



C·V·R·D

PUBLIC HEARING REPORT Bylaw Nos. 3599 and 3600

Following is a summary of the proceedings of the Public Hearing for Official Community Plan Amendment Bylaw No. 3599 and Zoning Amendment Bylaw No. 3600 (Sun Lotus), applicable to Electoral Area F – Cowichan Lake South/Skutz Falls, on Monday, July 23, 2012, at Sahtlam Fire Hall, 4384 Cowichan Lake Road, Duncan, BC.

HEARING DELEGATES

Director I. Morrison, Electoral Area F – Cowichan Lake South/Skutz Falls
Director L. Duncan, Electoral Area E – Cowichan Station/Sahtlam/Glenora
Director P. Weaver, Electoral Area I – Youbou/Meade Creek

CVRD STAFF PRESENT

Alison Garnett, Planner I, Development Services Division, Planning & Development Department
Mary Anne McAdam, Recording Secretary, Planning & Development Department
Brian Duncan, Manager, Inspections & Enforcement Division, Planning & Development Department

Members of the Public:

There were approximately 60 members of the public present.

CALL TO ORDER

Director Morrison chaired the Hearing and called the meeting to order at 7:05 p.m. The Chairperson introduced the Hearing Delegates and CVRD Staff present.

PROCEDURES

Alison Garnett stated that this Public Hearing is being convened pursuant to Section 890 of the *Local Government Act* in order to consider Cowichan Valley Regional District Official Community Plan Amendment Bylaw No. 3599 and Zoning Amendment Bylaw No. 3600.

Notice of the Public Hearing was advertised in two consecutive issues of the *Lake Cowichan Gazette* (Wednesday, July 11, 2012, and Wednesday, July 18, 2012) and one issue of the *Citizen* (Friday, July 13, 2012) and one issue of the *News Leader Pictorial* (Wednesday, July 18, 2012). Letters were sent to owners and occupiers of properties adjacent to the subject property, as required by the *Local Government Act*.

There are two bylaws under consideration tonight. Copies of both bylaws have been made available on the side table.

The first, **Official Community Plan Amendment Bylaw No. 3599**, proposes to amend Electoral Area E – Cowichan Station/Sahtlam/Glenora, and part of Electoral Area F – Cowichan Lake South/Skutz Falls – Official Community Plan Bylaw No. 1490 by re-designating the subject properties from Rural Residential to Tourist Commercial, and adding a policy that would allow for rezoning to tourist commercial use when an application is considered to be compatible with surrounding land uses, helps diversify the local economy and promotes the natural setting of the area.

Zoning Amendment Bylaw No. 3600 proposes to amend Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 by creating a new zone – Retreat Commercial Zone (C-4B Zone), and rezoning the subject properties, legally described as Lot A, Section 7, Range 5, Sahtlam District, Plan 63091; and Lot 6, Section 8, Range 5, Sahtlam District, Plan 29157, from R-2 (Suburban Residential) to C-4B (Retreat Commercial) Zone. The civic addresses of the subject properties are 5071 Belvedere Crescent and 5070 Culverton Road.

The purpose of Amendment Bylaw Nos. 3599 and 3600 is to change the permitted use of the subject property from single family residential to commercial. Permitted uses listed in the C4-B zone include health, wellness and arts retreat; assembly; temporary stay accommodation; botanical garden and single family dwelling.

Eight (8) submissions have been received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the CVRD office today (July 23, 2012) at 4:30 p.m.

This application applies to 2 properties located at 5070 Culverton Road and 5071 Belvedere Road are 3 ha (7 acres) in size and are zoned R2 (Single Family Residential). Surrounding properties are also zoned R2. Within the Official Community Plan (OCP), the surrounding area is designated Suburban Residential.

The applicant has applied to rezone so they can operate their business, “Sun Lotus”, which is a venue for celebrations and retreats.

The OCP and Zoning amendment bylaws are drafted for the purpose of allowing the applicants to continue to operate on the property. All applicants have the right to apply for rezoning. Part of this process is to hold a public hearing for input from the public.

Questions about the amendment bylaws will be addressed during question period.

The applicant will be describing the proposed development.

Correspondence

The following items were received and are attached to the Minutes as Exhibits:

- 1) E-mail submission dated July 23, 2012, from Bob and Joan Green (EXHIBIT 1);
- 2) Submission from Christian Hoppe, dated July 23, 2012, plus attached documents (EXHIBIT 2)
- 3) Submission dated July 20, 2012, from Allan and Leslie Lundgren (EXHIBIT 3)
- 4) E-mail from Director Loren Duncan, dated July 23, 2012, responding to attached submission from Alan and Leslie Lundgren (EXHIBIT 4)
- 5) Submission from Carl and Donna Bergman, dated July 16, 2012 (EXHIBIT 5)
- 6) E-mail submission from Al Dobinson, dated July 19, 2012 (EXHIBIT 6)
- 7) Submission from Christian Hoppe, dated July 17, 2012 (EXHIBIT 7)
- 8) Submission from Russ and Vickie McArthur, dated July 18, 2012 (EXHIBIT 8)
- 9) Meeting submission from Jenny White (EXHIBIT 9)
- 10) Meeting submission from Karla Rothweiler (EXHIBIT 10)
- 11) Meeting submission from Rhonda Groicher (EXHIBIT 11)
- 12) Meeting submission from Gina and Nigel Smith (EXHIBIT 12)
- 13) Meeting submission from Rose Rogan (EXHIBIT 13)

14) Meeting submission from Jim Hart (EXHIBIT 14)

15) Meeting submission from Harvey Radons, dated July 23, 2012 (EXHIBIT 15)

16) Meeting submission from Harvey Radons, dated July 23, 2012 (EXHIBIT 16)

Location of the File

Director Ian Morrison advised that the Information Binder was available for viewing on the side table, along with copies of the proposed Amendment Bylaws, and also advised that any letters or submissions which are to be included as part of the Public Hearing record must be received at the front table prior to the close of the Public Hearing.

The applicant was invited forward to make a presentation regarding this proposal.

APPLICANT Anita Rafidi

- Applied to rezone property. Nothing additional to what they are already doing. Would like to keep in line with the atmosphere of the community.
- Health and wellness retreat, botanical garden, temporary site accommodation, light agriculture, and home-based business secondary suite are the proposed permitted uses.
- Here to dispel rumours about the possibility of a hotel and pub.
- This is custom fit to accommodate what is already being done. Looks forward to more yoga retreats and classes in the future as well as cultural exchange groups.
- The covenants include the following details:
 - No excessive noise before 9:00 a.m. and not after 10:00 p.m. on weekends. Wishes to be respectful of neighbours and receive the same respect in return. There will be no excessive noise after 9:00 p.m. on all other days of the week. The noise will only occur one day a week during the summer months.
 - No more than 12 large events (defined as under 250 people) per year.
 - Measures were put in place to reduce any disturbances that had been caused. Microphones were banned and dancing is to be in the dance hall with the doors closed. Music is ambient, not loud. Live music cannot run after 9:00 p.m.
 - Website says that events are expected to be fun, relaxed and low-key. Do not tolerate drunk and disorderly behaviour. The host must have a liquor licence, liquor liability insurance and follow appropriate restrictions. The bar is to shut down at 11:00 p.m. and the dance-hall at 1:00 a.m.
 - After 10:00 p.m. music will continue in the dance hall, behind closed doors. Patrons are asked to respect the neighbours by not adjusting the volume of music, stomping or cheering.
 - Eco-friendly.
- An average wedding generates \$56,000es (130 people attending @ \$300 each, plus approximately \$17,000 for the wedding event). At 12 events a year, the total is \$672,000. This money benefits many local businesses in the Cowichan Valley.
- Events held here promote investment and living in the Cowichan Valley. Attracts a demographic age group needed to support the aging population.
- This place enhances the perceived value of the neighbourhood, showing how idyllic a home in this area can be. This is a shining example of what the valley has to offer to residents, visitors, and to prospective business persons.
- Environmentally and socially sustainable.
- Supports the tourist/food/wine industry of local area.
- Money is reinvested in the community.

- Hosts yoga classes or special ceremonies, i.e. weddings, charity events, etc.
- 150 people may sound like a lot but the property is a 7 acre parcel. This number usually drops after supper and then again after 11:00 p.m.
- Sun Lotus hopes to become a sanctuary garden, personal retreat, or join another retreat. Has come a long way in the past 10 years and hopes to have a chance to continue to build a lasting legacy well after they have gone.
- This is a very special property that has the ability to bond people at a time when they are in difficulty.
- Hope neighbours understand what their vision is, that they respect the neighbourhoods and wish to live in peace and harmony.

QUESTION PERIOD

Director Morrison opened the public question period of the Public Hearing by stating that:

- Public Hearing delegates and staff members will answer questions from the floor at this time. After the close of the Question Period and the opening of the formal Public Hearing no more questions will be taken.
- Comments should be brought forward at the Public Comment portion of this meeting.
- Letters and submissions may be viewed on the table at the rear of the hall. Any letters and submissions may be added before the end of the meeting.

Carl Bergman
5050 Culverton Rd.

- Concerned about water, sewer and noise.

Anita Rafidi - applicant

- Have 3 standing bathrooms (2 units) checked by VIHA. If zoning is approved they will proceed further to attain approval from VIHA.
- Have not had any water issues.
- Cut the use of microphones when made aware of noise concerns.

Calvin Hill
5036 Culverton Rd.

- How will you deal with the police and the issue of drinking and driving?

Anita Rafidi - applicant

- Wishes to attract a mindful community of people. Has banned hard alcohol.

Calvin Hill

- Noise from drunk and disorderly people can be heard from the Sun Lotus property. Hooting and hollering would only come from people under the influence. People who are clearly intoxicated have banged on their door wanting to know how they can get home.

Anita Rafidi – applicant

- Not aware of this. Most weddings have a shuttle service provided. Mindful not to serve people who have consumed too much.

Calvin Hill

- Questioned ability to monitor the drinking habits of large groups with upwards of 150 people.

Anita Rafidi - applicant

- There has never been 150 people. After the wedding, and as the evening goes on, numbers diminish to 40 to 50 people. This is a family atmosphere, not random strangers going to a pub.

Calvin Hill

- People come for the party and to enjoy themselves. You are subjecting the neighbourhood to people who are here to celebrate an event. It is not fair to the guests to ask them to be quiet.

- Calvin Hill**
- Not against your ideas, but the property is not big enough and you are subjecting the entire neighbourhood to noise.
- Anita Rafidi - applicant**
- Have you noticed an improvement since last year?
- Calvin Hill**
- Very little. The last event kept him up until 1:30 a.m.
- Anita Rafidi - applicant**
- At 1:00 a.m. the last 8 – 10 were on the deck and there was no music on. They weren't loud. Problems were addressed from last year when the speakers were configured the wrong way. This was the first time they were aware of these issues. Completely revamped the sound system.
- Cavetta Tarr
5020 Culverton
Road**
- Petitioned the Regional District and Bylaw Enforcement Officer. This was totally disregarded. Everyone at the CVRD reassured her that that this would not go through. Advised the CVRD that the weddings are very noisy. Fencing has been knocked down and the RCMP needed to be called to deal with an unexploded device. Why was the petition ignored by the CVRD and a temporary permit given for these weddings?
- Director Morrison**
- From the perspective of a director, a petition was presented. Every individual who is a property owner has a right to pursue a rezoning application. Previously booked events precipitated a request by the applicants to pursue the events during the rezoning process. Discussion followed at a meeting of the Electoral Area Services Committee where a majority of the members of the committee and the following CVRD Board agreed to allow the previously booked events to continue.
- Cavetta Tarr**
- Then you are in conflict, because the enforcement officer is telling part of the neighbourhood one thing by saying that it would cost the Regional District too much money to take the applicant to court and that there was no way the applicants would be able to obtain any sort of permit. Yet here we are with this rezoning, and none of the neighbours were informed. Spoke with Ms. Garnett, and twice with the Bylaw Enforcement Officer. No one supported them; now we are here discussing a rezoning.
- Director Morrison**
- Asked Alison Garnett, CVRD Planner, to review the process of notification as set out by the *Local Government Act*. Important for those here to know that we have a very restrictive process that is laid out and must be followed. Believe the CVRD, met all those requirements.
- Alison Garnett,
CVRD Planner**
- As part of the rezoning application process, there is a requirement that neighbours are notified as was explained in the introduction. The difficulty is that there is a parallel process here. One is a bylaw enforcement aspect and the other is the rezoning application. We have followed due process for the rezoning application. There is no legislative requirement to notify adjacent property owners about Board decisions pertaining to bylaw enforcement.
- Anita Rafidi - applicant**
- Commented on the fencing issue raised by Cavetta Tarr. Thinks that the hairpin turn and the way the sun rises can affect visibility on this turn which could cause someone to misjudge and run into the fence. Her mother-in-law watched this happen. Cannot accuse us of having anything to do with an unexploded device.

- Director Morrison**
- Reminded that this is a rezoning application. We need everyone to be heard and questions to be answered in response to the application before us.
- Anita Rafidi - applicant**
- Cavetta Tarr had presented the petition to her and stated that at that time the events did not bother her, that they do not hear them.
- Director Morrison**
- Reminded that this is a separate issue from the rezoning question at hand. Comments can be made at the official section of this Hearing. Questions with regards to this rezoning need to be answered at this time.
- Phil Ashton
4685 Cowichan Lake Rd**
- How long have you had this business in operation? At what stage did you apply for rezoning? Was there something that prompted this decision? Concerned that this scenario may be cropping up more than once.
- Anita Rafidi - applicant**
- Operated as a bed and breakfast guesthouse for ten years. Occasional wedding was hosted about five or six years ago. The bylaw enforcement officer paid a visit the first year that weddings were held and it was her understanding that the weddings wouldn't be an issue as long as there were no complaints. Five years later, after 52 weddings, there was a complaint, the Bylaw Enforcement Officer returned and was surprised that this had escalated to this degree without the CVRD being aware of it. Was not aware that they were disturbing anyone because no one had said anything, so they continued. At this time they were advised that they would have to apply for rezoning if they wanted to continue with the business. This happened last year. Were advised that they far exceeded the parameters of a bed and breakfast and that rezoning would be necessary for this particular activity to continue.
- Phil Ashton**
- Although he is not directly affected by this facility, he is concerned that since this has affected friends on Culverton Road, he would like to have similar support from them should a similar activity affect him. Concerned that since this surfaced we now must address how to make it legal. Is this the way we want our elected officials to operate?
- Director Duncan**
- From time to time this is how we are operating. This is a discretionary decision that the Committee and Board makes which would enable the business to continue through the process of rezoning. In some instances the aid of the judiciary is required to stop an activity. This can be very expensive and time-consuming. If the applicants do not agree to stop an activity then it becomes necessary to obtain an injunction. This can be a difficult process, particularly when the question is up in the air throughout the application.
 - Alderlea Farm in Glenora is an application that comes to mind. They had a barn that eventually evolved into a restaurant, until a complaint was received. In this instance the restaurant was allowed to continue to operate throughout the process of rezoning. The majority of attendees at the Public Hearing concluded that this was a good addition to the community.
 - Cannot always shut a business down through the rezoning process.
- Phil Ashton**
- Can appreciate the example but finds the process is frustrating. It seems easier to ask for forgiveness than it is to ask for permission.

- Anita Rafidi - applicant**
- Had made two petitions because of the weddings that had been booked in advance of the rezoning. Felt that 52 weddings without complaint helped in the decision making process and should give them a chance to put forth further measures. Officials were sensitive to those who would have been left high and dry.
- Director Morrison**
- Reiterated Loren's example of Alderlea Farm. Was on the opposite side to Director Duncan on the barn that was turned into a café/restaurant. These applicants had obtained VIHA and WorkSafe approval but neglected to obtain the necessary zoning. Initially thought this was deliberately done to circumvent the CVRD and felt this should be shut down. The Committee and the community sided with Director Duncan's position that they should be able to operate through the rezoning process.
- Brian Duncan, Manager, CVRD Inspections & Enforcement Division**
- Agreed that there were several weddings that took place on the subject property, however the CVRD did not receive an official complaint, which would have included a name and address, until last July (2011). Complaints have not been received over the past couple of months, just a couple of telephone inquiries. Very few complaints.
- Phil Ashton**
- Residents want to feel comfortable that zoning will be in place prior to running a particular business. The trend is of concern since it seems that if there aren't any complaints about the business then you are home-free. Not accusing applicant of doing this, but as a resident one begins to feel this is the case. The process is of concern.
- Brian Duncan**
- It's up to residents to contact us. Enquiries do not seem to go further. Rarely do residents leave a name and number for this to become an official complaint that we can act on.
- Phil Ashton**
- May be in favour of this venture but not the process that was undertaken. Most business owners are diligent about compliance so that their business is protected. This is not only because of this application – it seems to be a trend.
- Michael Gintowt
3075 Lashman Ave.**
- Understands businesses start and may evolve into a different avenue. Evolution has happened. Did not plan to start out with weddings, this evolved. Understands the sensitivities of neighbours. Given the organic nature and the sensitivities of the immediate neighbours, prior to this complaint driven process, correct zone or not, is there not a mediator who can work with complainants and the business in question to do some collaborative problem solving so that everyone, including the authorities, can live and let live as a first step. If that fails, then go forward for a more rule bound, black and white process. Is there any chance of seeing such a process?
- Director Loren Duncan**
- No. We are a complaint driven organization. When things are not right we rely on complaints. We rely on rules set out by the *Local Government Act* and decide whether or not to enforce the rules.
 - This is somewhat of an arbitration decision.
- Greg Tabler
2030 Belvedere Crescent**
- When there is an event the sound is so clear that he can hear the address to the bride and the clapping of up to 150 people. Has gone over and asked Anita when this was going to stop. Wants a resolution but didn't want to involve the CVRD (local government).

- Paul (Daan) has been over to Greg's property and can hear the music. Cannot enjoy the peace and quiet of his property when these events are on.
- Greg Tabler**
- Phoned and asked if there was any chance of shutting the music down.
- Anita Rafidi – applicant**
- Asked Paul if he had received complaints.
- Paul Daan**
- Answered that he can't recall.
- Anita Rafidi - applicant**
- Since they are not using a microphone anymore you should not be able to hear an address to the bride.
- Greg Tabler**
- There was no microphone this past weekend?
- Anita Rafidi – applicant**
- Just used for the ceremony; for 30 minutes in the middle of the day.
- Greg Tabler**
- Maybe you didn't use a microphone but he is always aware that at least once a week you are there.
- Anita Rafidi - applicant**
- Is aware of where her neighbours are.
- Greg Tabler**
- Would like a decision made on this. He knows that his zoning is R-2 and this business is not compliant with the existing zoning.
- Director Morrison**
- After this meeting is concluded and we've completed the Public Hearing portion, all the submissions and all the comments will be compiled as a Public Hearing record and presented to the nine Electoral Area directors on the Electoral Area Services Committee. The Public Hearing Minutes will be read and discussed, and a vote will be held based on much of the information that has been heard tonight. Suggested that comments be written down and handed in if you are unable to remain for the public hearing portion.
- Greg Tabler**
- Will the comments of the neighbourhood be considered?
- Director Morrison**
- Will weigh everything that is heard here tonight. Not only the three directors present tonight, but all directors will have a full record of what has transpired here.
- Pema
5810 Wilson Ave**
- Heard of many complaints and also respects the desire for privacy.
 - Has used and is grateful for the facilities offered at this property. Respects the neighbours privacy, yet would not like to lose such a beautiful facility.
 - What can the CVRD do to satisfy the needs and desires of everyone?
- Director Morrison**
- Bound by the *Local Government Act*, and there will have to be a yes or no decision. There is a zone that would allow this activity. If the applicant is successful they will be allowed to proceed and if not, they won't.
- Anita Rafidi - applicant**
- The following restrictions apply:
 - a covenant with time restrictions, and
 - restrictions on the number of events so that this will be a better fit in the community.

- Director Morrison**
- This is a rezoning and the question will be before the Board to determine whether the rezoning is successful or not.
- Katie Daan**
5071 Belvedere Crescent
- Her property is part of Paul and Anita's business. Did have some complaints last year. Not being a fan of noise, she asked Paul and Anita to turn the sound down. This year has been wonderful and she has not been bothered at all. No one has said anything about the adjacent property owner to Paul and Anita.
- Director Morrison**
- Reminded speaker that we are here to answer questions about this application. Complaints should be directed by phone or in writing to Brian Duncan, Manager of Inspections & Bylaw Enforcement. There are regulations that address noise and other related activities.
- Katie Daan**
- Does not financially benefit from the applicant's business.
- Director Morrison**
- Reminded the speaker that this is the time for questions, not comments.
- Katie Daan**
- This has gone on for over five years with only an occasional complaint.
- Director Morrison**
- We are here because there have been official complaints and there is a request to rezone the property. It only takes one official complaint.
- Joan Green**
5115 Culverton Road
- Do comments from people who do not live in the area, and are not affected by the rezoning, have any weight on the decision that will be made?
- Director Morrison**
- That is why we ask for the addresses of the speakers.
- Director Morrison**
- Reminded everyone that the file, containing the bylaws and letters of submission, may be inspected at any time during the Public Hearing and is located on the table at the back of the hall. All letters of submission to be included as part of the Public Hearing record must be received prior to the close of the hearing. We are still in the question and answer portion of the Public Hearing. Once we advance to the official Public Hearing portion, we will not be able to answer any questions.
- Leana Binder**
5036 Culverton Road
Speaker
- Who has phoned Paul and Anita?
 - Many times. ?? have complained to you many times.
- Anita Rafidi – applicant**
- Denied the calls happened.
- Speaker**
- This did happen, he was there when the calls were made to you [Anita].
- Director Morrison**
- Asked if there are any questions or if anyone requires clarification from the head table. Asked the applicant, Anita Rafidi if she would like to clarify this statement.
- Anita Rafidi - applicant**
- Got complaint calls from Calvin. Asked many times if the ?? bothered them and many times they weren't bothered. Don't ever recall receiving a complaint from Greg [Tabler].

- Director Morrison**
- Anyone who feels their interests are affected has the right to comment during the Public Comments portion of this meeting.
 - Asked twice if there are any more questions.
- Calvin Hill**
- Why is the parcel at 5070 Culverton Road even being entertained for rezoning when it is below the minimum parcel size? There are two separate parcels with separate titles.
- Alison Garnett, CVRD Planner**
- Minimum parcel size becomes relevant in the subdivision process. The minimum parcel size has not changed in the R-2 zone, it's a 2 ha minimum. They currently can't subdivide and won't be able to subdivide. You can continue to use your property under the permitted uses of the zone, even if it's below that minimum. It doesn't affect the land use; it affects subdivision.
- Calvin Hill**
- Question about the minimum parcel size.
- Alison Garnett, CVRD Planner**
- The two parcels (separate titles) combined is approximately 3 ha. The R-2 zone at this time has a 2 ha minimum lot size. To be capable of subdivision 4 ha is required to create 2 lots. That minimum lot size stays the same with the proposed C-4B zone, so they would not be able to subdivide. There are 2 lots in this application and they would be able to operate under the C-4B zone.
- Greg ??
4660 Old Lake
Cowichan Road**
- Are you going to take the most legitimate questions and resurface them to the applicant through your voices?
 - There must be noise complaints; noise travels across water. Realizes that voices can travel through the bush. Some parties are unsolicited spontaneous events. This is more about a planned solicited event. Is this for yoga and marriages?
- Anita Rafidi - applicant**
- Hoping to move towards a retreat centre. Yoga events, including sacred ceremonies such as weddings and funerals.
- Greg ??
4660 Old Lake
Cowichan Road**
- Is there an ordained person on this property? The applicant, Anita, responded that people hire their own.
 - So you hire this out. It's a commercial venue? The applicant, Anita, responded in the affirmative.
- Director Morrison**
- All the questions will be recorded and made available to all the directors.
- Greg ??
4660 Old Lake
Cowichan Road**
- Concerned about increased traffic from these events being held in a residential area. Creates business traffic, which is a concern for individuals and children who live in the area.
- Director Morrison**
- Traffic is very near to the top of the list, as it is, in nearly every rezoning we deal with.
- Anita Rafidi - applicant**
- We are talking about 12 large events (12 days) – about 50 cars – coming in once, then leaving.
- Maureen Hayes
4734 Sahtlam
Estates Road**
- Agrees with Greg. It sounds like a hootenanny coming through the bush, across the water and through the air from somewhere in the direction of Anita's property. Her neighbours have asked where the party is. With the

new development going in (Caromar), how is noise and additional traffic going to affect the peace and comfort of residents in this new community?

Director Duncan

- Oasis Bible Camp on Riverbottom Road has loud music events in the summer. At some time in the summer you may hear events that are on Riverbottom Road; this site has the appropriate institutional zoning.

**Christoph Hoppe
5095 Belvedere
Crescent**

- Owns two lots on Belvedere Crescent, bordering both of the applicant's properties. His trees serve as a beautiful backdrop for the ambiance mentioned on the applicant's website. The applicant's site started with a bicycle club, then had old buses propped up on temporary foundations for which there were no permits. Since the applicants moved into a residential neighbourhood and did not follow any of the current bylaws, what will be done to enforce the bylaws once these covenants are in place?

Director Morrison

- Reminded Mr. Hoppe that he should reserve comments for the appropriate portion of this Hearing. Brian Duncan, Manager, CVRD Inspections & Enforcement Division, will respond to the question of how noise complaints are handled.

**Brian Duncan,
Manager,
Inspections &
Enforcement
Division**

- WorkSafe BC has decibel levels for outdoor venues ranging from 80 decibels, up to 90 decibels at which your windows would vibrate; most are around 80 decibels. Since we know when the weddings will take place this summer, we will randomly monitor one of these events with a sound meter. Traffic will be observed, as well as the hours of operation.

Christoph Hoppe

- Complaints about the parking arrangements. Concerned about fire hazards and well contamination on lot 6 which is being used for parking. Has anyone observed the parking on lot 6 during a wedding? There is also parking on lot 8, which is a bigger lot.

**Brian Duncan,
Manager,
Inspections &
Enforcement
Division**

- We will be observing the parking arrangement from a safety perspective.

Christoph Hoppe

- Based on the past, why would the application follow the regulations now? What would the CVRD do to enforce these regulations?

**Anita Rafidi -
applicant**

- We can only operate with your co-operation.

Christoph Hoppe

- This is a residential zone. What will happen with the remaining 5 weddings? Will they continue with these weddings?

Director Morrison

- The ultimate decision will likely be made in early fall. By this time, the wedding season will be over.

Christoph Hoppe

- So, for now, the weddings will continue.

Director Morrison

- Any more questions?

- Gregory Low**
4660 Lake Cowichan Road
- Understands the predicament the business experienced with weddings being pre-booked for this year. If these were the last 5 weddings to be booked, would you be willing to stop?
- Anita Rafidi - applicant**
- Waiting to find out.
- Gregory Low**
- There will be no more bookings or plans for the future?
- Anita Rafidi - applicant**
- Not until the zoning goes through.
- Gregory Low**
- Doesn't want to ruin someone's special day. Would you be willing to stop the wedding business and only continue with the yoga events?
- Anita Rafidi – applicant**
- Could not make a living without the wedding events.
- Director Morrison**
- Explained that once Question Period is completed, the Hearing delegates will hear comments, for or against this rezoning. You won't be able to ask any more questions once the comments section of the Hearing has commenced. The information given, and your views, will be reviewed by the Hearing delegates and the remainder of the CVRD Board. The Board will take all information into consideration during the decision making process.
 - Asked three times if there were further questions from the public present regarding Official Community Plan Amendment Bylaw No. 3599 and Zoning Amendment Bylaw No. 3600. There being no further questions, Question Period was concluded.

PUBLIC COMMENTS

- Director Morrison**
- Reminded that any submissions considered as part of this Public Hearing record will need to be received prior to third call for comments.
- Michael Gintowt**
3075 Lashman Avenue
- Problems with the neighbours need to be resolved. Services provided by Sun Lotus impact many people outside the immediate neighbourhood. Professionals are investigating the use of this site for workshops and classes. It is more than a local neighbourhood issue.
- Director Morrison**
- Reminder to please be respectful of others comments, even if we don't agree with them. Also reminded the audience that questions will not be answered at this stage of the Hearing.
- Greg Tabler**
5030 Belvedere Crescent
- Can't support this. Moved to this neighbourhood for the peace and quiet, then a party moved in next door.
- Pema – 5810 Wilson Avenue**
- The applicant offered this facility free for a 2-day retreat. This helped raise money for the victims of an earthquake in Tibet. Respects the opinions of the neighbours. Seven acres is a large parcel that helps to support local business. Would like to see a solution to please everyone.

**Christian Hoppe
5099 Belvedere
Crescent**

- The trees on his property help absorb the noise. This could prove to be a valuable venue if it were located in a place that was appropriately zoned for these activities; however, this is a residential zone.
- All the lots in this subdivision are zoned residential.
- Observed the gradual development of the property from a proposed bike club to another venture that would be run as a hostel. People also boarded here. When this venture failed, wedding venues began.
- As one looks forward to a quiet weekend evening on your deck, you are faced with the noise emanating from up to 150 people who are there for a celebration. Since they have paid for the event they feel free to do whatever they like. Feels that the neighbours are being forced to cater to the applicants desire to run a business. When the neighbours had finally indicated that they had had enough, they were faced with the potential rezoning of the property, which would allow the business to continue. The residents feel that the applicant is running the show in an established residential zone. The neighbours were not aware of what was going on throughout this process. They came with a presentation to the Board yet none of the support letters asked the neighbours if they would be in favour of rezoning. How much weight does this have? The neighbours did not wish to see someone lose their livelihood and thought they could always fall back on the residential zoning to reverse the situation. If this goes on long enough the perception seems to support the established use, therefore it appears to be acceptable. Other people who cater to weddings have done it correctly.
- The neighbours were given 1 week to respond to what was happening. The applicant's presentation to the Board made this appear to be beneficial to business. Did anyone consider that this business was actually splitting the pie into more pieces, since they are not the only business catering to weddings, and other businesses are based on lands that are zoned for these activities.
- Canvassed the neighbourhood asking if residents were in favour of subdivision. Virtually the whole neighbourhood (25 written submissions) said no, this is residential, and they do not wish to see a change.
- The applicants have no submissions saying this is a good thing and should proceed. The only submissions they have are requests that they not be shut down, and this was worded in such a way as to imply that if the residents don't like it then they will move somewhere else. Doesn't appreciate threats such as this.
- You must weigh the points – the applicants moved into this area to do their own thing, and the neighbours had bought into a certain lifestyle in this area. No one can live with the noise created by these weddings every weekend.
- The local fire chief has concerns.
- Do we take an established R-2 zone, put this [proposed zone] in the middle of it, and expect the neighbours to endure the consequences. If this zoning goes through, the neighbours feel they will be greatly impacted by this business. Real estate values will plummet. Purchased this property in 1978 for the residential peace. Does not have a problem with an unassuming residential, home-based business that does not intrude on the ambience of the neighbourhood. This is not the case with this application.

**Calvin Hill
5036 Culverton
Road**

- Lives 2 houses east of the subject property. Residents to the east are affected by the noise. Hears everything due to the proximity of the buildings. Dinners are held approximately 50 ft. from the property line so this does not leave much room for the noise to be absorbed. Not against

small business and weddings taking place but does not support where this business is being propagated. You [the applicant] indicated that if you did not have the support of the neighbourhood then you would not continue. You do not, and have never had the support of the neighbourhood.

Sharon Rafidi
Ottawa, Ontario

- The applicant, Anita, is her daughter. Impressed with the beauty of the property and what she is trying to create. Like her daughter, she wishes to live peacefully with the neighbours. Doesn't like rowdiness, likes to see people enjoy themselves. Hoped that out-of-province visitors enjoyed their time on this property. People need to consider the economic and cultural benefits that can be gained from a place such as this.

Cavetta Tarr
5020 Culverton
Road

- Does not wish to have this type of business in the neighbourhood. Situated three properties from the applicants and cannot sleep when there is a wedding. Has had to close windows and raise the volume of her television so she can hear it. Would like to see the business develop in an area that would not impact others.

Jenny White
5640 Jordan's Lane

- Parent of small children. Doesn't like noise either. Already experiences a lot of noise from motor bikes and trucks on her road. Worried about safety. Noise is everywhere and would like to see it in a more remote area. Understands that the noise is bothersome, yet supports the applicant who is trying to support a family with this business. We can work together to get through this.

Mike Lees
4948 Arla Court

- In the past, he has experienced the efforts of rezoning to make properties suitable for employment. The zoning to be applied would be contingent on the people living there now. After the applicants of a rezoning move on, future property owners may not support the covenants that are on the property; however, once the zoning is in place the neighbouring property owners will have to live it. Need to remember that sometimes good intentions in making bylaws may go awry.

Director Morrison

- Asked twice if there were any further comments.

Paul Daan 5070
Culverton Road
(guest cottage)

- Apologized for the noise. Business has been operating for 10 years now and has not heard any complaints until last year. Significant changes have been made and they are open to more suggestions. If the zoning is to proceed, they would not be more arrogant, instead it would make them more conscious of what they are doing.
- This provides a service to the community at large. People need places such as this and they should be safely guarded.

Christian Hoppe

- We need to remember what Dogwood Lumber promised with all their improvements – it was going to be the best there ever was. After their zoning was in place, the property became more valuable so they sold it and the next people proceeded to create an environmental nightmare in the neighbourhood by bringing automobile wrecks onto the property. Mike Lees comments should be taken to heart. Who knows, the present owners may be more respectful than the next ones.
- No one can predict what can happen at an event. Comments about insurance.

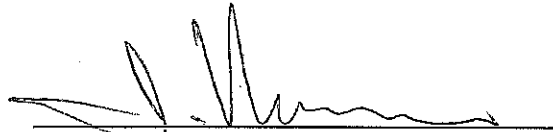
Director Morrison

- Reminded that insurance has no bearing on the rezoning. Comments need to be specific to the rezoning application.

- Calvin Hill**
- Comment to Director Duncan. When doing an inspection of the facility, wouldn't it have been appropriate to look into what was going on there when people first made their complaints? He made a formal complaint to the Bylaw Enforcement Officer yet there was no mention of this. How did the subject property owners know what you would be looking for? Why would they put themselves at risk of non-compliance if they knew you were looking?
- Director Morrison**
- Applicant, Paul Daan, came forward to comment. Director Morrison stated that it is very unusual for an applicant to make a comment at this point but told Mr. Daan to proceed.
- Paul Daan - applicant**
- This is an emotional subject. About 4 out of 30 sets of neighbours are represented. There are neighbours connected to the applicants who aren't here. This is very emotional and the words are strong.
- Director Morrison**
- Asked twice if there were any further comments. Also reminded everyone that any letters or submissions which are to be included as part of the Public Hearing record must be received at the front table prior to the close of the Public Hearing.
- George White
5640 Jordan's lane**
- There are 25 people or households or residents within the Culverton, Belvedere, Ellison and Whimmer Road area who have signed the petition opposing the rezoning. All but 3 are opposed and have signed saying they are opposed.
- Vickie McArthur
5150 Belvedere
Crescent**
- Lives directly across from property A. Acknowledged the petition. She and her husband submitted a 4-page letter voicing their opposition to this rezoning. Have not seen or signed the petition. Although her name is not on the petition she asked that we make a note that she would have signed it.
- Director Morrison**
- Chairperson Morrison asked three times if there were any further public comments or submissions from the public present at this Hearing regarding Official Community Plan Amendment Bylaw No. 3549 and Zoning Amendment Bylaw No. 3454. Hearing none, Chairperson Morrison declared the Public Hearing closed at 9:05 p.m.

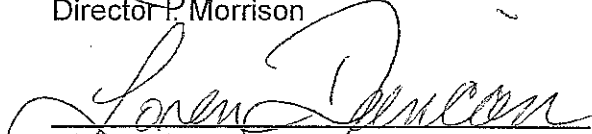
CERTIFICATION:

We attended the Public Hearing on Monday, July 23, 2012, and hereby certify that this is a fair and accurate report of the Public Hearing.



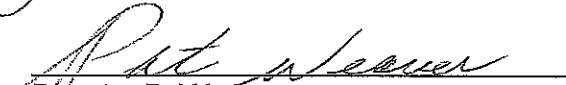
Director P. Morrison

Date SEPT 4, 2012



Director L. Duncan

Date Aug 31, 2012



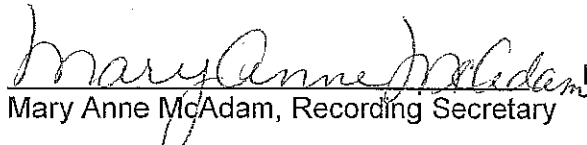
Director P. Weaver

Date Sept 4/12



Alison Garnett, Planner I

Date Sept 4, 2012



Mary Anne McAdam, Recording Secretary

Date August 31, 2012