea harengus*), rockfish (*Sebastes* spp.), flounder (*Atheresthes stomias*), halibut (*Hippoglossus stenolepis*), sole (numerous species), ling cod (*Ophiodon elongates*) and several species of sea perch (Mitchell 1971). Five species of salmon also reside in the ocean and rivers surrounding the project area depending on the season which include Chinook (*Oncorhynchus tshawytscha*), chum (*O. keta*), Coho (*O. kisutch*), pink (*O. gorbuscha*) and sockeye (*O. nerka*).

Various types of shellfish can be found in specific local habitats in the Gulf of Georgia region. Species of shellfish include, but are not limited to, butter clam (*Saxidomus giganteus*), littleneck clam (*Protothaca staminea*), horse clam (*Schizothaerus nuttalli*), basket cockle (*Clinocardium nuttalli*), mussel (*Mytilus edulis*), native oyster (*Ostrea lurida*), whelk (*Nucella* sp.), wrinkle purple (*Nucella lamellose*), periwinkle (*Littorina* sp.), limpet (*Lottidae*), and acorn barnacle (*Balanus nubilis*). The abundance and significance of these various types of shellfish within and adjacent to the current study area is reflected quite prominently by the types of archaeological sites recorded in the area. For the current study area, shell midden sites are the predominate type of site recorded reflecting important resource collection locales for many local groups.

#### 1.4 Ethnographic History

The current study area falls into the Gulf of Georgia region (now known as part of the Salish Sea), an area that has been traditionally occupied by several local groups often generally described as the Central Coast Salish (Suttles 1990). The Central Coast Salish encompass five distinct language groups known as the Halkomelem, Squamish, Nooksack, Northern Straits and Clallam (Suttles 1990). Hul'qumi'num speakers are found from Harrison Lake and the Fraser Canyon to the mouth of the Fraser River, across the Gulf Islands and along eastern Vancouver Island (Suttles 1990: 453). Three different dialects of the Halkomelem language have been distinguished, separating the group further into the Island Halkomelem, the Upriver Halkomelem and the Downriver Halkomelem. The Island Halkomelem are known to have traditionally occupied winter villages on eastern Vancouver Island (Suttles 1990).

Local groups residing in the Gulf of Georgia region, and more specifically along eastern Vancouver Island, have been subject to extensive ethnographic study by researchers such as Barnett (1939, 1955), Duff (1952), Kroeber (1963), and Suttles (1951, 1960). Ethnographic information gathered by these individuals among others has led to the establishment of a defined cultural area known as the Gulf of Georgia.

The Gulf of Georgia region is characterized by several locally distinct characteristics that tend to separate the groups in the area from neighbouring groups. Based on ethnographic accounts for Gulf of Georgia groups (See Barnett 1939, 1955; Duff 1952; Suttles 1951, 1960), three regional features of the culture type are listed by Mitchell (1971: 26-27). These features are: (1) An extensive range of food procuring technologies for a variety of conditions (*i.e.*, specialized types of nets, many forms of harpoons, hooks and lures), (2) A set annual round of movements from one resource location to another depending on the specific season, and (3) an effective means of food preservation and storage. Additional features restricted or closely identified with groups in the Gulf of Georgia region include: (1) some form of a class structured society that distinguishes between high, low and a slave class, (2) a winter dancing complex, (3) the raising of a specific breed of white dog for its wool, (4) reef-net technology and associated social and ritual aspects of its use, (5) swaixwe dance and costume, and (6) myth of origin (Suttles 1960; Mitchell 1971: 26). The presence of these features with any one group in the Gulf of Georgia region does, of course, vary and this list of specific features exists to set the Gulf of Georgia cultures apart from the Northwest Coast culture type (Mitchell 1971: 26).

Although ethnographic research has served to separate local groups within the Gulf of Georgia based primarily on linguistic differences, many First Nation groups have noted that they are more similar to their neighbours, sharing close kinship ties with each other. For this particular AIA study along Saanich Inlet it is important to emphasize that the waters and lands encompassing the inlet were intensively used by members of the Cowichan Tribes, Malahat First Nation as well as Saanich (W̱SÁNEĆ) First Nation. In a cultural heritage study of Saanich Inlet and the surrounding area conducted by Simonsen *et al.* (1997), interviews with several elders from the Malahat, Cowichan Tribes and Saanich groups noted that there was overlap between groups in the region. While Saanich peoples spoke Sencoten and Malahat and Cowichan peoples spoke Hul'qumi'num, it was also noted that some Malahat people spoke Sencoten or both languages reflecting the close association between these local groups.

#### 1.4.1 Ethnographic Settlement and Subsistence

There were several large permanent winter villages located on and near to Saanich Inlet. Early ethnographic accounts documented several winter villages situated along Cowichan Bay and the lower portion of the Cowichan River (Barnett 1955; Rozen 1977) with most of the largest villages being located on the Cowichan River. A few villages were recorded along Cowichan Bay, including *Tulpalus*, *Qwumi'iqun'* (Comiaken) and *Hinupsum* (Khenipsen) and a few villages were known along the Koksilah River (Marshall 1999: 57). There were also winter villages situated directly across Saanich Inlet from the current study area including the Tseycum village known

as WSÍKEM meaning ‘place of clay’, once located on the east side of the Peninsula. It was only within the last 200 years that Saanich peoples settled in permanent villages on the west side of the Peninsula, facing Saanich Inlet (Elliott 1983). Both speakers of Hul’qumi’num and Sencoten occupied permanent villages on Vancouver Island and the mainland in the winter months as well as occupying other villages on many of the Gulf and San Juan Islands (Elliott 1983: 12). During the winter months (roughly December to February), groups remained in their winter villages subsisting primarily on dried food they had collected during the summer (*i.e.*, dried fish and berries). This was also the time of year that the winter dances took place as well as when men and women would make blankets, baskets, mats, canoes, tools and utensils (Elliott 1983: 32). During the winter months some offshore fishing still took place as well as duck hunting and some clam gathering (Jenness n.d.: 6).

During the spring, local groups began to hunt seals and fish for spring salmon. Spring was the season that the herring spawned in the area and people would harvest the herring roe, dried out in the sun on cedar and balsam branches. Duck hunting also increased during the spring. In March and April, groups set out to collect various plants and shellfish both locally and in the Gulf and San Juan Islands. Seals and porpoises were hunted and focus also turned to fishing for cod and halibut. In late spring, local groups collected eggs and camas bulbs which were found to be most abundant on the Gulf Islands (Elliott 1983: 23). Along with camas, wild carrots and rushes were collected with the rushes used for making mats (Jenness n.d.: 6); spring was also the time of year when deer and elk were hunted.

As early summer approached, local groups began to prepare for the salmon runs that would soon arrive in the straits, through Juan de Fuca Strait up into Haro Strait and also through the islands. Fish were hung in the sun to dry, sometimes smoked and put away for the winter months. During this time, sea lions as well as terrestrial mammals such as deer and elk were hunted and berries and other plants were collected. Elders can remember heading up to Malahat Mountain to hunt and trap as well as to Goldstream, along Gowland Range, around Willis Point and at Bamberton. Terrestrial mammals that were utilized by local groups included wolf, beaver, elk, river otter, mink, deer, raccoon, and black bear (Simonsen *et al.* 1997). Local groups also hunted whales (grey and killer) which were known to be frequently found in Sannich Inlet. Other activities that took place included the gathering of cedar bark and roots for making baskets, rope and other items.

At the beginning of fall, around September, groups fished for Coho and chum salmon (a.k.a. dogfish). Local groups caught several species of salmon at Goldstream which was known to be a large salmon spawning river. After collecting a sufficient amount of salmon in the fall, groups left for their permanent villages. People



continued to gather local resources during this time, storing away dried food collected in the summer months.

Various species of shellfish were also prevalent along the beaches, bays, inlets and coves within the study region. Local groups utilized a wide range of shellfish including crabs, barnacles, cockle clam, Pacific (Japanese) oysters, mussels, octopus, native oysters, sea cucumbers, butter clams, sea urchins, manila clams and chitons (Simonsen *et al.* 1997).

#### **1.4.2 Social Organization**

Social organization for Gulf of Georgia groups during the contact period has been defined as a bilateral kinship system that includes four residential units: (1) the family, (2) the household, (3) the local group, and (4) the winter village (Suttles 1990: 463). Each family, composed of a husband, wife and their offspring, lived in a section of a shed-roofed plank house with their own hearth and often ate meals with other household members.

The household, important units for political, social and economic activities where families held rights to assets shared by their household, was comprised of a set of kin-related nuclear families that occupied one or more plank houses. These rights could include property, access to resource locations, *i.e.*, fishing sites, shellfish or camas beds, ancestral names or titles, family stories and songs, and knowledge regarding ritual procedures (Suttles 1990: 464). Some households had more internal stratification than others. A local group consisted of a household shared by a kin group and associated dependant households. One or more local groups occupied a village, sharing a common sense of identity and a common origin myth. The sizes of these local groups could vary considerably. Some local groups occupied their own village while others shared a village with other local groups (Suttles 1990: 464).

#### **1.4.3 Historic Background**

Euro-Canadian settlement in the Mill Bay area extends back into the early 1800's when only a few families resided in the area. Families who moved into the vicinity of Mill Bay, Shawnigan Lake and the Cowichan Valley were allotted parcels of land and many of these parcels were cleared for farming purposes. Around 1860, there were only a small number of settlers in the Mill Bay area. In 1861, Henry S. Shepherd leased a parcel of land on the north shore of the bay at the mouth of a creek and built a sawmill. Soon after being built, the mill was purchased by Mr. William Sayward (Ellis 1979). The establishment of the mill, which eventually closed in 1878, brought several more families to live in the Mill Bay area. The area of land where Brentwood College School now stands was once divided into private parcels owned by early settlers. Brentwood College School was also the site of the Queen Alexandria

Solarium, built in 1926 and in operation until 1958. Around 1961, the solarium closed, relocated to the Gordon Head area in Victoria, and the building became part of Brentwood College (Ellis 1979). Brentwood College School was first founded in 1923 and was located across from Mill Bay on the Saanich Peninsula in Brentwood Bay. After the school was destroyed by a fire in 1947, Brentwood College was relocated to Mill Bay and opened in 1961.

## 1.5 Archaeology

The current project area is situated within a defined cultural region known as the Gulf of Georgia, encompassing the Strait of Georgia as well as the Lower Fraser River and northern Puget Sound. The Gulf of Georgia region has been described as area unique both in its natural physiography and its sequence of regional cultural development (Mitchell 1971). Archaeologically, the Gulf of Georgia region has been divided into several time periods based on the continuities and change in cultural practice and behaviour through time. The framework for this cultural historical sequence is a synthesis of the work of researchers such as Borden (1968), Burley (1980), Carlson (1990), Fladmark (1982), Matson and Coupland (1994), and Mitchell (1971, 1990) among others. The basis for most of the information on the cultural historical sequence comes primarily from archaeological investigations and ethnographic accounts, which in turn has been used to create a sequence of distinct culture types that reflect such cultural markers as technologies, subsistence and economic activity, social organization, and artifact characteristics (Mitchell 1990). Five “Phases” or “Cultural Types”, each relating to a different time period, have been identified for the geographic area and include: (1) the Old Cordilleran/Pebble Tool Tradition, (2) the Charles, (3) the Locarno Beach, (4) the Marpole, and (5) the Gulf of Georgia Culture Type. The cultural sequence proposed for the Strait of Georgia region is summarized in Table 1 below.

**Table 1. Culture History Sequence for the Gulf of Georgia Region**

Time Period (years BP)	Cultural Type
Present – 200	Contact/Historic Period
1,400/1,100 – 200	Gulf of Georgia
2,400 – 1,400/1,100	Marpole
3,300–2,400	Locarno Beach
4,500 – 3,300	Charles Culture
10,000 – 4,500	Old Cordilleran/ Pebble Tool Tradition

### 1.5.1 Archaeological Record of the Study Area

The archaeological record for the present study area has primarily been documented as a result of archaeological survey on the southwestern Gulf of Georgia that took place in 1975 (Acheson *et al.* 1975). At the time of this survey project, many of the archaeological sites recorded in the vicinity of the project area were noted to suffer from various levels of past, present and future disturbances including residential development, road construction, and erosion from wave action along the shoreline of Saanich Inlet. More recent archaeological investigation in the area has been primarily based on continued development with a relatively small portion of AIA's conducted.

In the current project area, there are four archaeological sites recorded within a 1 km radius of the property along the western shoreline of Saanich Inlet and in or adjacent to Mill Bay and nine archaeological sites recorded along and adjacent to Saanich Inlet within a 5 km radius. A summary of the archaeological sites recorded adjacent to the current study area are listed in Table 2 below.

**Table 2. Recorded Archaeological Sites in Vicinity of Study Area**

Site	General Location	Site Type	References
DdRv-14	Located along the shoreline of Mill Bay partially within the lands owned by Brentwood College School	Subsurface shell midden	Acheson <i>et al.</i> 1975; Simonsen 1997, 2007
DdRv-9	South shore of Mill Bay on small point at entrance to inlet with Hollings Creek	Subsurface shell midden	Acheson <i>et al.</i> 1975
DdRv-4	At entrance of small creek into Mill Bay, most northerly corner of bay on east side of creek mouth	Subsurface shell midden, surface lithics	Acheson <i>et al.</i> 1975
DdRv-13	N shore of Mill Bay	Subsurface shell midden	Acheson <i>et al.</i> 1975
DdRv-7	1 mile S of Mill Bay at end of Deloume Road at creek on Old Deloume homestead	Subsurface shell midden	Acheson <i>et al.</i> 1975
DdRv-11	Northwest of Whiskey Point before entering Mill Bay	Subsurface shell midden	Acheson <i>et al.</i> 1975
DdRv-29	West shore of Saanich Inlet from Verdier Point to where Mill Bay Road leaves the coastline towards Mill Bay. NW corner of Malahat Reserve #11	Subsurface shell midden	Acheson <i>et al.</i> 1975
DdRv-6	S side of Verdier Point	Subsurface shell midden, surface lithics	Acheson <i>et al.</i> 1975
DdRv-10	Low flat point immediately N of Whiskey Point on Saanich Inlet	Subsurface shell midden	Acheson <i>et al.</i> 1975
DeRv-167	Approximately 1.3 km south of southern boundary of Hatch Point IR #2, 600 m S of DeRv 113, 2 km N of Whiskey Point	Surface/Subsurface shell midden	Info from Site Form
DeRv-100	S half of large bay to S of Hatch Point, Saanich Inlet	Subsurface shell midden	Acheson <i>et al.</i> 1975
DeRv-113	S of telephone cables to Saanich Peninsula	Subsurface shell midden	Acheson <i>et al.</i> 1975
DdRv-8	N end of field area near N boundary of Malahat District near source of Hollings Creek	Subsurface lithics	Info from Site Form

**1.5.1.1 Archaeological Site DdRv-14**

The current project area is situated in close proximity to shell midden site DdRv-14, originally recorded during survey in 1975. At the time of the survey, it was noted that the site appeared to be in poor condition having suffered multiple disturbances from past residential development and erosion from wave action. An AIA conducted in 1997 by Simonsen (Simonsen 1997) on a residential lot that was to be absorbed into the Brentwood School Property noted that the portion of DdRv-14 located on the residential lot was in poor condition. An AIA conducted on a portion of the Brentwood College School property (where the Student Services and Cafeteria Building is situated) in 2007 did not find any evidence of subsurface cultural deposits (Simonsen 2007). However, as the proposed development had included a set-back of 20 m from the shoreline, no archaeological testing was conducted in the area where site DdRv-14 was originally recorded as being located.

## 2.0 METHODOLOGY

The objectives of the archaeological impact assessment were to locate any archaeological resources that may be in conflict with the proposed development as well as to provide the necessary recommendations for mitigating any identified archaeological resources. The assessment included a background review of the project area for archaeological site information as well as a program of archaeological survey and testing.

### 2.1 Background Research

Prior to conducting the assessment, a search for archaeological sites was conducted using the Remote Access to Archaeological Data (RAAD) system maintained by the Archaeology Branch. RAAD provides detailed geographical information for previously recorded archaeological sites in British Columbia. Four archaeological sites were identified within a 1 km radius of the proposed development property including DdRv-14. This site, originally recorded along the shoreline in front of a portion of the Brentwood College School lands, is located on the school property immediately northwest of the current development area.

### 2.2 Inventory

Archaeological potential for this project was based on the following factors: proximity to recorded archaeological sites, proximity to existing water sources, proximity to relict water courses, slope, aspect, and food resource values (*i.e.*, ungulate ranges and fish).

During the field portion of the AIA a crew, consisting of one Madrone archaeologist and one Cowichan Tribes member, conducted a pedestrian survey of the lands to be directly affected by the proposed development of the Visual Arts Centre building. During the survey, all surface exposures were examined for cultural deposits, artifacts and/or features and other evidence of past human land use and settlement. A program of systematic and judgemental subsurface testing utilizing a small backhoe was then conducted within the development area where a total of 22 backhoe tests (Plate 4) and three shovel tests were excavated. Backhoe testing was considered to be the most appropriate methodology for the AIA as background research into this portion of the Brentwood College property indicated that large amounts of fill would be encountered. Each backhoe and shovel test was marked using a hip-chain and compass and recorded in field notes and photographs. Backhoe tests were spaced 5 – 10 m apart where possible (note that testing was inhibited by the presence of an extensive underground irrigation system and service lines) and were excavated to sterile deposits.

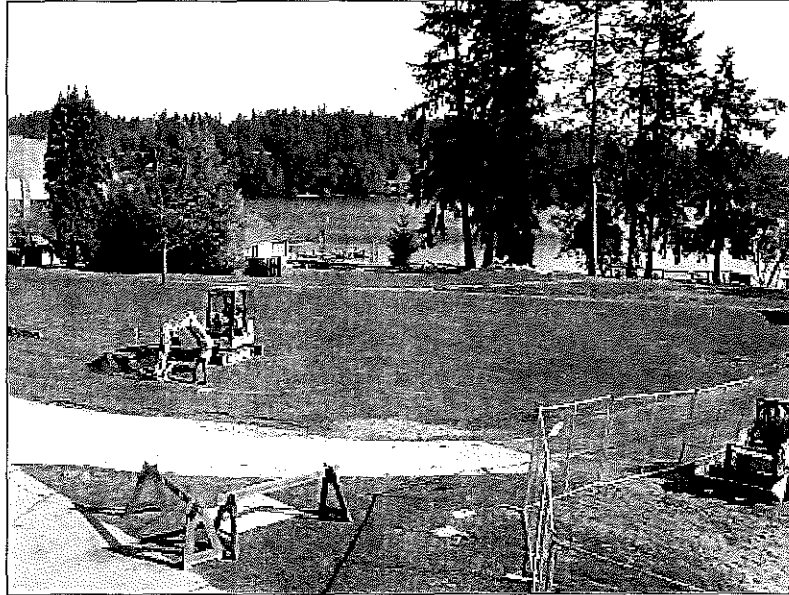


Plate 4. View northeast across development area showing backhoe testing. Note the existing house in the far left corner of the development area.

### 2.3 Site Evaluation

No sites were found within the development area during the AIA. However, remnants of site DdRv-14 were observed in the top of the shoreline bank directly east of the project area as well as in the lower part of the shoreline bank (as observed from the beach below). Observations made during the AIA noted that DdRv-14 has been extensively disturbed by past development activities along the shoreline.

### 2.4 Impact Identification and Assessment

The potential impacts of the development plans on archaeological sites within the proposed development area were assessed in reference to Appendix F of the *British Columbia Archaeological Impact Assessment Guidelines* (1998). Ground altering activities typically associated with these types of projects include: As per the *Guidelines* (Appendix F), indicators for assessing impacts on archaeological sites include: (1) magnitude, (2) severity, (3) duration, (4) range or the spatial distribution, (5) frequency, (6) diversity, (7) cumulative effect, and (8) rate of change.

As no archaeological features or materials were identified during assessment, no impacts to archaeological resources are expected. However, portions of site DdRv-14 were observed directly west and adjacent to the development area along the shoreline bank where remnant intact portions were noted. There has been considerable disturbance to this portion of the site due to installation of service lines, rip-rap and a wooden boardwalk.

### 3.0 RESOURCE INVENTORY

A program of survey included an examination of the steep shoreline bank (Plate 5) situated directly adjacent to and west from the development area. All surface exposures were examined for any evidence of cultural deposits, artifacts and/or features that may have been associated with site DdRv-14. Subsurface testing during the AIA did not identify any archaeological site within the proposed development area allotted to the proposed Visual Arts Centre building at Brentwood College School.

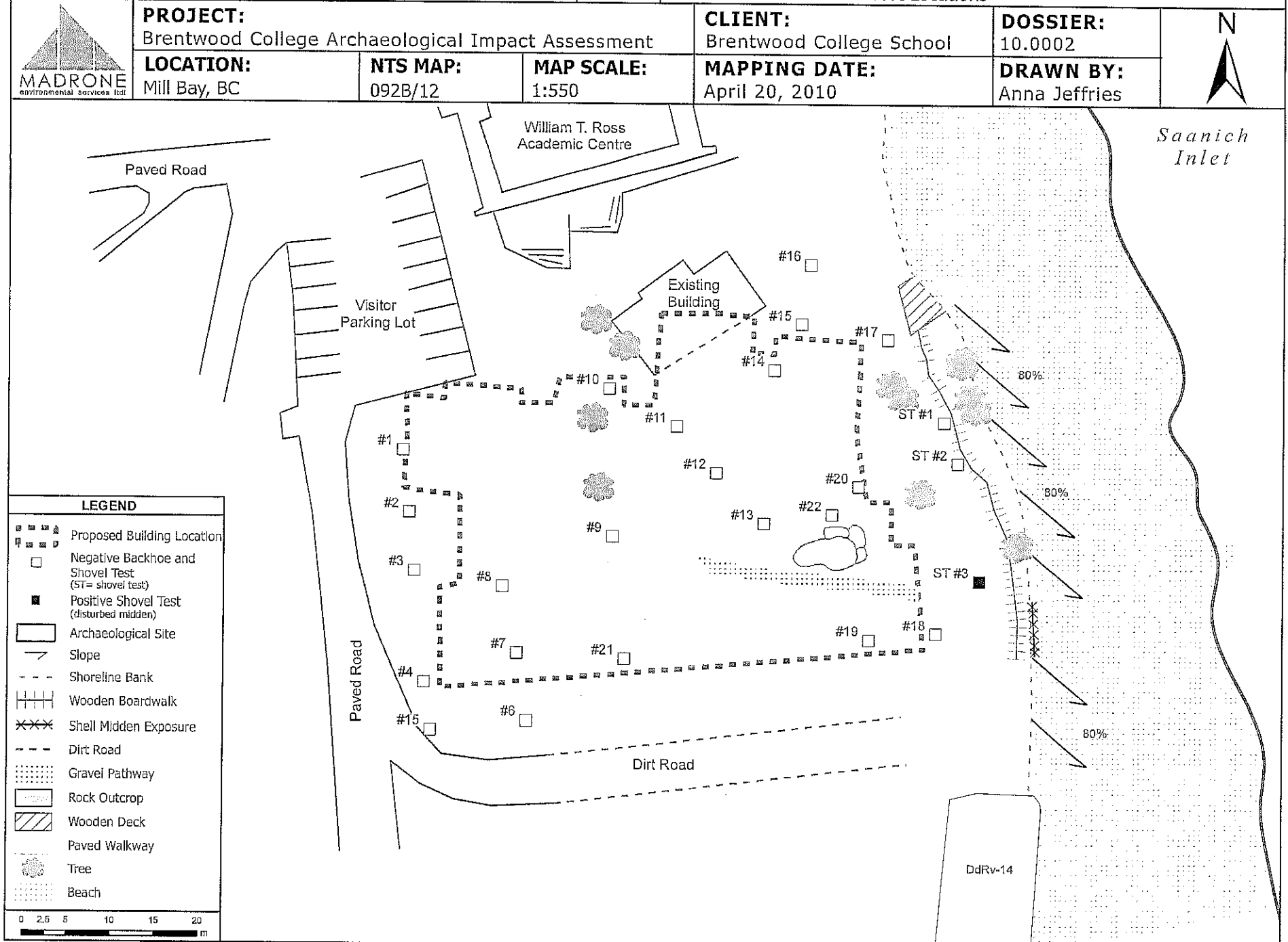


**Plate 5.** View west of Tim Kulchyski pointing out shell midden deposits situated along the shoreline bank (directly east of the development area). Note the heavily disturbed nature of the shoreline bank.

A program of backhoe and shovel testing (Figure 4) found that deposits on the property consisted primarily of a very thin layer of organic material followed by large quantities of fill (imported sands and gravels); previously blasted rock and medium brown silts overlying tan to grey clays. Testing along the eastern portion of the development area (closest to the shoreline) found that deposits consisted of medium brown silts, some fill and large quantities of broken tree roots and stumps and evidence of previous tree removal.



**Figure 4:** Brentwood College School's Visual Arts Centre Development Map with Backhoe & Shovel Test Locations





### 3.1 Results

#### 3.1.1 Backhoe Tests

As previous archaeological work on the Brentwood College School property (situated to the south of the current development area) had noted quantities of fill during subsurface machine auger and backhoe testing on a previous AIA (Simonsen 2007), a small backhoe (as provided by Brentwood College) was utilized for the current AIA.

Following the survey, a total of 22 backhoe tests were systematically and judgements placed along the eastern and western sides of the development area. The placement of these tests was somewhat constrained by an extensive underground irrigation system present throughout the development area as well as by underground service lines (Plate 6).

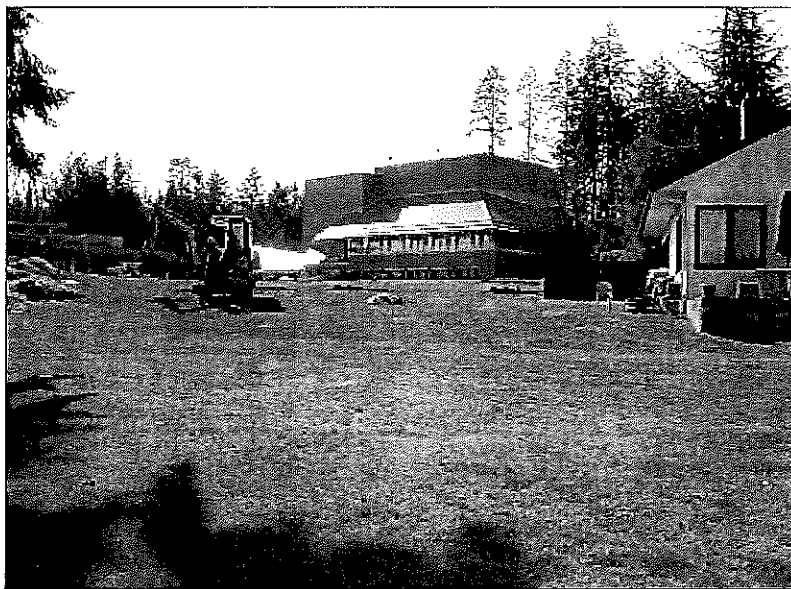
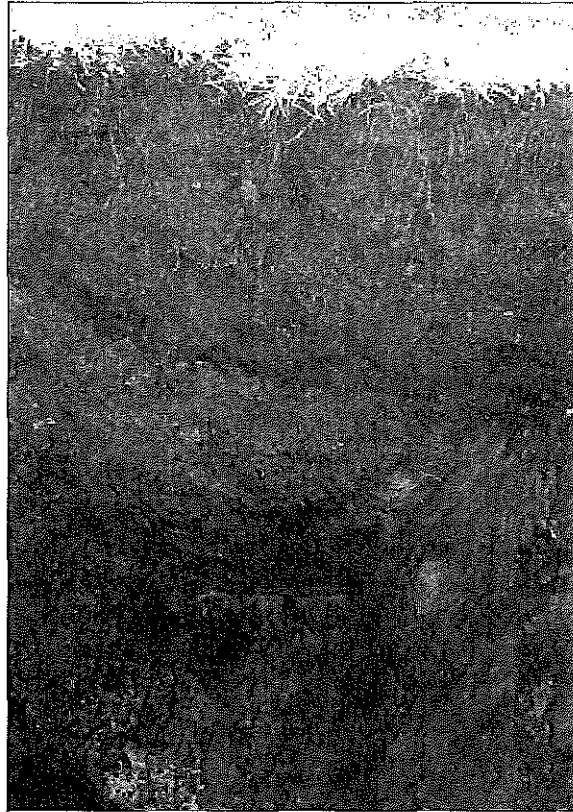


Plate 6. View west across development area during backhoe testing.

Testing along the western portion of the development area found that natural deposits were highly disturbed with a high quantity of fill and blast rock present in all of the backhoe tests (Plate 7). These disturbed deposits extended to depths exceeding 170 cm in some instances.



**Plate 7. Backhoe Test 10.**

Testing along the eastern portion of the development area (closest to the shoreline) found that deposits consisted of medium brown silts, some fill and large quantities of tree roots and stumps, evidence of previous tree removal in this area (Plate 8). A general survey of the development area noted the presence of some thin and somewhat disturbed deposits of shell midden along the shoreline bank. It was also noted that this bank has been disturbed by the construction of a wooden walkway, the importation of rip-rap and the installation of various outfall pipes. Refer to Table 3 to follow for the results of each backhoe test.



Plate 8. Backhoe Test 12.

Table 3. Backhoe Test Results

Test #	Location	Description (depth below surface in cm)
1	26 m @ 32° to SW corner of large building (dining hall?)	0 – 10: organics mixed with medium brown silt; 10 – 100: fill (sands and gravels); 100 – 150: Dark grey/blue clay
2	6 m S of BT 1	0 – 10: organics and medium brown silty loam; 10 – 152: fill; 152+: grey clay
3	12 m S of BT 1	0 – 10: medium brown silt; 10 – 170: fill and blasted rock – backhoe could not dig any deeper
4	25 m S of BT 1	0 – 10: medium brown silt; 10 – 137: fill and blast rock (large boulders and cobbles mixed with sand, plastic and rebar); 137+: grey clay
5	31 m S of BT 1	0 – 20: medium brown silt/organics; 20 – 150: fill and blast rock
6	32 m @ 162°S of BT 1	0 – 10: organics; 10 – 150: fill and blast rock; 150 – 170: grey clay
7	25 m @ 160°S of BT 1	0 – 10: organics; 10 – 150: fill and blast rock; 150+: grey clay



**Table 3. Backhoe Test Results (continued)**

Test #	Location	Description (depth below surface in cm)
8	19 m @ 150 °S of BT 1	0 – 10: organics; 10 – 140: fill with large piece of cement found near bottom; 140+: clay
9	22 m @ 120 °SE of BT 1	0 – 10: organics; 10 – 140: fill, plastic pipe, metal pipe, concrete piece; 140+: grey clay
10	23 m @ 78 °E of BT 1	0 – 10: organics; 10 – 98: fill mixed with light grey clay; 98+: tan clay
11	30 m E of BT 1	0 – 10: organics; 10 – 120: medium brown silt with sands and gravels; 120+: tan clay
12	34 m @ 100 °E of BT 1	0 – 10: organics; 10 – 85: fill; 85+: tan clay
13	39 m E of BT 1	0 – 5: organics; 5 – 112: light/medium brown silts and lots of tree roots; 112+: tan clay
14	16 m @ 10 °N from BT 13. Test in area adjacent to old existing house.	0 – 10: organics; 10 – 98: medium brown silt with large quantity of tree roots-likely from tree removal in this area in the past. Uncovered historic refuse including a few fragments of glass, ceramics and old metal at 73 cm; 98+: clays and bedrock
15	20 m @ 20 °N from BT 13	0 – 10: organics; 10 – 98: fill along with large root mass and tree stump; 98+: bedrock
16	27 m @ 20 °N from BT 13	0 – 10: organics; 10 – 20: fill; 20 – 90: hit old sewer pipe and more fill at 20 cm; drain rock; 90+: clay
17	21 m @ 40 °N from BT 13	0 – 5: organics; 5 – 7: medium brown silt with fill, old brick uncovered; 76+: tan clay
18	33 m S from BT 17	0 – 10: organics; 10 – 90: fill, sands/gravels; 90 – 100: tan clay
19	8 m W from BT 18	0 – 5: organics; 5 – 80: fill, drain tile; backhoe could not dig any deeper
20	16 m @ 330 °NW from BT 18	0 – 10: organics; 10 – 8: fill; 82+: bedrock
21	35 m W from BT 18	0 – 10: medium browns silt/organics; 10 – 60: fill; 60+: tan clay
22	7 m E of BT 13	0 – 5: organics; 5 – 80: light/medium brown silts and lots of tree roots; 80+: tan clay

### 3.1.2 Shovel Tests

During the course of the AIA a total of three shovel tests (Plate 9) were excavated immediately west of the wooden boardwalk and shoreline bank closest to the shoreline (see Figure 4). As mentioned, large quantities of fill and blast rock inhibited testing on most of the development area. A small lens of re-deposited shell midden, identified by a thin scatter of crushed shell and greasy soils was observed in one of the shovel tests (shovel test 3). Refer to Table 4 for the results of each test.



**Plate 9.** View south to Tim Kulchyski shovel testing along eastern boundary of the development area. Note the wooden boardwalk running north/south along shoreline bank.

**Table 4. Shovel Test Results**

Test #	Location	Description (depth below surface in cm)
1	10 m @ 150° S from BT 17 Test adjacent to irrigation line	0 – 10: organics; 10 – 20: medium brown silts and pebbles; end test due to rock
2	4 m @ 160° S from ST 1	0 – 10: organics; 10 – 20: medium brown silts and pebbles; end test due to rock
3	13 m S from ST 2	0 – 10: medium brown organics; 10 – 40: medium brown silts with some fill; very thin scatter of re-deposited shell midden (fragmented shell) @ 40 cm; 40 – 50: reddish brown sandy silt

#### **4.0 IMPACT IDENTIFICATION AND ASSESSMENT**

No cultural deposits were observed in any of the backhoe tests during the AIA and only a very minimal amount of re-deposited cultural material (in the way of dark greasy soil and minimal fragmented shell) was observed in one of the shovel tests. Survey of the shoreline bank, situated directly west of the proposed development area, did note the presence of shell midden deposits, which were relatively thin and moderately disturbed from past development activities on the property, and most likely represent the remnants of archaeological site DdRv-14.

Based on results from the subsurface tests as well as from general survey, it is clear that the development area has been significantly altered with the construction (as well as removal) of several buildings, the installation of extensive irrigation and sewer lines across the development area, the removal of several trees (specifically along the north eastern portion), the construction of a boardwalk along the shoreline bank, and by various landscaping activities.

## 5.0 EVALUATION OF RESEARCH

The methodology employed for the current AIA was deemed appropriate for the study area. This methodology included a systematic pedestrian survey of 100% of the development area and a systematic program of backhoe and shovel testing along both the western and eastern sides of the development area. Additionally, the AIA included a survey of the shoreline bank and beachfront in order to re-confirm the presence of site DdRv-14 along this portion of the shoreline.

The employment of a small backhoe for subsurface testing was deemed appropriate for this specific project as it was suspected that large quantities of fill would be encountered. This information was confirmed through subsurface testing whereby deposits, specifically along the eastern portion of the development area, consisted of large quantities of imported fill and blast rock. Additionally, a few shovel tests were hand excavated along the westernmost portion of the development area (*i.e.*, closest to the shoreline bank) in an area that did not appear to have been as heavily disturbed by the extensive underground irrigation system and wooden boardwalk that ran north to south along the edge of the bank.

## 6.0 IMPACT MANAGEMENT RECOMMENDATIONS

The area to be developed by Brentwood College School for a new Visual Arts Centre building has been extensively developed in the past. A large boarding house was once situated on the eastern side of this development area. Currently, there is a small house situated on the northernmost portion of this area, an extensive underground irrigation system, several old service lines, imported rip-rap along the shoreline bank, a boardwalk running north to south directly along the shoreline bank, and disturbance from general landscaping over many years. Several tree stumps and root masses were noted in backhoe tests on the northeastern portion of the development area evidence for tree removal activities that may have caused further disturbance to the area.

Shell midden deposits were observed in the shoreline bank directly in front of the proposed development, on the eastern side (shoreline) of the boardwalk. The area of the Visual Arts Centre Building was found to be heavily disturbed by past development activities with minimal re-deposited shell midden was observed in one shovel test. No intact cultural deposits and/or features were observed during the course of the AIA. Therefore no further archaeological work is recommended for this small portion of the property. However, as this AIA was limited to a specific development area only, any future development occurring elsewhere at the College will require additional archaeological consultation.

Please be advised that if any new archaeological remains are encountered during the course of future activities associated with the construction of the Visual Arts Centre, all activities which threaten the resource must stop immediately. It is the responsibility of Brentwood College School to contact the Archaeology Branch, who in consultation with affected First Nations will determine a course of action to protect or mitigate the resource.



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**Area A Advisory Planning Commission Meeting  
9 February 2010  
Held at Mill Bay Fire Hall  
Minutes**

**Present:** June Laraman, Deryk Norton, David Gall, Margo Johnston, Cliff Braaten, Ted Stevens, Brian Harrison (Director Area A), Roger Burgess (Alternate Director Area A)

**Regrets:** Dola Boas, Geoff Johnson, and Archie Staats

**Audience:** Brian Bickford of Baranti Developments and Danny Carrier of J.E Anderson & Associates for Baranti Developments.  
Tom Shadlock and Clyde Ogilvie representing Brentwood College

Meeting called to order at 6:30 pm

**Previous minutes:**

It was moved and seconded the minutes of 12 January 2010 meeting be adopted.  
MOTION CARRIED

**New Business:**

Rezoning Application No. 4-A-09RS (Baranti Developments)

Danny Carrier (J.E. Anderson & Associates) presented an overview of the proposed F1 rezoning of 8.0 hectares on the southern portion of the subject property to R3A to permit an urban residential bare-land subdivision of 40 lots.

**APC Questions and Concerns:**

- Parkland will not be part of the strata and will be deeded to the CVRD as fee simple.
- Strata roads do not need to meet the MoT standard of 66 feet wide and the slopes can be steeper e.g. 12% instead of 8-10% - large vehicles (Fire trucks, etc.) would be able to turn around- emergency access provided
- No roads with direct access to the Trans Canada highway. Butterfield Road not connected yet and Sangster Road to be built as an access road to the development from Noowick Rd. Closest access to the highway would be Frayne Road. Intersection for Butterfield Rd has been designed but will not come into play until the Ocean Terraces development is underway. Access to Trans Canada would mean another traffic light.
- The north half of the property has been approved for strata development.
- Build out will be slow – 10-15 homes a year.
- No suites – average home size 1200 to 1500 sq. ft.
- No sidewalks are planned; however, there will be no parking on roads.
- Ground lighting will be utilized.
- There will be curbs with catch basin
- Underground wiring will be utilized.
- No plans to utilize natural gas.
- Diversity of lifestyle available with smaller homes.
- Sewer and water: Plans to become part of Sentinel Ridge system and Mill Bay Water has approved all 80 lots.
- Tot lot has not been recommended for the development – will come to the consideration of Parks and Recreation Commission.
- Concern that this development is more single family homes when what community needs is mixed use housing.

**APC Recommendation:**

Area A APC recommendation to the CVRD was moved and seconded

That the **Rezoning Application No. 4-A-09RS** be deferred for consideration until the OCP review for Mill Bay/Malahat is complete.

MOTION CARRIED

**Development Permit Application No. 5-A-09DP (Brentwood College)**

Tom Shadlock and Clyde Ogilvie presented an overview and answered questions about the proposed new Visual Arts Centre for Brentwood College School.

**APC Questions and Concerns**

- Size of tower - not more than 3 stories will house chimney for boilers and air conditioning inside the tower.
- Bell in tower - not sure if a bell will be part of the tower, if hung it will not ring.
- Drainage- no engineer report yet – OPUS will meet requirements
- Existing space in Geo thermal loop, if not enough will use high efficiency gas boilers.
- Landscape plan will be developed to ensure a “greens common area” to meet Brentwood donor expectations.
- Concern that the three mature large trees will be cut down. Brentwood advised that they would not survive if left in place due to disruption of the area.

**APC Recommendations:**

- 1) Tower size be kept to the minimum necessary to house the chimney and bell or clock
- 2) Bell will not ring

MOTION CARRIED

**Area A Director Update:**

1) Bamberton - CVRD Board approved a consultation strategy for various referral agencies for the Bamberton Official Community Plan and Zoning application. The proposed Bamberton amendment bylaws will be circulated to various organizations and agencies for comment. Rob Conway probably will have information for APC 13 May 2010 meeting.

2) Mill Bay Marina rezoning on CVRD Board agenda for 10 February 2010 meeting

3) OCP Input–Committee members will meet every 2 weeks starting 23 February until May. June Laraman will circulate the meeting dates and locations. Meetings are open to public attendance without participation.

4) Eco Waste site location for South end, there is a 2-month timeline for debate.

5) Limona application is on agenda for APC meeting on 9 March 2010.

6) Island Corridor Foundation – Get on the Train web site <http://www.islandcorridorfoundation.ca>

7) CVRD Development Services Department 2009 Year End Report is available on CVRD web site <http://www.cvr.bc.ca/index.aspx?NID=70>

**Adjournment:**

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

Meeting adjourned at 9:25 pm.

The next regular meeting will be at 6:30 p.m., 9 March 2010 at Mill Bay Fire Hall.



SRI

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 15, 2010

**DATE:** June 9, 2010

**FILE NO:**

**FROM:** Brian Duncan, Chief Building Inspector

**BYLAW NO:**

**SUBJECT:** Valdes Island Brochure

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**Recommendation:**

That the CVRD and Islands Trust send the attached brochure to the registered owners of Valdes Island.

**Purpose:**

To encourage residents to obtain the necessary permits prior to any new construction on Valdes Island.

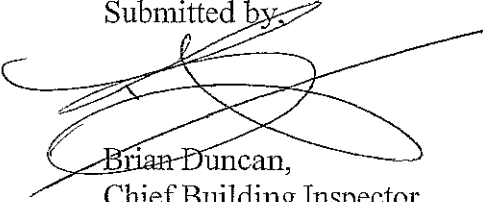
**Financial Implications:** N/A

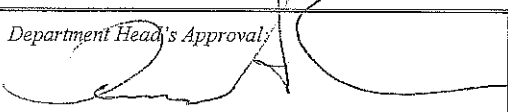
**Interdepartmental / Agency Implications:** N/A

**Background:**

Following our circumnavigation of the Gulf Islands within the CVRD last year, it was clear that most of the construction was done without permits of any kind. In the Spring of 2010, Tom Anderson and myself met with Islands Trust to develop a strategy to discourage building without permits. This brochure, a combined effort of Islands Trust, the CVRD and the Lyackson Nation, will provide permit requirement information to residents prior to any new construction. Although much has been done without the benefit of permits, there are still many undeveloped areas. Hopefully this will encourage property owners to contact us prior to building.

Submitted by:

  
Brian Duncan,  
Chief Building Inspector  
Building Division  
Planning and Development Department

Department Head's Approval

Signature

BD/ca  
attachment

*Before commencing your building project, you can contact the CVRD to find out what you must submit for your building permit application. You may also wish to contact the Islands Trust and speak with a planner about the use, siting and height regulations.*

## SEPTIC AND WATER

Development on the Gulf Islands without municipal services requires water and sewage disposal to be provided for on the lot.

Your septic system must be designed and installed by a person authorized by Vancouver Island Health Authority (VIHA).

A drilled well can be used to provide the lot with water, but rainwater catchment may be a suitable alternative for your lot. The Islands Trust has information on rainwater harvesting on their website at:  
<http://www.islandstrustfund.bc.ca/projects/rainwater.cfm>

## CONTACT INFORMATION

*Cowichan Valley Regional District*

Website: [www.cvrld.bc.ca](http://www.cvrld.bc.ca)

Brian Duncan, Gulf Islands Building Inspector  
(250) 746-2625

*Islands Trust*

Website: [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

General enquiries: (250)-247-2063

Courtney Campbell, Island Planner:

(250)-247-2209

[ccampbell@islandstrust.bc.ca](mailto:ccampbell@islandstrust.bc.ca)

Sue French, local trustee: (250) 416-0373

Peter Luckham, local trustee: (250) 246-4802

*Lyackson First Nation*

Website: [www.lyackson.bc.ca](http://www.lyackson.bc.ca)

for Lands & Resources enquiries please contact:

Kathleen Johnnie, Lands & Resources

Coordinator: (250) 246-5019

[kathleen.johnnie@lyackson.bc.ca](mailto:kathleen.johnnie@lyackson.bc.ca)

Lands & Resources Office Hours are:

8am to 4pm

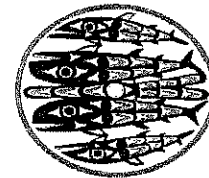
Mondays, Tuesdays or Wednesdays

## BUILDING PERMITS ON VALDES ISLAND

*June, 2010*

Dear Valdes Island property owner,

The Islands Trust, Cowichan Valley Regional District and Lyackson First Nation have collaborated to develop this pamphlet to provide property owners with the information needed when planning your building project and obtaining a building permit.



CVRD logo



Islands Trust



## LOCAL GOVERNMENT ON VALDES ISLAND

Valdes Island is one of the largest, sparsely developed Gulf Islands without any public ferry, roads or other infrastructure. The majority of the island is Crown Land, Indian Reserve, or Provincial park, with just over 100 residential lots on the north-eastern shoreline.

Valdes Island is within the Islands Trust Area, within the Cowichan Valley Regional District, and home to the Lyackson First Nation. Property owners should be aware of the jurisdiction or interests of these groups prior to starting any construction on their property.

### ISLANDS TRUST

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The Islands Trust is the local government responsible for land-use planning and regulation, with a legislated mandate for protecting and preserving the Gulf Islands.

Valdes Island is within the Thetis Island Local Trust Area. The Thetis Island Local Trust Committee is the decision-making body made up of two elected local trustees and one elected Chair from the Island's Trust Executive Committee.

For building on Valdes Island, property owners must comply with the Rural Land Use Bylaw that regulates building use and siting (location on the lot). Contact our office for a copy of the bylaw, or download it from our websites at [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca).

### COWICHAN VALLEY REGIONAL DISTRICT

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The Islands Trust works in cooperation with regional districts to fulfill its mandate to preserve and protect the Gulf Islands.

Building permits are a service provided by the Cowichan Valley Regional District (CVRD), and a building permit is required on Valdes Island for all construction of or renovations to buildings or structures where the cost of materials is over \$500.

*A building permit is required on Valdes Island for all construction or renovation where the cost of materials is over \$500.*

### LYACKSON FIRST NATION

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The Lyackson First Nation has a strong prima facie claim for Aboriginal title and rights for the whole of Valdes Island. This means, the Crown or government and all actors and agents of the Crown must consult with Lyackson on land, marine or resource uses and decisions or permits relating to land, marine or resource uses for adverse impact on those title and rights.

Therefore, the Lyackson Office is working with the CVRD to ensure they have an opportunity to review building permits before they are issued, and with the Islands Trust to review other associated permit and approvals.

### BUILDING PERMIT REVIEW PROCESS

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Islands Trust planning staff review every building permit application for compliance with Islands Trust regulations for use, siting and height. Islands Trust planners also check the provincial archaeological site database to determine whether or not there is an identified archaeological site on or near the property.

Both the Islands Trust and the Cowichan Valley Regional District must consult with the Lyackson First Nation prior to issuing permits on Valdes Island. It is strongly recommended that the property owner contact and work closely with Lyackson First Nation prior to and in concert with your submission of a permit application.

The Lyackson First Nation is in the process of developing an online permit application process to facilitate this process. Please look for that feature in the upcoming year.

Please also feel free to review the Lyackson Vision for Valdes Island located on the Lyackson website at: [www.lyackson.bc.ca](http://www.lyackson.bc.ca).



SR2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 15, 2010

**DATE:** June 3, 2010

**BYLAW NO:** 3392

**FROM:** Kathleen Harrison, Legislative Services Coordinator

**SUBJECT:** Bylaw No. 3392 – A Bylaw to Increase the Maximum Requisition Limit for the Shawnigan Lake Historical Society.

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#### **Recommendations:**

1. That "CVRD Bylaw No. 3392 – Shawnigan Lake Historical Society Annual Contribution Service Amendment Bylaw, 2010", be forwarded to the Board for consideration of three readings, and following provincial and voter approval, be considered for adoption.
2. That voter approval for adoption of CVRD Bylaw No. 3392 be obtained through an Alternative Approval Process.

**Purpose:** To introduce Bylaw No. 3392 that amends Bylaw No. 2950, *Shawnigan Lake Historical Society Annual Financial Contribution Service* by increasing the maximum annual requisition limit from \$8,500.00 to \$17,000.00.

**Financial Implications:** If adopted, the maximum amount of money that may be requisitioned annually in support of this service is the greater of \$17,000.00 or an amount equal to the amount that could be raised by a property value tax of \$.01131 per \$1,000.00 of net taxable land and improvements. The average costs to taxpayers within the service area with property assessed at \$100,000.00 would be approximately \$1.04 annually.

**Interdepartmental/Agency Implications:** This bylaw requires the approval of the service area voters and the Inspector of Municipalities before it can be adopted. Pursuant to Section 797.5 of the *Local Government Act* and Section 84 of the *Community Charter*, voter approval may be obtained through an alternative approval process.

**Background:** At the request of the Electoral Area B Director, an amendment bylaw has been drafted and is attached for consideration.

Submitted by,

Kathleen Harrison  
Legislative Services Coordinator

*Division Manager's Approval:*

NOT AVAILABLE

Signature



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 3392

#### A Bylaw to Amend Shawnigan Lake Historical Society Annual Contribution Service Establishment Bylaw No. 2950

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**WHEREAS** the Board of the Cowichan Valley Regional District established the *Shawnigan Lake Historical Society Annual Contribution Service* under the provisions of Bylaw No. 2950, cited as "Shawnigan Lake Historical Society Annual Contribution Service Establishment Bylaw, 2007", for the purpose of providing an financial contribution to the Shawnigan Lake Historical Society to assist with costs associated with the operation and maintenance of the Shawnigan Lake Museum;

**AND WHEREAS** the Regional District wishes to amend Bylaw No. 2950 by increasing the maximum annual requisition limit from \$8,500.00 to \$17,000.00;

**AND WHEREAS** the Board of the Cowichan Valley Regional District has obtained the approval of service area electors in accordance with the *Local Government Act* and the *Community Charter*;

**NOW THEREFORE** the Board of Directors of the Cowichan Valley Regional District enacts as follows:

1. **CITATION**

This bylaw may be cited as "CVRD Bylaw No. 3392 – Shawnigan Lake Historical Society Annual Contribution Service Amendment Bylaw, 2010".

**AMENDMENT:**

2. Bylaw No. 2950, cited as "Shawnigan Lake Historical Society Annual Contribution Service Establishment Bylaw, 2007", is hereby amended as follows:

- a) That the Section 6 - Maximum Requisition text be deleted and replaced with the following:

The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$17,000.00 or an amount equal to the amount that could be raised by a property value tax of \$.01131 per \$1,000.00 of net taxable value of land and improvements within the service area.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 3392 as given Third Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Corporate Secretary

\_\_\_\_\_  
Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary



SR3

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 15, 2010

**DATE:** June 9, 2010

**BYLAW NO:**

3393

**FROM:** Kathleen Harrison, Legislative Services Coordinator

**SUBJECT:** Bylaw No. 3393 – A Bylaw to Create an Annual Financial Contribution Service for the Cowichan Station Area Association Within a Portion of Electoral Area B.

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#### Recommendations:

1. That it be recommended to the Board that an annual financial contribution service be created within a portion of Electoral Area B – Shawnigan Lake for the Cowichan Station Area Association with a maximum requisition limit of \$5,000. to assist with costs associated with the operation and maintenance of buildings and lands located at 2375 Koksilah Road (former Cowichan Station School Site) and the delivery of community based programs and services, heritage projects and community events.
2. That "**CVRD Bylaw No. 3393 – Area B Annual Financial Contribution (Cowichan Station Area Association) Service Establishment Bylaw, 2010**", be forwarded to the Board for consideration of first three readings, and following provincial and voter approval, be considered for adoption.
3. That it be recommended to the Board that voter approval to establish the Area B Annual Financial Contribution Service for the Cowichan Station Area Association be obtained through an alternative approval process.

**Purpose:** To introduce Bylaw No. 3393 that provides an annual financial contribution within a portion of Electoral Area B – Shawnigan Lake to the Cowichan Station Area Association with a maximum requisition limit of \$5,000. to assist with costs associated with the operation and maintenance of buildings and lands located at 2375 Koksilah Road (former Cowichan Station School Site) and the delivery of community based programs and services, heritage projects and community events; and to confirm the *Alternative Approval Process* as the means of obtaining voter approval for the establishment of this service.

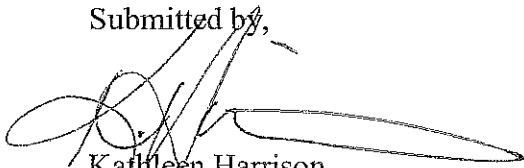
**Financial Implications:** The maximum amount of money that may be requisitioned annually in support of this service is the greater of \$5,000. or \$0.4114 per \$1,000. of net taxable land and improvements. The average costs to residential taxpayers within the proposed service area with property assessed at \$100,000. would be approximately \$41. annually.

.../2

**Interdepartmental/Agency Implications:** This bylaw requires the approval of the service area voters and the Inspector of Municipalities before it can be adopted. Pursuant to Section 797.5 of the *Local Government Act* and Section 84 of the *Community Charter*, voter approval may be obtained through an alternative approval process for the establishment of this proposed service.

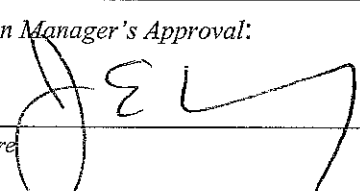
**Background:** At the request of the Electoral Area B Director, an annual financial contribution service bylaw, in the amount of \$5,000. for the Cowichan Station Area Association has been drafted and is attached for consideration.

Submitted by,



Kaffleen Harrison  
Legislative Services Coordinator

Attachment: Bylaw No. 3393

Division Manager's Approval:

Signature



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 3393

**A Bylaw to Establish a Service to Provide an Annual Financial Contribution to  
the Cowichan Station Area Association Within a Portion of  
Electoral Area B – Shawnigan Lake**

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**WHEREAS** pursuant to sections 796 and 800 of the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of a regional district;

**AND WHEREAS** the Board of the Cowichan Valley Regional District wishes to establish a service for the purpose of assisting with costs associated with the operation and maintenance of buildings and lands located at 2375 Koksilah Road and the delivery of community based programs and services, heritage projects, and community events by the Cowichan Station Area Association, within a portion of Electoral Area B – Shawnigan Lake;

**AND WHEREAS** the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors in accordance with Section 801.3 of the *Local Government Act* and Section 86 of the *Community Charter*;

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

**1. CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3393 – Area B Annual Financial Contribution (Cowichan Station Area Association) Service Establishment Bylaw, 2010**".

**2. SERVICE BEING ESTABLISHED**

The service being established under the authority of this bylaw is a service for the purpose of providing an annual financial contribution to assist with costs associated with the operation and maintenance of buildings and lands located at 2375 Koksilah Road and the delivery of community based programs and services, heritage projects, and community events by the Cowichan Station Area Association, within a portion of Electoral Area B – Shawnigan Lake. The service shall be known as the "**Area B Annual Financial Contribution Service (Cowichan Station Area Association)**".

.../2

**3. SERVICE AREA BOUNDARIES**

The boundaries of the service area are that portion of Electoral Area B – Shawnigan Lake shown outlined in Schedule A of this bylaw.

**4. PARTICIPATING AREA**

Electoral Area B – Shawnigan Lake is the only participating area for this service.

**5. METHOD OF COST RECOVERY**

The annual cost of providing this service shall be recovered by one or more of the following:

- a) property value taxes requisitioned and collected on the basis of the net taxable value of land and improvements within the service area, as per the *Local Government Act*;
- b) revenues raised by other means authorized by the *Local Government Act* or another Act.

**6. MAXIMUM REQUISITION**

The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$5,000. or an amount equal to the amount that could be raised by a property value tax of \$0.4114 per \$1,000. of net taxable value of land and improvements within the service area.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 3393 as given Third Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Corporate Secretary

\_\_\_\_\_  
Date

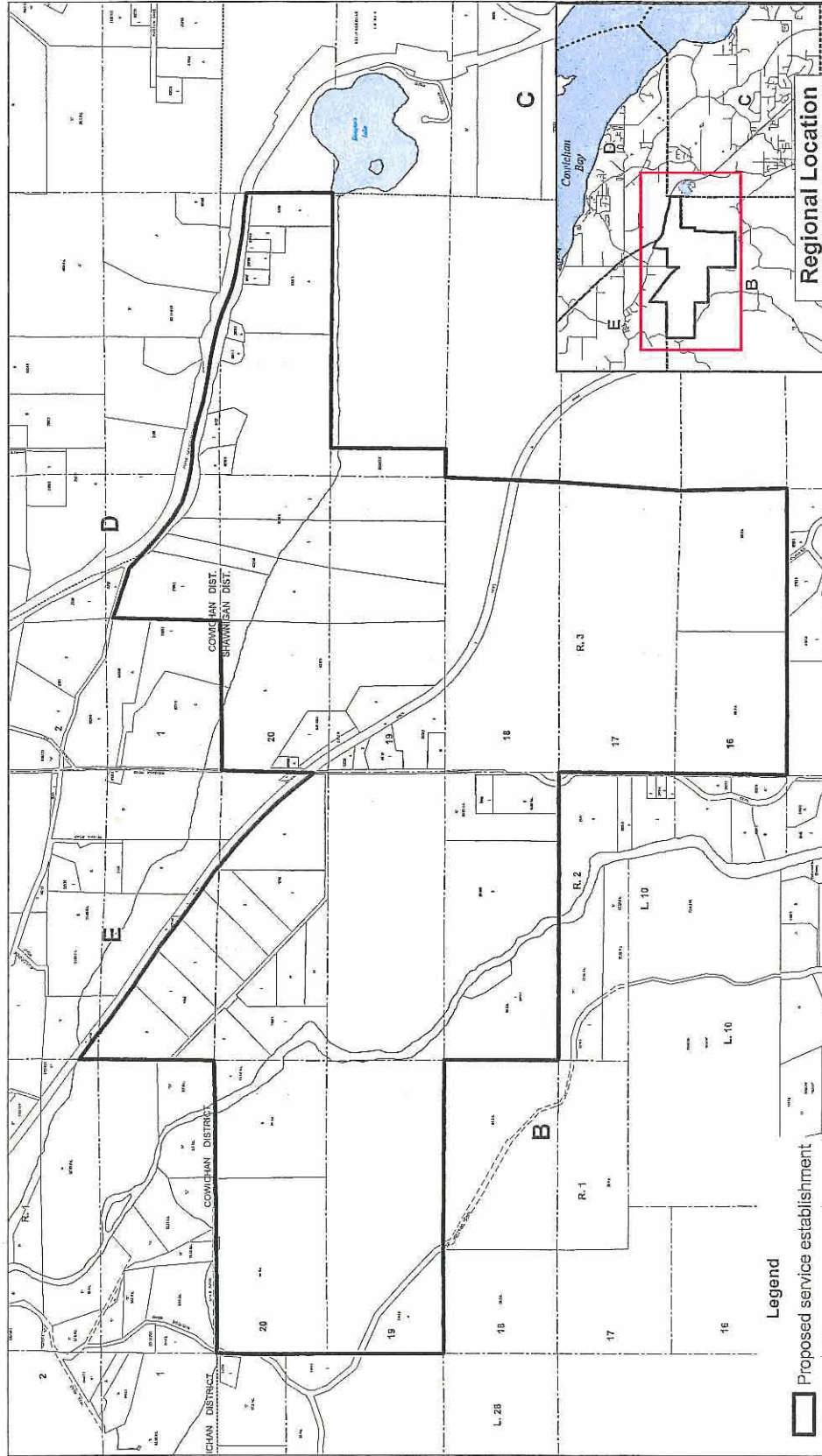
APPROVED BY THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary





**Legend**

Proposed service establishment



Schedule A to CVRD Bylaw No.3393 -  
Area B Annual Financial Contribution (Cowichan Station Area Association) Service Establishment Bylaw, 2010.

Adopted \_\_\_\_\_, 2010.



SR4

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF TUESDAY, JUNE 15, 2010

**DATE:** June 9, 2010 **FILE NO:** 5330-30-DRW  
**FROM:** Dave Leitch, ASCT, Manager, Water Management Division  
**SUBJECT:** Dogwood Ridge Capital Works Upgrades

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**Recommendation:** Director Duncan, Electoral Area E, has requested that an additional \$100,000 of Community Works funding be allocated for upgrades to the Dogwood Ridge Water System to reduce the annual cost charged to customers of the system. Direction is requested regarding Director Duncan's request.

**Purpose:** At the February 2, 2010 Electoral Area Services Committee meeting, staff were asked to review required funding for the Dogwood Ridge Water System (Electoral Area E) upgrade project, and report back to the Committee, and further that the funding priorities be reviewed as to how the figures can be adjusted, if necessary.

**Financial Implications:** The total capital costs to independently upgrade the water system without any contribution from Cowichan Tribes are \$522,000.00. This total, (as extracted from the UMA report), is the amount of work necessary to upgrade and operate the system independently. Based on this amount, with contributions from the Provincial grant of \$267,000.00 and the Community Works Fund of \$100,000.00, the remaining debt to the system users would be \$155,000.00. The total value of existing infrastructure grant funding is approximately \$11,000 for each of the 33 homes in the system. Due to the limited amount of users on the system and the significant debt burden, the annual operating cost of the system to its users will be \$1,300.00/year of which 46% is directly attributed to the debt repayment. Although petitions from residents have been received that authorize the CVRD to borrow the necessary money, the operating cost for Dogwood Ridge would be approximately \$500.00/year more than the next highest utility operated by the CVRD.

A drawback to our application for the Provincial grant was the application deadline. At the time we were required to submit the application, the feasibility study that would provide an accurate estimate of the capital works had not been initiated. Therefore the application was based on a project estimate of \$400,000.00 instead of the \$522,000.00 identified in the UMA report. This potentially could have meant an additional \$83,000.00 in provincial funding and reduced the user's debt to a much lower level. \$100,000 of allocation would reduce the amount of funds available for future priorities identified for Community Works Funding.

**Interdepartmental/Agency Implications:** not applicable at this time.

**Background:**

The Dogwood Ridge Improvement District services a 33-lot subdivision, three kilometres south of Duncan, in Area E.

.../2

In February, 2008, the Dogwood Ridge Improvement District received approval-in-principle for the CVRD to takeover ownership of the water system and to conduct a feasibility assessment of the water system.

At the July 2007 Board meeting, a list of Community Works Funds capital projects was accepted by the CVRD Board that included \$140,000.00 in capital works upgrades to the Dogwood Ridge Water System. This estimate was made prior to a feasibility study being done and was based on preliminary staff estimates of possible upgrades.

In January 2007, the Provincial Government announced a grant program to provide funding assistance to regionally significant projects that provided for cleaner drinking water. As a result of the timing of the application process, the CVRD had yet to complete the feasibility study and therefore an application was submitted to the Province based on preliminary estimates. The application was subsequently successful and secured \$267,000.00 in provincial funding toward the project upgrades. As a result of obtaining these Provincial funds, the Community Works Funds, previously committed to Dogwood Ridge, were reallocated to other water and sewer utility projects in the CVRD.

In 2008, the Joint Feasibility Study was completed by UMA Engineering to identify the costs of upgrading the Dogwood Ridge Water System in partnership with Cowichan Tribes to a municipal standard where the CVRD could take over operation and ownership of the system. The study was jointly funded 50/50 between Cowichan Tribes and the CVRD. The notion of the partnership was that each party would pay their appropriate portion of the capital upgrades outlined in the study and the CVRD would establish a service area/function to operate the system as a single utility upon completion of the upgrades. The advantage to this would be that both the Dogwood Ridge community and Cowichan Tribes would benefit in the savings of building the works together and having the CVRD operate the system, once complete

At the completion of the study, CVRD staff met with representatives from Cowichan Tribes who informed us that they were not successful in obtaining funds from INAC and at this time they could not move forward with any of the capital works. As a result of this, the only remaining options to the Dogwood Ridge Improvement District was to abandon the upgrades and try to continue to manage and operate the system on their own, or request that the CVRD borrow the necessary funds on their behalf, while pursuing possible grant options to try and reduce the debt that would be incurred by the system

At this time, the CVRD has secured a Provincial grant in the amount of \$267,000.00 and committed \$100,000.00 from the Community Works Fund towards the upgrades of the Dogwood Ridge water system.

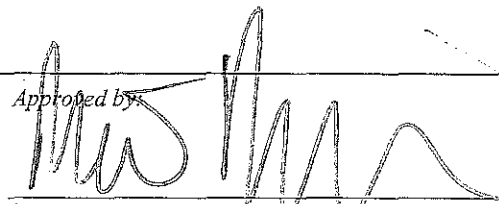
Submitted by,



PER

Dave Leitch, ASCT  
Manager, Water Management Division

Approved by:



Brian Dennison, Manager, Engineering Services



SR5

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 15, 2010

**DATE:** June 10, 2010

**FILE No:**

**FROM:** Tom R. Anderson, General Manager

**BYLAW No:**

**SUBJECT:** Conflicting Direction

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#### **Action:**

Committee direction is requested.

#### **Purpose:**

To obtain clarity on direction given earlier in the year regarding Director's attendance at the Sustainable Communities Conference in Kelowna in November.

#### **Financial Implications:**

Dependant on the direction that is given.

#### **Interdepartmental/Agency Implications:** N/A

#### **Background:**

Our ever-watchful Administration staff have brought it to my attention that the following motion was passed by the Electoral Area Services Committee and subsequently approved by the Regional Board at their February 10, 2010 regular meeting:

**That up to three (3) Directors be authorized to attend the Building Sustainable Communities Conference in Kelowna from November 16 – 18, 2010.**

This directive is now in conflict with the recent request that our Administration staff make conference arrangements for six (6) Directors (Giles, Kuhn, Dorey, Morrison, Marcotte, Duncan). I have been informed to either repeal the above Board resolution and bring back one that meets our needs or scale back the number of Directors attending the conference. As there will be a Special Board meeting on June 23, 2010, there is still time to change the original Board resolution and make the earlier bird deadline for reduced conference registration fees.

Submitted by,

Tom R. Anderson,  
General Manager  
Planning and Development Department



SR 6

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 15, 2010

**DATE:** June 9, 2010

**FILE NO:**

**FROM:** Tom R. Anderson, General Manager

**BYLAW NO:**

**SUBJECT:** November Electoral Area Service Committee Meeting

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**Action:**

That the Committee provide direction.

**Purpose:**

To obtain direction from the Committee.

**Financial Implications:**

Not applicable

**Interdepartmental/Agency Implications:**

Not applicable

**Background:**

Further to our last Committee meeting where it was determined that six (6) Directors will be attending the Sustainable Communities Conference in Kelowna from November 16 – 19, 2010, it has come to our attention that there is an EASC meeting scheduled for Tuesday, November 16<sup>th</sup>. With so many Directors away it may be advisable to either reschedule the meeting to another week or simply cancel it. EASC meetings on either side of this meeting are scheduled for November 9<sup>th</sup> and December 7<sup>th</sup>!

Submitted by,

Tom R. Anderson,  
General Manager  
Planning and Development Department

TRA/ca



SR7

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 15, 2010

**DATE:** June 8, 2010

**FILE NO:**

**FROM:** Tom R. Anderson, General Manager

**BYLAW NO:**

**SUBJECT:** I-1 Light Industrial Zone – Cobble Hill

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**Action:**

That the Committee provide direction.

**Purpose:**

To obtain Committee direction.

**Financial Implications:**

Not known.

**Interdepartmental/Agency Implications:**

Not known.

**Background:**

A public meeting was held in Cobble Hill on May 20, 2010 which focused on composting and recycling uses within the Fisher Road Industrial Area in Cobble Hill (see attached public meeting minutes). For many years residents have expressed concern about the smell and threat of contamination to ground water from these sorts of facilities. After years of trying to move industry to a point where the smells emanating from these industrial uses are considered “reasonable” and the threat to groundwater eliminated, it would appear that such a goal is unattainable.

The legal descriptions of the lands that are zoned as I-1 are as follows:

- Lot A, Section 13, Range 6, Shawnigan District, Plan VIP51903
- Lot 1, Section 13, Range 6, Shawnigan District, Plan 29581

As such, Director Giles, has requested that a report be brought forward which proposes to amend the I-1 Light Industrial Zone in Electoral Area C by removing composting, recycling and auto wrecking from this light industrial zone (see attached I-1 Light Industrial Zone).

It should be noted that this same amendment was passed three years ago which impacted a number of other properties in the same area. The attached map shows the properties that were zoned I-1C Light Industrial- Limited Zone in June 2007 and the rest of the zoning designations in the Fisher Road area.

Given the fact that a zone already exists, the Committee may wish to consider proceeding with this amendment over the remaining I-1 Light Industrial zoned lands. Attached is a draft amendment bylaw that would rezone those properties to I-1C. In this case, the I-1 Zone would remain in the Bylaw but it would not be applied to any lands.

**Options:**

1. That the CVRD approve an amendment to the zoning of Lot A, Section 13, Range 6, Shawnigan District, Plan VIP51903 and Lot 1, Section 13, Range 6, Shawnigan District, Plan 29581, rezoning both from Light Industrial I-1 to Light Industrial – Limited I-1C, that the neighbouring property owners and the owners of the subject lands be notified in accordance with the *Local Government Act* and that a public hearing be held with Directors Giles, Harrison and Morrison as delegates of the Board.
2. That the CVRD approve an amendment to the zoning of Lot A, Section 13, Range 6, Shawnigan District, Plan VIP51903 and Lot 1, Section 13, Range 6, Shawnigan District, Plan 29581, rezoning both from Light Industrial I-1 to Light Industrial – Limited I-1C, that the neighbouring property owners and the owners of the subject lands be notified in accordance with the *Local Government Act* and that a public hearing be waived under Section 890(4) of the *Local Government Act* and that public notice occur in its place.
3. That the CVRD amend the list of permitted uses of the I-1 Zone in accordance with the Committee's direction and that a public hearing be held or public notice be given in lieu of a hearing.
4. That no action be taken at this time.

Submitted by,



Tom R. Anderson,  
General Manager  
Planning and Development Department

MT/ca  
attachments



**PUBLIC MEETING MINUTES**  
**License Amendment Application - Fisher Road Recycling**  
**Electoral Area C – Cobble Hill**

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Following is a summary of the proceedings of the Public Meeting for the License Amendment for Fisher Road Recycling Facility, applicable to Electoral Area C – Cobble Hill, held on Thursday, May 20, 2010, in the Cobble Hill Community Hall, 3550 Watson Road, Cobble Hill, BC at 7:00 pm:

<b>FACILITATOR</b>	Doug Backhouse of Lanarc Consulting
<b>CVRD STAFF PRESENT</b>	Mr. B. McDonald, Manager, Solid Waste and Recycling Division Mr. B. Dennison, General Manager, Engineering & Environment Department Mr. Rob Williams, Environmental Technologist, Recycling and Waste Management, CVRD Ms. Harmony Huffman, Environmental Technologist III, Recycling and Waste Management, CVRD Mr. Tom Anderson, General Manager, Planning and Development Ms. D. Freer, Recording Secretary, Engineering & Environment Department
<b>APPLICANTS PRESENT</b>	Members of the Public: There were approximately 200 members of the public present Jason Adams and David Laing of Fisher Road Recycling, Waste & Recycling Drop-Off Centre
<b>CALL TO ORDER FACILITATOR</b>	Facilitator called the public meeting to order at 7:00 pm Doug Backhouse facilitated the Public Meeting and called the meeting to order at 7:00 pm. He introduced the CVRD Staff present and the applicants, as well as persons of interest in the audience, namely Electoral Area C Director Gerry Giles, Electoral Area E Director Loren Duncan, and Bill Routley, MLA. He explained that Bob McDonald would make the first presentation followed by Jason Adams with his presentation, and a question and answer period would follow. People will be invited to come up to the microphone in the centre aisle to ask their questions of the CVRD staff or applicants and they will be answered as best they can.
<b>CORRESPONDENCE</b>	The following information was received: 1) a petition with approximately 350 signatures which states "This petition opposed the Major Amendment to Bylaw 2470 (Solid Waste Management Licensing Bylaw) which expands the licensed operation for Fisher Road Holdings Ltd., 1355 Fisher Road, Cobble Hill, BC (PID #001-377-892, Lot 1, Section 13, Range 5, Shawnigan District, Plan 29581, Except Plan VIP 51903)
<b>BOB McDONALD</b>	Introduced himself as Manager, involved in Solid Waste for ten years, and explained that this licensing bylaw came out in 2006 and he will discuss this bylaw and how it applies to Fisher Road facility. He hopes his power point presentation will give people here a more accurate understanding of this issue.



He stated that we have heard what you have to say- wants to clarify ten points, and then get into the bylaw. The Fisher Road Recycling applicants will speak on what they want to do according to the bylaw. Would like to get the facts clarified

**Slide 1 – What we Heard**

- This is an expansion of the license but not of the composting facility. On a part of the same site they would like to have a public drop off for garbage and recycling. Scale will be small – one cover-all bldg on a concrete pad with one dumpster which will be taken away at a minimum each week and more often if necessary, whenever it is full. Maximum of ten tons onsite at any one time
- Zoning –is light industrial zoning – we cannot shut them down over zoning
- People think it is all Fisher Road's fault – there are 2 composting facilities there – There are two facilities there - Central Landscaping is there too and creates its own issues
- Drinking water contamination – number one focus is why they want to apply bylaw to this facility
- Traffic – awkward in a residential area
- Odour – bylaw will be improved
- Not whole scale disposal facility – small addition of one dumpster

**Slide 2 – What we Heard cont'd**

- Rodents – will they be an issue? – regulations say you have to deal with rodents and nothing to attract them will be left outside
- Property values – trying not to have it so that they be devalued
- Bylaw 2570 – ineffective? Most powerful piece that they have but not perfect
- Public process – scope – thought it was a benign activity – no leachates run-off expected and the accumulation of recycling materials and garbage will be moved off property often, at least weekly. Thought to let neighbourhood know about it and so decided to have a public meeting to talk. Director Giles pushed for this meeting

**Slide 3 - Intent of Bylaw**

- To create a level playing field and a sustainable industry to attract businesses properly
- Explained history of how it used to be – appalling what was done
- This bylaw is self-policing – people monitoring their own industry
- Intent to not have taxpayers on the hook. Pictures shown – mountains of garbage burnt – caused health advisory – in 2002
- Attached pictures - 6-8 years ago there were terrible practices

**Slide 8- Scope of Bylaw**

- No grandfathering allowed, it is site specific
- Applies to any place that takes garbage, recyclables or compost – not stewardship items
- Intent is to support human and environmental health and lead to well managed facilities and end unregulated dumping

**Slide 9 -11 – Limitations of Bylaw**

- Only covers garbage/recyclables/composting industry. Not a zoning bylaw – can only control operations, must be seen as 'reasonable' by public, courts, and board. You can lodge an appeal to the Board, and so can facility
- We are trying to balance what is reasonable – keeping everyone's interest at heart
- Currently have 3 composting facilities, and one for steel recycling, roofing, wood waste – 8 in total

- Bylaw Enforcement – industry is now self-policing, poor practices curtailed, bylaw upheld in court, out of court settlements and non-compliance leads to fines and suspension of license
- We have gone to Court and had a \$10,000 and \$15,000 settlement

#### **Slide 12 - Cobble Hill Facility Before Bylaw**

- Before there were odours, leachate, public concerns and it was MoE regulated – a \$100 million lawsuit filed – now more local control, extensive works complete, leachate and odours contained
- Hasn't been easy – two steps forward, one back. They now have leachate containment in place, biofilter upgrade working, few odour concerns reported, odour complaints spiked with change in volume and practices on sites. Fisher Road Recycling seen as the sole cause which isn't true
- Described what they did to get Central Landscaping observed by experts and came up with recommendations
- Odours were our focus – our goal was to get industry into compliance

#### **Slide 14 – What we Did**

As a result of non-compliance:

- 3<sup>rd</sup> party industry expert contracted to address odour, paid for by facilities, several recommendations made for both facilities (Fisher Road Recycling and Central Landscaping) – some major and some minor – such as administration or operations, etc.

#### **Slide 15 – Results**

- Upgrades complete, decrease in complaints, and a step up in monitoring. Not perfect but working for best management practices. Chart of Cobble Hill Odour complaints from 2006-2010 was shown. Thank you for your attention.
- The PowerPoint presentation by Bob McDonald is attached.

Jason Adams from Fisher Road Recycling introduced David Laing, a partner

Thank you for coming and being concerned about your neighbourhood. Will speak on the Fisher Road Recycling Facility background, Progressive upgrades, and about the recycling centre

Background – In 2006 took over 1335 Fisher Road to make a clean start. Continuous investment in upgrading Facility. Registered with licensing staff and was compliant with MoE Organic Matter Recycling Regulation and CVRD's bylaw. It is completely retrofitted with state of the art equipment with process controls – remotely monitored and controlled to keep it running properly.

Progress to Date

- Installation of engineered biofilters – treatment of vented air from main processing building, and in-vessel biocells. Explained how a biofilter works. Showed pictures of the buildings on the site.
- Progress to date – biofilters are high end and top quality– odour exhaust air is vented through a medium which supports micro-organism that decomposes the odorous compounds and use them as food. Explained all the buildings and air recycling
- Upgrades in large building - 125 x 150 – contains the biocells – described the building air is blown through the material and goes thru a 5 phase cycle – odours stay in bldg – material inside 10-14 days – pulled out by front end loader – 6 bunkers with aeration chambers and fans – 28 day cycle with aeration – 40 days it is finished, stored at top of property, sold as is or screened and sent to market. Very sought after compost. Sold to public Class A compost. All tested for metal contents

so has unrestricted distribution.

- Recycling Centre – weigh scale for commercial and residential customers. Contained to the small area at front of site– shown – 3 buildings and a coverall could be accepting construction waste or customers garbage.
- Everything will be in a container with a lid which will not have rats or odours. Bin will go at least once a week to Bing's Creek and more if needed.
- Not a dump – just depositing it so people don't have to drive to Bing's Creek anymore. Nothing will be buried on site.
- All process take place on impervious concrete, all materials sorted in covered bunkers. Designed to keep rain water from coming in contact with materials – no leachates.
- Will accept residential and commercial drop-off, general refuse, scrap metal, wood waste, drywall, concrete/brick/rubble, yard waste/organics, general and hard-to-recycle items such as cardboard, fluorescents, Styrofoam, etc.) Only waste that does not pose a threat to health.
- No garbage treated on-site –all taken to Bing's Creek for disposal. Any putrescible garbage will be stored in metal roll-off containers, with lids, and door seals. No garbage is 'treated' on-site
- Won't expand composting portion

Thank you for hearing the facts.

- Submit response letters up to May 31, 2010
- Will respond to letters
- It is an open book facility – transparent in this process
- Open Mon to Sat – 8 am to 5 pm – 9 hour day only
- 30 vehicles to make return trips 3-4 per hour
- Trucks asked to turn left out of our entrance to avoid Cobble Hill Village

Contact information shown at end of presentation.

**Doug Backhouse**

Thanks to Jason – please find on the back table a comment sheet – make comments and leave them or send them in by May 31, 2010. People can come forward and ask your question to the applicant or CVRD representatives at the microphone in centre of room.

**Ed Aiken**

- Smell not been for months but for years – I am frustrated that you want to start a new area
- Self policing??? It doesn't work – it is unbelievable what they do.
- What happened to money about finding a new site? Was there any Gas Tax money put into Fisher Road Recycling?

**Brian Dennison**

- Still actively looking for a site. Fisher Road Recycling knows that we are looking for a site for south end depot.
- Unfortunately it is a siting issue – but I assure you it is an active process.

**Ed Aiken**

Then you will be in competition to Fisher Road

**Brian Dennison**

We still do intend to develop a south end facility.

**Robin Brett**

- I am a trustee of a water improvement district and employee of another
- I have talked to Chief Health Officer, MoE, MLA's and 3 directors and anyone else who will listen about this site
- I speak as a resident and land owner
- I was here in 1998 when promised no smell, and in 2006 when promised the same – all promises broken
- We have rights to enjoyment of our property
- Staff at CVRD knows it continues to smell. Are they deaf blind and

- dumb to problems?
- Water – is it being contaminated – is this experiment failing?
  - In 2006 three monitoring wells were supposed to be drilled to monitor changes to water in our aquifer
  - Was this done? And why not? When has it been tested if ever?
  - Full environment study should be done on this site and full disclosure to this community before anything else is added to this site or decisions made affecting this site. *Clapping*
  - It's really simple – yes or no?
  - No monitoring wells have been installed –test results on well on site have been done up to 2009.
  - Why can't residents get results of this well if there is nothing to hide?
  - Why can't Fisher Road Recycling give that information?
- Brian Dennison** It could be under FoI; therefore CVRD can't release that information
- Robin Brett** This is not actually a hearing, but please give your name and address before you speak
- Brian Dennison** Last discussion interesting - CVRD gave private information to the applicant so you are concerned about his privacy but not ours!
- Doug Backhouse**
  - Fully support recycling but 100% opposed to this application. Have some comments and questions.
  - What is your definition of reasonable? *Clapping*
  - If I lived next door to a horrible smell as you have experienced and was told that that was the best that could be done I don't know if I would be happy
- Don Herriott** Part of process is to determine what is reasonable
- Don Herriott, 1335 Hutchinson Road** Your presentation was slagging another business – not appropriate as we are here to discuss this business and not the past business
- Bob McDonald** Sorry if perceived I was slagging another business – I was trying to show differences between that business and this one. Trying to apply a perspective. We hired an industry expert to help us
- Doug Backhouse** Are you expanding composting?
- Don Herriott** Not more buildings or infrastructure – but more products and in-pup as it has been quite restricted for the past 18 months
- Jason Adams**
  - I support recycling and local business
  - I find it incredible that you will consider this with all the past problems
  - His rights as a business owner don't override our rights as residents. *Clapping!*
  - It is situated on a narrow winding road in a residential neighbourhood – right business and wrong place is the reality – even Director Giles says so
  - You don't solve one problem by creating another one
  - Aquifer – a big concern. Is water getting contaminated? When it gets damaged then we can't fix it – too late. Organic recycling document – guidelines to support organic recycling regulations (140 pages) read out about leachate and odours. This site is contrary to every guideline in this document. Read excerpt – improperly managed composting facilities can lead to strong odours; runoff and strong leachates can impact ground water and local streams and can have significantly higher in pollutants and raw. Data collected at several composting facilities in Washington State can be significantly higher in pollutants than raw municipal waste water.
- Don Herriott**

**Jason Adams**

- Is there any liquid septic?
- No liquid waste received or stored on site. There are some bio-solids but it is mixed

**Don Herriott**

Is there commitment to provide results to community?

**Jason Adams**

We provide results on a set schedule – and test the water – it is sent to professional company and recorded to CVRD regularly. We test the swale and the well

**Don Herriott**

- Why not public given this information to the public – no answer
- It is not a big misunderstanding – we understand what is happening perfectly. This was addressed to Bob McDonald

**Ted Smith, 1375 Fisher Road**

- Staff are in contempt of public process and I am upset
- How little you care for this community Bob
- CVRD is in bed with this business and helping and abetting them
- Process completely disingenuous
- We have a viable business (Bing's Creek) already working in the CVRD with accountable, government employees. Can't police your own department
- Why was there no signage out in front of their business re this?
- If this project goes ahead I will take them to court as they have been on our property and changed the property line – big trees are on Gail's property are being buried by piles of organic waste
- Your greenhouses are too close to property line – things are in back corner in violation of zoning bylaws.
- You have trespassed!
- Neighbourhood didn't know
- CVRD won't give any information on who did this
- We hired a survey company to find the survey points and flag property lines

**Jason Adams– says David Laing will speak on this**

**Ted Smith**

- I took their maps and used them
- They are liable if they made inaccurate maps and had inaccurate results
- 30 vehicles –a day! That is huge for this neighbourhood – dust, garbage flying off vehicles, leave garbage dumped at the entrance to the site – you will ruin roads, people rushing to get their garbage there before it closes, air quality poor, there is kids on these streets, etc
- Worst possible site selection – next to all these people
- Needs to be off the beaten track
- Bob you have the nerve to say there are 100 places like this in valley – none of them accept garbage which is what will increase dramatically the noise and traffic
- CVRD is supposed to be for the people!
- Full environmental assessment needs to be done before this application goes any further
- Hope we don't have to take you to court but we will if you go on with this because you have trespassed on our land and stolen our property
- You are the worst possible neighbours anyone has had

**Brian Dennison  
Carolyn Bendall, 1307  
Hutchinson**

Fully support the idea to have a full environmental assessment

- You have tried to get rid of smell but it hasn't stopped. Sometime we can't go out on our deck. Disappointed that first brochure says we will accept garbage
- Your contact info is not working Jason as I tried all the numbers and web site listed. None worked!

- Jason Adams**
- Expansion – doesn't garbage pay and recycling doesn't?
  - How many tons are going to go through this facility?
  - No 1 item managed will be garbage!
  - And to say it will be self-policed – that is naive
  - Height in Industrial zone shall not exceed 10 metres – his bldg is 60 feet – so it is not in compliance
  - Had obligation only to send brochure to a few addresses – just immediate neighbours. We did much more than asked to do – over 3000 people got the information
  - We had a DVP for a height variance– neighbours notified. It was all done according to CVRD rules in 2006
- Carolyn Bendall**  
**Karen Herriott, 1335**  
**Hutchinson Road**
- We will accept – it is not the right wording!
- Management plan – will not compete with private facility. What about that? Doesn't agree with Bob McDonald.
  - We are in direct competition in this business – Bing's Creek facility is a full facility – we all pay into this function
- Bob McDonald**
- They provide a service but aren't in competition with us as we buy the product they collect from them. The small plants are drop offs only
  - We accept everything – these small places won't
  - We have free drop offs – we can offset our costs and small business will have to charge
  - They offer a good public service
  - Our facility is not in competition
  - Wrong thing to do
  - I am asking CVRD not to proceed with the amendment. He should be restricted to what he does now and zoning should have been tightened up after the law suit
  - Bylaw does not serve the neighbourhood. It may serve the business
- Bonne Walsh – 3614 Watson Place**
- Bonnie Walsh**
- I have a letter prepared for the CVRD
- Brian, as Manager of Environment Services have you conducted comparable studies of similar businesses as to their impact on the aquifer? Brian will answer later
  - Disappointed at West Coast Trial – CVRD always said it was concerned about its residents
  - Will you commit to working with community to resolve this issue to satisfaction of community?
  - We want to be fairly heard and worked with to resolve this
  - I paid close to \$100 to copy material to tell residents what was going on
  - Smell is bad still! Research – smell is a potential warning sign as detrimental to human health
  - Appreciate CVRD's help in mediating this problem
  - Stench for 5 years
  - Can't believe you will let them expand it
  - If you can't control stench now how will they fix it with more garbage!
  - We won't ever be able to use our yards again
  - We have the tools to enforce these issues– have they been fined? What good is a bylaw if there are never any fines? No one responds to complaints. I have all my emails, kept information as to weather, smell, how long was it noticed, times but no one responded
  - Mr. McDonald - you said any amendments would be minor – then this application says it is major amendment
- Laureen Van Der Meulen,**  
**3551 Verner Avenue**

**Bob McDonald**

- Minor is something basically less than a 10 % change in amount or type of material stored on site. Means company is expanding their business. Their original 2006 application mentioned that in the future they would have a garbage and recycling drop-off depot - no tonnage associated with it
- Major amendment is much more. We are in an awkward position.
- We can say no to this application just because we don't like this idea. Clapping and cheering – but the Board can say yes or no – but we will be in court. This bylaw is from the province and we are forced to deal with this legislation.

**Doug Backhouse**

**Laureen Van Der Meulen**

**Bob McDonald**

To the audience: Please confine your comments to your turn at the microphone  
Why are you not addressing my question - that they would be taking garbage  
Garbage is a small component – weights are attached to each of what they would accept and it is the smallest percentage. I apologize if that wasn't clear. Also scrap, construction waste, drywall, metal, etc. will be handled

**Laureen Van Der Meulen**

**Bob McDonald**

**Laureen Van Der Meulen**

Is it represented correctly in paper?

Apologizes if it wasn't clear

More contaminates coming to aquifer – perhaps. And all the community suffers. And more stench – when was business in compliance?

**Bob McDonald**

When bylaw was brought into effect in Jan 1, 2007 in compliance and in July, 2008 went out of compliance from the operating plan

**Laureen Van Der Meulen**

Promised landscaping in 2006 – didn't happen. How can we trust anything they say about the future?

**Jason Adams**

- Fines and compliance – an industry professional looked at the Fisher Road and Central Landscape facilities and gave a list of factors that could be happening and a list of any possible implementations to try to mitigate the neighbours' concerns.

- We have paid \$350,000 in last 12 months in upgrades to get into compliance – and not paying fines to CVRD but putting money into business is better

**Laureen Van Der Meulen**

**Jason Adams**

Are doors open on weekends in contained buildings?

It is in operating plan that other than trucks unloading or changing cells the doors remain shut. Should be always shut on weekends. Call us or CVRD and take a picture. We have committed to keeping that basic rule.

**Laureen Van Der Meulen**

**Doug Backhouse**

**Laureen Van Der Meulen**

CVRD doesn't respond to calls or emails

Jason put up a sign to give numbers on who to call

Shouldn't facility have had a sign on fence at buildings to say a change was to come 45 days saying you want to make an amendment?

**Bob McDonald**

- It was in bylaw and it was overlooked by CVRD! Never been an issue.
- More effective means is to make sure flyer on door step of every household in area
- We require our notice be delivered to all homes in neighbourhood
- We didn't expect flyer to be so promotional looking

**Michael Jansson**

You have to post notice 45 days in advance don't you? There is no wiggle room about posting of sign rules. Have to do that. *Clapping*

**Bill from Duncan**

- Went to CVRD to find out about aquifer vulnerability mapping.
- Is this aquifer more vulnerable? We are flying blind.
- Do we know and shouldn't we do a study before we go forward!

**Brian Dennison**

Vancouver Island Aquifer Study has been done as far as I know. There has been a study done by VIHA on aquifer sensitivity. I believe it is available online

**Bill from Duncan**

- Was done by the Vancouver Island Watershed Regional Protection Ag
- Couldn't get anyone to talk about it – wanted to see it
- Does facility have backup power?

**Jason Adams**

- Answer – no – but designed so place will shut down and fans will not keep blowing stinky air out

**Michael Jansson**

- When power goes back on will re start and ventilate again automatically
- Re April 6, 2006 meeting – read from commitments made – will test results be make available to the public? Jason said his responsibility is to put out results to CVRD. Brian Dennison responded that if there is a local group we can submit results to that are what we have done in the past. We usually make these results available in our office.
- Are results available – he can't get them – it is FOI - another un-kept commitment from 2006! Many more to follow up on
- Read from a Bylaw but process if flawed. The public consultation does not buy in to this act. A lot of people didn't receive notices and feels they informed as few people as possible with this amendment request
- Why can business appeal but not citizen?

**Bob McDonald**

We have been trying to get answers out as fast as possible. There are lots of letters, lots of work, and we are working on it

**Doug Backhouse**

You have the opportunity to address the board and seek redress

**Michael Jansson**

- We should be accorded exactly the same treatment as anyone else and the bylaw doesn't say that.
- This is a neglect of the public interest.
- I wrote to Brian Dennison and requested information on the notification and asked where managerial discretion was exercised.
- He has certain kinds of discretion under the bylaw and there is some latitude – but you can't have latitude on the sign. I also had a solicitor write to ask that and still no answer. No answer to me or my solicitor.
- This raises procedural process questions to me
- Answers anyone can appeal - either a business or a citizen

**Bob McDonald**

**Michael Jansson**

The gas tax received Aug 27, 2008 Fed announced 1.2 million earmarked for a new recycling south end depot in Mill Bay, Shawnigan Lake or Cobble Hill. Were any of these funds used for Fisher Road or South End Depot?

**Bob McDonald**

Re the gas tax rebate to CVRD – a large portion of the money is for new full service depot serving Mill Bay/Shawnigan Lake and Cobble Hill

**Brian Dennison**

No – the answer is Zero! A bit for Bing's Creek and the rest not used yet – we have earmarked \$700,000 for south end, \$350,000 for other facilities. Has to be for infrastructure.

**Jason Adams**

- Never received any money from CVRD
- We have been pleading to receive waste from Bing's Creek and never received an ounce of revenue or material from CVRD

**Michael Jansson**

- How can CVRD be acting as a facilitator to the applicant and general public during this process when it is also the legislator, the regulator and they have contractual business relationships with the applicant. Is this not a conflict of interest with an applicant does it not?

**Bob McDonald**

- Government isn't being a guardian of public interest
- Lots of letters about how CVRD and applicant look like partners
- When we get comments they are wide ranging – we forward technical to applicant
- Applicant is returning their replies to us to look at it to see if it is consistent with what they said before



**Michael Jansson**

- Then we draft our own letter with applicant's explanation plus answers to other questions. We form the letter into one and send the reply
- With respect that doesn't make sense
- We want a direct reply from applicant – not CVRD acting as a middle man *Clapping*

**Bob McDonald**

- Did you give approval already to applicant or did he know it would go
- Why did he put out so much money ahead of approval? *Clapping*
- Applicant has spent considerable funds on new phase
- They had zoning approval so Jason Adams knew he should be ok
- We regulate the operation
- We don't say you shouldn't site; we set standards and criteria and you don't get license if you don't meet them
- He reads the legislation and knows where he stands
- He has never been given approval that the amendment would go through

**Doug Backhouse**

The applicant's motivations are his own

**Michael Jansson**

- Water study just out – 2010 geological survey of Canada – technical survey of Nanaimo and Cowichan Valley. Shows our area's vulnerability – we are in a moderate zone so shouldn't do anything that would jeopardize a moderately vulnerable aquifer
- We better get an environmental assessment, look at social planning issues, zoning issues, isn't 200-300 people showing up showing this is an issue!
- Listen to the people – the tax payers. Needs an environment impact!
- Get local people to draw up terms of reference. Standard practice that stakeholders should be involved

**Jennifer Symons, 1439  
Fairfield Road**

- 340 signatures opposed to the application
- Most own property less than 1km from site
- We are still collecting signatures
- She brought up a copy of the signatures to Bob McDonald to receive on behalf of the CVRD

**Jerry Tomljenovic , Fisher  
Road**

- He echoes concerns of community
- Our Area C OCP is responsible for this hodgepodge of industrial zones along Fisher Road

**John Middleton**

- Fisher Road is gateway to Cobble Hill Village
- We should wait and follow new OCP when it is complete
- Déjà vu! Still same things happening
- Compliments gentlemen making efforts making it work right
- It is night and day – Zoning is zoning and is in place
- You cannot rescind zoning and they bought it knowing what they could do
- The CVRD staff works under the direction of the Board of Directors – they determine Board policy
- Ministry of Environment dictates a lot of these things and they don't respond or help. They dictate to local government
- I would urge you to talk to MP and local director – and make changes
- Like to see Fisher Road Recycling property have wells in place and wells monitored and the results made public. But MoE has something to do with that info being made public
- When are we going to get our South End transfer station up and running?
- Are these gents in competition with public enterprise?
- The search for a south end depot site is in-camera at this time – the

**Brian Dennison**

CVRD is actively looking for a site. Can't answer about where it will be located at this time

In response to the questions on some of these issues:

- We need to extend our process here and make it as open as possible – if we add a bit of time to understand and react to all that has been said and heard
- We will work with community – has to be a small group to work with us. Perhaps our Area C Director will help with that
- Unanswered questions on the environmental issue – especially water quality– so believe we must have an environmental impact statement *Clapping*
- Staff will talk tomorrow morning about how we can achieve these things.
- We will work with the community on that
- South Cowichan water study underway and you can get that information from staff
- South Cowichan water study oriented to water supply and if ground water supply is diminishing. It is publicly available and actively being worked on
- We need a Growth Management Plan – a lot of our concerns would be alleviated if we had one
- Board at this time has not gone forward with a Regional Growth Management Plan
- Height restriction? If you don't like something you just get a Development Variances – they are often available and easily granted so bylaw doesn't provide me with much confidence. Bylaws don't have much power
- Let's not confuse zoning issues with this amendment request
- Not a dump? Material out of a truck is dumped! You are in fact dumping material at the site – even though it is not a landfill
- When I moved here (1980's) it wasn't didn't allow composting and recycling. I didn't move to this zone then – took offence at that
- People lived here before it was zoned like that so that argument that we knew when we were buying our property it was an industrial composting and recycling zone beside us is not entirely relevant
- Property values have decreased because of that
- Under the impression that this industrial zone had been in place for decades
- The zoning bylaw was changed light industrial to allow composting and recycling in 1998
- We certainly do not want to diminish people's property values
- Want to be as reasonable as possible
- Married to Tony Balding, original water maintenance man for Cobble Hill Water Improvement District and he was always worried about our aquifer and water quality and the future
- Thank you to organizers and Gerry and to the couple who moved here two weeks ago for coming out and supporting the community and doing so much research and with such pointed questions

**John Middleton**

**Brian Dennison**

**John Middleton**

**Brian Dennison**

**Don Herriott**

**Bob McDonald**

**Betty Lording,  
3605 Garland Ave**

Addressed next comment to Brian Dennison and Bob McDonald – the future of this community is literally in your hands

- As citizens we feel we have no vote! Look at us all here – this old building was the core of community 100 years ago – there were two

schools built here – a hotel, churches, telephone and post offices, bakery, general store, cenotaph and homes with wells and this hall. I have lived here 33 years in a 100 year old house – wisdom built this community. Pioneers are all gone but their families are here

- For 100 years our water has never been treated – let's keep it that way. Water is the most important issue!
- Will this village disappear if water is contaminated? Just become another garbage dump? *Clapping* The pioneers wouldn't have wanted a garbage dump here – over their water supply
- Will it last another 10 or 20 years – it is a 100 years old! We need to protect our village. This is one cause worth fighting for.
- Bylaws can be amended – they are adopted by our board after 3 readings. We could have made changes and we still can. Brian – could you look into that?
- Air quality studies should be done as the facility is so near a school
- Traffic – is an issue not addressed enough – please consider further studies in regard to noise, road repairs, debris, and number of accidents increasing.
- Waste hasn't increased yet but we see empty trailers stored beside the facility for periods of the day already – could you look into that also?
- In last few years recyclers had financial difficulty – did CVRD lower their fees for them?
- What will happen if there is a downturn – will we have to clean up the facility grounds then? They are supposed to have money in place for that eventually

**Bonnie Walsh, 3614 Watson**

**Bob McDonald**

Answer to subsidizing – we had a contract with Steel Pacific and we deferred their payments to us for six months and they then repaid 100% of that debt. Gave them a break when they didn't receive enough funds or materials for a short time period

**Gerry Giles, Regional Director for the area**

- Community expressing concerns about the odours from this composting plant for past five years
- I had the impression they were being acknowledged but not heard
- Thank you to CVRD for holding this meeting and allowing community have its say; thank you to operators for changes you have made to your plant.
- It still smells - I drive by once a day – and it does smell
- It is difficult when people file an odour complaint and don't get results. Some people have done this for 10 years. This community has shown a lot of patience over an experiment gone horribly wrong
- I appreciate CVRD's saying they will do an environmental impact assessment
- Jason I want to ask about your wells? If it is FoI information the CVRD can't release it without your permission. Will you release this information – yes or no? You can sign off and give the CVRD permission to release this information. This community deserves an answer

**Jason Adams**

CVRD will likely provide this information. It is a CVRD process and we will work with them. We have never been approached before and we aren't going to say no now. We will look at how that information has been used. The CVRD has provided other information *He doesn't answer yes or no*

**Gerry Giles**

Now you can understand why the community is frustrated *Clapping*

- Audience** Discussion back and forth on why the information is not forthcoming
- Doug Backhouse** Water districts have to provide this information. The community would like a yes or no answer You have heard their concern
- Jason Adams** VIHA has been on our site, looked at our wells, and forwarded the information to CVRD. The information is with the authorities. CVRD has to answer you
- Audience** Tell us the answer – why won't you say yes? What are you hiding? Does CVRD get this information? We want answers! We are asking now
- Jason Adams** It is not our decision to make. We have never refused to give this information to VIHA or CVRD
- Brian Dennison** We do have this information. We need permission to release it and can do so if permission is given in writing
- Jason Adams** We will work with Gerry Giles and Brian Dennison to facilitate this information being made public
- New resident Twin Cedars Development**
- Wished she stayed in Shawnigan Lake!
  - Has lived in South Cowichan 20 years
  - Water in Cobble Hill tastes terrific
  - Works at Cobble Hill School – ½ km from facility. The school is affected daily by everything that happens on Fisher Road – by smell, we drink the water daily, we try to play safely and use roads safely, so much traffic – all 250 children play outdoors
  - Struck by preposterousness of this facility being located in a village. You wouldn't do this in Cowichan Bay or Mill Bay
  - I go outside at 6:15 am – it is noisy already with traffic that early coming from Shawnigan-Cobble Hill Road
  - How much louder will it be with this facility's traffic? The paper says it will run seven days a week
  - This is small rural neighbourhood – and I am concerned about my property value
  - This whole area is not well planned, for instance the strip malls on highway
  - We have a facility at Bing's Creek – we can drive! We can use it - it is well run and paid for by the taxpayers of the valley.
  - I would rather drive to Bing's Creek than pay to drop off my garbage at Fisher Road Recycling.
  - I have heard that your facility accepts from other places
- Jason Adams** Yes, have had products from Hartland, CRD, Nanaimo, and Salt Spring Island on occasion
- Bob McDonald** We could say no to this
- Betty Lording**
- (to Bob) Why would you consider it? Seems they are in violation of rules already- can't you suspend their license?
  - I have heard that you are tendering on garbage pick-up
- Jason Adams** Replies that no – there is no talk of that. The next tendering is 2011 in CVRD area
- Betty Lording**
- I have heard and read that you will have a full vessel for up to one week on the property
- Jason Adams**
- It could take a week to fill but once full it would be taken to Bings' Creek facility. Could also have several trips a week but always a minimum of one trip per week
- Betty Lording**
- Has this amendment been approved?
  - Can you give me dates on what to expect and when?

- Brian Dennison** ➤ Not precisely. Environmental assessment will take time to find a provider – will be done as quickly as possible in fairness to applicant
- Betty Lording** ➤ CVRD has a responsibility to tax payer – please listen to us – for me I don't want this development
- Brian Dennison** ➤ Can his license be taken away if he is not in compliance?
- Betty Lording** ➤ Says he isn't doing the new work yet
- Brian Dennison** ➤ Could this property be down zoned to a zoning that wouldn't permit their activities?
- Brian Dennison** ➤ Says it is hard to do and has huge liability issues
- David Symons, 1439 Fairfield** ➤ What is the smell? It wakes him up in middle of night. Eyes tear!
- Jason Adams** ➤ It is the result of decomposing organic matter – if they don't have enough air they become anaerobic and create ammonia
- David Symons** ➤ Underneath concrete pad what is there? And what about an earthquake? Is it safe – what if it cracks?
- Jason Adams** ➤ It is engineered - compacted gravel and it is sloped to drain
- Audience** They have buried neighbour's trees – the berm is so close to property line.
- David Symons** ➤ Bob McDonald said the community is over-reacting and I think we are under-reacting
- Why would you set up the same business when the first one had a lawsuit on that property for same business?
- I would like an enquiry on how this could happen??
- You're telling the community that you are legally obligated to inform community but the brochure was in junk mail, not read, recycled, and legal comment on back in small letters
- Michael Jansson** What about time of 30 days from application for community to be informed?
- Brian Dennison** ➤ Study will take longer than that
- When the sign goes up then the 30 days start
- The CVRD can give out their own sampling results – but not a private person's
- He will meet with a group from the community
- I can't and won't give out any information that is a FOI
- Michael Jansson** ➤ Water sampling - wants to see results of Central Landscaping site too
- Jason – you said you were interested in a tender. You might take product from Hartland – I heard also from Red Deer?
- Jason Adams** There are no tenders out. There is a CRD RFP out for picking up garbage. It doesn't affect me. Lots of competition and one for picking up organic waste in CRD I believe. Up here tender doesn't start to 2011
- Michael Jansson** Would you grow your business? Where does it stop? There is no foreseeable end to this
- Jason Adams** Yes, a private business tries to grow their business
- Rob Reid** ➤ I was on my roof and could smell it
- 3607 Princess Ave** ➤ I am raising two boys – moved here in 1980
- I am chairman of Cobble Hill Water Improvement District
- I don't think this is a good thing
- This environmental study must be done correctly and we need to protect our aquifer
- Doug Lockhart, 1435 Galliers Road** ➤ Asked if Gerry knew that there was an amendment being considered?
- Been upset for 11 years.
- CVRD has put on a cease and desist order on me and I have had RCMP

on my driveway. I thought a new business would be a good idea but the last one stunk too badly and for 3 years I couldn't go out. Hardly ever use my deck. I have air conditioning so never open my windows. I am downwind of this property and it is bad.

3 issues:

- MoE – not a good institution– the bylaw is not good enough. I dug holes, got compost samples and it took 3 months to get results, fecal coliform was same in Class A compost –
- Brown liquid was running off property and pooling in certain areas
- Gave these new guys a fair shake
- This is a sand basin – aquifer goes from Cobble Hill to Arbutus Ridge. Anything on top of it goes into aquifer
- Wells tested – guess which one was high in nitrates from septic, manure runoff, or decaying plant and animal matter? High in nitrates means stunts growth in baby's brains. Should be concerned about our Aquifer! This whole basin is sand – Jason you should return a call
- Apparently until someone dies Ministry of Health has no jurisdiction, CVRD has no jurisdiction over ground water, or MoE
- I don't go outside – it still smells! Can't put clothes out on line
- Noise – promised in October to reduce noise – no results
- I work 5 am to 10 pm – why as a taxpayer don't I have some rights?
- Where are the trees – in 4 years not put in as CVRD promised
- The aquifer must be protected. Big liability issue
- Smell is 24/7 and we have to live with it
- I understand that all you have to do is give 24 hours notice to run it more hours or outside the hours – is that true?
- You should swap property and get them out of there and find a place that is not a residential area
- Change to hours has to be approved
- Lives southwest of facility
- Smell is too bad – spend most of my time in Victoria because my yard isn't savoury. Worse in evening and overnight and it affects my health
- Bob you gave me no assurance that you will do anything we want
- Are you going to go ahead and approve this amendment tomorrow?
- We want this amendment to be denied!
- Phone calls from me and others have not responded too
- Jason - You are less than friendly in your whole approach. I asked David Laing what were you putting up and I was told they were green houses – that was a lie
- No respect for neighbourhood
- If it takes a long time for the products to go through the composting plant what do you do with new product - where does it go if there is no room?
- We keep it mixed and put in holding cells
- Are the containers outside going to smell?
- A small % will be garbage and intention not to be there long and there will be lids on them at all times
- Were there any applications to build near property line?
- We went to CVRD Planning and Building Departments and did everything by the book
- What is the buffer zone
- Took surveyors map results to make his buildings and if they made a

**Bob McDonald**  
**Gail Quinn, 1375 Fisher Road**

**Gail Quinn**

**Jason Adams**  
**Gail Quinn**  
**Jason Adams**

**Gail Quinn**  
**Jason Adams**

**Gail Quinn**  
**David Laing**

- mistake they are liable
- Gail Quinn** ➤ Why can businesses get bylaws amended and residents can't
- Bob McDonald** ➤ This is a bylaw from the province and they gave us the specific wording. I will look at what latitude we have with it
- Gail Quinn** ➤ What about noise? Machinery is issue to her –noise all day long
- Also air pollution
- Bob McDonald** ➤ Bob says we try to be reasonable – we restrict their hours
- Gail Quinn** ➤ It is unreasonable if you are living next door!
- Bill Routely, MLA for Cowichan Valley** ➤ Intended to only listen
- Frustrated about answers about FOI about water
- What about people's security of good water?
- What is CVRD doing about protecting community's water?
- Community is clearly saying something is wrong – they have a right to enjoy their life and it is time to do something
- Sounds like CVRD is more concerned about business interests than about all the people who live in this area. *Much clapping*
- MoE doesn't do anything either. Bureaucrats should start listening to their constituents
- Brian Dennison** Asks Jason to give the people the results of the well testing on their property. No response.
- Duncan Resident** ➤ Thanks to staff for ideas for solutions
- Thanks to Fisher Road Recycling for coming to meeting
- The owner of the site is responsible for the pollution that they bought and additional pollution that they create
- Have we suffered poisoning? We don't know!
- I examined the site today – I noticed that the filter buildings have dark things on concrete blocks – are they gases leaking from the edge of the plastic roof and leaching down?
- At edge of property there are black pools of liquid that must be leaching and that will leak off
- The concrete slab is porous. The sand beneath it is absorbing all this and thus it will get into the water system
- You cannot count on the CVRD Board do doing anything about it – there is only one option – to bypass the Board temporarily, gather together a few bucks, and go for an injunction. Ask for the Board to suspend these plans until they have a remedy for the problems and concerns.
- Also insist that you get water samples and that you test downhill from that site. Insist that there is no development in the business until you have proved that the aquifer is ok and not being further degraded
- Need to restore our own democracy and you cannot count on a Board that is being negligent.
- Beth Lischeron, 3616 Garland** ➤ About 300 people here tonight with an average age of 60 – I have lived through major mud slides and earth quakes but we cannot avoid what comes expect from nature
- From our past experience – don't we have an opportunity to shut down this new facility and not sell it to new people?
- As a community it is clear – a conflict of uses – residential and industrial don't work together. We have to start thinking outside the box and how can we work together – all three of us – CVRD, community and business and find solutions

**Don Herriott**

- Must have an environmental impact study!
- What will we do if it comes up negative?
- Thank you to CVRD staff and Jason for coming out and holding this meeting
- This community has spoken loud and clear
- We don't need this amendment

**Doug Backhouse**

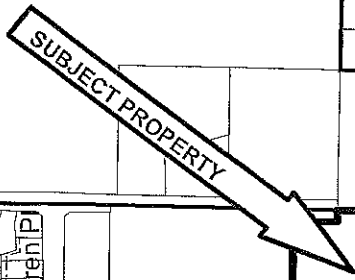
Thanks from Doug Backhouse to everyone for holding the public meeting and bearing with this. Lots to do and think about in the next while

**ADJOURNMENT**

The Public Meeting was declared adjourned at 10:53 pm.

These minutes have not been recorded verbatim but have tried to accurately capture the substance of this public meeting.





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## PART ELEVEN      INDUSTRIAL ZONES

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### 11.0    INDUSTRIAL ZONES

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

#### 11.1    I-1 ZONE - LIGHT INDUSTRIAL

##### (a)    Permitted Uses

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

- (1) automotive body repair and painting;
- (2) automotive repair shop;
- (3) automotive wrecking, salvage and sales;
- (4) processing and sale of gardening supplies;
- (5) boat building;
- (6) book binding, publishing;
- (7) sale of wholesale and retail building supplies, lumber yard;
- (8) broom and brush manufacturing;
- (9) cabinet and furniture manufacturing including a joinery;
- (10) canning of fruits or vegetables;
- (11) clothing and garment manufacturing;
- (12) cold storage plant;
- (13) dairy products manufacturing;
- (14) door and window manufacturing;
- (15) electric and electronic equipment manufacturing;
- (16) feed and seed storage;
- (17) food and candy products manufacturing, processing and packaging, excluding fish cannery and slaughter house;
- (18) frozen food locker;
- (19) parking garage;
- (20) kennels for the keeping, boarding, raising, training or breeding of cats and dogs;
- (21) laboratory;
- (22) laundry, dry cleaning and dyeing establishment;
- (23) jewellery, mattress, musical instrument, toy, paper box and cardboard, sign, glass, textile, tool, tent and awning, wax products, and window shade manufacturing;
- (24) contractor's workshop, yard and storage;
- (25) lumber yard;
- (26) modular or prefabricated home and truss manufacturing;

I-1 Zone continued

- (27) café, restaurant, take-out service;
- (28) welding shop;
- (29) warehouse, including mini-warehouse;
- (30) processing and sale of landscaping supplies and materials;
- (31) recycling, sorting and storage of any type of substance or material, including in-vessel composting but excluding external storage of any type of septage, animal material, or animal substance.
- (32) one single family residential dwelling unit or mobile home per parcel accessory to a use permitted in Section 11.1(a)(1) to (30).

(b) Conditions of Use

For any parcel in an I-1 Zone:

- (1) the parcel coverage shall not exceed 50 percent for all buildings and structures;
- (2) the height for all buildings and structures shall not exceed 10.0 metres;
- (3) the *setbacks* for the types of *parcel* lines set out in Column I of this section are set out for all *buildings* and *structures* in Column II:

COLUMN I Type of Parcel Line	COLUMN II Buildings & Structures
Front	4.5 metres
Interior Side	0 metres where the abutting <i>parcel</i> is zoned Industrial  9.0 metres where the abutting <i>parcel</i> is zoned Residential, Mobile Home Park, Agricultural, Forestry, Institutional, or Water Recreation
Exterior Side	4.5 metres
Rear	0 metres where the abutting <i>parcel</i> is zoned Industrial  9.0 metres where the abutting <i>parcel</i> is zoned Residential, Agricultural, Forestry or Institutional

- (4) all uses shall be carried on inside an enclosed building except for storage of material and vehicles or for processing or storage of gardening supplies.

#### 11.4 I-1C – LIGHT INDUSTRIAL - LIMITED

##### (a) Permitted Uses

The following uses and no others are permitted in the I-1C Zone:

- (1) automotive body repair and painting;
- (2) automotive repair shop;
- (3) boat building;
- (4) book binding, publishing;
- (5) building supply sales including wholesale, lumber yard;
- (6) broom and brush manufacturing;
- (7) cabinet and furniture manufacturing, including a joinery;
- (8) café, restaurant, take-out service;
- (9) canning of fruits and vegetables;
- (10) clothing and garment manufacturing;
- (11) cold storage plant;
- (12) contractor's workshop, yard and storage;
- (13) dairy products manufacturing;
- (14) door and window manufacturing;
- (15) electric and electronic equipment manufacturing;
- (16) feed and seed storage;
- (17) food and candy products manufacturing, processing and packaging, excluding fish cannery and slaughter house;
- (18) frozen food locker;
- (19) gardening and landscaping supply/material sales;
- (20) kennels for the keeping, boarding, raising, training or breeding of dogs and cats;
- (21) laboratory;
- (22) laundry, dry cleaning and dyeing establishment;
- (23) manufacturing of jewellery, mattresses, musical instruments, toys, paper boxes and cardboard, signs, glass, textiles, tools, tents and awnings, wax products, and window shades;
- (24) modular or pre-fabricated home and truss manufacturing;
- (25) parking garage;
- (26) warehouse, including mini-warehouse;
- (27) welding shop;
- (28) one single family residential dwelling unit or mobile home per parcel, accessory to a use permitted in Section 11.4(a)(1) through (27).

##### (b) Conditions of Use

For any parcel in the I-1C Zone:

- (1) the parcel coverage shall not exceed 50 percent for all buildings and structures;
- (2) the height for all buildings and structures shall not exceed 10 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this Section are set out for all buildings and structures in Column II:

<b>COLUMN I</b> <b>Type of Parcel Line</b>	<b>COLUMN II</b> <b>Setbacks for Buildings and Structures</b>
Front	4.5 metres
Interior Side	0 metres where the abutting parcel is zoned Industrial 9 metres where the abutting parcel is not zoned Industrial
Exterior Side	4.5 metres
Rear	0 metres where the abutting parcel is zoned Industrial 9 metres where the abutting parcel is not zoned Industrial

- (4) All uses shall be carried out inside an enclosed building, except for storage of material, gardening supplies and motor vehicles.



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 35XX

#### A Bylaw For The Purpose Of Amending Zoning Bylaw No. 1405 Applicable To Electoral Area C – Cobble Hill

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**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 C – Cobble Hill, that being Zoning Bylaw No. 1405;

**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. 1405;

**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 "**Cowichan Valley Regional District Bylaw No. 35xx – Electoral Area C – Cobble Hill Zoning Amendment Bylaw (CVRD Fischer Road I-1C), 2010**".

#### 2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 1405, as amended from time to time, is hereby amended in the following manner:

- a) Schedule B (Zoning Map) to Zoning Bylaw No. 1405 is amended by rezoning Lot A, Section 13, Range 6, Shawnigan District, Plan VIP51903 and Lot 1, Section 13, Range 6, Shawnigan District, Plan 29581 – both as shown outlined in a thick black line on Schedule Z attached hereto and forming part of this Bylaw, from Light Industrial 1 (I-1) to Light Industrial – Limited I-1C.

#### 3. FORCE AND EFFECT

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

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



SR8

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 15, 2010

**DATE:** June 9, 2010

**FILE NO:**

**FROM:** Rob Conway, MCIP  
Manager, Development Services Division  
Planning and Development Department

**BYLAW NO:**

**SUBJECT:** Cowichan Bay Estates - Request for Sanitary Sewer Units

---

#### **Recommendation:**

That staff be directed to prepare an agreement for the transfer of up to 90 sewer units from the Eagle Heights Specified Service Area and up to 36 sewer units from the North Cowichan Sewer System to the Cowichan Bay Specified Service Area and assignment of the units to Parcel B (DD 47244I) of Range 6 and Lot 1, Section 5, both of Range 4, Cowichan District (Cowichan Bay Estates).

#### **Purpose:**

To consider a request to transfer sewer units to the Cowichan Bay Specified Service Area for the development of lands at Cowichan Bay Estates.

**Financial Implications:** Legal fees

**Interdepartmental / Agency Implications:** N/A

#### **Background:**

The undeveloped lands at Cowichan Bay Estates are located on the west side of Wilmot Road, approximately between Wilmot Road and Wessex Road. The lands are comprised of two blocks that are split by a ravine that extends from Wilmot Road to Cowichan Bay, as shown on Figure 1. The larger block is 13.44 ha. (33.21 ac.) in area and is located on the south side of the ravine with frontage on Wilmot Road. The smaller block on the north side of the ravine is 2.85 ha. (7.05 ac.) in area and is accessed from Wessex Road.

The subject lands are zoned Urban Residential (R-3), which has a minimum lot size of 2,000 square metres (approx. half an acre) for parcels serviced with just community water and 700 square metres (7,535 sq. ft.) for parcels serviced with community sewer and water. Although the subject lands can be serviced by the Cowichan Bay Water District, only the smaller block is presently eligible to connect to the Cowichan Bay Sewer System (Cowichan Bay Specified Area). The Cowichan Bay Estates lands and other properties in Cowichan Bay cannot be

included in the Specified Area at present because “sewer units”, or the right to discharge additional sewer connections into the Joint Utilities Board sewage treatment facility, are presently unavailable. The request brought forward in this report summarizes an offer by the owner of the Cowichan Bay Estates lands that would involve the purchase of sewer units from other systems and the transfer of these units to the Cowichan Bay Specified Area for development on the Cowichan Bay Estates lands. In addition to the offer to purchase the sewer units, the owner has also offered a number of other concessions in the development of the property that are intended to benefit the Cowichan Bay community.

### **The Proposal:**

The proposal from the owner of Cowichan Bay Estates is described in the attached letter from Creative Engineering Services, the agent for the property owner. The main features of the offer are:

- Purchase of 90 sewer units from the Eagle Heights Specified Service Area for \$11,200 per unit with the proceeds going to the Eagle Service Area reserve fund;
- Purchase of 36 sewer units from the District of North Cowichan for \$11,200 per unit and protection of a First nations burial site located within North Cowichan;
- Dedication of approximately 6.8 hectares (16.8 ac.) of public land for habitat protection, buffers from agricultural land and parks and trails;
- Playground and trail improvements paid for by Cowichan Bay Estates;
- Provision of housing options within the development should the CVRD Board agree to rezone part of the lands (up to 30 multi family units, 2 triplex lots and 3 duplex lots);
- Transfer of two residential lots to the CVRD with sale proceeds benefiting Area D (e.g. park land improvements);
- Incorporation of street trees and other streetscape features such as “dark sky” street lighting;
- Consideration of a district energy system within the development.

In exchange, Cowichan Bay Estates has requested to following:

- The transfer of 6 existing sewer units held by Cowichan Bay Estates from the Wessex road property to the Wilmot Road property;
- The assignment of 126 sewer units purchased from the Eagle Heights and North Cowichan sewer systems to the Wilmot Road property;

### **Staff Comments:**

The proposal by Cowichan Bay Estates is somewhat unusual in that substantial concessions with respect to development of the land are offered even though the land is presently zoned for development. The reasons the concessions are offered is that the properties cannot be developed to the density permitted by zoning without access to a community sewer system. The requested transfer of sewer units essentially allows the property to be developed sooner than if the owner waits until additional sewer units become available through other means. The ability to develop the lands in the near future presumably has economic value to the owner, which justifies the additional public land and other amenities that have been offered.



### ***Heron Habitat Protection***

The proposal offers substantial benefits for the Cowichan Bay community. The foremost benefit is the additional protection provided to Heron nesting sites. Since the Habitat Protection Development Permit Area was established in 2008, the Great Blue Herons have moved from their former nesting site near the end of Vee Road to the ravine area adjacent to Wessex Road. Although the Development Permit Area was intended to protect the Heron nest sites, it does not recognize the new nesting location and provides only limited protection. An assessment of the development permit area and Heron nest sites undertaken by Madrone Environmental Services and commissioned by Cowichan Bay Estates in the Spring of 2010 concluded that it is unlikely the Heron colony will reoccupy the abandoned nest site in the near future (<20 years) and that the current location will continue to be potentially viable for nesting in coming years. The report recommends protecting the core area where the Heron nests are presently located as well as protecting the abandoned nesting site. The development plan and public land dedication provides significant buffers to the current nest sites as well as some additional protection for the abandoned colony.

### ***Potential Mixed Housing***

The owner has proposed developing part of the site for mixed housing types. A preference for some housing types other than single family has been identified by the APC and the local area director, to promote housing affordability and more housing options for the Cowichan Bay community. In addition to 87 single family lots, the development plan proposes a 30 unit multi-family complex and five duplex and triplex lots on large lots that have sufficient lot frontage for this type of housing. It should be noted that the total number of housing units proposed for the site is 132, which is less than the 149 lots the owner estimates could be developed based on existing zoning.

As a zoning amendment will be necessary for the proposed mixed housing types and the outcome of the rezoning processes is uncertain, the proposed multi-family and attached housing types may not be possible. This is acknowledged in the proposal letter and any agreement for the transfer of sewer units could not be conditional on rezoning. Should the lands ultimately not be rezoned, the areas intended for mixed housing could be developed under existing zoning for single family housing.

### ***District Energy***

CVRD staff have met with the owner and agent of Cowichan Bay Estates to initiate discussions about a district energy system for the development, likely using geo-exchange system. The owner has committed to exploring the viability of a district energy system, but it is not known at this stage if a district energy system will prove to be viable. It is therefore not known whether it can be considered as part of the offer, although the owner has offered to pursue it in good faith.

### ***Transfer of Sewer Units***

Should additional sewer units become available for the Cowichan Bay Specified Service Area, the CVRD Board has discretion as to how these are allocated. The Engineering and Environmental Services Department keeps a list of land owners interested in connecting to the Cowichan Bay sewer system, and Cowichan Bay Estates is presently first on the list (by date). In addition, the subject lands are presently zoned for development, which distinguishes it from other properties interested in acquiring access to sewer in the Cowichan Bay area. It should be

noted that if the Board agrees to the proposal, the developer will still be required to pay sewer system connection fees.

**Summary:**

This proposal is supported by CVRD staff as it appears to offer significant benefits for the Cowichan Bay community. The foremost benefit is the additional protection that can be achieved for the Heron colony. Other benefits include a development plan that integrates the site into the community, on-site park and trail amenities, resources for additional community amenities, and potential housing and environmental features that would distinguish the development from conventional single family subdivisions.

Should the Committee and Board not support the requested transfer of sewer units, the likely affect would be that development of the subject lands would be deferred until additional sewer units become available. Under this scenario, eventual development of the subject lands should be expected and it should be recognized that much of the habitat protection measures and other features offered with the current proposal would not be possible.

If the Committee supports the proposal from Cowichan Bay Estates in principle, it will be necessary to prepare an agreement that would secure the commitments. Once drafted, the agreement would ultimately need to be approved by the Board. As preparation of an agreement will require staff resources and advice from the CVRD's legal counsel, direction from the Committee is requested for staff to proceed with this work.

**Options:**

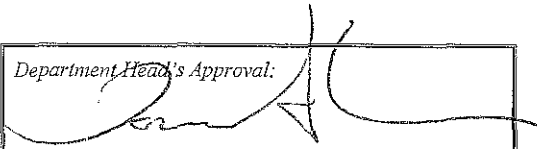
1. That staff be directed to prepare an agreement for the transfer of up to 90 sewer units from the Eagle Heights Specified Service Area and up to 36 sewer units from the North Cowichan Sewer System to the Cowichan Bay Specified Service Area and assignment of the units to Parcel B (DD 47244I) of Range 6 and Lot 1, Section 5, both of Range 4, Cowichan District (Cowichan Bay Estates).
2. That staff be directed to respond to the June 7, 2010 letter from Creative Engineering Services, advising that the CVRD does not support the requested transfer of sewer units.
3. That staff be directed to respond to the June 7, 2010 letter from Creative Engineering Services, requesting amended terms and conditions for the proposed transfer of sewer units.

Option 1 is recommended.

Submitted by,



Rob Conway, MCIP  
Manager, Development Services Division  
Planning and Development Department  
RC/ca

<p>Department Head's Approval:</p> 
<p>Signature</p>



**Creative Engineering Services**  
Phone (250)737-1440  
Fax (250) 737-1551

June 7, 2010

File No:1053-C

*Cowichan Valley Regional District  
175 Ingram St.  
Duncan BC  
V9L 1N8*

Attn: Lori Iannidinardo

**RE: Cowichan Bay Estates – Request for Sanitary Sewer Units**

Please accept this letter as the Owners (Cowichan Bay Estates) request for sewer units to be assigned to the property described as:

1. Parcel B (DD 47244I) of Section 6, Range 4, Cowichan District.
2. Lot 1, Section 5, Range 4, Cowichan District.

It is the Owners intention to develop the land generally as shown on the attached land use plan that has been developed in consultation with yourself, Cowichan Valley Regional District staff and our land use consultant "Landeca."

The Owners are prepared to pay for the sewer units at the rate prescribed by the Cowichan Valley Regional District and have considered a price of \$11,200.00 per unit if that becomes your "fee". However, the total number of sewer units required is 132. The Owner is willing to have the 6 units currently assigned to Lot 1, Plan 17353, transferred over, and leaving a net requirement of 126 units.

We have had preliminary discussions with the Area E Director, Loren Duncan, and the Municipality of North Cowichan that have encouraged the Owner to make this request.

Madrone Environmental has prepared a supplemental report regarding the Heron Colony that concludes the development as proposed will not be detrimental to the colony subject to a few recommendations that the Owners are willing to follow. The recommendations of the report could put closure to the Heron Colony issue without compromising the intent to protect the rookery.



We feel this project should be allowed to proceed and represents an asset to the community. The Cowichan Bay Estates project offers many benefits to the Cowichan Bay community including:

1. Purchase of 126 sewer units will benefit local government by \$1,411,200.00 if \$11,200.00 becomes the established fee.
2. The project will include constructed playground and walkway amenities within additional parkland areas.
3. Additional preservation areas surrounding the ravine park and abandoned Heron Colony will be provided.
4. The project is planned and prepared in consultation with the Cowichan Valley Regional District staff, land use planners and environmental consultants. Environmentally sensitive areas are preserved and expanded.
5. A mix of housing choices, including multifamily, duplex and triplex options will be pursued through rezoning.
6. Transfer 2 fee simple lots of average market value to the Cowichan Valley Regional District. One lot would be transferred upon registration of the 21<sup>st</sup> lot within the project. The other lot would be transferred upon registration of the 76<sup>th</sup> lot or as otherwise mutually agreed upon. The lot sale proceeds must be stipulated for direct benefit to Area D.
7. Capital expenditure charges levied will enable infrastructure improvements (ie Cowichan Bay Waterworks).
8. Lot 1, Section 6 and 7, Range, Cowichan District, Plan 17353 (Wessex Road) will be transferred to the Cowichan Valley Regional District, (subject to adjustment of taxes) upon the agreement to transfer of sewer units totaling 132, (6 from this property, 36 from the Municipality of North Cowichan<sup>1</sup>, and 90 from the Cowichan Valley Regional District) to the subject property. The transferred land (Wessex Road) shall be covenanted for Park or district energy purposes only. This is a separate title and does not require survey. If the May 7, 2010 proposal is approved, the existing application to the province for gifting the Wessex Road property will be pulled.

<sup>1</sup> Municipality of North Cowichan Technical Planning Committee approved the Sale of Transfer of 36 Sewer Units for Cowichan Bay Estates, May 26, 2010.





**Creative Engineering Services**

Phone (250) 737-1440

Fax (250) 737-1551

Cowichan Bay Estates is ready to move forward if the subject property is included in the sewer service area and sewer units can be successfully arranged and looks forward to your cooperation.

This is a sincere proposal and we request that it be given due consideration given the history of the project, developer willingness and features described, in part, above.

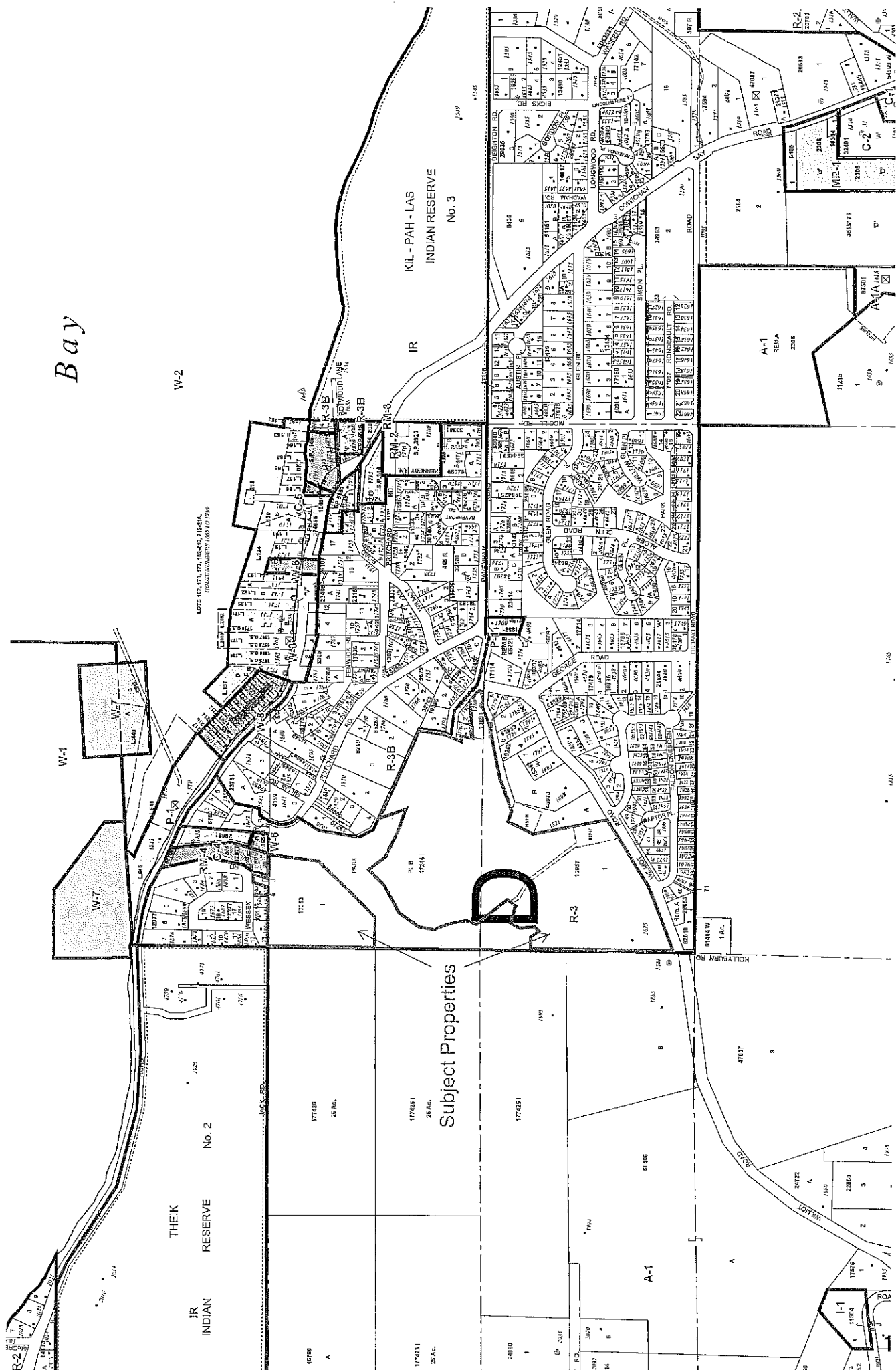
Please let me know if there is anything more that I can provide during your review.

Yours very truly,  
**Creative Engineering Services**

David Conway, P.Eng.

encl.

cc: Cowichan Bay Estates  
Cowichan Valley Regional District – R. Conway.



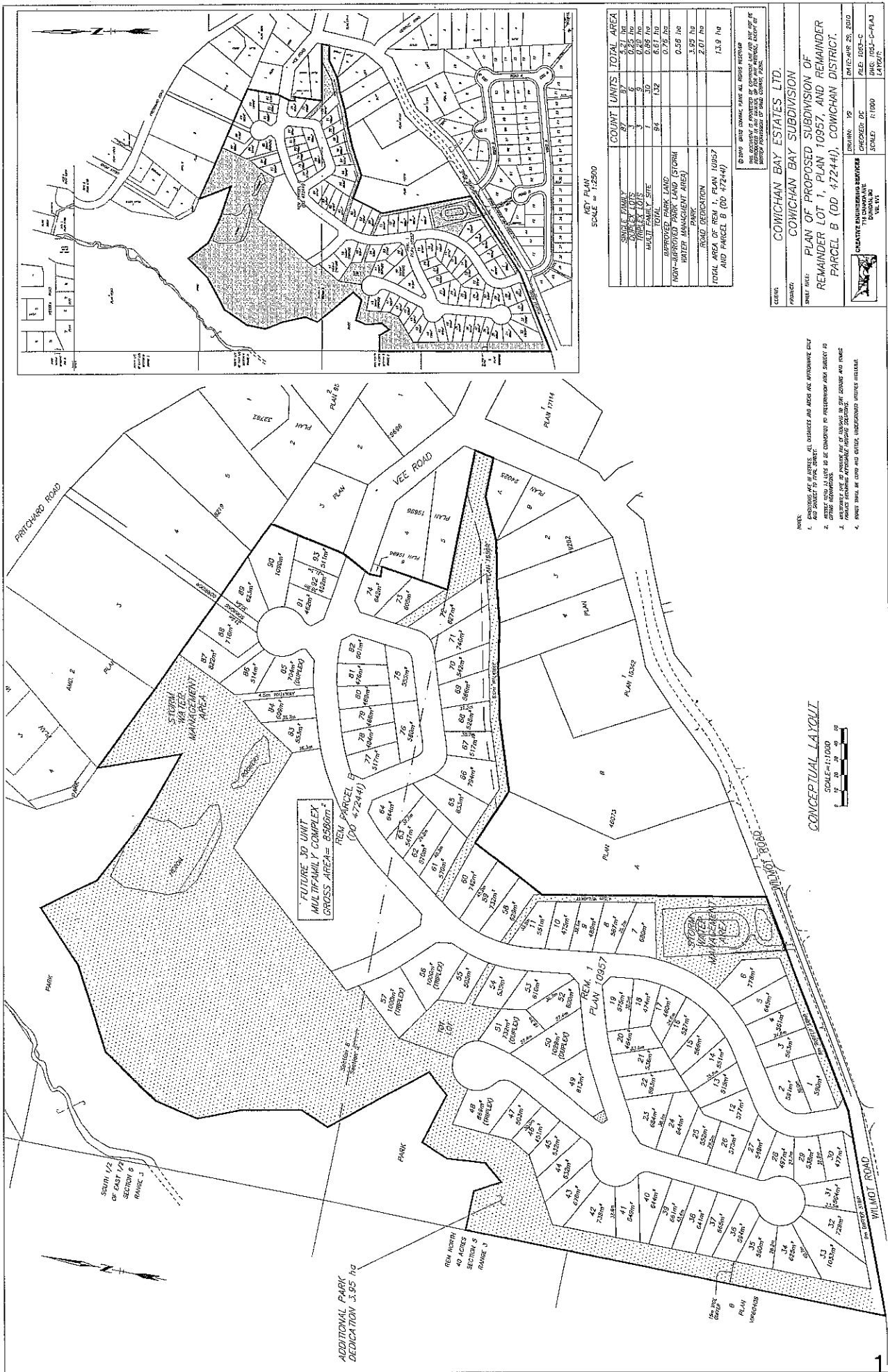


Cowichan

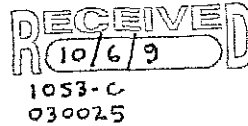
Bay

D





# Municipality of NORTH COWICHAN



7030 Trans Canada Highway, Box 278  
Duncan, BC V9L 3X4

Tel 250 746 3100 Fax 250 746 3133  
[www.northcowichan.bc.ca](http://www.northcowichan.bc.ca)

File No:5355-70 CALC

June 7, 2010

Dave Conway, P. Eng  
Creative Engineering Services  
Email: [profeng@shaw.ca](mailto:profeng@shaw.ca)  
715 Canada Avenue  
DUNCAN, B.C. V9L 1V1

Dear Mr. Conway

Re: **Sewer Capacity Units**

This is to advise that the North Cowichan Municipal Council passed the following resolution at its June 2, 2010 Regular Council meeting:

"that Council authorize the sale of 36 Joint Utilities Board capacity units at a price of \$11,200.00 each, to Cowichan Bay Estates, subject to the First Nations burial site on Somenos Creek being dedicated for a park as shown on the plan prepared by Creative Engineering Services, dated April 10, 2010."

In accordance with Council's decision, North Cowichan agrees to sell your client these units after the burial site has been dedicated as park.

Please contact John MacKay, Director of Engineering and Operations, at 250-746-3136 or by email at [mackay@northcowichan.bc.ca](mailto:mackay@northcowichan.bc.ca) to discuss next steps.

Sincerely

Mark Ruttan, Director of Administration and  
Deputy Chief Administrative Officer

MOR/sc

pc: John MacKay, Director of Engineering and Operations  
Mark Frame, Director of Finance  
Clay Reitsma, Assistant Municipal Engineer  
Chief Lydia Hwitsum - Cowichan Tribes

morjun7.2010lsc\_Creative Engineering\_Sewer Capacity Units.vpd

**cowichan**



SR9

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 15, 2010

**DATE:** June 15, 2010 **FILE NO:**

**FROM:** Tanya Soroka, Parks and Trails Planner **BYLAW NO:**

**SUBJECT:** Community Parks and Trails Master Plans for Electoral Area B – Shawnigan Lake

---

#### **Recommendations:**

That the Community Parks and Trails Master Plan for Electoral Area B – Shawnigan Lake be received for adoption by Bylaw as the basis to define the future direction, policies, priorities, and actions of the Community parks and trails program in Electoral Area B over the next fifteen to twenty years (2010 – 2025).

#### **Purpose:**

To present the Draft Community Parks and Trails Master Plan for Electoral Area B – Shawnigan Lake for consideration of adoption.

#### **Financial Implications:**

N/A

#### **Interdepartmental/Agency Implications:**

The outcome of the plan recommendations on potential community park sites and community trail corridors includes sites currently under the jurisdiction of one or more other agencies.

#### **Background:**

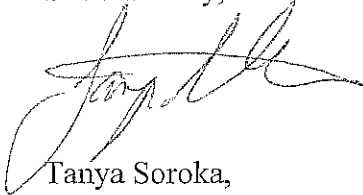
The objective of the Community Parks and Trails Master Plan for Shawnigan Lake is to provide a comprehensive strategy that will guide parkland acquisition and development over the next 15-20 years in the Electoral Area. The Plan identifies current park needs, analyses local characteristics and issues that will direct park acquisitions and development, identifies opportunities for expansion and creation of new parks, and provides a strategic-level Parks Plan for the development of the Electoral Area's community park resources and facilities. (Attached is the Executive Summary of the Master Plan and the full draft will be distributed separately to committee members) The Plan facilitates long-range budget planning for parks operations, capital development and land acquisition opportunities to accomplish parks and trails objectives supported by the Plan. In particular, the Community Parks and Trails Master Plan prepared for the Electoral Area addresses the following issues:

1. Increased demand on existing parks and facilities;
2. Increased demand for additional parks and facilities for new residents and the community;
3. Increased demand for walking trails and connections throughout the community;
4. Opportunities to secure/enhance environmentally sensitive areas of value to the community.

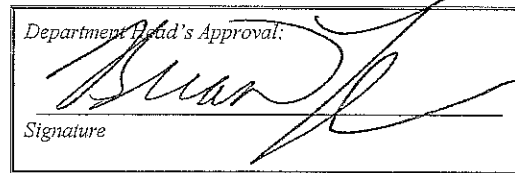
The Shawnigan Lake Parks Commission, Parks and Trails Division Staff and HBLanarc Consulting Ltd. began work on the Master Planning process in 2008 which included extensive public consultation as part of the plan preparation process. The process invited public participation in sharing their ideas on what the community desired for parks, trails and places of special interest within their Electoral Area for outdoor recreation and/or environmental attributes.

Preparation of the Community Parks and Trails Master Plan for Area B – Shawnigan Lake is the culmination of the extensive public and stakeholder consultation process through 2008 and 2009 undertaken by HBLanarc Consulting Ltd. The Plan provides direction on community parkland acquisition and operations as well as resource support requirements. Key components to the overall success of the Plan include engagement of community participation through volunteerism and other opportunities to support the management and enhancement of local community parks in Electoral Area B – Shawnigan Lake.

Submitted by,



Tanya Soroka,  
Parks and Trails Division  
Parks, Recreation and Culture Department



TS/ca

## *Shawnigan Lake*



## *Parks and Trails Master Plan*

Prepared for: Cowichan Valley Regional District Parks and Trails Division



May 2010

## EXECUTIVE SUMMARY

*Set in a forested landscape, Shawnigan Lake is the central feature and focus of this community. While protecting the lake and its watershed, our community parks and trails will connect people and places; provide opportunities for recreation; and enhance daily life for all residents.*

This Community Parks and Trails Master Plan was initiated for the community of Shawnigan Lake by the Cowichan Valley Regional District and the Shawnigan Lake Parks and Recreation Commission. The purpose of this plan is to set priorities for community parks and trails over the next 10 to 20 years in Shawnigan Lake. This plan outlines key linkages and parkland opportunities within the community that should be considered alongside future development – to ensure an ecologically and socially cohesive network of parks and trails is accessible to residents and visitors, now and into the future.

In developing the Community Parks and Trails Master Plan, public input was sought through open houses and public response forms. The ideas and priorities for the future of parks and trails in the Shawnigan Lake community presented in this plan are based on input from the public, the Parks and Recreation Commission and the CVRD Parks staff. Each recommendation is weighted against four principles pulled from the Shawnigan Lake vision for community parks and trails:

Protecting the lake and its watershed,

Connecting people and places,

Providing opportunities for outdoor recreation, and

Enhancing daily life for all residents.

### Priority Recommendations (Years 1 - 10)

- Acquire Elsie Miles School and surrounding property to supplement the existing Shawnigan Lake Community Centre and Dougan Park.
- Proceed with Implementation of the Shawnigan Hills Athletic Park Plan.
- Update Masons Beach Park with the goal of improving safety and enhancing its role as a central recreational amenity.
- Pursue either a “lease to occupy” or enter into an agreement with the Ministry of Transportation and Infrastructure to

acquire some or all of the road ends that abut Shawnigan Lake to facilitate improved public access to the lake for recreation..

- Undertake a Shawnigan Lake Boat Launch Facility Review to assess options and the capacity to relocate the existing boat launch at Shawnigan Wharf Park (Phase 1).
- Develop and improve Old Mill Park's lakefront amenities (washroom and change room facilities) to help take pressure off Masons Beach and Shawnigan Wharf Park as beach destinations.
- Secure areas of Old Baldy Mountain as Community Park for the protection of its sensitive slopes and outdoor recreational resources.
- Improve public awareness for the Cowichan Valley Trail (CVT) and support the development of the Cowichan Valley Trail – CRD Connector by providing signage at key community trail connector locations in Electoral Area B neighbourhoods.
- Develop a multi-use rail/trail between Mason's Beach Park and Shawnigan Wharf Park along the E&N Rail Corridor.
- Upgrade Shawnigan Wharf Park to provide better separation of boating and swimming activities.
- Improve and extend the Silvermine Trail to connect Shawnigan Lake/Cobble Hill Road through to the Koksilah River.

#### Secondary Recommendations (Beyond Year 10)

Additional detailed recommendations are also provided in the following categories: Improvements to Existing Parks; Trail Developments; Recommendations for Park Acquisitions; and System-Wide Improvements. Secondary recommendations have not been included within the 10 year implementation timeline.



SR 10

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF JUNE 15, 2010

**DATE:** June 15, 2010

**FILE NO:**

**FROM:** Tanya Soroka, Parks and Trails Planner

**BYLAW NO:**

**SUBJECT:** Wake Lake Surplus Parkland Disposal Bylaw

---

#### **Recommendation:**

1. That the Board approve the subdivision and sale, at fair market value through the retention of a realtor working on behalf of the Regional District, of an approximately 0.8 hectare portion of Lot 2, Section 7, Range 9, Plan VIP83485 of that portion of the Sahtlam Land District, as such lands are considered surplus to the needs of the Regional District.
2. That the Board Chair and Corporate Secretary be authorized to execute all necessary documents for the subdivision and sale of the surplus lands, with the proceeds of sale to be used for paying down the debt against the purchase of the subject property and all costs associated with the subdivision and sale of the surplus land portion, with the remaining proceeds of sale, if any, to be applied to the Community Parkland Reserve Fund for Electoral Area E.

#### **Purpose:**

To request Board approval to proceed with the disposal of an approximately 0.8 hectare portion of land considered surplus to Regional District needs recently acquired as part of a larger property purchase on Wake Lake in Sahtlam.

#### **Financial Implications:**

The proceeds of sale from the disposal of surplus lands would be applied to outstanding debt financing pertaining to the subject property and any remainder would be applied to the Community parkland reserve fund for Electoral Area E.

#### **Interdepartmental/Agency Implications:** N/A

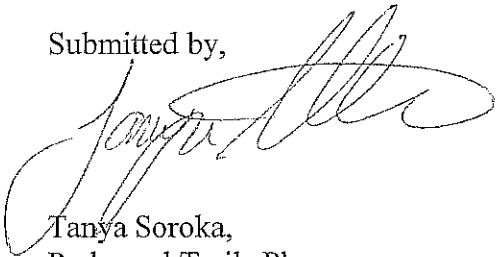


**Background:**

In March 2010 the Regional District purchased an approximately 5.28 hectare property (PID: 027-150-101, Lot 1 and 2, Section 7, Range 9, Plan VIP83485 of that portion of the Sahtlam Land District) around Wake Lake in Sahtlam to provide park land area for an Ecological Reserve. It was brought to the attention of the Electoral Area Services Committee and Board at the time of acquisition that a minor portion of Lot 2 was considered irrelevant to Regional District needs and it would be the intention upon successful acquisition of the property to subdivide this minor portion for the purpose of selling as an undeveloped residential lot. The minor portion of the property deemed surplus to community park requirements is located adjacent to Barnjum Road at the most eastern portion of Lot 2 and is approximately 0.8 hectares in size (see attachment). Revenues from the resale of the subdivided lot would be used to reduce the borrowing costs applied to purchase the overall property.

The Electoral Area E Parks and Recreation Commission and Area Director agree that the minor portion of Lot 2 adjacent to Barnjum Road be subdivided off and sold as surplus to the needs of the Regional District. The subject property is not in fact parkland at this time as it was never designated as such by the Board. The allocated proposed subdivision under section 99(1)(h) will need to be submitted to Land Titles Office for registration. The subsequent surplus lot created under section 99(1)(h) is to be sold as land surplus to the needs of the Regional District under section 187(1) of the Local Government Act, which only requires a Public Notice being advertised in the local papers. Due to increased workload demands in the Parks and Trails Division, sale of the proposed surplus property is recommended through a realtor working on behalf of the Cowichan Valley Regional District. Alternatively, staff could proceed with preparing a Tender of Public Sale for the surplus lands; however, it would require postponing the current workload priorities with the Parks and Trails Division as established by the Electoral Area Services Committee.

Submitted by,



Tanya Soroka,  
Parks and Trails Planner  
Parks and Trails Division  
Parks, Recreation and Culture Department

Department Head's Approval:

NOT AVAILABLE

Signature

TS/ca  
Attachment

REFERENCE PLAN OF PART OF LOT 2,  
SECTION 7, RANGE 9, SAHTLAM DISTRICT,  
PLAN VIP83485

PURSUANT TO SECTION 99(1)(h) OF THE LAND TITLE ACT  
BCGS 92B 071

25 0 25 50 metres

The intended plot size of this plan is 0.560m in width by  
0.432m in height (C size) when plotted at a scale of 1:1250

LEGEND

All distances are in metres.

- denotes standard iron post found
- denotes standard iron post placed
- ▲ denotes traverse hub found
- + denotes unmarked measured point

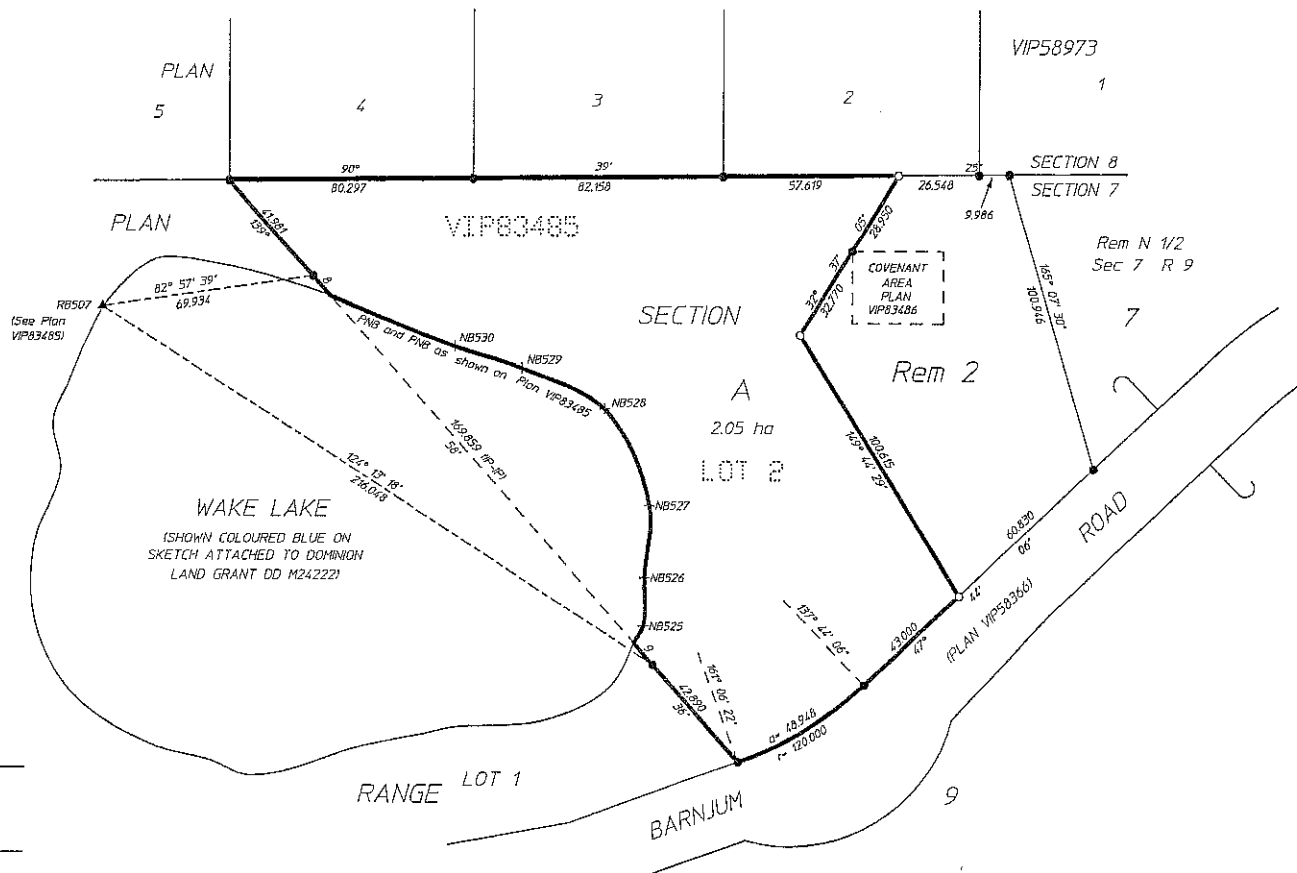
Grid bearings are derived from plan VIP58366

PLAN VIP

170

Deposited in the Land Title Office at Victoria, B.C.,  
this day of , 2010.

Registrar



REGISTERED OWNER:  
COWICHAN VALLEY REGIONAL DISTRICT

Authorized Signatory - NAME? TITLE?

Authorized Signatory - NAME? TITLE?

Witness to both signatures  
(Print name here)

Occupation of witness

Address of witness

KENYON WILSON  
PROFESSIONAL LAND SURVEYORS  
221 CORONATION AVE.  
DUNCAN, B.C. V9L 2Y1 (250) 746-4745  
FILE 10-7042/REF

NATURAL BOUNDARY TIES

RB507 to NB525	121° 47'	206.8
RB507 to NB526	117° 46'	199.5
RB507 to NB527	111° 13'	191.6
RB507 to NB528	102° 43'	168.6
RB507 to NB529	99° 31'	139.4
RB507 to NB530	97° 39'	116.6

This Plan lies within  
The Cowichan Valley Regional District.

I, EDWIN J. WILSON, a British Columbia land surveyor,  
certify that I was present at and personally superintended  
the survey represented by this plan, and that the  
survey and plan are correct. The field survey was  
completed on the 31st day of May, 2010. The plan  
was completed and checked, and the checklist filed  
under # , on the th day of June, 2010.

B.C.L.S.

Minutes of the Electoral Area G (Saltair)  
Advisory Planning Commission  
June 4, 2010

In attendance: Ted Brown, Ruth Blake, David Thomas, Gary Dykema, Director  
Mel Dorey

The Meeting was called to order at 7:00 p.m. by Chairman Ted Brown.

**1. Application for a property line adjustment by Saltair Properties Limited  
(Development Permit Application No. 5-G-10DP)**

John Morris, on behalf of Saltair Properties Limited, was present for this item. Mr. Morris noted that the purpose of the application was to segregate the mini storage facility on the site from the mobile home park located adjacent to Byron's Grocery store on Chemainus Road. This application would have several significant benefits for the mobile home residents including the relocation of access to the storage facility to the redefined adjacent lot. This would result in a significant reduction of traffic through the residential area. In addition, the realignment of the southerly property boundary would create "back yard" space for those units paralleling the property line. Mr. Morris also noted that health approvals had been secured for the sewage treatment facilities required for both of the redefined lots.

The APC suggested that a landscaped buffer be created along the south property line to separate the residential area from the commercial area and Mr. Morris undertook to do this.

Following discussion of the application, the following motion was made:

*That the Advisory Planning Commission recommend approval of  
the proposed property line adjustment.*

Carried Unanimously

**2. Application to remove a tree, construct a path and build a retaining wall  
(Development Permit Application No. 1-G-10DP)**

Mr. Ken Bosma appeared on behalf of the applicant, John Merrett. The subject land is a waterfront property within the Ocean Shoreline Development Permit Area located at the foot of Clifcoe Road. Mr. Bosma stated that the purpose of the application is to provide beach access for this lot. He noted that there had been a previous Development Application for this site made by the developer

that would have led to the removal of a significant number of trees from the site and that the property owner did not support this application. Mr. Bosma drew attention to the geotechnical assessment that had been prepared as part of the application and, in particular, the finding that the proposed pathway will help improve slope stability.

A concern over the removal of the single tree proposed by the application was voiced by one APC member. In this regard, it was noted that the construction of the path would compromise the root system for this tree thus creating a potential hazard and that, in terms of retaining trees on the site, the current application was a significant improvement over the previous proposal which would have led to the removal of a significant number of the trees on the site.

Following discussion of the application, the following motion was made:

*“That the Advisory Planning Commission recommend approval of the application subject to the following conditions:*

- 1. that the recommendations of the geotechnical report be adhered to with respect to the slope and gradient of the proposed path, design of retaining walls, topsoil removal, choice of construction materials and drainage;*
- 2. that a remedial landscaping plan be prepared and implemented to help ensure slope stability.”*

Carried Unanimously

The APC also recommended that, at the time of full site development, a storm water management plan be prepared for the site and that the Building Inspector ensure that this plan is implemented. The concern in this regard is that, in terms of the waterfront properties along the Saltair bluffs, the danger of land slumpage often results from the lands above the top of the bank becoming saturated during heavy rainfalls as opposed to erosion from wave action at the foot of the bank.

### **3. Application to construct a single family dwelling (Development Permit Application No. 2-G-10DP)**

This application, which is located on Gardner Road West, is to permit the construction of a single family dwelling within the Habitat Protection Development Permit Area. In particular, the subject site lies within 60 metres of an eagle nesting tree. The applicants, who currently reside in Banff, were unable to be present for the meeting, although the APC Chair did discuss the application with them by telephone.

Following discussion of the application, the following motion was made:

*"That the Advisory Planning Commission recommend approval of the application subject to the following conditions:*

- 1. that the forested buffer area around the nest tree be maintained in a natural condition;*
- 2. that no construction activity be undertaken during the breeding window."*

Carried Unanimously

The Commission also recommended that, at the time the house is constructed, steps be taken to insure that upland drainage not infiltrate the septic field at the front of the property. This could be achieved by establishing, at the time of house construction, a curtain drainage system to redirect drainage from the lands to south of the property away from the septic field. This would help avoid the problem that has occurred in other parts of Saltair where effluent from septic fields has flowed into the roadside ditches.

In addition, the Commission thought it important that the Highways Department/Encom be advised of the presence of the eagle nest so that the road repairs required in this area take place outside the breeding season.

#### **4. Proposed Official Community Plan Amendments Respecting Greenhouse Gas Emissions**

An initial discussion took place regarding this matter. It was agreed that the Chairman will request a Word version of the amendments proposed by staff to facilitate the APC's "customizing" of the wording to fit the Saltair situation.

Ted Brown  
Chairman  
Saltair Advisory Planning Commission



CVRD

REC

C1

JUN - 3 2010

COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS) Financial Services Department

Submitted by Director IANNIDINARDO Area D

Grantee:

Grant Amount \$ 500.00NAME: COWICHAN VALLEY SENIORS DRAGONADDRESS: C/O HUFF AND PUFFS BOAT SOCIETY6106 EVEREST WAYDUNCAN B.C. V9L 5N5Contact Phone No: DARIEN MIKITKA 250-710-5522PURPOSE OF GRANT: TO SUPPORT THE NEW  
"HUFF AND PUFFS" DRAGON BOAT  
GROUP

REQUESTED BY:

Lou L. Iannidinarolo  
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
<u>01-2-1950-0357-114</u>	<u>500.00</u>	<u>10.0</u>

## FOR FINANCE USE ONLY

BUDGET APPROVAL 2

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**

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**From:** Darien Mikitka [Darien@crisland.com]

**Sent:** Monday, May 10, 2010 9:34 AM

**To:** lianni@shaw.ca

**Subject:** Grant in Aide

May 10, 2010

Lori Iannidinardo,

CVRD Director, Cowichan Bay

175-Ingram Street,

Duncan, B.C.

Via email: [lianni@shaw.ca](mailto:lianni@shaw.ca)

Dear Ms. Iannidinardo,

Re: Grant-in-aide

We would like to apply to the CVRD for a grant-in-aide as the dragon boat team known as the Huff and Puffs in Cowichan Bay. We understand this type of aid is available. We originally formed our team in 2008 and received a \$500 grant from you in 2009. Due to normal attrition and work commitments, we have had to regroup and rebuild our core group. This year our team consists of predominantly of women with 20 permanent members and 15 spare members. We paddle on Tuesday evenings in Cowichan Bay attempting to increase our physical fitness and encourage others to come out and join us. We hope you will consider funding us again as we try to sustain the future of our team. If you have further questions, please contact me at (250)710-5522 (cell).

Sincerely,

Darien Mikitka

[dmikitka@shaw.ca](mailto:dmikitka@shaw.ca)

PK1

**MINUTES OF ELECTORAL AREA "G" (SALT AIR/GULF ISLANDS)  
PARKS COMMISSION MEETING**

**DATE:** Monday, May, 3<sup>rd</sup>, 2010

**TIME:** 7:00 PM

**MINUTES** of the Electoral Area G Parks Commission regular meeting held on the above noted date and time at the Water Board Building, Saltair, BC. Meeting called to order by Chair at 7:07 pm.

**PRESENT:**

Chairperson: Harry Brunt

Secretary: Jackie Rieck

Members: Tim Godau, Paul Bottomley, Glen Hammond, Kelly Schellenberg, and Norm Flinton.

**ABSENT:**

Member: Dave Key

Director: Mel Dorey

**APPROVE AGENDA**

**ACCEPTANCE OF MINUTES:**

It was Moved and Seconded that the minutes of the Area G Parks Commission Meeting of April 12<sup>th</sup>, 2010 be accepted.

**MOTION CARRIED**



## **OLD BUSINESS REPORT UPDATES:**

- a) Landscape drawings of the redesign of Centennial Park's North entrance were reviewed. Some concern of costs were raised.. Harry will discuss with Ryan Diaz and the topic will be revisited at next meeting.
- b) Norm Flinton will attend Ladysmith's Parks Commission meeting on Wednesday, May 19<sup>th</sup>, 2010.
- c) The Baseball Leaguers have paid the required \$300.00 damage deposit for the use of the Concession Stand. This season there are 12 teams participating. Harry will remind players to remember to lock up the Dug-Out Storage facility after games are over.
- d) Saltair's 100<sup>th</sup> Celebration plans are well underway. The big event is scheduled for Sunday, August 15<sup>th</sup>, 2010 between 11:00am to 3:00 pm. Volunteers are still urgently needed. Next planning meeting is May 10<sup>th</sup>, 2010 at 7:00 pm Water Brd Building.
- e) Saltair's Tree Planting Initiative was a great success!! Over 500 trees of various species were planted. Vandalism by local Deer remains a problem. Future tree planting in the boggy area of Princess Diana Park is hopeful.

## **NEW BUSINESS:**

- 1. Centennial and Stocking Creek Parking lots were graded.
- 2. Proposal to change our meetings to the first Tuesday of each month was not feasible for members. Our meetings will still be held on the first Monday of each month.
- 3. It was noted that there should be a hand rail installed on the last set of stairs leading down to the Cliffcoe Beach Access. Harry will forward request to Ryan Diaz.
- 4. CVRD has scheduled painting and staining maintenance in Centennial Park for the month of July. The Stocking Creek Waterfall stair project is planned for late summer.

**ADJOURMENT:**

It was moved and seconded that the meeting be adjourned at 8: 05 pm.

**NEXT MEETING:**

Monday, June 7<sup>th</sup>, 2010

PK 2  
RECEIVED  
JUN 11 3 2010

**COBBLE HILL PARKS AND RECREATION COMMISSION  
MEETING**

**Thursday, May 27<sup>th</sup>, 2010  
Cobble Hill Hall Dining Room  
MINUTES**

PRESENT: John Krug – Chair, Bill Turner, Gord Dickenson, Alan Seal and Brenda Krug (Secretary for the meeting), Lynn Wilson (at 7:15 p.m.),  
REGRETS: Richard Shaw, Director Gerry Giles, Ian Sparshu

The meeting was called to order by Chair Krug at 7:03 p.m.

Moved/seconded:

*that the agenda be adopted as circulated. Carried*

Moved/seconded:

*that the minutes of the April 22<sup>nd</sup>, 2010 meeting be accepted as circulated. Carried*

**BUSINESS ARISING FROM THE MINUTES:**

- The Parks Commissions meeting minutes are all posted on the CVRD website and are available for reading. This will provide an exchange of information amongst us.
- The update on the horse trailer parking area was provided: The original budget was given as \$10,000 with the low bid (GT Enterprises) being \$39,000. Money which is available in the Reserve Fund will need to be used to complete this project which will start early next week.
- Richard Shaw sent his Bike Park report by e-mail: "Renovations are complete, thanks to Ryno Bobcat and Ryan Buchinski and a group of 6 or 10 volunteers on a somewhat rainy, muddy Saturday. All is well."
- The letter of appreciation to Linden Collette was signed by the members present.
- Volunteer John Giles repaired the latch on the wrought iron gates behind the Cenotaph.
- Dog Park: Gerry Giles approached CVRD Staff to ask that they check on Fridays to ensure there are enough disposal bags available for the weekend. John Giles repaired the fountain.
- The Town Hall meeting scheduled for May 20<sup>th</sup> was preempted by the information meeting regarding the application of the Fisher Road Recycling facility and will now be held on Thursday, June 17<sup>th</sup>, 2010.

**NEW BUSINESS:**

- Works Yard cleanup: Gord Dickenson has been clearing broom and cutting the grass on the site. John and Gerry Giles repaired the man gate. There was discussion regarding fixing the gate on the south west side of the property to provide access on Fair Day. The area will continue to be groomed for use as a parking lot during the Fair. There was further discussion regarding Ministry of the Environment requirements for the amount of clay required to cap the contaminated area as well as capping the test ports flush with this surface to protect them. It was moved/seconded *that signage be posted on the property designating it as a Cobble Hill Park with future usage to be discussed at the*

*Town Hall meeting on June 17<sup>th</sup>. Carried. Gord Dickenson was thanked by the members for his work on this area.*

#### OLD BUSINESS:

- Mill Bay Historical Church: John will send the Architect's Final Report to the other commission members. There was a description and discussion of the 2 options described in the Report.
- Option 1 Raising the church to create a basement that could be used as a church hall after demolition of the present hall. \$600,000
- Option 2 Build a foundation under the church and repair the present hall. \$300,000
- The commission members were concerned about the costs of the options and also about addressing the mould and other concerns regarding the church hall and cistern that were not covered in the Report. They considered a third option of placing a foundation under the church and demolishing the present hall and cistern. The hall could then be replaced with a modular building on a footprint that would not interfere with the cemetery. The members felt that community consultation on this matter and good financial management of any option chosen are vital to its success.
- Horse Field Expansion: The commission members examined a map of the present horse field and wetlands park noting that the proposal by the Farmers Institute would increase the horse field by approximately one third. The members expressed these concerns –
- The Twin Cedars residents bordering on the Wetlands Park purchased their properties with the understanding that it backs onto an inaccessible area. – this would become accessible if there was a grassed over horse field extension.
- There would be aquifer recharge loss
- The purpose of having a larger horse field for use one day of the year seems out of proportion with invading a sensitive area
- Has the Farmers Institute explored all other options to solve this problem?
- The general feeling toward the proposal was not enthusiastic, but there were not enough members without a conflict of interest (Farmers Institute membership) present to hold a vote. The other members will be contacted and polled on this issue.

#### OTHER BUSINESS:

- The Town Hall Meeting will be Thursday, June 17<sup>th</sup>, 2010 at 7 p.m. in the Cobble Hill Hall.
- The Parks and Trails Master Plan: John will ask Brian Farquhar when this will be ready

#### THE NEXT MEETING:

The next meeting of the Commission is **TBA**.

Submitted by Brenda Krug



## MEMORANDUM

**DATE:** June 8, 2010

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

**FROM:** Brian Duncan, Chief Building Inspector

**SUBJECT:** BUILDING REPORT FOR THE MONTH OF MAY, 2010

There were 41 Building Permits and 1 Demolition Permit(s) issued during the month of May, 2010 with a total value of \$ 6,839,437

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"	25,000			532,937	58,520		9	42	616,457	4,238,595
"B"				1,347,710	648,820		17	67	1,996,530	6,937,705
"C"				517,160	6,500	1,000,000	5	49	1,523,660	6,651,569
"D"				2,324,270	51,840		4	20	2,376,110	3,613,390
"E"				108,000	84,300		2	24	192,300	2,715,990
"F"								9	0	713,066
"G"				36,000	9,660		2	13	45,660	1,308,680
"H"								6	0	419,182
"I"					88,720		2	11	88,720	1,075,423
Total	\$ 25,000	\$ -	\$ -	\$ 4,866,077	\$ 948,360	\$ 1,000,000	41	241	\$ 6,839,437	\$ 27,673,600

B. Duncan, RBO  
Chief Building Inspector  
BD/db

**NOTE:** For a comparison of New Housing Starts from 2007 to 2010, see page 2  
For a comparison of Total Number of Building Permits from 2007 to 2010, see page 3

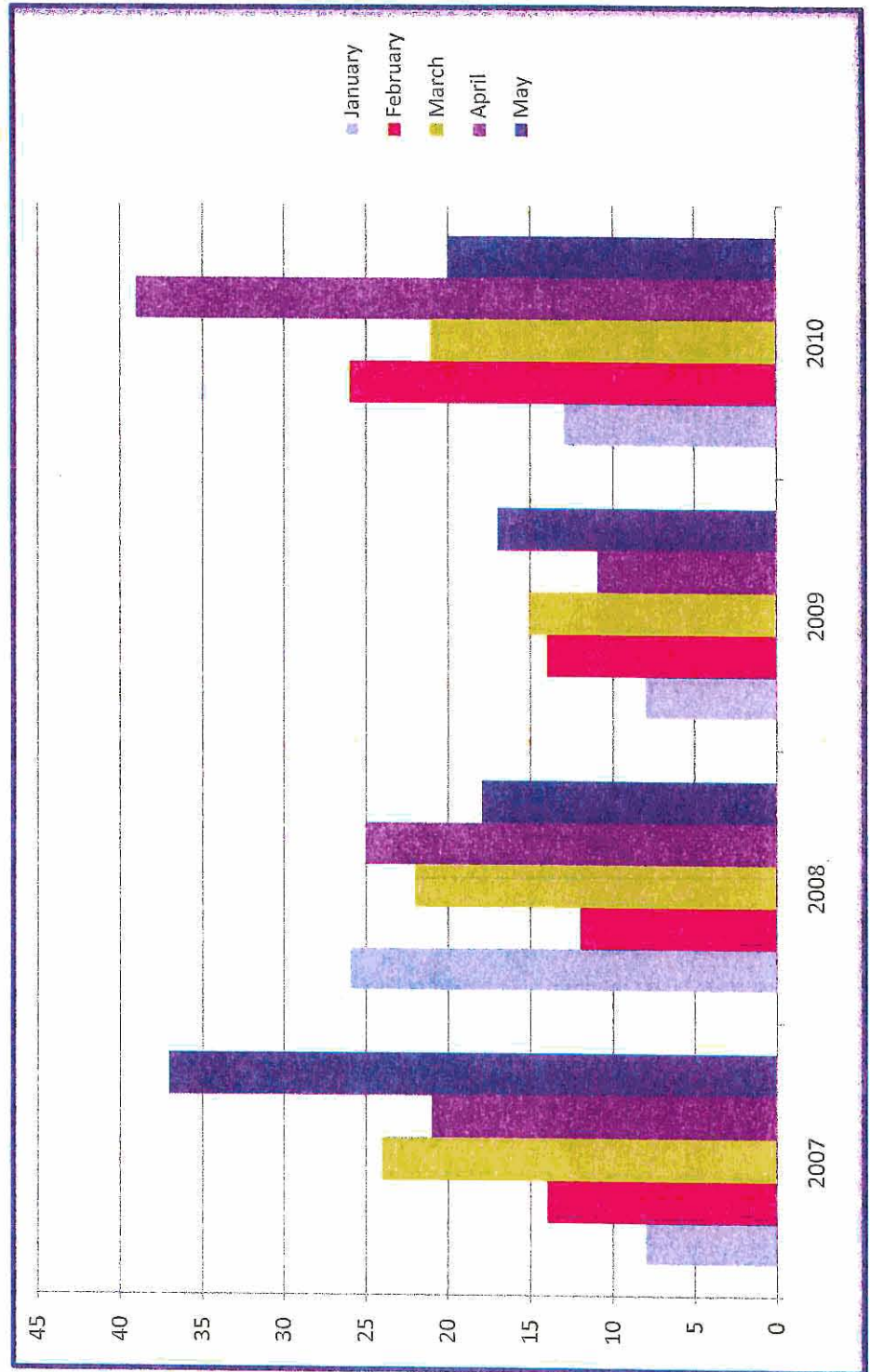
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CVRD

### Total of New Housing Starts

	2007	2008	2009	2010
January	8	26	8	13
February	14	12	14	26
March	24	22	15	21
April	21	25	11	39
May	37	18	17	20
<b>YTD Totals</b>	<b>104</b>	<b>103</b>	<b>65</b>	<b>119</b>





### Total Building Permits Issued

	2007	2008	2009	2010
January	26	50	23	35
February	28	30	32	44
March	24	48	36	54
April	54	63	34	67
May	70	50	48	41
<b>YTD Totals</b>	<b>202</b>	<b>241</b>	<b>173</b>	<b>241</b>

