



## ELECTORAL AREA SERVICES COMMITTEE MEETING AGENDA

WEDNESDAY, APRIL 5, 2017  
BOARD ROOM  
175 INGRAM STREET, DUNCAN, BC

1:30 PM

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	<u>PAGE</u>
1. <u>APPROVAL OF AGENDA</u>	
2. <u>ADOPTION OF MINUTES</u>	
M1 Regular Electoral Area Services Committee meeting of March 15, 2017	1
<b>Recommendation</b> That the minutes of the Regular Electoral Area Services Committee meeting of March 15, 2017, be adopted.	
3. <u>BUSINESS ARISING FROM THE MINUTES</u>	
4. <u>DELEGATIONS</u>	
5. <u>CORRESPONDENCE</u>	
C1 Grant-in-Aid Request, Electoral Area B - Shawnigan Lake, Re: Frances Kelsey Secondary Dry Grad 2017	11
<b>Recommendation</b> That it be recommended to the Board that a Grant-in-Aid, Electoral Area B - Shawnigan Lake, in the amount of \$500 be provided Frances Kelsey Secondary School Dry Grad 2017 to support the Dry Grad Celebrations.	
C2 Grant-in-Aid Request, Electoral Area D - Cowichan Bay, Re: South Cowichan Lawn Tennis Club	13
<b>Recommendation</b> That it be recommended to the Board that a Grant-in-Aid, Electoral Area D - Cowichan Bay, in the amount of \$500 be provided to South Cowichan Lawn Tennis Club to assist in offering public tennis lessons.	

6. **INFORMATION**

15

**Recommendation** For information.

- IN1 1. Area A - Parks Commission Minutes - March 9, 2017;  
2. Area H - Advisory Planning Commission Minutes - February 13, 2017;  
3. Area H - Advisory Planning Commission Minutes - March 10, 2017; and  
4. Area H - Advisory Planning Commission Minutes - March 13, 2017.

7. **REPORTS**

- R1 Application No. 01-D-16DVP (4370 Kingscote Road) - Report from Development Services Division 21

**Recommendation** That it be recommended to the Board that Development Variance Permit Application No. 01-D-16DVP (4370 Kingscote Road) be denied.

- R2 Arbutus Ridge Sewer Management Bylaw Amendment - Report from Water Management Division 35

**Recommendation** That CVRD Bylaw No. 4111 Arbutus Ridge Sewer System Management Bylaw, 2017 be forwarded to the Board for consideration of three readings and adoption.

- R3 Cowichan Bay Sewer Inclusion Request - 4401 Telegraph Road - Report from Water Management Division 41

**Recommendation** That it be recommended to the Board:  
1. That the Certificate of Sufficiency confirming that a sufficient petition requesting inclusion into the Cowichan Bay Sewer System Service Area be received.  
2. That CVRD Bylaw No. 2128 – Cowichan Bay Sewer System Service Establishment Bylaw, 2000, be amended to include the property described as PID 029-865-310.

- R4 Building Bylaw - Report from Inspection & Enforcement Division 47

**Recommendation** That the Draft Building Regulation Amendment Bylaw be forwarded to the Board for consideration of 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Readings.

8. **UNFINISHED BUSINESS**

**9. NEW BUSINESS**

NB1 5039 Marshall Road - Vigneti Zanatta Ltd. (Winery) - Report from Inspection & Enforcement Division 73

**Recommendation** That it be recommended to the Board that the CVRD has no objection to the events noted on the Temporary Change to a Liquor Licence (171424) application for Vigneti Zanatta Ltd. located at 5039 Marshall Road, Glenora (Area E) for the following 2017 dates only: June 10, July 1, July 22, July 28, August 6 and August 19.

**10. QUESTION PERIOD**

**11. CLOSED SESSION**

Motion that the Closed Session Agenda be approved, and that the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90, subsections as noted in accordance with each agenda item.

CS M1 - Closed Session Electoral Area Services Committee Minutes of March 1, 2017

CS M2 - Closed Session Electoral Area Services Committee Minutes of March 15, 2017

CS R1 - Report from Inspection & Enforcement Division, Re: Potential Litigation {Sub (1)(g)}

CS NB1 - Report from Inspection & Enforcement Division, Re: Law Enforcement {Sub (1)(f)}

**12. ADJOURNMENT**

The next Electoral Area Services Committee Meeting will be held Wednesday, April 19, 2017 at 1:30 PM, in the Board Room, 175 Ingram Street, Duncan, BC.

**Committee Members**

Director I. Morrison, Chairperson  
Director M. Marcotte, Vice-Chairperson  
Director M. Clement

Director K. Davis  
Director M. Dorey  
Director S. Furstenau

Director L. Iannidinaro  
Director K. Kuhn  
Director A. Nicholson



Minutes of the Electoral Area Services Committee Meeting held on Wednesday, March 15, 2017, in the Board Room, 175 Ingram Street, Duncan BC at 1:32 PM.

**PRESENT:** Director I. Morrison, Chair  
 Director K. Davis  
 Director A. Nicholson  
 Director M. Dorey  
 Director K. Kuhn  
 Alternate Director S. Acton  
 Alternate Director C. Morris  
 Alternate Director A. Bomford

**ALSO PRESENT:** B. Carruthers, Chief Administrative Officer  
 R. Blackwell, General Manager, Planning & Development  
 H. Hatami, General Manager, Engineering Services  
 M. Tippett, Manager, Regional & Community Planning  
 R. Conway, Manager, Development Services  
 R. Blackmore, Manager, Inspection & Enforcement  
 B. Dennison, Manager, Water Management  
 C. Cowan, Manager, Public Safety Division  
 J. deJong, Fire Rescue Services Coordinator  
 R. Dias, Parks Superintendent  
 G. Breckenridge, Chief Building Inspector  
 R. Rondeau, Planner II  
 T. Etherington, Utilities Operations Superintendent  
 L. Knodel-Joy, Senior Engineering Technologist  
 J. Hughes, Recording Secretary

**ABSENT:** Director S. Furstenau  
 Director M. Clement  
 Director L. Iannidinaro

**APPROVAL OF AGENDA**

**It was moved and seconded that the agenda be amended with the deletion of Item R1, the addition of five New Business Items:**

- NB1 Staff Report from Water Management Division Re: Crown Land Licence of Occupation Application for the Saltair Water System;**
  - NB2 Verbal Report from Director Nicholson Re: Sahtlam Community Concerns;**
  - CSNB1 Potential Litigation {Sub 90 (1)(g)};**
  - CSNB2 Potential Law Enforcement {Sub 90 (1)(f)};**
  - CSNB3 Potential Law Enforcement {Sub 90 (1)(f)}; and**
- that the agenda, as amended, be approved.**

**MOTION CARRIED**

**ADOPTION OF MINUTES**

**M1** Regular Electoral Area Services Committee meeting of March 1, 2017

**It was moved and seconded that the minutes of the Regular Electoral Area Services Committee meeting of March 1, 2017 be adopted.**

**MOTION CARRIED**

**BUSINESS ARISING FROM THE MINUTES****DELEGATIONS**

**D1** Goetz Schuerholz, Cowichan Estuary Conservation and Restoration Association (CERCA), provided a PowerPoint presentation regarding the work CERCA has undertaken in the Cowichan Estuary, including an overview of past and current estuary uses, priority programs and activities.

**INFORMATION**

**IN1** Items IN1 and IN2 were received for information:  
 1. Area D - Parks Commission Minutes - February 20, 2017; and  
 2. Area E - Parks Commission Minutes - February 9, 2017.

**REPORTS**

**R1** Application No. 10-D-15DP/VAR (1725 Cowichan Bay Road) - Report from Development Services Division was deleted during the Approval of the Agenda.

**R2** 2017 Budget Amendment - Report from Parks & Trails Division

**It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 232 Shawnigan Lake Community Parks be amended to:**

- 1. Increase Transfer from Gas Tax Reserves revenue by \$15,000;**
- 2. Increase Contribution from Developers revenue by \$50,000;**
- 3. Increase Capital Land Improvements by \$50,000; and**
- 4. Increase Capital Lease Improvements by \$15,000.**

**MOTION CARRIED**

**It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 233 Cobble Hill Community Parks be amended to:**

- 1. Increase Transfer from Gas Tax Reserves revenue by \$180,000;**
- 2. Increase Capital Land Improvements by \$130,000; and**
- 3. Increase Contribution to Third Party Capital by \$50,000.**

**MOTION CARRIED**

**It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 234 Cowichan Bay Community Parks be amended to:**

- 1. Increase Transfer from Gas Tax Reserves revenue by \$38,347; and**
- 2. Increase Capital Land Improvements by \$38,347.**

**MOTION CARRIED**

**It was moved and Seconded that it be recommended to the Board that the 2017 Budget for Function 456 Saltair Recreation be amended to:**

- 1. Increase Transfer from Gas Tax Reserves revenue by \$25,000; and**
- 2. Increase Asset Management by \$25,000.**

**MOTION CARRIED**

**R3** Cannabis Regulations in Cowichan Valley Regional District Zoning - Report from Community & Regional Planning Division, was received for information.

**R4** 2017 Budget Amendment for 325 - Report from Community & Regional Planning Division

**It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 325 Planning & Development be amended to:**

- 1. Decrease surplus by \$12,592;**
- 2. Decrease Insurance Automotive Equipment (Dodge Van) by \$1,250;**
- 3. Decrease Purchased Repairs – Vehicles (Dodge Van) by \$400;**
- 4. Decrease Purchased Maintenance/Vehicles (Dodge Van) by \$400;**
- 5. Decrease Fuel & Lubricants (Dodge Van) by \$450;**
- 6. Decrease Vehicle & Equipment Parts (Dodge Van) by \$200; and**
- 7. Decrease Contingency by \$9,892.**

**MOTION CARRIED**

**R5** 2017 Budget Amendment for 320 - Report from Inspection & Enforcement Division

**It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 320 Inspections & Enforcement be amended to:**

- 1. Increase Transfer from Operating Reserves revenue by \$140,000; and**
- 2. Increase Legal Expenses \$140,000.**

**MOTION CARRIED**

**R6** February 2017 Building Report - Verbal Report from Robert Blackmore, Manager, Inspection & Enforcement Division, was received for information.

**R7** February 2017 Bylaw Enforcement Report - Verbal Report from Robert Blackmore, Manager, Inspection & Enforcement Division, was received for information.

**R8** Shellwood Water System Management Bylaw Amendment - Report from Water Management Division

**It was moved and seconded that CVRD Bylaw No 4108 – Shellwood Water System Management Amendment Bylaw, 2017, be forwarded to the Board for consideration of three readings and adoption.**

Alternate Director Bomford was absent during the vote.

**MOTION CARRIED**

**2:39 PM** The Committee took a recess at 2:39 PM.

**2:47 PM** The meeting resumed at 2:47 PM.

**R9** 2017 Budget Amendment - Water Management Budgets - Report from Water Management Division

**It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 576 – Water Management be amended to:**

- 1. Decrease MFA Short Term Borrowing revenue by \$45,000;**
- 2. Increase Transfer from Operational Reserve revenue by \$85,000;**
- 3. Increase Capital Vehicles & Machinery expense by \$40,000;**
- 4. Decrease New Utility Vehicle interest expense by \$879;**
- 5. Decrease New Utility Vehicle principal expense by \$8,669;**
- 6. Increase Contingency by \$9,548;**
- 7. Decrease Smart Car Insurance by \$700;**
- 8. Decrease Smart Car Repairs by \$500;**
- 9. Decrease Smart Car Maintenance by \$500;**
- 10. Decrease Smart Car Fuel and Lubricants by \$800;**
- 11. Decrease Smart Car Parts by \$500;**
- 12. Increase New Electric Vehicle Insurance by \$700;**
- 13. Increase New Electric Vehicle Repairs by \$300;**
- 14. Increase New Electric Vehicle Maintenance by \$300;**
- 15. Increase New Electric Vehicle Fuel & Lubricants by \$200;**
- 16. Increase New Electric Vehicle Parts by 500; and**
- 17. Increase New Electric Vehicle Tires by \$1000.**

**MOTION CARRIED**

**It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 553 – Cowichan Bay Critical Street Lighting System be amended to:**

- 1. Increase Deficit revenue by \$58;**
- 2. Decrease Contingency expense by \$45; and**
- 3. Decrease Electricity expense by \$13.**

**MOTION CARRIED**



It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 585 – Arbutus Mountain Street Lighting System be amended to:

1. Increase Transfer from Gas Tax Phase 2 revenue by \$11,381;
2. Increase Contract Electrical Repairs expense by \$11,381;
3. Increase Deficit revenue by \$1,007;
4. Decrease Electricity expense by \$510; and
5. Decrease Electrical Repairs expense by \$497.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 556 – Cobble Hill Village Street Lighting System be amended to:

1. Increase Transfer from Gas Tax Phase 2 revenue by \$7,061; and
2. Increase Contract Electrical Repairs expense by \$7,061.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 583 – Twin Cedars Street Lighting System be amended to:

1. Increase Transfer from Gas Tax Phase 2 revenue by \$10,975;
2. Increase Contract Electrical Repairs expense by \$10,975;
3. Increase Deficit revenue by \$1,357;
4. Decrease Electricity expense by \$569; and
5. Decrease Electrical Repairs expense by \$788.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 581 – Sentinel Ridge Street Lighting System be amended to:

1. Increase Deficit revenue by \$526;
2. Decrease Contract Electrical Repairs expense by \$518; and
3. Decrease Electricity expense by \$8.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 580 – Wilmot Road Street Lighting System be amended to:

1. Increase Deficit revenue by \$283; and
2. Decrease Contract Electrical Repairs expense by \$283.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 601 – Satellite Park Water System be amended to:

1. Increase Deficit revenue by \$3,818; and
2. Decrease Transmission - Supplies expense by \$3,818.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 603 – Douglas Hill Water System be amended to:

1. Increase Deficit revenue by \$307; and
2. Decrease Contingency expense by \$307.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 613 – Dogwood Ridge Water System be amended to:

1. Increase Deficit revenue by \$3,673;
2. Decrease Contingency expense by \$2,173; and
3. Decrease Consultants expense by \$1,500.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 615 – Arbutus Ridge Water System be amended to:

1. Increase Deficit revenue by \$13,187;
2. Decrease Supply - R&M Machinery & Equipment expense by \$1,387; and
3. Decrease Supply - Parts/Supplies expense by \$11,800.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 616 – Carlton Water System be amended to:

1. Increase Deficit revenue by \$3,136; and
2. Decrease Contingency expense by \$3,136.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 617 – Shellwood Water System be amended to:

1. Increase Deficit revenue by \$11,756;
2. Increase User Charges revenue by \$900;
3. Decrease Licence & Fees expense by \$200;
4. Decrease Contingency expense by \$9,000;
5. Decrease Transmission - R&M Machinery & Equipment expense by \$656; and
6. Decrease Transmission - Supplies expense by \$1,000.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 619 – Burnum Water System be amended to:

1. Increase Recovery of Costs (Funds Held in Trust) revenue by \$34,000;
2. Increase Transfer from Operational Reserve revenue by \$54,000; and
3. Decrease Long Term Borrowing revenue by \$88,000.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 620 – Mesachie Water System be amended to:

1. Increase Deficit revenue by \$6,752;
2. Decrease Contingency expense by \$502
3. Decrease Transmission - R&M Machinery & Equipment expense by \$500
4. Decrease Source - R&M Machinery & Equipment expense by \$1,500 and
5. Decrease Source - Contract Electrical Repairs expense by \$4,250.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 640 – Saltair Water System be amended to:

1. Increase Transfer from Reserve revenue by \$46,435;
2. Increase Transfer from Operating Reserve revenue by \$100,000;
3. Increase Transfer from Gas Tax Phase 2 revenue by \$20,000;
4. Decrease Transfer from MFA funding revenue by \$700,000;
5. Decrease Capital – Engineering Structures expense by \$483,565; and
6. Decrease Interest/MFA expense by \$50,000.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 680 – Shawnigan Lake North Water System be amended to:

1. Increase Recovery of Costs revenue by \$84,216;
2. Increase Transfer from Gas Tax Phase 1 revenue by \$56,170;
3. Increase Transfer from Capital Reserve revenue by \$67,872;
4. Increase Minor Capital expense by \$140,386; and
5. Increase Capital – Engineering Structures expense by \$67,872.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 705 – Arbutus Mountain Drainage System be amended to:

1. Increase Deficit revenue by \$778; and
2. Decrease Drainage Works – Machinery & Equipment expense by \$778.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 715 – Arbutus Ridge Drainage System be amended to:

1. Increase Deficit revenue by \$225; and
2. Decrease Drainage Works - Supplies expense by \$225.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 803 – Twin Cedars Sewer System be amended to:

1. Increase Deficit revenue by \$1,381; and
2. Decrease Treatment - R&M Machinery & Equipment expense by \$1,381.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 804 – Lambourn Sewer System be amended to:

1. Increase Recovery of Costs revenue by \$10,852; and
2. Increase Capital – Engineering Structures expense by \$10,852.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 805 – Arbutus Mt. Sewer System be amended to:

1. Increase Deficit revenue by \$12,738;
2. Decrease Contingency expense by 10,238;
3. Decrease Electricity expense by \$1,000; and
4. Decrease Electrical Repairs expense by \$1,500.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 815 – Arbutus Ridge Sewer System be amended to:

1. Increase Transfer from Gas Tax Phase 2 revenue by \$50,000;
2. Increase Transfer from Capital Reserve revenue by \$75,000; and
3. Increase Capital – Engineering Structures expense by \$125,000.

**MOTION CARRIED**

It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 820 – Eagle Heights Sewer System be amended to:

1. Increase Deficit revenue by \$10,641; and
2. Decrease Treatment - R&M Machinery & Equipment expense by \$10,641.

**MOTION CARRIED**

**It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 840 – Shawnigan Beach Estates Sewer System be amended to:**

- 1. Increase Deficit revenue by \$50,229;**
- 2. Increase Short Term Borrowing revenue by \$45,000;**
- 3. Increase Transfer from Gas Tax Phase 2 revenue by \$150,000;**
- 4. Decrease Contingency expense by \$229;**
- 5. Decrease Contract for Services expense by \$5,000; and**
- 6. Increase Capital – Engineering Structures expense by \$150,000.**

**MOTION CARRIED**

**It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 850 – Kerry Village Sewer System be amended to:**

- 1. Increase Deficit revenue by \$11,503;**
- 2. Decrease Contingency expense by \$7,003;**
- 3. Decrease Contract Electrical Repairs expense by \$4,000; and**
- 4. Decrease R & M – Machinery & Equipment expense by \$500.**

**MOTION CARRIED**

**R10**

**Fire Protection Malahat (355) Budget Amendment - Report from Public Safety Division**

**It was moved and seconded that it be recommended to the Board that the 2017 Budget for Function 355 – Fire Protection Malahat be amended to:**

- 1. Increase the deficit by \$3,994;**
- 2. Reduce expenses in building repair and maintenance by \$2,194; and**
- 3. Reduce expenses in contingency by \$1,800.**

**MOTION CARRIED**

**UNFINISHED BUSINESS**

**UB1**

**Additional Plumbing Fixture Request (2868 Renfrew Road - Area B) – Report from Inspections & Enforcement Division**

**It was moved and seconded that it be recommended to the Board that the request by Craig Partridge to allow a shower, in addition to the permitted sink and toilet, within an accessory building at 2868 Renfrew Road, be approved.**

**MOTION CARRIED**

**NEW BUSINESS**

**NB1** Crown Land Licence of Occupation Application for the Saltair Water System – Report from Water Management Division

**It was moved and seconded that it be recommended to the Board that an application be submitted for a temporary license of occupation on Crown Land approximately 2.2 km South East of Stocking Lake for the purpose of investigative work to determine the potential for a groundwater supply for Saltair Water System.**

**MOTION CARRIED**

**NB2** Verbal Report from Director Nicholson Re: Sahtlam Community Concerns

**It was moved and seconded that staff from the District of North Cowichan be invited to attend an upcoming Electoral Area Services Committee meeting to discuss noise impact issues generated from the Race Track located on Highway 18 that borders Electoral Area E – Cowichan Station/Sahtlam/Glenora and the District of North Cowichan.**

**MOTION CARRIED**

**CLOSED SESSION**

**3:23 PM** It was moved and seconded that the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90 {Sub (1)(g)} Potential Litigation; and {Sub (1)(f)} Law Enforcement.

**MOTION CARRIED**

**RISE FROM CLOSED SESSION**

**4:25 PM** The Committee rose without report, and returned to the open portion of the meeting.

**ADJOURNMENT**

**4:26 PM** It was moved and seconded that the meeting be adjourned.

**MOTION CARRIED**

The meeting adjourned at 4:26 PM.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary



Received  
MAR 22 2017

Finance Division

COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director Furstenau Area B

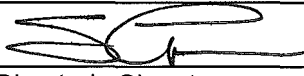
Grantee: Frances Kelsey Secondary Dry Grad Grant Amount \$ \$500

NAME: Madeleine McLeod

ADDRESS: Frances Kelsey Secondary Dry Grad 2017  
Dry Grad Committee  
Box 279, Mill Bay, BC V0R 1P0


Contact Phone No: 250-746-7805

PURPOSE OF GRANT: To support Dry Grad celebrations

REQUESTED BY:   
 Director's Signature

ACCOUNT NO.	AMOUNT
<u>01-2-1950-0161-112</u>	<u>500.00</u>

**FOR FINANCE USE ONLY**

BUDGET APPROVAL 

Approval at Regional Board Meeting of \_\_\_\_\_

\_\_\_\_\_  
Finance Authorization

Z:\Forms\Grant-in-Aid Form 2015.rtf







RECEIVED  
MAR - 9 2017

COWICHAN VALLEY REGIONAL DISTRICT Finance Division

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

Submitted by Director LORI IANNIDINARDO Area D

Grantee: \_\_\_\_\_ Grant Amount \$ 500.<sup>00</sup>

NAME: SOUTH COWICHAN LAWN TENNIS

ADDRESS: 2290 COWICHAN BAY ROAD  
DUNCAN VQL

Contact Phone No: Lillian Lamb ljlamb@shaw.ca

PURPOSE OF GRANT: SPONSOR ADDITIONAL ACTIVITIES  
FOR THE BROADER COMMUNITY OFFERING  
LESSONS ON OUR PUBLIC COURTS IN  
COWICHAN BAY

REQUESTED BY: Lori L. Iannidinardo  
Director's Signature

ACCOUNT NO.	AMOUNT
<u>01-2-1950-0424-114</u>	<u>500.00</u>

**FOR FINANCE USE ONLY**

BUDGET APPROVAL [Signature]

Approval at Regional Board Meeting of \_\_\_\_\_

\_\_\_\_\_  
Finance Authorization

From: **Lori Iannidinardo** [liannidinardo@cvrld.bc.ca](mailto:liannidinardo@cvrld.bc.ca)  
 Subject: **Fwd: Tennis 2017**  
 Date: **Feb 11, 2017, 9:00:24 PM**  
 To: **Lori Ianni** [lianni@shaw.ca](mailto:lianni@shaw.ca)

**Sent from my iPad**

**Begin forwarded message:**

**From:** LILLIAN LAMB <[ljilamb@shaw.ca](mailto:ljilamb@shaw.ca)>  
**Date:** February 7, 2017 at 3:36:31 PM PST  
**To:** <[liannidinardo@cvrld.bc.ca](mailto:liannidinardo@cvrld.bc.ca)>  
**Cc:** art hobbs <[art\\_hobbs@hotmail.com](mailto:art_hobbs@hotmail.com)>, Rita Hobbs  
 <[ryhobbs@gmail.com](mailto:ryhobbs@gmail.com)>  
**Subject:** Tennis 2017

Hi Lori,

The time is certainly flying by, and spring and summer outdoor tennis is just around the corner. It is way back in late July, early August of last year that we met at the grass courts in support of our Junior Tennis/Learn to Play Tennis Program, operated by VITA - Vancouver Island Tennis Academy -, and VITA's head coach Art Hobbs and his coaching team in support of our efforts to build junior tennis in our area of Vancouver Island.

Our numbers are steadily growing over the winter, and the children are really committed. For example, just this last Sunday when there was plenty of snow on the ground, and it was late in the day at 4 pm, all the children registered for the Sunday lesson attended. I commented to one of the fathers, that it was great that all the children could come. He replied "It's tennis!! These kids would not miss tennis for anything, so here we are!"

We continue to build tennis groups that are caring, inclusive, and have the spirit of community participation in mind. Personally, I couldn't be more thrilled with the skill development and positive attitude displayed that I see from the kids under the professional guidance provided by Coach Art and his coaching team. We have a Friday evening parents' tennis session, where parents are really enthusiastic about learning how to play for their personal enjoyment, and also so that they can have family tennis outings.

We are very grateful to the CVRD for its support in helping us continue to develop strong community tennis programs. We would be pleased if there is any way that the CVRD could once again support us this year, 2017. We would like to sponsor additional tennis activities for the broader community, and would use the money towards those activities. In addition to offering lessons at South Cowichan Lawn Tennis Club and Arbutus Ridge Golf and Tennis Club, we would especially like to offer lessons on our public CVRD courts including the one you recently built in Cowichan Bay.



### Minutes Area A Parks Commission March 9, 2017

Attending: Deryk Norton, Brook Adams, April Tilson, Nancy Crichton, Director Davis, and Bonnie Mills

Regrets: David Keir, Jim Conner, Libby Conner  
Ed Arnold has resigned due to health related issues

The meeting came to order at 7:05 p.m.

- Discussion of Area A Community Parks and Trails Master Plan adopted in 2015.
  - Hindrances to enactment
    - Discussions are ongoing with MOTI concerning our first two priorities: Mill Bay Road and Shawnigan/Mill Bay roadside trails as well as any other roadside trails in the CVRD.
    - The agreement is no longer active with Island TimberLands for the Rat Lake Trail.
- Report from the Director
  - When the weather is more predictable, there will be a beach cleanup at the base of Keir Road, surrounding the Mill Bay Community Wharf. In discussions with Solid Waste, there is a need for 2 bins (one for fibreglass) for the debris that has collected during the winter months. The CVRD is currently developing policy around free tipping. Should this not be covered in that policy, the cost would have to be borne by Area A Community Parks.
  - MOTION: It was Moved and Seconded that if free tipping is not possible, Area A Community Parks Budget 231 fund 2 bins for the purposes of beach clean up around the Mill Bay Community Wharf at Kier Road to a maximum cost of \$1000.00. Motion Carried
  - A discussion ensued regarding waste disposal issues. There needs to be careful sorting and separation of items from the garbage and recycling. There is a CVRD "recyclopedia"
    - <http://www.zerowastecowichan.ca/recyclopedia> for those who are computer literate. Information also comes out with the recycling calendar. Pamphlets are available from Fisher Road Depot with free and charged items listed.
  - Discussion item: Trail cleanup. There is a need for garbage collection along Barry Road between the Cove and Frances Kelsey School. This is a road right of way through Limona property i.e. private property. Tim Horton's cleans up between their business and The Cove. Rotary has a program for cleanup from Hutchinson to Kilmalu. The question was raised that a similar arrangement could be made with a high school group.
  - The type of walking path along Mill Bay Road was discussed: pebble vs. concrete sidewalk. There is a clear need for traffic calming strategies to create a safe environment for pedestrians.
  - Information Item: There will be an All Candidates Meeting for Seniors in Cobble Hill on April 4<sup>th</sup> beginning at 6:00. Issues of roadside trails, pedestrian safety, traffic calming and seniors housing can be brought up at this time. It will be a time to meet our local candidates for office for the upcoming election and to make them aware of the issues that concern senior citizens in this area. The meeting will begin at 6 p.m. Doors open at 5:30 p.m.

The meeting was adjourned at 8:20 p.m. The next meeting will be Thursday, April 13, 2017 in the Livingston Room, Brentwood College.



Minutes of the regular Electoral Area H Advisory Planning Commission Meeting held on February 13, 2017, at 7:02 p.m., at the North Oyster Community Hall.

**PRESENT** Mike Fall  
Jan Tukham  
Chris Gerrand  
Jody Shupe  
Allison Heikes  
Myfawny Plecas  
Cheryl Chapman

**ALSO PRESENT** Mary Marcotte, Director  
One member from the public

**ABSENT** Assist. Director Daniels

**APPROVAL OF AGENDA** It was moved and seconded that the agenda be approved.

**MOTION CARRIED**

#### **ADOPTION OF MINUTES**

**M1** It was moved and seconded that the minutes from the Area H APC meeting of September 12, 2016, Site visit meeting of September 13, 2016 and the meeting of October 3, 2016, as circulated, be approved.

**MOTION CARRIED**

**BUSINESS ARISING** It was questioned when visits to the Fortis BC plant on Hayes Road and a visit to Cold Star will occur, these topics are being pursued by CVRD staff.

#### **DELEGATION**

**D1**  
**03-H-16RS**  
**Agent: Nures Kara**  
Mr. Nures Kara along with Marty Palkovsky were present representing Schnitzer Steel Canada Ltd. for Cassidy Sales and Service Ltd.  
A discussion with the Advisory Planning Commission was had. The APC was reminded while this area is deprived of water this operation sits on top of the aquifer which is a slow moving lake.

The agent indicated that Schnitzer Steel Canada Ltd. had been on site since 2011. Many questions were asked to the agent, such as the size of the concrete pads around the car crushing area, how large in total is the site actually in concrete as opposed to 'dirt', what onsite environmental controls have been implemented to protect the environment, what does the indoor storage of hazardous wastes consist of, is something being done regarding the bin that is outside of the fenced yard on the weekends.

The agent gave the APC a package explaining some of the concerns that were had. Not all questions were answered.

**It was moved and seconded that the advisory planning commission do a site visit. They will meet at the site, 13271 Simpson Road @4:30 pm, Friday March 10, 2017.**

**MOTION CARRIED**

Mr. Nures and Mr. Palkovsky will also be present.

## **NEW BUSINESS**

### **NB1. Election of Chairperson, Co-chairperson & Secretary for 2017**

Director Marcotte conducted these elections; After receiving nominations for each of the available positions on the Advisory Planning Commission; Mike Fall was nominated and has accepted, he will serve as Chairperson, Chris Gerrand was nominated and has accepted, he will serve as Co-Chairperson, Jan Tukham was nominated and has accepted, she will serve as Secretary.

### **NB2.**

### **DIRECTOR'S REPORT**

Director Marcotte reported that the CVRD will be having workshops for all commissions within the CVRD in the future. She also mentioned that she and Mike Tippett's office have been working on the Area H OCP. She reported that some topics have come up, such as fence height, boundary expansions etc. A proposal for a group home has been applied for there is nothing in our OCP to accommodate this type of home. The subject of policing has arisen - the town of Ladysmith would like the CVRD Area H to pay for this.

## **ADJOURNMENT**

**It was moved and seconded that the meeting be adjourned.**

**MOTION CARRIED**

The meeting adjourned at 9:00 p.m.

The next meeting to be held March 13, 2017

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Jan Tukham, Secretary



Site Visit Meeting was called to order 4:40 p.m. March 10, 2017

**PRESENT**

Chairperson: Mike Fall  
 Secretary: Jan Tukham  
 Allison Heikes  
 Cheryl Chapman

**ALSO PRESENT**

Marty Palkovsky  
 Bryan Graham  
 Yard safety officer

While walking the site several questions were asked to the Marty Palkovsky and Bryan Graham; Such as how often are the cars crushed?, what happens to the fuel from these autos, what happens to the cars and the loose tin, how long is your lease for?.

There is a weekly site cleanup. They ship the cars and tins when they have 40 tons. Ground water testing is done monthly. The lease is for either 20 or 25 years – not too sure.

It was decided that the questions and answers be further discussed regarding this application at the next regular Advisory Planning Commission meeting that will be held Monday, March 13, 2017.

**ADJOURNMENT**  
**5:30 p.m.**

That this site visit be adjourned

---

Jan Tukham, Secretary



Minutes of the regular Electoral Area H Advisory Planning Commission Meeting held on March 13, 2017, at 7:40 p.m., at the North Oyster Community Hall.

**PRESENT**

Mike Fall  
Jan Tukham  
Chris Gerrand  
Allison Heikes  
Cheryl Chapman

**ALSO PRESENT**

**ABSENT**

Director Marcotte, Assist. Director Daniels, Jody Shupe, Myfanwy Plecas

**APPROVAL OF AGENDA**

**It was moved and seconded that the agenda be approved.**

**MOTION CARRIED**

**ADOPTION OF MINUTES**

**M1**

**It was moved and seconded that the minutes from the Area H APC meeting of September 12, 2016, Site visit meeting of September 13, 2016 and the meeting of October 3, 2016, as circulated, be approved.**

**MOTION CARRIED**

**BUSINESS ARISING**

Rezoning application 03-H-16RS. Due to a very lengthy discussion;

**It was moved and seconded that this application for rezoning be tabled until we have an opportunity to reconvene.**

**MOTION CARRIED**

**NEW BUSINESS**

None.

**DIRECTOR'S REPORT**

None.

**ADJOURNMENT**

**It was moved and seconded that this meeting be adjourned.**

**MOTION CARRIED**

This meeting adjourned at 10:30 p.m.

\_\_\_\_\_  
Jan Tukham, Secretary







# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** March 27, 2017  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of April 5, 2017  
**FROM:** Development Services Division  
 Planning & Development Department  
**SUBJECT:** Development Variance Permit Application No. 01-D-16DVP  
 (4370 Kingscote Road)  
**FILE:** 01-D-16DVP

## PURPOSE/INTRODUCTION

The purpose of this report is to consider a Development Variance Permit application to reduce the side yard setback requirement for a newly constructed dwelling from 3 metres to 2.7 metres.

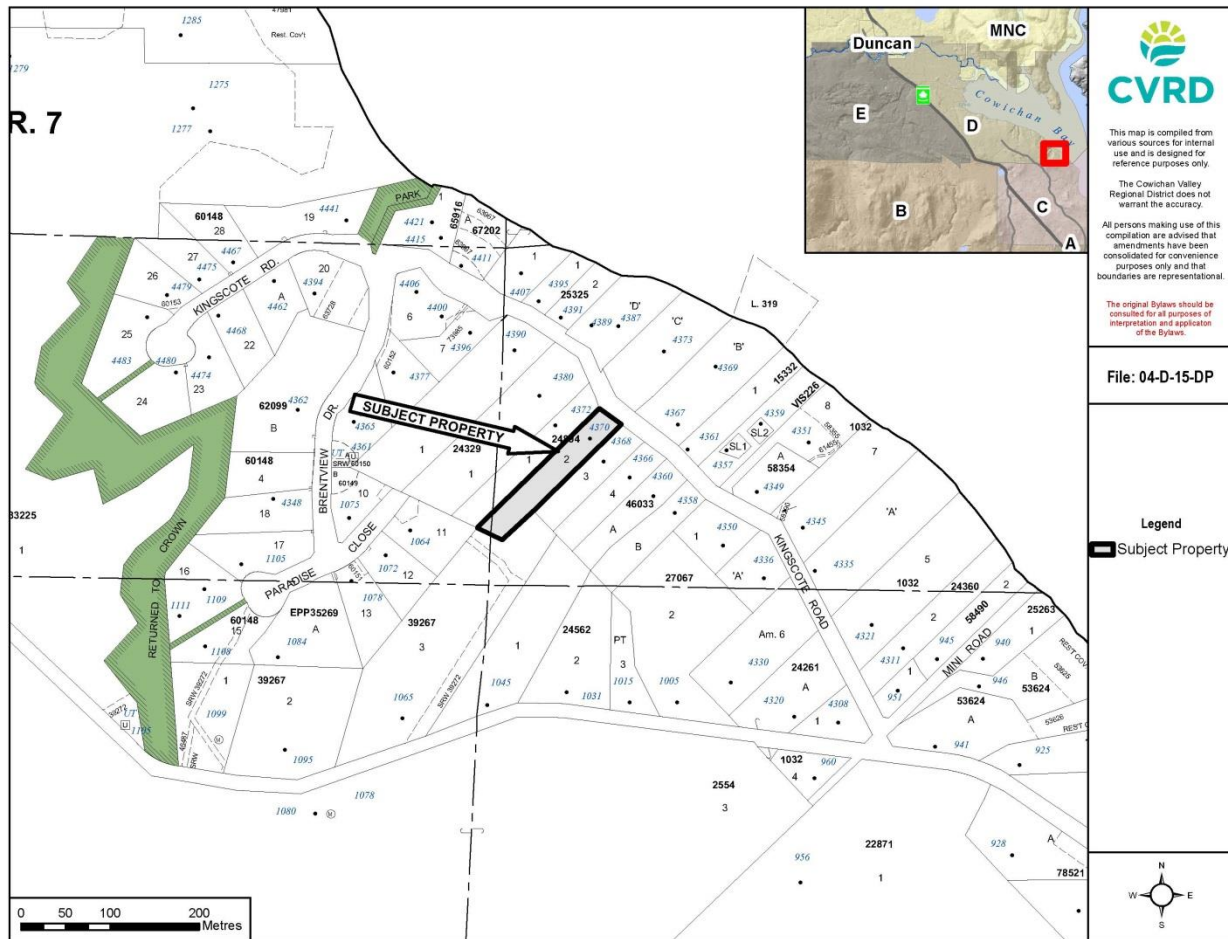
## RECOMMENDED RESOLUTION

That it be recommended to the Board that Development Variance Permit Application No. 01-D-16DVP (4370 Kingscote Road) be denied.

## BACKGROUND

<u>Location:</u>	4370 Kingscote Road
<u>Size of Parcel:</u>	0.55 hectare (1.35 acre)
<u>OCP Designation:</u>	Rural Residential
<u>Zoning:</u>	RR-1 (Rural Residential)
<u>Development Permit Area:</u>	Rural Character DPA Sensitive Lands DPA (Slopes > 15%)
<u>Use of Property:</u>	Residential
<u>Use of Surrounding Properties:</u>	North: Residential (RR-1) East: Residential (RR-1) South: Residential (RR-1) West: Residential (RR-1)
<u>Road Access:</u>	Kingscote Road
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	Septic
<u>Environmentally Sensitive Areas:</u>	No known areas
<u>Archaeological Site:</u>	None identified
<u>Wildfire Interface:</u>	High

**LOCATION MAP**



**APPLICATION SUMMARY**

A development variance permit application has been made to consider a relaxation to the side yard setback regulation for a newly constructed dwelling at 4370 Kingscote Road (see Attachment A). The applicant is seeking to vary the side yard setback from 3 metres (9.8 feet) to 2.7 metres (8.8 feet), as a portion of the dwelling was constructed in the setback (see Attachment B).

According to correspondence that was submitted as rationale for requesting the variance (see Attachment C), a sketch plan was prepared to provide “some approximate marks” of where the property lines are located on the subject property (see Attachment D). The purpose of the sketch plan was to aid with the construction of a driveway to the top of the property. As the Surveyor was unable to find a legal survey post at the north east corner of the property, an approximation was made on the location of the eastern side property line. Trees and existing fence posts were flagged near the side property boundary to provide a reference point on site.

**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

A letter to inform adjacent property owners of the variance request was sent on February 22, 2017. To date, two comments have been received in opposition to the variance request (see Attachment E).

**ZONING BYLAW REGULATIONS**

**Zoning**

For properties zoned RR-1, Section 5.1(4)(b) (Minimum Setbacks for Building and Structures) of Zoning Bylaw No. 3705, requires a 3 metre setback for all buildings and structures from the interior side property line (see Attachment F).

**PLANNING ANALYSIS**

**Zoning Bylaw - Variance Request**

To date, no documentation has been provided that confirm appropriate steps were taken to accurately mark the side property line, or to ensure the foundation of the dwelling was sited outside of the setback requirement prior to the laying of the foundation. It is the responsibility of the property owner to ensure compliance with the setback regulations when building new structures. In this case, it appears the necessary precautions were not taken to ensure the dwelling was situated correctly.

The encroachment into the side yard setback was not identified until the foundation was completed and a 'Surveyor's Certificate of Location of Dwelling' dated February 17, 2016 was provided by the Surveyor to Inspection staff.

Setbacks for buildings and structures are prescribed in Zoning Bylaws to serve several purpose including: ensuring the use of a property does not infringe on the rights of neighbours; maintaining light, air, separation for fire protection, and access for firefighting; and, providing privacy between neighbouring properties to name a few. As no rationale has been provided by the applicant for requiring a relaxation to the setback, and there is not apparent justification for the variance request other than the dwelling was sited in error, staff have no basis for supporting the application and recommend that it be denied (Option 1).

**OPTIONS**

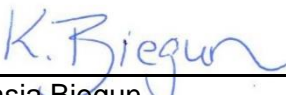
Option 1

That it be recommended to the Board that Development Variance Permit Application No. 01-D-16DVP (4370 Kingscote Road) be denied.

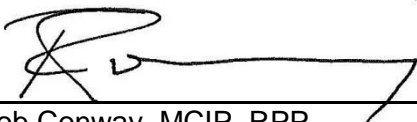
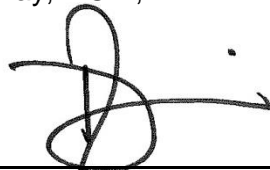
Option 2

That it be recommended to the Board that Development Permit Application No. 01-D-16 DVP (4370 Kingscote Road) be approved.

Prepared by:

  
\_\_\_\_\_  
Kasia Biegun  
Planner I

Reviewed by:

  
\_\_\_\_\_  
Rob Conway, MCIP, RPP  
Manager  
  
\_\_\_\_\_  
Ross Blackwell, MCIP, RPP, A. Ag.  
General Manager

**ATTACHMENTS:**

- Attachment A – Site Photo
- Attachment B – Site Plan
- Attachment C – Letter of Rationale
- Attachment D – Sketch Plan
- Attachment E – Public Comments
- Attachment F – RR-1 Zoning

25



02/17/2017 13:48

R1

# ATTACHMENT B

## ISLAND LAND SURVEYING LTD.

**B.C. LAND SURVEYOR'S CERTIFICATE  
OF LOCATION OF DWELLING ON  
LOT 2, SECTION 2, RANGES 7 & 8,  
COWICHAN DISTRICT, PLAN 24894.  
PID: 002-831-775**

*I have examined the dwelling under construction shown and hereby certify that the said structure is situate with respect to nearby boundaries as shown. This document is prepared for building inspection or mortgage purposes only and is for the exclusive use of our client. This document is not valid unless originally signed and sealed. This document shall not be used to define property lines or property corners. Unregistered interests have not been included or considered.*

Jason Kozina  
19BJFG

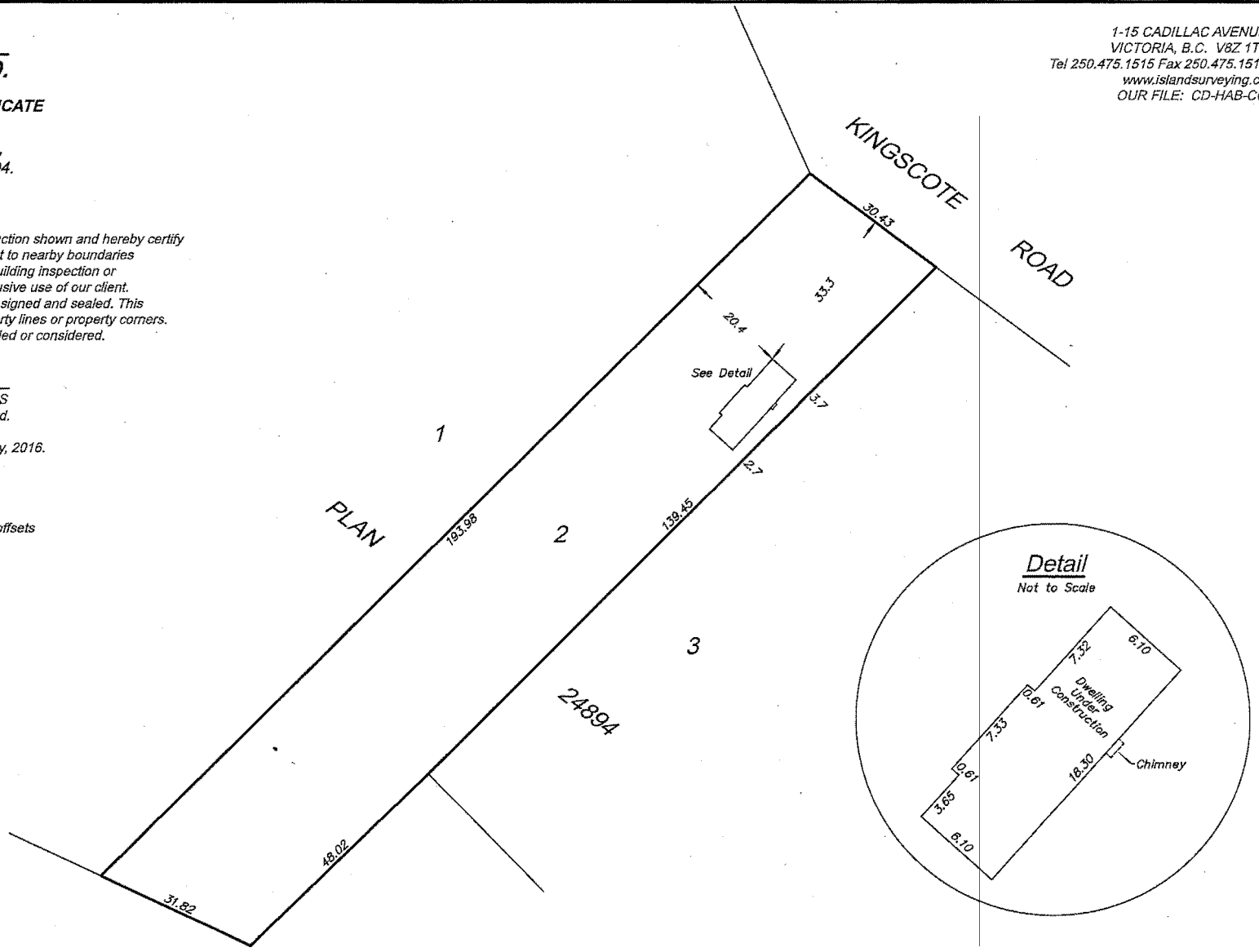
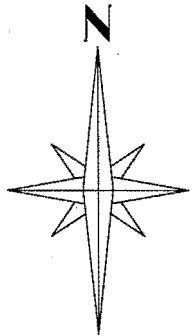
Digitally signed by Jason Kozina BCLS  
DN: cn=Jason Kozina BCLS,  
and email=jason@islandls.ca,  
www.islandlandsurveying.ca,  
c=Canada, ou=Island Land Surveying Ltd.

Jason C. Kozina, BCLS  
© 2016 Island Land Surveying Ltd.

Field survey dated this 17th day of February, 2016.

SCALE=1:750. All distances are in metres.

NOTE:  
A comprehensive legal survey may reveal offsets  
to boundaries that differ from those shown.



1-15 CADILLAC AVENUE  
VICTORIA, B.C. V8Z 1T3  
Tel 250.475.1515 Fax 250.475.1516  
www.islandsurveying.ca  
OUR FILE: CD-HAB-CO

Rachelle Rondeau

---

**From:** West Line Mechanical <westlinemechanical@outlook.com>  
**Sent:** Tuesday, July 05, 2016 9:41 AM  
**To:** Rachelle Rondeau  
**Subject:** Fwd: Kingscote - Lot 3  
**Attachments:** CD-HAB-CO.pdf; ATT00001.htm; cd-hab-pl2.pdf; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

**From:** Jason Kozina <jason@islandsurveying.ca>  
**Date:** June 30, 2016 at 2:43:19 PM PDT  
**To:** Tim at Habanero <westlinemechanical@outlook.com>  
**Subject:** Fwd: Fwd: Kingscote - Lot 3  
**Reply-To:** <jason@islandsurveying.ca>

----- Forwarded Message -----

**Subject:**Fwd: Kingscote - Lot 3  
**Date:**Mon, 22 Feb 2016 11:23:26 -0800  
**From:**Jason Kozina <islandsurveying@uniserve.com>  
**Reply-To:**jason@islandsurveying.ca  
**To:**Tim at Habanero <westlinemechanical@outlook.com>

----- Forwarded Message -----

**Subject:**Kingscote - Lot 3  
**Date:**Thu, 18 Feb 2016 11:50:35 -0800  
**From:**Jason Kozina <jason@islandsurveying.ca>  
**Reply-To:**jason@islandsurveying.ca  
**To:**Tim at Habanero <westlinemechanical@outlook.com>

Hello Tim,

I have attached the signed location certificate plan & a sketch plan that Craig Partridge asked us to prepare in April 2015.

In early 2015, Craig was trying to build a driveway to the top of the property. The field crew set some approximate marks between lot 1 & lot 2 for that purpose.

On the boundary between lots 2 & 3 (the boundary that the new house is close to), the field crew was not able to mark that property line as we did not find a legal survey post at the front north east corner of lot 2.

Due to the driveway construction and earth work that Craig wanted to do, Craig wanted to know if the fence and certain trees were on lot 2 or lot 3. The field crew surveyed some fence posts and trees near the boundary and tagged them with numbers so that when Craig was on site, he could refer to the sketch plan and know which tree or fence post he was at and whether we thought it was on Lot 2 or Lot 3. This was not a property line marking but a sketch plan showing the location of trees & fence posts near the boundary which were referenced with numbers on the plan and on site.

Please contact myself with anything further.

Jason Kozina, BCLS

**Island Land Surveying Ltd.**

T: 250.475.1515

F: 250.475.1516

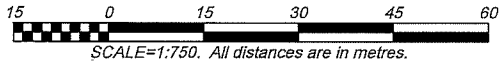
W: <http://islandsurveying.ca>

**CONFIDENTIALITY:**

The message is sent to the intended recipient only and may be privileged or confidential in nature. Note that pursuant to the laws of British Columbia and Canada, you are prohibited from using the content of the message or any of its attachments for any purposes unless you are an intended recipient of such. If you received this message in error, please delete it immediately and notify the sender. Thank you for your cooperation.



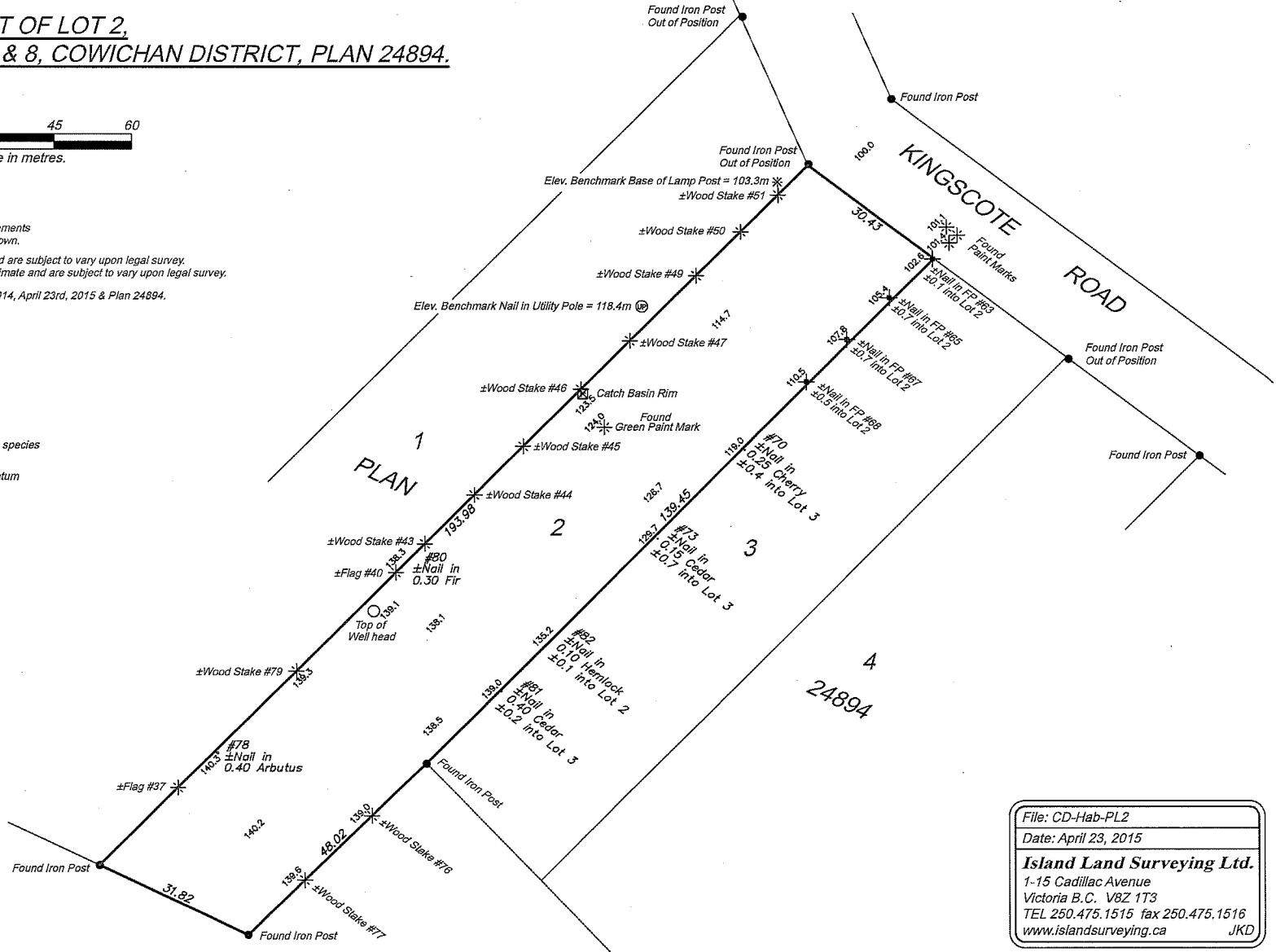
**SKETCH PLAN OF PART OF LOT 2,  
SECTION 2, RANGES 7 & 8, COWICHAN DISTRICT, PLAN 24894.**



**NOTE:**  
Existing structures, encumbrances, rights of way, easements or covenants upon the property, if any exist, are not shown.  
Lot dimensions shown are based upon Plan 24894 and are subject to vary upon legal survey.  
Dimensions & offsets to boundaries shown are approximate and are subject to vary upon legal survey.  
This plan is based on field surveys of Oct. 7th, 14th, 2014, April 23rd, 2015 & Plan 24894.

**LEGEND**

- Denotes Iron Post found
- \* Denotes approximate mark
- ⊕ Denotes utility pole
- ⊠ Denotes catch basin
- + Denotes fence post (FP)
- Denotes approximate tree trunk, diameter & species
- 0.10 Fir Denotes elevation based on an assumed datum



File: CD-Hab-PL2  
 Date: April 23, 2015  
**Island Land Surveying Ltd.**  
 1-15 Cadillac Avenue  
 Victoria B.C. V8Z 1T3  
 TEL 250.475.1515 fax 250.475.1516  
 www.islandsurveying.ca JKD

3 March 2017

Kasia Biegun, Planner I  
Development Services Division  
Planning & Development Department  
CVRD  
175 Ingram Street  
Duncan, BC V9L 1N8

Re: File No. 1-D-16DVP

Dear Kasia,

Thank you for the opportunity to respond to the above referenced request for variance. Sadly, the problem with the siting of the house is not an isolated issue, but comes in a long line of violations and substandard practice by the property owner who is a professional homebuilder and developer and as such should be accountable for knowing the code and adhering to it.

The theme in in this development is one of acting first, and finding out later if you are allowed to do what you did. The mistake in site placement may be small in measurement, but it is representative of this larger disregard for due diligence and care. The surveyor's e-mail indicates that Mr. Partridge chose to rely upon an "approximate sketch plan" rather than accurate survey markers in constructing the residence. If he chose to proceed without a proper survey, he could have at least left a slightly prudent margin for error of a foot or two, rather than trying to squeeze every inch out of the three meter side yard minimum requirement.

The developer initially planned to build two homes on the site, either ignorant of or ignoring water regulations that would actually allow him to accomplish this, and embarked on a multiyear process of massive excavation, mining the earth to use in his other projects. The site now requires huge concrete retaining walls to stabilize the hillside, and muddy runoff from the site repeatedly clogs the road's drainage system, with silt flowing onto neighboring properties including our own. It is an eyesore that reflects upon the neighborhood and devalues adjacent properties.

Bad development harms our environment and entire community. Even with the combined thought and experience that went into OCP, inevitably some developer will come along and test everyone's imagination for what can happen to a property and what can go wrong. This is why CVRD should not reward the applicant with a variance. It is easier to ask for forgiveness than permission—that's how bad developers work.

Sincerely,

Kelley Matthews  
4387 Kingscote Road  
Cowichan Bay, BC  
V0R 1N2

## Kasia Biegun

---

**From:** Christine Deptuch <deptuchs@shaw.ca>  
**Sent:** March-17-17 12:44 PM  
**To:** Kasia Biegun  
**Cc:** 'Christine Deptuch'  
**Subject:** Development Variance Permit application for 4370 Kingscote Road; File 1-D-16DVP  
**Attachments:** 01-D-DVP - Letterof Rationale.pdf; VIHA 4370 Kingscote.pdf

Good afternoon Kasia,

Thank you for your letter dated February 22, 2017 and your March 13, 2017 email reply regarding File 1-D-16DVP.

We would like to voice our concerns with regard to the Development Variance Permit application for 4370 Kingscote Road.

In 2015, during the planning and soil excavation removal stage of this project and prior to building forms being laid, we voiced our concerns to the foreman, Craig Partridge regarding:

- A protected native Dogwood tree that they removed on the side yard property line.
- Our side yard fence was damaged by the excavator (Grant) when excavating on the property line.

During the initial dwelling construction phase we also voiced our concerns to the foreman that we believed the structure was too close to our property line. The attached letter of rationale from owner Habanero Homes does not elude to this (01-D-DVP-Letter of Rationale). A surveyor could have been consulted to find the legal survey post ,which we believe does exist at the corner of the front north east corner of Lot 2.

In the course of the construction and completion of the 3-storey dwelling and top two-storey decks our entire view (waterscape and Genoa Bay) was removed from our house and from the side yard. Our privacy from within our house and within the front yard was also forfeited.

The average grade height for this dwelling has been recorded as 8.4 metres. South Cowichan Zoning Bylaw No. 3705 allows for a maximum height of 10 metres for a residential use dwelling. We are questioning if the average grade height location measurement for this 3-storey residential use dwelling could have changed due to the modifications to the soil/property levels around the dwelling over time.

The land and driveway levels have been re-worked numerous times since the start of excavation, dwelling construction and the ongoing modifications to the land on this property. Our view from our dwelling ground level is of 3 full stories; ½ storey below our ground level and ½ storey above our two floor west coast roof line.

The driveway landing at the front of the structure was built up and currently sits level with the top of our fence on the front side yard. Water from the driveway and landing are running off into our front side yard, which is beside the septic field for 4370 Kingscote, and we are concerned with this drainage.

We believe that the storm drain on the road side of the property line may have been damaged by the numerous trucks cutting over it to ascend the difficult driveway.

During our research and reply to your letter of February 22, 2017, we had concerns about our water protection. CVRD advised us to contact the Vancouver Island Health Authority (VIHA). We obtained sewer/well certification

documentation and attached are these documents ( VIHA 4370 Kingscote) which we believe ensure that the locations were within the regulated distance from our well.

There have been water and soil erosion issues associated with this project, affecting the residents of this neighbourhood since 2015. We understand that CVRD Electoral Area D Director Lori Iannidinardo attended the property several times because of the neighbourhood concerns.

Thank you for allowing us to voice our concerns in this process.

South Cowichan Zoning Bylaw No. 3705 regulation states a minimum setback of 3 metres for residential use dwellings. Our understanding is that setbacks of 3 metres are for the *safety, privacy, and environmental protection* of both property owners. We are very concerned if either property dwelling had a fire.

What recourse do we have as neighbouring property owners when opposing this type of variance?

If the CVRD decision is to grant this variance, we would hope for the following considerations to be made by the owner:

- For safety purposes, a fire-proof fence structure be built on the property line between our home and the current dwelling, to protect both property's structures in the case of a fire.
- For safety purposes, we have concerns with cars on the built up driveway landing possibly driving over the edge and into our property as there is no protection/wall to prevent this.
- To aid in privacy for both property owners, installation of Privacy screens on the second and third storey side decks on the subject property.
- For environmental friendliness, review and possible repair of the water drainage into our property as well as checking the municipal storm drain on the road side.

Please let us know if you have any questions.

Regards,

James and Christine Deptuch  
4368 Kingscote Road  
(250) 733-2330

Adjoining ALR	15 m	15 m	15 m	15 m
---------------	------	------	------	------

- (c) The maximum height of all buildings and structures is 10 m, except it is 7.5 m for accessory buildings and structures;

**5. Special Regulations**

- (a) The approval of the ALC is required unless the use is permitted under the *ALC Act* or the parcel is subject to Section 23(1) of the *ALC Act*;
- (b) In addition to the permitted uses listed in Subsection 1, medical marihuana processing is a permitted use on Lot 3, Section 13, Range 7, Quamichan District, Plan VIP 64002.

**Part 5 Residential Zones**

**5.1 RR1 – Rural Residential 1 Zone**

Subject to compliance with **Part 2** of this bylaw, the following regulations apply in the **RR1** zone:

**1. Permitted Uses**

The following principal uses and no others are permitted:

- (a) Single detached dwelling;
- (b) Limited agriculture;

The following accessory uses and no others are permitted:

- (c) Accessory dwelling or Secondary suite;
- (d) Bed and breakfast;
- (e) Day care;
- (f) Equestrian centre;
- (g) Farm Stand;
- (h) Group day care;
- (i) Home-based business;
- (j) Kennel.

**2. Density**

Residential use is limited to one single detached dwelling and one secondary suite per parcel, or one single detached dwelling and one accessory dwelling per parcel.

**3. Subdivision Regulation**

The minimum parcel area for the purpose of subdivision is 1 ha.

**4. Development Regulations**

- (a) Parcel coverage shall not exceed 20% or 500 m<sup>2</sup>, whichever is less, for all buildings and structures;
- (b) The following minimum setbacks for buildings and structures apply:

Type of Parcel Line	Principal Residential Use	Accessory Residential Use	Limited Agriculture	Kennel Use
Front	7.5 m	7.5 m	15 m	45 m
Interior Side	3 m	3 m	15 m	45 m
Exterior Side	4.5 m	4.5 m	15 m	45 m
Rear	4.5 m	4.5 m	15 m	45 m
Adjoining ALR	30 m	30 m	15 m	45 m

- (c) The maximum height of all buildings and structures is 10 m, except it is 7.5 m for accessory buildings and structures.

## 5.2 RR2 – Rural Residential 2 Zone

Subject to compliance with **Part 2** of this bylaw, the following regulations apply in the **RR2** zone:

### 1. Permitted Uses

The following principal uses and no others are permitted:

- (a) Single detached dwelling;

The following accessory uses and no others are permitted:

- (b) Limited agriculture;  
 (c) Accessory dwelling or Secondary suite;  
 (d) Backyard hen keeping;  
 (e) Bed and breakfast;  
 (f) Day care;  
 (g) Farm stand;  
 (h) Group day care;  
 (i) Home-based business.

### 2. Density

Residential use is limited to one single detached dwelling and one secondary suite per parcel, or one single detached dwelling and one accessory dwelling per parcel.

### 3. Subdivision Regulation

The minimum parcel area for the purpose of subdivision is:

- (a) 1 ha for parcels not serviced by a community water system;  
 (b) 0.4 ha for parcels that are serviced by a community water system.

### 4. Development Regulations

- (a) Parcel coverage shall not exceed 20% or 500 m<sup>2</sup>, whichever is less, for all buildings and structures;  
 (b) The following minimum setbacks for buildings and structures apply:

Type of Parcel Line	Principal Residential Use	Accessory Residential Use	Limited Agriculture
Front	7.5 m	7.5 m	15 m
Interior Side	3 m	3 m	15 m
Exterior Side	4.5 m	4.5 m	15 m
Rear	4.5 m	4.5 m	15 m
Adjoining ALR	30 m	30 m	15 m

- (c) The maximum height of all buildings and structures is 10 m, except it is 7.5 m for accessory buildings and structures;



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** March 21, 2017  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of April 5, 2017  
**FROM:** Water Management Division  
 Engineering Services Department  
**SUBJECT:** Arbutus Ridge Sewer Management Bylaw Amendment  
**FILE:** 0540-20-EAS

## PURPOSE/INTRODUCTION

The purpose of this report is to amend the Arbutus Ridge Sewer system management bylaw.

## RECOMMENDED RESOLUTION

That CVRD Bylaw No. 4111 Arbutus Ridge Sewer System Management Bylaw, 2017 be forwarded to the Board for consideration of three readings and adoption.

## BACKGROUND

In 2015, it was determined that the Arbutus Ridge sewer system was failing and a major infrastructure upgrade was required. In 2016, the upgrade project was included in the initial budget complete with debt servicing costs of approximately \$18,500. The Strata Board of Trustees requested that the budget be amended to exclude the borrowing costs, as the project would not be completed in 2016. The Budget was amended, but the bylaw was not, and inadvertently the debt costs were charged in 2016. There is now an outstanding balance of \$18,540.20 against the customers. In order to correct this oversight, the management bylaw is now proposed to be amended for the second billing period of 2017.

## ANALYSIS

The Arbutus Ridge Sewer System user fee will decrease by \$27.72 per home (from \$200.30 to \$172.60) for one billing period. The golf course which pays 3.5% of costs will have a one-time reduction of \$648.90.

The bylaw will have to be amended again for the year in which the borrowing is expected to take place.

## FINANCIAL CONSIDERATIONS

Arbutus Ridge Sewer System: User fee decrease from \$200.30 to \$172.60 per single family home and golf course user fee decrease of \$648.90 for one billing period.

## COMMUNICATION CONSIDERATIONS

Liaise with the Strata Board of Trustees.

## STRATEGIC/BUSINESS PLAN CONSIDERATIONS

Addressed the Regional Strategic Focus Area #3 Sound Fiscal Management.

Referred to (upon completion):

- Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology*)

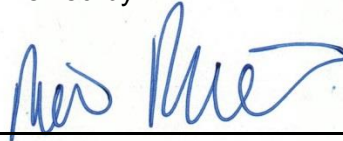
- Engineering Services (*Environmental Services, Recycling & Waste Management, Water Management*)
- Planning & Development Services (*Community & Regional Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

Prepared by:



\_\_\_\_\_  
Louise Knodel-Joy  
Senior Engineering Technologist

Reviewed by:



\_\_\_\_\_  
Brian Dennison, P. Eng.  
Manager



\_\_\_\_\_  
Hamid Hatami, P. Eng.  
General Manager

**ATTACHMENTS:**

Attachment A – CVRD Bylaw No 4111 – Arbutus Ridge Sewer System Management Amendment Bylaw, 2017





## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4111

#### A Bylaw to Amend the Arbutus Ridge Sewer System Management Bylaw No. 3306

**WHEREAS** the Board of the Cowichan Valley Regional District established the management of the Arbutus Ridge Sewer System pursuant to "CVRD Bylaw No. 3306, cited as "CVRD Bylaw No. 3306 – Arbutus Ridge Sewer System Management Bylaw, 2009";

**AND WHEREAS** the Board of the Cowichan Valley Regional District deems it desirable to update the language and revise Schedule B of the bylaw.

**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. 4111 - Arbutus Ridge Sewer System Management Amendment Bylaw, 2017**".

2. **AMENDMENT**

That CVRD Bylaw No. 3306 be amended by deleting Schedule B and replacing it with the Schedule B attached to and forming part of this bylaw.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chairperson

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



## SCHEDULE B

### TO CVRD BYLAW NO. 3306

#### **SEWER SERVICE CHARGES**

Minimum Sewer Classification Charge per Six (6) month billing period

<b><u>CLASSIFICATION</u></b>	<b><u>CHARGE</u></b>
<b>Single Family Dwelling:</b> per dwelling	\$ 172.60
<b>STEP System:</b> per dwelling	146.71
<b>Apartment:</b> per unit	146.71
<b>Mobile Home Park:</b> per unit	172.60
<b>RV Trailer Park/Campground:</b>	
a) <u>site connected to sewer:</u> per serviced pad or site	86.30
b) <u>site not connected to sewer:</u> per pad or site	17.26
<b>Hotel/Motel:</b>	
a) <u>room or suite:</u> per room or suite	69.04
b) <u>kitchenette or housekeeping unit (per room or suite)</u>	103.56
<b>Restaurants:</b> per seat:	10.36
<b>Licensed Premises:</b> per seat:	17.26
<b>Laundromat:</b> minimum charge for each washing machine:	172.60
<b>Commercial:</b>	
Minimum charge for each 10 employees or portion thereof per shift	172.60
Each additional 5 employees or portion thereof per shift	86.30
<b>School:</b> minimum charge per classroom	172.60
<b>Continuing Care Facility:</b> minimum charge for each bed	129.45
<b>Bed &amp; Breakfast/Rooming House:</b> The minimum charge for such a facility shall include the minimum charge for a single family dwelling unit, plus a minimum charge for each and every guestroom.	
a) single Family Dwelling:	172.60
b) per guest room	69.04
<b>Golf Course:</b> Based on 3.5% of total sewer system operating budget.	3945.00
<b>Other</b> A minimum of 1 unit will be applied to each connection if the above calculation yields less than one, where calculation yields an uneven number round to the higher whole number	

**Single Family Dwelling:**

Applies to any connection servicing a single segregated self-contained residential dwelling used for, or intended for the domestic use of one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities including, but not limited to a townhouse, semi-detached, residential home, duplex and a cabin.

**Septic Tank Effluent Pumping (STEP):**

Applies to a connection that pumps grey water and retains solids in a holding tank. The rate is calculated at 85% of the Single-family Dwelling rate to offset the cost of septic tank pump-outs (typically a maximum of every 5 years).

**Apartment:**

Applies to any connection servicing a multiple occupancy residential building(s) with self-contained and segregated units consisting of two or more rooms used for, or intended for the domestic use by one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities.

**Mobile Home Park:**

Applies to a connection servicing land used or occupied for the purposes of providing space for the accommodation of mobile homes either on a rental or ownership basis. A mobile home means any structure containing one dwelling whether ordinarily equipped with wheels, or not, that is designated, constructed or manufactured to be moved from one place to another by being towed, or carried, but not including travel trailers, campers, or other vehicles exempt from the provisions of the Mobile Home Act.

**RV Trailer Park/Campground:**

Applies to any connection servicing land used, temporarily occupied for the purpose of providing space for the accommodation of recreational vehicles or recreational structures. A recreational vehicle or recreational structure means a vehicle, trailer, coach, tents, structure, or conveyance designed to travel, or be transported on a highway and constructed and equipped to be used as temporary living or sleeping quarters for travelers.

Where individual spaces for the above accommodations are connected directly to a **Sanitary Sewer** disposal system, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Where individual spaces or sites are not serviced directly by an individual and/or separate **Sanitary Sewer** disposal system, but have the use of common or centrally located sanitary facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

**Hotel/Motel:**

Applies to any connection servicing a building or structure that contains sleeping units for the overnight accommodation of transient paying guests. Auxiliary assembly, commerce, entertainment, or restaurant uses as well as areas licensed to service alcoholic beverages and staff accommodation shall pay the charges according to the classification set forth in the applicable schedule(s).

Where units contain cooking facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per housekeeping or kitchenette unit.

Where units contain sleeping and sanitary facilities only, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per room or suite.

**Restaurant:**

Applies to any connection servicing a building or structure, or segregated self-contained unit used for, or intended to be used for, the commercial sale of refreshments, prepared or assembled food, and/or meals together with non-alcoholic beverages for sale to the public.

**Licensed Premises:**

Applies to the connection servicing a licensed beverage establishment as governed by the Liquor Licensing Board of British Columbia, and includes, but is not limited to pubs, restaurants, eateries, lounges, cafeterias and private clubs where alcoholic beverages are served.

**Laundromat:**

Applies to a connection servicing a building, self-contained unit, or separately owned business entity where washing machines are available for public use for a fee or charge.

**Commercial:**

Applies to a connection servicing a complex, facility, or parcel of land used to manufacture, sell, repair goods, or provide a service including, but not limited to retail stores, offices, convenience store, service establishment, and light industrial.

**School:**

Applies to a connection servicing an institution of learning, or teaching facility, as defined by the School Act.

**Continuing Care Facility:**

Applies to a connection servicing a multiple occupancy complex providing long-term care, and living accommodations that include residents requiring full-time professional care, including living, sleeping, cooking, and sanitary facilities, but not including an acute care facility.

**Bed & Breakfast:**

Applies to any connection servicing a single family dwelling, with an accessory use for overnight accommodation for transient paying guests in which breakfast is the only meal served.

**Rooming House:**

Applies to any connection servicing a single family dwelling with an accessory use of rooms for rent by individuals for living and sleeping, but with common cooking and sanitary facilities shared by the occupants.

**Other:**

The volume of discharge to be apportioned for other types of developments that do not fall within the above classifications. Single-family residential equivalents shall be calculated at 1.18 m<sup>3</sup> (259 lgal.) per day metered for calculated flow, rounded to the higher whole number.



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** March 15, 2017  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of April 5, 2017  
**FROM:** Water Management Division  
 Engineering Services Department  
**SUBJECT:** Cowichan Bay Sewer Inclusion Request – 4401 Telegraph Road  
**FILE:** 0540-20-EAS/05

## PURPOSE/INTRODUCTION

The purpose of this report is to advise of a request for inclusion into the Cowichan Bay Sewer System service area.

## RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That the Certificate of Sufficiency confirming that a sufficient petition requesting inclusion into the Cowichan Bay Sewer System Service Area be received.
2. That CVRD Bylaw No. 2128 – Cowichan Bay Sewer System Service Establishment Bylaw, 2000, be amended to include the property described as PID 029-865-310.

## BACKGROUND

In the attached email, the owners of the above-noted property located at 4401 Telegraph Road have requested inclusion in the Cowichan Bay Sewer System. The property is described as PID 029-865-310, Lot A, Section 2 & 3, Range 5, Cowichan Land District, Plan EPP62069.

## ANALYSIS

In the Cowichan Bay Community Sewer Servicing Policy, sewer capacity was to be allocated in the following order:

- a. first, to properties located within the existing Cowichan Bay Community Sewer Service Area;
- b. second, to properties located within the Cowichan Bay Village Containment boundary and identified as having sewer service potential after June 1, 2016;
- c. third, to properties located within the Rural Village Containment boundary and identified as having sewer service potential after June 1, 2017;
- d. fourth, to properties located outside Village and Rural Village Containment boundaries and identified as having sewer service potential after June 1, 2018; and
- e. last, to properties located outside Village and Rural Village Containment boundaries not identified as having sewer service potential (in this case, an Official Community Plan amendment will be required to adjust Schedule C-4) after June 1, 2019.

The Planning Department advises that this property is in “Rural Village Containment” area and is identified as having “sewer service potential” in the Area D OCP. It therefore qualifies under section 1(c) of the Cowichan Bay Community Sewer Servicing Policy, but not until June 1, 2017.

**FINANCIAL CONSIDERATIONS**

For properties located outside of the water service area, the Cowichan Valley Regional District has the discretion to charge any appropriate connection fee as there are no bylaws in place to dictate them. For Cowichan Bay, staff is suggesting a Capital Connection Fee of \$5,600 for each lot.

Each new user brought into the water service area will generate annual user fees in the amount of \$302 parcel tax and \$260 in user fees per year.

**COMMUNICATION CONSIDERATIONS**

The amendment bylaw requires the approval of the service area voters before it can be adopted. In cases where a sufficient petition for service has been received, voter approval may be obtained by the Electoral Area Director consenting, in writing, to the adoption of the bylaw. The Engineering Services Department is responsible for the operation and administration of this service. A valid and sufficient Petition for Service has been received. The Certificate of Sufficiency and a site plan are attached for consideration.

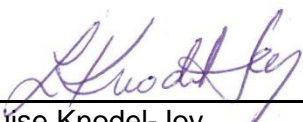
**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

The Corporate Strategic Plan includes an objective to achieve compact, mixed communities. Coordination of water, sewer, and other infrastructure is the strategic action identified to promote compact, mixed-use communities. The recommended resolution provides a reliable essential service.

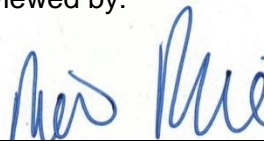
Referred to (upon completion):

- Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology*)
- Engineering Services (*Environmental Services, Recycling & Waste Management, Water Management*)
- Planning & Development Services (*Community & Regional Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

Prepared by:

  
\_\_\_\_\_  
Louise Knodel-Joy  
Senior Engineering Technologist

Reviewed by:

  
\_\_\_\_\_  
Brian Dennison, P. Eng.  
Manager

  
\_\_\_\_\_  
Hamid Hatami, P. Eng.  
General Manager

**ATTACHMENTS:**

Attachment A – Request and Site Plan  
Attachment B – Certificate of Sufficiency

**From:** Allison and Joel Croswell [<mailto:ajcroswell@gmail.com>]  
**Sent:** January-03-17 1:59 PM  
**To:** Brian Dennison  
**Subject:** Inclusion to the Cowichan Bay sewer service area

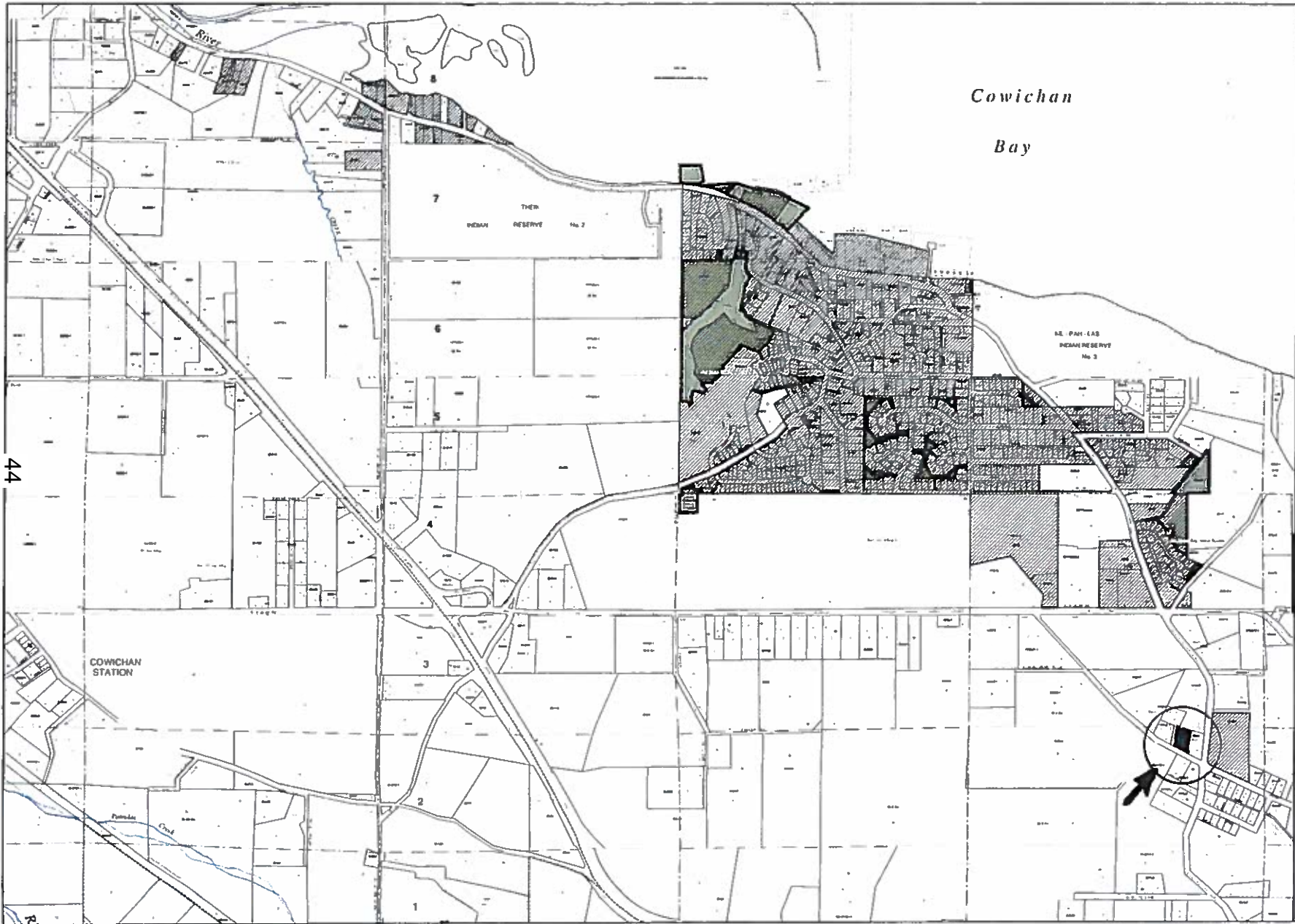
Hi Brian,

We are currently building a house on 4401 Telegraph Road and would like to apply for inclusion to the Cowichan Bay sewer system.

I was in at the CVRD today and was told that the application process would include a fee of \$5,600 to be paid if we are accepted, and also a price per meter for the line to be run to our lot, which is around a 72 meter run from the current location of the sewer system on the corner of Telegraph and Cowichan Bay Road at Bench Elementary.

Please let me know if there is anything else that we need to do from our end. Also is it possible to have an estimate done on how much per meter it would actually cost if we were accepted?  
Thank you for your help.

Joel Croswell  
[ajcroswell@gmail.com](mailto:ajcroswell@gmail.com)  
250 710 6730



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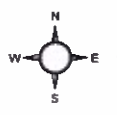
Cowichan  
Bay



This map is compiled from various sources for general use and is designed for reference purposes only. The Regional District does not warrant the accuracy. All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

Printed: February 20, 2017



Scale: 1:11,887





CERTIFICATE OF SUFFICIENCY

I hereby certify that the petition for inclusion in the Cowichan Bay Sewer System Service Area within a portion of Electoral Area D – Cowichan Bay is sufficient, pursuant to section 797.4 of the Local Government Act.

DATED at Duncan, British Columbia )  
this 22<sup>nd</sup> day of March, 2017 )

Kathleen Harrison, Deputy Corporate Secretary

Cowichan Bay Sewer System Service Area

Total Number of Parcels requesting inclusion in Service Area:	1
Net Taxable Value of All Land and Improvements of Parcels requesting inclusion in the Service Area: (PID 029-865-310)	\$209,000
Number of Petitions received:	1
Net Taxable Value of Petitions received (Land and Improvements):	\$209,000





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** March 27, 2017  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of April 5, 2017  
**FROM:** Inspection & Enforcement Division  
 Planning & Development Department  
**SUBJECT:** Building Bylaw  
**FILE:**

---

## PURPOSE/INTRODUCTION

The purpose of this report is to bring forward for consideration proposed administrative amendments to be included in the Building Bylaw.

## RECOMMENDED RESOLUTION

That the Draft Building Regulation Amendment Bylaw be forwarded to the Board for consideration of 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Readings.

## BACKGROUND

CVRD Building Bylaw No. 3422 needs to be modernised to better respond to the issues faced in the community.

These include:

- Additional provision for requesting engineers reports when required, for site plans, elevations, storm water and site drainage works.
- Provision for portable containers.
- Additional fees and penalties for infractions against the bylaw, proceeding without inspection or permit and repeat infractions.

## ANALYSIS

Implementation of the amendments would tailor regulatory powers to better address current issues, provide the ability to request certified reports and address historic issues in regards to Building regulation within all CVRD electoral areas.

These include:

- Ability to request engineers reports when required;
- Detailed site plans when required;
- Siting permits for portable containers;
- Double permit fees for work completed without permit; and
- Fines for offences against the bylaw.

Legal opinion has been sought and recommendations included.

## FINANCIAL CONSIDERATIONS

Revenue would be generated through permit fees and penalties. Any additional requirements for engineers reports would be at the expense of the owner / builder.

**COMMUNICATION CONSIDERATIONS**

The roll out of these proposed amendments will be communicated through the building forum, CVRD website and other media. Staff will be co-ordinating this internally and collaboratively with communications staff. These amendments are deemed necessary and immediate by the Inspections & Enforcement Division and would not be suitable for Stakeholder meetings.

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

Please see attached the proposed amendments to be included in the Building Bylaw.

Attachment B – Draft Building Regulation Amendment Bylaw

Referred to (upon completion):

- Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology*)
- Engineering Services (*Environmental Services, Capital Projects, Water Management, Recycling & Waste Management*)
- Planning & Development Services (*Community & Regional Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

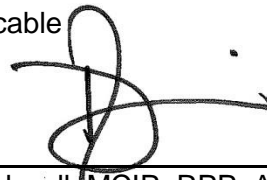
Prepared by:

Reviewed by:



Robert Blackmore, BSc., MSc.  
Manager

Not Applicable  
Not Applicable



Ross Blackwell, MCIP, RPP, A.Ag.  
General Manager

**ATTACHMENTS:**

- Attachment A – Draft Building Regulation Amendment Bylaw
- Attachment B – Draft Building Bylaw – With Highlight Amendments



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. XXXXX**

**A Bylaw to Amend Building Regulation Bylaw No. 3422**

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**WHEREAS** the Board of the Cowichan Valley Regional District has adopted a Building Regulation Bylaw for the Electoral Areas of the Regional District, cited as "CVRD Bylaw No. 3422 – Building Regulation Bylaw, 2011", as amended;

**AND WHEREAS** the Board deems it desirable to update the Building Bylaw to better respond to issues within the community;

**NOW THEREFORE** the Board 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. XXXX – Building Regulation Amendment Bylaw (Descriptor), 2017**".

2. **AMENDMENTS**

That "CVRD Bylaw No. 3422 – Building Regulation Bylaw, 2011" be amended as follows:

1. That the number "694(1)" in the first paragraph of the preamble be deleted and replaced with the number "298(1)".
2. That the following definition be inserted between "Permit" and "Registered Professional" in Section 1.3.2 – Definitions:

**"Portable container"** means a non-combustible, portable unit used for the storage or transporting of goods, and includes cargo containers, but specifically excludes dumpsters and recycling receptacles.

3. That Section 2.3.4 – Applications, subsections (d), (e), (f), (g), (h) and (i) be deleted and replaced with the following:

"(d)include a site plan prepared and certified by a British Columbia Land Surveyor, including all matters listed in sub-section (c), where the Building Official considers that the site conditions, size or complexity of the development or an aspect of the development warrants;

.../2

- (e) include floor plans showing:
    - (i) the dimensions and uses of all areas;
    - (ii) the dimensions and height of crawl and roof spaces;
    - (iii) the location, size and swing of doors;
    - (iv) the location, size and opening of windows;
    - (v) floor, wall, and ceiling finishes;
    - (vi) plumbing fixtures; structural elements; and
    - (vii) stair dimensions.
  - (f) include a cross-section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems and include a cross-section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
  - (g) include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, finished grade and building height;
  - (h) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the *Building Code*;
  - (i) include site servicing drawings including all required storm water and site drainage works and facilities;
  - (j) include copies of approvals required under any enactment relating to health or safety, including, without limitation, Sewage Disposal Permits, Highway Access Permits and Ministry of Health approval; and
  - (k) include any other information required by the Building Official or the *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the building or structure."
4. That the words "or portable container" be inserted between the words "building" and "must" in the first paragraph of Section 2.3.7 – Siting Permit; and between the words "building" and "will" in the first line of Section 2.3.7 – Siting Permit, subsection (b).
  5. That Schedule A of Section 2.4 – Permit Fees be deleted and replaced with the Schedule A attached to this bylaw.
  6. That subsection (1) be included in Section 2.4.1 – Permit Fees as follows:
 

"(1) Where any Work for which a Permit is required is commenced prior to the issuance of a Permit the applicable Permit fee will be doubled in accordance with Schedule A."
  7. That "Section 2.4.6 – Work be included" be inserted after Section 2.4.5 – Expired Permit as follows:

**"2.4.6 Work Completed Without a Permit**

The permit fee for work completed, prior to the obtaining of building permit being issued, will be double that of the regular fee as prescribed and calculated in accordance with Schedule A attached to this Bylaw, must be paid in full prior to the issuance of a Permit under this Bylaw."

- 8. That Section 2.5 – Conditions of a Permit be amended by including:  
 "(e) the proposed work substantially conforms to the *Building Code*, this Bylaw, the conditions of any applicable development permit, and all other applicable Bylaws and enactments; and", after the current subsection (d); and renumbering the current subsection (e) to (f).
  
- 9. That Section 4.1 – Penalties and Enforcement be amended by deleting subsections 4.1.1 (3) and 4.1.1(4) and replacing them with the following:  
  - "(3) A person, contractor or owner, who commences work requiring a permit without first obtaining such a permit shall pay double the required permit fee prior to obtaining the required Building Permit.
  - (4) A Building Permit may be withheld or a stop work order issued by a Building Official, until certified professional documents, including site plans, report or letters of assurance, that are required by this Bylaw have been provided to the satisfaction of the Building Inspector."
  
- 10. That Section 4.1.2 – Offences, be amended by including the following after subsection (2):  
  - "(3) A person, contractor or owner who continues performing work once a stop work order has been issued, other than to address what has been specified, commits an offence.
  - (4) A person, contractor or owner who proceeds without a required building inspection, commits an offence.
  - (5) A person, contractor or owner who repeatedly commits infractions against this bylaw or the *Building Code* commits an offence.

In accordance to Schedule 2 of the Ticket Information Authorization Bylaw No. 3209

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.  
 READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.  
 READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2017.  
 ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
 Chairperson

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



**SCHEDULE A TO CVRD  
Building Regulation Amendment Bylaw No. XXXX, 2017**

**Permit and Service Fees**

<b>CONSTRUCTION VALUE SCHEDULE</b>	
	<b>VALUE (\$) (per square foot)</b>
Main floor with full basement	150.00
Main floor with crawlspace	120.00
Main floor slab on grade	120.00
Second floor	70.00
Garage	40.00
Accessory building	25.00
Carport	20.00
Deck	20.00
Basement	50.00

**BUILDING PERMIT FEES**

Minimum fee.....	\$55
All new construction* .....	1% of value
	*minimum fee \$55
Renovations/Commercial .....	Contract Price
Manufactured/mobile homes and relocated buildings* .....	1% of value
Value calculated at \$75/sq ft	
(*Note: does not include garages, sundecks or service connections)	

**PLUMBING PERMIT FEE**

Each Plumbing Fixture .....	\$18
-----------------------------	------

**SEWER AND WATER INSPECTION FEE**

Storm Sewer .....	\$30
Sanitary Sewer Inspection .....	\$30
Water Service Connection .....	\$30

**PERMIT FEE TO WRECK OR DEMOLISH A BUILDING**

If structure has a floor area of 37.2m <sup>2</sup> (400 sq ft) or less .....	\$25
If structure is larger than 37.2m <sup>2</sup> (400 sq ft) .....	\$50
If structure is 186.0m <sup>2</sup> (2,000 sq ft) in floor area or larger .....	\$100

**RE-INSPECTION FEE**

For building or plumbing inspections required as a result of a call back where work was incomplete or improperly done .....	\$50
---	------

**OTHER FEES**

Sprinkler Systems .....	Contract Price
Siting Permit (Agricultural Buildings).....	\$55
Campsite Developments .....	\$50/site
Occupant Load Document .....	\$100
Manufactured Home Parks .....	\$50/site



**WORK COMMENCED WITHOUT A BUILDING PERMIT**

If work is commenced prior to a building permit being issued.....Double Permit Fee

**OFFENCES COMMITTED UNDER THIS BYLAW**

Addressed In accordance to Schedule 2 of the Ticket Information Authorization Bylaw No. 3209



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. XXXX

#### A Bylaw to Adopt New Building Regulations in Electoral Areas of the Cowichan Valley Regional District

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**WHEREAS** Section 298 (1) of the *Local Government Act* authorizes the Cowichan Valley Regional District for the health, safety and protection of persons and property to regulate the construction, alteration, repair, and demolition of buildings and structures by bylaw;

**AND WHEREAS** the Province of British Columbia has adopted a *Building Code* to govern standards with respect to the construction, alteration, repair and demolition of buildings in municipalities and regional districts in the Province;

**AND WHEREAS** it is deemed necessary to provide for the administration of the *Building Code*:

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

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#### **PART 1** **INTERPRETATION**

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##### **1.1 CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. XXXX – Building Regulation Bylaw, 2017**".

##### **1.2 APPLICATION OF BYLAW**

###### **1.2.1 Electoral Areas**

The provisions of this bylaw shall apply in all Electoral Areas of the Cowichan Valley Regional District.

###### **1.2.2 Applicable Work and Activities**

The provisions of this Bylaw apply to the:

- (1) design and construction of new buildings or structures;
- (2) alteration, reconstruction, demolition, deconstruction, removal and relocation of existing buildings and structures; and
- (3) change in class of occupancy of existing buildings and structures.

###### **1.2.3 Exemptions**

This Bylaw does not apply to buildings or structures exempted by Part 1 of Division A of the *Building Code* except as expressly provided herein.

### 1.2.4 Application of Other Legislation

Nothing contained in this Bylaw relieves any person from complying with all other applicable legislation or enactments respecting health, safety and the protection of persons and property.

## 1.3 DEFINITIONS

### 1.3.1 Non-defined Terms

- (1) The definitions in the *Building Code* apply to words and phrases in this Bylaw, unless they are defined otherwise in this Bylaw.
- (2) If words or phrases used in this bylaw are not specifically defined in Section 1.3.2 herein or in the *Building Code*, *Community Charter*, *Interpretation Act* or *Local Government Act*, they have the meaning in the context of this Bylaw
  - (a) that is consistent with the use to which a trade or profession affected by this Bylaw applies the word or phrase, or
  - (b) if not used by a trade or profession, their ordinary meaning.

### 1.3.2 Definitions

In this Bylaw:

**“Accessory Building”** means a building or structure, the use or intended use of which is customarily incidental and exclusively devoted to the principal use.

**“Board”** means the Cowichan Valley Regional District’s Board of Directors.

**“Building”** means any structure used or intended for supporting or sheltering any use or occupancy.

**“Building Code”** means the regulation establishing the *British Columbia Building Code* made by the Minister pursuant to Section 692 (1) of the *Local Government Act*.

**“Building Official”** means a person authorized under this bylaw to administer this bylaw.

**“Community Sewer System”** means system of sewage collection and disposal operated by a regional district, municipality or improvement district.

**“CVRD”** means the Cowichan Valley Regional District.

**“Farm Building”** means a detached building which

- (a) does not contain a residential occupancy and is:
  - (i) associated with and located on land dedicated to farming, and
  - (ii) used essentially for housing equipment or livestock, or production, storage or processing of agricultural and horticultural produce or feed.
- (b) is a stand-alone barn, agricultural storage facility, greenhouse or silo located on land dedicated to farming; and
- (c) does not include covered riding arenas or structures which may be used for assembly occupancies.

“**Health and Safety Aspects of the Work**” means design and construction regulated by Parts 3, 4, and 9 of Division B of the *Building Code*.

“**Infrastructure**” means storm, water and sewer systems.

“**Occupancy**” means the Classification of Buildings or Parts of Buildings by Major Occupancy established by Section 3.1.2 of Part 3 of Division B of the *Building Code*.

“**Occupancy Certificate**” means a form referred to in Section 2.6 of this Bylaw.

“**Owner**” includes a person who has been authorized by the owner to act as the owner’s agent.

“**Permit**” means a Permit required by Sections 2.1.1 and 2.1.2 of this Bylaw.

“**Portable container**” means a non-combustible, portable unit used for the storage or transporting of goods, and includes cargo containers, but specifically excludes dumpsters and recycling receptacles.

“**Registered Professional**” means a person who is:

- (a) registered or licensed to practice as an architect under the *Architects Act*, or
- (b) registered and licensed to practice as a professional engineer under the *Engineers and Geoscientists Act*.

“**Siting Permit**” means the permit required in Section 2.3.7 for the siting of:

- (a) a farm building; and
- (b) a portable container.

“**Swimming pool**” means any structure or construction intended primarily for recreation that is, or is capable of, being filled with water to a depth of 0.6 metres (2 feet) or more. For the purpose of this definition a hot tub shall not be considered a swimming pool;

“**Structure**” means a constructed thing or portion of a constructed thing of any kind that is fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences and paving.

“**Work**” means work or activity that is:

- (a) related to the matters described in Section 1.2.2, and
- (b) regulated by this bylaw, the *Building Code*, or any other enactment applicable to the work or activity.

### 1.3.3 References

A reference in this Bylaw to a section by its number is a reference to a section of this bylaw, unless otherwise indicated.

## 1.4 PURPOSE OF BYLAW

### 1.4.1 Interpretation

This Bylaw, despite any other provision herein, shall be interpreted in accordance with this Section.

### 1.4.2 Limited Extent of Bylaw's Purpose

This Bylaw is enacted for the purpose of regulating construction within the Cowichan Valley Regional District in the general public interest. The activities undertaken by or on behalf of the Cowichan Valley Regional District pursuant to this Bylaw are for the sole purpose of providing a limited spot check for health, safety, and protection of persons and property. It is not contemplated nor intended, nor does the purpose of this Bylaw extend:

- (1) to the protection of owners, owner/builders or constructors from economic loss;
- (2) to the assumption by the Cowichan Valley Regional District or any Building Official of any responsibility for ensuring the compliance by an owner, the owner's representatives or any employees, constructors or designers retained by the owner, with the *Building Code*, the requirements of this Bylaw or any other applicable codes, enactments or standards;
- (3) to providing to any person a warranty of design or Workmanship with respect to any building or structure for which a Permit or an Occupancy Certificate is issued under this Bylaw;
- (4) to providing to any person a warranty that construction is in compliance with the *Building Code*, this bylaw or any other applicable enactment with respect to any building or structures for which a Permit or Occupancy Certificate is issued under this Bylaw;
- (5) to providing to any person a warranty or assurance that construction undertaken pursuant to a Permit issued by the Cowichan Valley Regional District is free from latent or any other defects.

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**PART 2 PERMITS, COMPLIANCE AND PERMIT FEES**

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**2.1 GENERAL**

**2.1.1** A Permit is required whenever work is to be undertaken.

**2.1.2 Permits Required**

Without limiting the scope of Section 2.1.1, a person must apply for and obtain

- (1) a building permit before:
  - (a) constructing, reconstructing, repairing or altering a building or structure,
  - (b) removing or relocating a building or structure, and
  - (c) changing an occupancy.
- (2) a plumbing permit prior to commencing the installation of any plumbing;
- (3) a fireplace and chimney permit prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney unless the work is encompassed by a valid and subsisting building permit;
- (4) a demolition permit before demolishing a building or structure;
- (5) a siting permit for a farm building or portable container;
- (6) a building permit to construct a retaining structure.

**2.1.3 Permits Not Required**

A Permit is not required in the following circumstances:

- (1) for minor repairs or alterations to non-structural components of a building;
- (2) in relation to plumbing, when a valve, faucet, fixture or service water heater is repaired or replaced, a stoppage cleared, or a leak repaired if no change to the piping is required;
- (3) for structures less than 10m<sup>2</sup> as long as they are sited in accordance with the applicable zoning bylaw;
- (4) for decks or patios where the travelled area is less than 24" from the ground; and
- (5) for docks and wharves, unless the dock or wharf supports a building or structure.

**2.1.4 Essential Services**

A Permit must not be issued for the construction of any residential, commercial, institutional or industrial building until all of the following essential services are provided for:

- (1) *Water*: A community water service or other source of potable water, approved by the Medical Health Officer, Public Health Inspector or other authority having jurisdiction;
- (2) *Sanitary Sewer*: A community sewer or other method of sewage disposal is provided, as long as, for a sewerage system, the owner has submitted to the Building Official all documents to be filed with the Vancouver Island Health Authority as prescribed in Section 8(2) of BC Reg. 326/2004, the Sewerage System Regulation under the *Public Health Act*;
- (3) *Storm Drainage*: An approved method of storm drainage disposal is available to service the building or structure, as prescribed by Section 9.14 of Part 9 of

- Division B of the *Building Code*; and
- (4) *Access to Property*: A driveway of sufficient strength, grade and width for access and egress to all principal buildings by fire and emergency vehicles is provided.

## 2.2 COMPLIANCE

### 2.2.1 Owner's Responsibility for Compliance

- (1) An owner must ensure that all work performed on the owner's land complies with the *Building Code*, this Bylaw and all other enactments, codes and standards applicable to the work.
- (2) The owner and the owner's representatives are not relieved from their full and sole responsibility referred to in Section 2.1.4 by anything done or made by or on behalf of the CVRD under this Bylaw, including, without limitation:
- (a) the issuance of a Permit or Occupancy Certificate;
  - (b) the acceptance or review of plans, specifications or supporting documents, or
  - (c) inspections.

### 2.2.2 No Reliance on CVRD

- (1) A person must not rely upon any Permit or Occupancy Certificate as establishing compliance with this Bylaw or assume or conclude that this Bylaw has been administered or enforced according to its terms.
- (2) A person must not rely on the review or acceptance of the design, drawings or specifications, nor any inspection made by a Building Official as establishing compliance with the *Building Code*, this Bylaw or any other applicable codes, enactments or standards of construction.

### 2.2.3 No Warranty

The issuance of a Permit or an Occupancy Certificate under this Bylaw or the acceptance or review of plans, drawings or specifications or supporting documents, or any inspections made by or on behalf of the CVRD do not constitute in any way a representation, warranty, assurance or statement by the CVRD that the *Building Code*, this Bylaw or any other applicable enactments, codes and standards have been complied with.

## 2.3 PERMIT APPLICATIONS

- 2.3.1 An application for a Permit must be made on the applicable form provided by the CVRD.
- 2.3.2 All building and structural plans submitted with Permit applications must bear the name and address of the designer of the building or structure.
- 2.3.3 Each building or structure to be constructed on a parcel requires a separate building permit and must be assessed a separate building permit fee based on the value of the building or structure, as determined and calculated in accordance with Schedule "A" attached to this Bylaw.

### 2.3.4 Applications

An application for a building permit must:

- (a) be signed by the owner or by a signing officer with sufficient authority to bind the corporation if the owner is a corporation;
- (b) include a copy of a title search made within 30 days of the date of the application, complete with copies of all easements, statutory rights-of-way and covenants registered on the title;
- (c) include a site plan showing:
  - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan or explanatory or reference plan, or metes and bounds description;
  - (ii) the legal description or civic address of the parcel;
  - (iii) the location and dimensions of all statutory rights-of-way, easements and setback requirements in registered instruments;
  - (iv) the location and dimensions of all existing and proposed buildings or structures on the parcel;
  - (v) setbacks required to the natural boundary of any sea, lake, swamp, pond or watercourse;
  - (vi) the existing natural grade and the geodetic elevation of the main floor; and
  - (vii) the location, dimension and gradient of parking and driveway access;
- (d) include a site plan prepared and certified by a British Columbia Land Surveyor, including all matters listed in sub-section (c), where the Building Official considers that the site conditions, size or complexity of the development or an aspect of the development warrants;
- (e) include floor plans showing:
  - (i) the dimensions and uses of all areas;
  - (ii) the dimensions and height of crawl and roof spaces;
  - (iii) the location, size and swing of doors;
  - (iv) the location, size and opening of windows;
  - (v) floor, wall, and ceiling finishes;
  - (vi) plumbing fixtures; structural elements; and
  - (vii) stair dimensions.
- (f) include a cross-section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems and include a cross-section through the building or structure illustrating foundations, drainage, ceiling heights and construction systems;
- (g) include elevations of all sides of the building or structure showing finish details, roof slopes, windows, doors, finished grade and building height;
- (h) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the *Building Code*;
- (i) include site servicing drawings including all required storm water and site drainage works and facilities;
- (j) include copies of approvals required under any enactment relating to health or safety, including, without limitation, Sewage Disposal Permits, Highway Access Permits and Ministry of Health approval;
- (k) include any other information required by the Building Official or the *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the building or structure.



### 2.3.5 Applications for Moved Buildings or Structures

- (1) If a building or structure has been moved, a Permit is required for its rehabilitation on the property to which it is moved.
- (2) Before issuing a Permit for a moved building or structure, the Building Official may require certification under Section 2.3.8 from a registered professional that the building meets the requirements of this bylaw, the *Building Code* and any other applicable enactment.
- (3) Factory built housing must comply with Canadian Standards Association Standard A-277 "Procedure for Certification of Factory Built Houses" or CAN/CSA Z-240 MH Series, "Mobile Homes", prior to relocation within the CVRD.

### 2.3.6 Retaining Structures

A registered professional shall supervise the design and construction of a retaining structure greater than 1.5 metres in height. Sealed copies of the design plan and field review reports prepared by the registered professional for all retaining structures greater than 1.5 metres in height shall be submitted to a Building Official prior to acceptance of the Work.

### 2.3.7 Siting Permit

A person who intends to erect, construct or place a farm building or portable container must:

- (a) apply for a siting permit,
- (b) provide sufficient information to the Building Official that the farm building or portable building will be sited on the parcel in compliance with the setback provisions prescribed in the applicable zoning bylaw, and
- (c) Note the intended use of the building or structure on the application.

### 2.3.8 Professional Plan Certification

- (1) If a Building Official considers that the site conditions, size or complexity of a development or an aspect of the development warrants, the Building Official may require an applicant for a building permit to provide design and plan certification and field reviews by a registered professional, supported by letters of assurance in the form of Schedules B-1, B-2 and C-B in Part 2 of Division C of the *Building Code* that the plans submitted with the permit application, or specified aspects of those plans, comply with the then current *Building Code* and other applicable enactments respecting safety.
- (2) Prior to the issuance of an Occupancy Permit under Section 2.6 of this Bylaw for a building where letters of assurance have been required under Section 2.3.6 of this Bylaw, the owner must provide the Building Official with letters of assurance in the form of Schedules C-A or C-B in Part 2 of Division C of the *Building Code*, as is appropriate.
- (3) The CVRD and its Building Officials rely solely upon the field reviews undertaken by the registered professional and the letters of assurance required and provided by this Bylaw, as certification that the construction substantially conforms to and the design, plans and specifications to which the letters of assurance relate comply with the *Building Code* and other applicable enactments.

### 2.3.9 Swimming Pools and Fences

- (1) No person shall commence or continue any work related to the installation, construction and alteration of a swimming pool or related ancillary equipment unless a valid permit has been obtained pursuant to this Bylaw.
- (2) Fences shall be constructed around the perimeter of swimming pools and shall not be less than 1.5 metres (4.92 feet) high. The base of every fence shall be not more than 100 millimetres (4 inches) above ground or adjacent grade.
- (3) No horizontal or angled framing member shall be located on the outside of the fence between 200 millimetres (8 inches) and 900 millimetres (36 inches) above ground level or adjacent finished grade. Fences composed of vertical members shall have no openings of a size, which will permit the passage of a spherical object having a diameter of 100 millimetres (4 inches).
- (4) Notwithstanding the provisions of this Section, standard chain link wire mesh may be acceptable provided that such fence is a minimum of 1.5 metres (4.921 feet) in height.
- (5) Access through required fences shall be by means of self-closing gates so designed as to cause the gates to become secured with self-latching devices located on the swimming pool side of the fence and at a height of at least 1 metre (3.281 feet) above grade at the outside of the fence, or on the outside of the fence at 1.5 metres (4.921 feet) above grade.

## 2.4 PERMIT FEES

**2.4.1** The applicable Permit fee prescribed and calculated in accordance with Schedule “A” attached to this Bylaw, must be paid in full prior to the issuance of a Permit under this Bylaw.

**2.4.2** Where any Work for which a Permit is required is commenced prior to the issuance of a Permit the applicable Permit fee will be doubled in accordance with Schedule “A”.

### 2.4.2 Damage – Surety Deposit

- (1) The applicant, at the time of issuance of a Permit for a Building or structure, or demolition of an existing structure, must provide the CVRD with a surety deposit of five hundred dollars (\$500) as security for the restoration of CVRD infrastructure damaged by the performance of the Work.
- (2) The surety deposit must be refunded if:
  - (a) there is no damage to CVRD infrastructure;
  - (b) no invoice is issued to cover the cost of repair to CVRD infrastructure; and
  - (c) an Occupancy Certificate is issued within two years of the issuance of the building permit.
- (3) The surety deposit must be forfeited to the CVRD if a final inspection is not called for and approved and an occupancy permit is not issued within two years of the issuance of the building permit.

### 2.4.3 Refund

When a Permit is surrendered and cancelled within 6 months of the Permit being issued and before any construction begins, the owner may obtain a 60% refund of the Permit fees required under Section 2.4.1 of this Bylaw, by making a written request.

#### 2.4.4 Fee Reduction

The building permit fee shall be reduced by 10% where:

- (a) a registered professional reviews and certifies an application for a building permit as being in compliance with the *Building Code*, this bylaw and other applicable bylaws, and
- (b) the CVRD relies upon that certification in issuing a building permit.

#### 2.4.5 Expired Permit

The permit fee for work under a previous Permit that expired before the work was completed will be based upon the value of the work that remains to be completed.

#### 2.4.6 Work Completed Without a Permit

The permit fee for work completed, prior to the obtaining of building permit being issued, will be double that of the regular fee as prescribed and calculated in accordance with Schedule "A" attached to this Bylaw, must be paid in full prior to the issuance of a Permit under this Bylaw.

### 2.5 CONDITIONS OF A PERMIT

2.5.1 A Building Official must issue the Permit for which the application is made when:

- (a) a completed application in compliance with this Bylaw, including all required supporting documentation, has been submitted and the review of the application has been completed;
- (b) the owner has paid all applicable fees prescribed by this Bylaw;
- (c) the owner has paid all charges and met all regulations and requirements imposed by any other bylaw or enactment;
- (d) the proposed construction does not contravene any covenant under Section 219 of the *Land Title Act*;
- (e) the proposed work substantially conforms to the *Building Code*, this Bylaw, the conditions of any applicable development permit, and all other applicable Bylaws and enactments; and
- (f) no enactment authorizes the Permit to be withheld.

2.5.2 Every Permit is issued upon the condition that the Permit must expire and the rights of the owner under the Permit must terminate if:

- (a) the Work authorized by the Permit is not commenced within 6 months from the date of issuance of the Permit; or
- (b) the Work is discontinued for a period of 12 months or none of the inspections required by Section 3.3.3 have been requested during that period.

2.5.3 A Building Official may extend the period of time set out under Section 2.5.2 where construction has not been commenced or has been discontinued due to adverse weather, strikes, or material or labour shortages.

#### 2.5.4 Revocation of a Permit

- (1) A Building Official may revoke a Permit where there is a violation of:
  - (a) a condition under which the Permit was issued; or
  - (b) a provision of the *Building Code*, this bylaw or other bylaws or enactments applicable to the Work.
- (2) The revocation of the Permit must be in writing and transmitted to the Permit holder by registered mail, and is deemed served at the expiration of three days after the date of mailing.

#### 2.5.5 Denial of Permits

If a person has been notified in writing that work done by that person or on the person's behalf is a violation referred to in Section 2.5.4, a permit must not be issued to that person in respect of the same property until the person has corrected the violation or satisfied the Building Official of his or her ability to do so.

#### 2.5.6 Partial Permit

- (1) A Building Official may issue a building permit for a portion of a building or structure before the design, plans and specifications for the entire building or structure have been accepted, if sufficient information has been provided to the Building Official to demonstrate that:
  - (a) the portion authorized to be constructed substantially complies with this Bylaw and other applicable enactments; and
  - (b) the permit fee applicable to that portion of the building or structure has been paid.
- (2) Despite the issuance of the Permit, the requirements of this Bylaw apply to the remainder of the building or structure as if the permit for the portion of the building or structure had not been issued.
- (3) This section does not apply to single family dwellings and accessory buildings.

**2.5.7** An owner shall arrange for transportation of a Building Official to the property on which a building or structure is being constructed where the location of the property is remote or not accessible by motor vehicle. Vessels used for the marine transportation of a Building Official shall comply with *Transport Canada's Small Commercial Vessel Safety Guide*.

### 2.6 OCCUPANCY CERTIFICATE

**2.6.1** An owner must obtain an Occupancy Certificate issued by a Building Official prior to occupying a building.

**2.6.2** A Building Official must not issue an Occupancy Certificate unless:

- (a) all letters of assurance have been submitted (when required) in accordance with Section 2.3.8 of this Bylaw; and
- (b) all aspects of the Work requiring inspection and acceptance pursuant to Section 3.3.3 of the Bylaw have been inspected and accepted.

**2.6.3** A Building Official may issue an Occupancy Certificate for part of a building or structure when that part of the building or structure is self-contained, provided with the essential services listed in Section 2.1.4 of this Bylaw and meets the requirements set out in Section 2.6.2 of this Bylaw.

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**PART 3      PROHIBITIONS AND OBLIGATIONS**

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**3.1      GENERAL****3.1.1    Work without Permits**

No person shall commence or continue construction, alteration, reconstruction, demolition, removal or relocation or change the Occupancy of any building or structure, excavation or other work related to construction, unless excepted from the requirements of this bylaw, unless a Building Official has issued a valid and subsisting Permit for the work.

**3.1.2    Demolish**

No person shall demolish a building or structure unless a Building Official has issued a valid and subsisting demolition permit for the work.

**3.1.3    Occupy or Use Building**

- (1) No person shall occupy or use a building or structure unless a valid and subsisting Occupancy Certificate has been issued by a Building Official for the building or structure.
- (2) No person shall occupy or use a building or structure contrary to the terms of a Permit or Occupancy Certificate issued, or contrary to any notice given by a Building Official.

**3.1.4    Tampering with Notices**

No person shall, unless authorized in writing by a Building Official, reverse, alter, deface, cover, remove or in any way tamper with any notice, Permit or Occupancy Certificate posted upon or affixed to a building or structure pursuant to this Bylaw.

**3.1.5    Approved Plans**

No person shall do any work that is substantially at variance with the approved design, plans or specifications of a building, structure or other works for which a Permit has been issued, unless that variance has been accepted in writing by a Building Official.

**3.1.6    Obstruction to Entry**

No person shall obstruct the entry of a Building Official or other authorized official of the CVRD to a building or structure on a property when the official is engaged in the administration of this Bylaw.

**3.1.7    Cessation of Work**

No person shall continue to do any work upon a building or structure or any portion of it after the Building Official has ordered cessation or suspension of work on it.

### 3.1.8 Contrary

No person shall do any work or carry out any construction contrary to a provision or requirement of this Bylaw, the *Building Code* or any other applicable enactment.

## 3.2 BUILDING OFFICIALS

### 3.2.1 Bylaw Administration

A Building Official is authorized to:

- (a) administer this Bylaw and the *Building Code* in the CVRD, and
- (b) keep records of Permit applications, permits, notices and orders issued, inspections and tests made, and copies of all documents related to the administration of this Bylaw.

### 3.2.2 Building Official's Authority

A Building Official:

- (a) is authorized to enter, at all reasonable times, upon any property subject to this bylaw and the *Building Code*, in order to inspect and determine whether the regulations, prohibitions, requirements and orders issued under them are being met;
- (b) is directed, where any dwelling, apartment or guest room is occupied, to obtain the consent of the occupant or provide written notice twenty-four hours in advance of entry and provide the reason for the inspection;
- (c) may order the correction of work performed under the authority of a permit which is being or has been done contrary to this bylaw, the *Building Code* or any other applicable enactment;
- (d) may order the cessation of work that is proceeding in contravention of this Bylaw, the *Building Code* or any other applicable enactment by advising the Permit holder by letter or by a written notice on a card posted on the premises where the work is being performed and, if possible, posted adjacent to the Work; and
- (e) may direct that tests of materials, devices, construction materials, structural assemblies, or foundation conditions be undertaken, or sufficient evidence be submitted, at the expense of the owner, where such evidence is necessary to determine whether the materials, devices, construction or foundation meet the requirements of this bylaw, the *Building Code*, or any other applicable enactment. The records of such tests shall be kept available for inspection during the construction of the building as required by the Building Official.

### 3.2.3 An owner to whom a permit is issued must, during construction:

- (a) post and maintain the Permit in a dry and conspicuous place on the property in respect of which the permit was issued;
- (b) keep a copy of the accepted design, plans and specifications on the property; and
- (c) post the civic address on the property in a location visible from any adjoining streets.

### 3.2.4 An owner must, when notified of deficiencies by the Building Official, perform such alterations, corrections or replacements as may be necessary to ensure the Work complies with this bylaw, the *Building Code*, or any other applicable enactment, and advise the Building Official when the Work is ready for re-inspection.

### 3.3 INSPECTIONS

- 3.3.1** Despite Section 2.3.8 of this Bylaw, a Building Official may attend the site from time to time during the course of construction to ascertain that the field reviews referred to in Section 2.3.8 are taking place and to monitor the field reviews undertaken by the registered professionals.
- 3.3.2** A Building Official may attend periodically at the site of the construction of buildings or structures to ascertain whether the health and safety aspects of the work are being carried out in substantial conformance with the *Building Code*, this Bylaw and any other applicable enactment.
- 3.3.3** The owner or the owner's representative, by giving at least 24 hours notice to the Building Official, must request an inspection and obtain approval of the following aspects of the following Work, prior to concealing those aspects:
- (1) the foundation and footing forms before concrete is poured. For determining the legal location of all buildings as determined by the Zoning Bylaw or order of the Board of Variance, or the issuance of a Development Variance Permit or Development Permit, or in the case of new house construction, a certificate may be required from a licensed British Columbia Land Surveyor (BCLS);
  - (2) installation of perimeter drains, drain rock, and damp-proofing, prior to backfilling;
  - (3) the preparation of ground under-slab plumbing, including ground cover and reinforcing, when required, prior to the placing of a concrete slab;
  - (4) rough-in of all chimneys and fireplaces (masonry and factory built);
  - (5) inspection of framing after the roof, fire blocking and sheathing are in place, electrical wiring has been completed, and rough in plumbing is under test;
  - (6) insulation and vapour barrier, after the exterior is weatherproofed;
  - (7) inspection of fireplaces after the installation of the smoke damper and prior to the installation of the first flue liner and any material that would conceal the details of the construction of the fire-box and smoke chamber;
  - (8) inspection of masonry construction and/or concrete construction as detailed in the Permit;
  - (9) installation and application of building paper, flashing and stucco lath prior to installation of exterior finishes including cultured stone;
  - (10) inspection of the installation of solid fuel burning appliances;
  - (11) inspection of all plumbing fixtures prior to occupancy;
  - (12) the health and safety aspects of the work when the building or structure is substantially complete and ready for occupancy; pre-final if requested; and
  - (13) final inspection after the building has been completed and is ready for occupancy.

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**PART 4 ADMINISTRATIVE PROVISIONS**

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**4.1 PENALTIES AND ENFORCEMENT****4.1.1 Stop Work Notice**

- (1) A Building Official may order the cessation of any Work that is proceeding in contravention of the *Building Code*, this Bylaw or any other applicable enactment, by posting a Stop Work Notice on the property where the work is located.
- (2) The owner of property on which a Stop Work Notice has been posted, and every person performing the work, must cease all construction work immediately and must not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work Notice has been rescinded by a Building Official.
- (3) A person, contractor or owner, who commences work requiring a permit without first obtaining such a permit shall pay double the required permit fee prior to obtaining the required Building Permit.
- (4) A Building Permit may be withheld or a stop work order issued by a Building Official, until certified professional documents, including site plans, report or letters of assurance, that are required by this Bylaw have been provided to the satisfaction of the Building Inspector.

**4.1.2 4.1.2 Offences**

- (1) A person, contractor or owner who contravenes or fails to comply with a provision of this bylaw commits an offence and is liable on summary conviction to the penalties prescribed in the *Offence Act*.
- (2) Each day a new contravention of or failure to comply with a provision of this Bylaw continues to exist shall constitute a separate offence.
- (3) A person, contractor or owner who continues performing work once a stop work order has been issued, other than to address what has been specified, commits an offence.
- (4) A person, contractor or owner who proceeds without a required building inspection, commits an offence.
- (5) A person, contractor or owner who repeatedly commits infractions against this bylaw or the *Building Code* commits an offence.

In accordance to Schedule 2 of the Ticket Information Authorization Bylaw No. 3209



**PART 5      GENERAL**

**5.1      SEVERABILITY**

If any provision of this Bylaw is for any reason held to be invalid by the decision of any court, the decision shall not affect the validity of the remaining provisions of this Bylaw.

**6.      REPEAL**

Cowichan Valley Regional District Bylaw No. 3422 – Building Regulation Bylaw, 2011, is repealed.

READ A FIRST TIME this            \_\_\_\_\_ day of            \_\_\_\_\_ , 2017.

READ A SECOND TIME this            \_\_\_\_\_ day of            \_\_\_\_\_ , 2017.

READ A THIRD TIME this            \_\_\_\_\_ day of            \_\_\_\_\_ , 2017.

ADOPTED this            \_\_\_\_\_ day of            \_\_\_\_\_ , 2017.

\_\_\_\_\_  
Chairperson

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



**SCHEDULE A TO CVRD  
Building Regulation Amendment Bylaw No. XXXX, 2017**

**Permit and Service Fees**

<b>CONSTRUCTION VALUE SCHEDULE</b>	
	<b>VALUE (\$) (per square foot)</b>
Main floor with full basement	150.00
Main floor with crawlspace	120.00
Main floor slab on grade	120.00
Second floor	70.00
Garage	40.00
Accessory building	25.00
Carport	20.00
Deck	20.00
Basement	50.00

**BUILDING PERMIT FEES**

Minimum fee.....	\$55
All new construction* .....	1% of value
	*minimum fee \$55
Renovations/Commercial .....	Contract Price
Manufactured/mobile homes and relocated buildings* .....	1% of value
Value calculated at \$75/sq ft	
(*Note: does not include garages, sundecks or service connections)	

**PLUMBING PERMIT FEE**

Each Plumbing Fixture .....	\$18
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**SEWER AND WATER INSPECTION FEE**

Storm Sewer .....	\$30
Sanitary Sewer Inspection .....	\$30
Water Service Connection .....	\$30

**PERMIT FEE TO WRECK OR DEMOLISH A BUILDING**

If structure has a floor area of 37.2m <sup>2</sup> (400 sq ft) or less .....	\$25
If structure is larger than 37.2m <sup>2</sup> (400 sq ft) .....	\$50
If structure is 186.0m <sup>2</sup> (2,000 sq ft) in floor area or larger .....	\$100

**RE-INSPECTION FEE**

For building or plumbing inspections required as a result of a call back where work was incomplete or improperly done .....	\$50
---	------

**OTHER FEES**

Sprinkler Systems .....	Contract Price
Siting Permit (Agricultural Buildings).....	\$55
Campsite Developments .....	\$50/site
Occupant Load Document .....	\$100
Manufactured Home Parks .....	\$50/site

**WORK COMMENCED WITHOUT A BUILDING PERMIT**

If work is commenced prior to a building permit being issued.....Double Permit Fee

**OFFENCES COMMITTED UNDER THIS BYLAW**

Addressed In accordance to Schedule 2 of the Ticket Information Authorization Bylaw No. 3209





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT**            April 3, 2017  
**MEETING TYPE & DATE**    Electoral Area Services Committee Meeting of April 5, 2017  
**FROM:**                        Inspection & Enforcement Division  
                                       Land Use Services Department  
**SUBJECT:**                  5039 Marshall Road – Vigneti Zanatta Ltd. (Winery)  
**FILE:**                        15-E-17BE

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**PURPOSE/INTRODUCTION**

The purpose of this report is to either object or not object to 6 events planned to take place in 2017 at the Zanatta Winery located at 5039 Marshall Road in Glenora (Area E).

**RECOMMENDED RESOLUTION**

That it be recommended to the Board that the CVRD has no objection to the events noted on the Temporary Change to a Liquor Licence (171424) application for Vigneti Zanatta Ltd. located at 5039 Marshall Road, Glenora (Area E) for the following 2017 dates only: June 10, July 1, July 22, July 28, August 6 and August 19.

**BACKGROUND**

A Temporary Change to a Liquor Licence application for Vigneti Zanatta Ltd. located at 5039 Marshall Road has been received by this department. The role for local government in these cases is simply to indicate either “objection” or “no objection” to the requested changes. Typically these events start at 4 p.m. and end at midnight.

**ANALYSIS**

This office has no history of complaints regarding this property. These events appear to be fairly controlled and measures taken to mitigate disturbance to the neighborhood which is largely acreage in the ALR.

**FINANCIAL CONSIDERATIONS**

**COMMUNICATION CONSIDERATIONS**

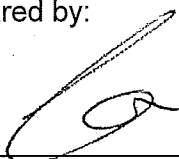
**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

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Referred to (upon completion):

- Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology*)
- Engineering Services (*Environmental Services, Recycling & Waste Management, Water Management*)
- Planning & Development Services (*Community & Regional Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

Prepared by:

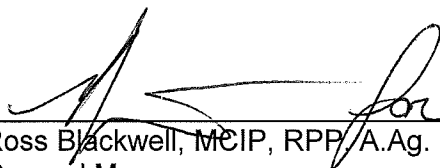


Nino Morano  
Bylaw Enforcement Officer

Reviewed by:



Robert Blackmore, BSc., MSc.  
Manager



Ross Blackwell, MCIP, RPP, A.Ag.  
General Manager

**ATTACHMENTS:**

Attachment A - Liquor Licence Application



Liquor Control and Licensing Branch  
4th Floor, 3350 Douglas St, Victoria, BC V8W 9J8  
Mail: PO Box 9292 Stn Provincial Govt, Victoria, BC V8W 9J8  
Phone: 1 866 209-2111 Fax: 250-952-7066

## TEMPORARY CHANGE TO A LIQUOR LICENCE FOOD PRIMARY, LIQUOR PRIMARY, LIQUOR PRIMARY CLUBS & MANUFACTURERS ENDORSEMENTS

Liquor Control and Licensing Form LCLB023

### Instructions:

Complete all applicable fields and then submit with payment as outlined in Part 11 of this application form. You may complete this form online and then print. If you have any questions about this application, call the Liquor Control and Licensing Branch (LCLB) toll-free at: 1 866 209-2111. A complete application including the supporting documents must be submitted a minimum of three (3) weeks in advance of your event(s); otherwise your application will not be accepted and will be returned to you with the fees.

Applications requesting discretion to policy (see Part 9) must be submitted a minimum of two (2) months prior to your proposed event; otherwise your application will not be accepted and will be returned to you with the fees. LCLB forms and supporting materials referred to in this document can be found at: [www.gov.bc.ca/liquorregulationandlicensing](http://www.gov.bc.ca/liquorregulationandlicensing)

### Licensee Information

Office use only

License number:

Job No. (C3-LIC)

Type:  Food Primary  Liquor Primary  Liquor Primary Club  Winery

Licensee name (as shown on licence):

Establishment name (as shown on licence):

Establishment Address:

Street

City

Province

Postal Code

Contact Name:

Title/Position:

(last / first / middle)

Business Tel with area code:

Business Fax with area code:

Business e-mail:

Business Mail address

(if different from above):

Street

City

Province

Postal Code

Note: An authorized signing authority of a licensee can appoint a representative to interact with the branch on their behalf by completing form LCLB101 *Add, Change or Remove Licensee Representative*

### Part 1: Temporary Change Requested

Please check the appropriate boxes below. You may complete more than one change section on this form as long as the changes are for the same licence number. **Note:** Categories noted by an asterisk (\*) require local government/First Nations comment.

Type of change requested	Complete Sections
<input type="checkbox"/> <b>Temporary change to hours of sale</b> • Liquor-Primary and Liquor-Primary Club licences, and manufacturer lounge or special event endorsements – any hours changes* • Food-Primary licences – requests for hours of sale later than midnight* • Food-Primary licences – requests for hours of sale before midnight	1, 2, 3, 10, 11, 12 1, 2, 3, 10, 11, 12 1, 2, 3, 10, 11
<input type="checkbox"/> <b>Temporary patron participation entertainment endorsement*</b> Food-Primary licences only	1, 2, 4, 10, 11, 12
<input type="checkbox"/> <b>Temporary extension of licensed area</b> Food-Primary licences only	1, 2, 5, 10, 11
<input checked="" type="checkbox"/> <b>Temporary extension of licensed area*</b> Liquor-Primary and Liquor-Primary Club licences, and manufacturer lounge or special event endorsements.	1, 2, 6, 10, 11, 12
<input type="checkbox"/> <b>Temporary location change*</b> Liquor-Primary and Liquor-Primary Club licences only (no increase in patron or person capacity)	1, 2, 7, 10, 11, 12
<input type="checkbox"/> <b>Temporary location change</b> Food-Primary licences only (no increase in patron or person capacity)	1, 2, 8, 10, 11
<input type="checkbox"/> <b>Other</b> Applies to all change requests other than these listed above	1, 2, 9, 10, 11

## Part 2: Reason Temporary Change is Requested

Describe event details including who is holding the event, the hours of the event and its purpose:

Please refer to list included in this application.

Date(s) from: (mm/dd/yy)  To: (mm/dd/yy)  (inclusive)

## Part 3: Temporary Change to Hours of Sale

Fee: \$330

Liquor-Primary and Liquor-Primary Club licences, and manufacturer lounge or special event endorsements – any hours changes\*

Fee: \$330

Food-Primary licences – requests for hours of sale later than midnight\*

Fee: \$110

Food-Primary licences – requests for hours of sale before midnight (local government/First Nations comment not required)

**\*Note:** These categories (\*) require local government/First Nation comment.

Licensees may apply for a temporary change in hours of sale for a limited period, subject to any restrictions within the Liquor Control and Licensing Act, Regulations, branch policies and/or original terms and conditions of licensing. See Part 12 for more information on obtaining local government/First Nations comment.

Please provide the following information:

Current hours of sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Closed	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Requested hours of sale: (Maximum hours permitted by regulation are between 9:00 am to 4:00 am of the same business day)

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Closed	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>



**Part 2: Reason Temporary Change is Requested**

Our winery lounge, Vinoteca, has 6 events tentatively planned this season (2017). We would like to temporarily extend the lounge endorsement to accommodate these events.

1. **June 10, 2017** A private fundraiser. Maximum people limited to 130. Tickets will be sold privately for this sit-down dinner. The hours of the event will be 4pm to 12pm.
2. **July 1<sup>st</sup>, 2017** A Canada Day celebration. Pre-booked long table dinner event. 4pm to 12pm. Capping the bookings at 130 people.
3. **July 22, 2017** A pre-booked long table dinner event. 4pm to 12 pm. Capping the bookings at 130 people.
4. **July 28, 2017** A private function cocktail reception and dinner. 4pm to 12 pm. 130 people.
5. **August 6, 2017** BC day celebration. 10 course long table dinner. Pre-booked from 4pm to 12pm. Capping the bookings at 130 people.
6. **August 19, 2017** A pre-booked long table dinner event. 4pm to 12 pm. Capping the bookings at 130 people.

## Part 4: Temporary Patron Participation Entertainment Endorsement

Fee: \$330

(Food-Primary licences only)

Licensees may apply for a patron participation entertainment endorsement for a limited period, subject to any restrictions within the Liquor Control and Licensing Act, Regulations, branch policies and/or original terms and conditions of licensing.

**Note:** This application process requires comment from your local government/First Nation. See Part 12 for more information on this process.

Describe the type of entertainment you are requesting:

Patron participation must end by midnight unless approved by LCLB and local government/First Nations. There are restrictions related to forms of entertainment, sound systems, etc. If you are uncertain about any of the details of your proposal, please consult with licensing staff at LCLB in Victoria (see contact information in Part 11).

## Part 5: Temporary Extension of Licensed Area (food-primary licences only)

Fee: \$110

This change enables licensees to apply for a temporary extension of their establishment's licensed areas for a limited period, subject to any restrictions within the *Liquor Control and Licensing Act*, Regulations, branch policies and/or original terms and conditions of licensing. Approval of this temporary change request permits the licensee to operate only at the capacity on the face of their current licence plus the capacity of the extension area. If in doubt, consult with licensing staff at LCLB in Victoria (see Part 11 for contact info). This application process does not require comment from your local government/First Nation.

Please provide the following information and documents:

- Current total capacity, including patios (as shown on licence);
- Identify the area (person/patron as shown on licence) to be extended;
- Floor plan of the extended area showing how perimeter is defined, dimensions and its physical relationship to existing licensed areas:
  - Floor plan must have occupant load of the extended area marked/stamped on the plans by provincial fire or building authority (or designate) where the extension is indoors or within a permanent structure.
  - Provide proposed capacity of extended area if extension is outside; and
- Where the extension area is not on property owned or controlled by the licensee, provide written approval for such use from the property owner.

## Part 6: Temporary Extension of Licensed Area

Fee: \$330

(liquor-primary, liquor-primary club licence and manufacturer lounge and special events endorsements only)

Licensees may apply for a temporary extension of their licensed areas for a limited period, subject to any restrictions within the *Liquor Control and Licensing Act*, Regulations, branch policies and /or original terms and conditions of licensing. Approval of this temporary change request permits the licensee to operate at the capacity on the face of their current licence plus the capacity of the extension area.

**Note:** This application process requires comment from your local government/First Nation. See Part 12 for more information on this process.

Please provide the following information and documents:

- Current total capacity, including patios (as shown on licence);
- Identify the area(s) to be extended;
- Floor plan of the extended area(s) showing how perimeter is defined, dimensions and its physical relationship to existing licensed areas:
  - Floor plan must have occupant load of the extended area marked/stamped on the plans by provincial fire or building authority (or designate) where the extension is indoors or within a permanent structure.
  - Provide proposed person capacity of extended area(s) if extension is outside; and
- Where the proposed area is not on property owned or controlled by the licensee, provide written approval for such use from the property owner.

## Part 6: Temporary Extension of Licensed Area

- 1) Current total capacity: 25 occupants inside farmhouse. 54 occupants on outside wrap around veranda.
- 2) The area to be extended: Please refer to site plan included.

The request is to extend the endorsement from the already licensed farmhouse veranda south to the southern edge of the outdoor patio and west of the veranda/house to the Marshall Road border. The extension would include the lawn which lies to the west of the farmhouse and the outdoor patio south of the farmhouse.

- 3) How is the perimeter defined and dimensions.

As you can see on the site map the lawn to the west of the farmhouse is bordered by the farmhouse to the east, the holly hedge to the north, and Marshall Road which has a hedge and fence, to the west.

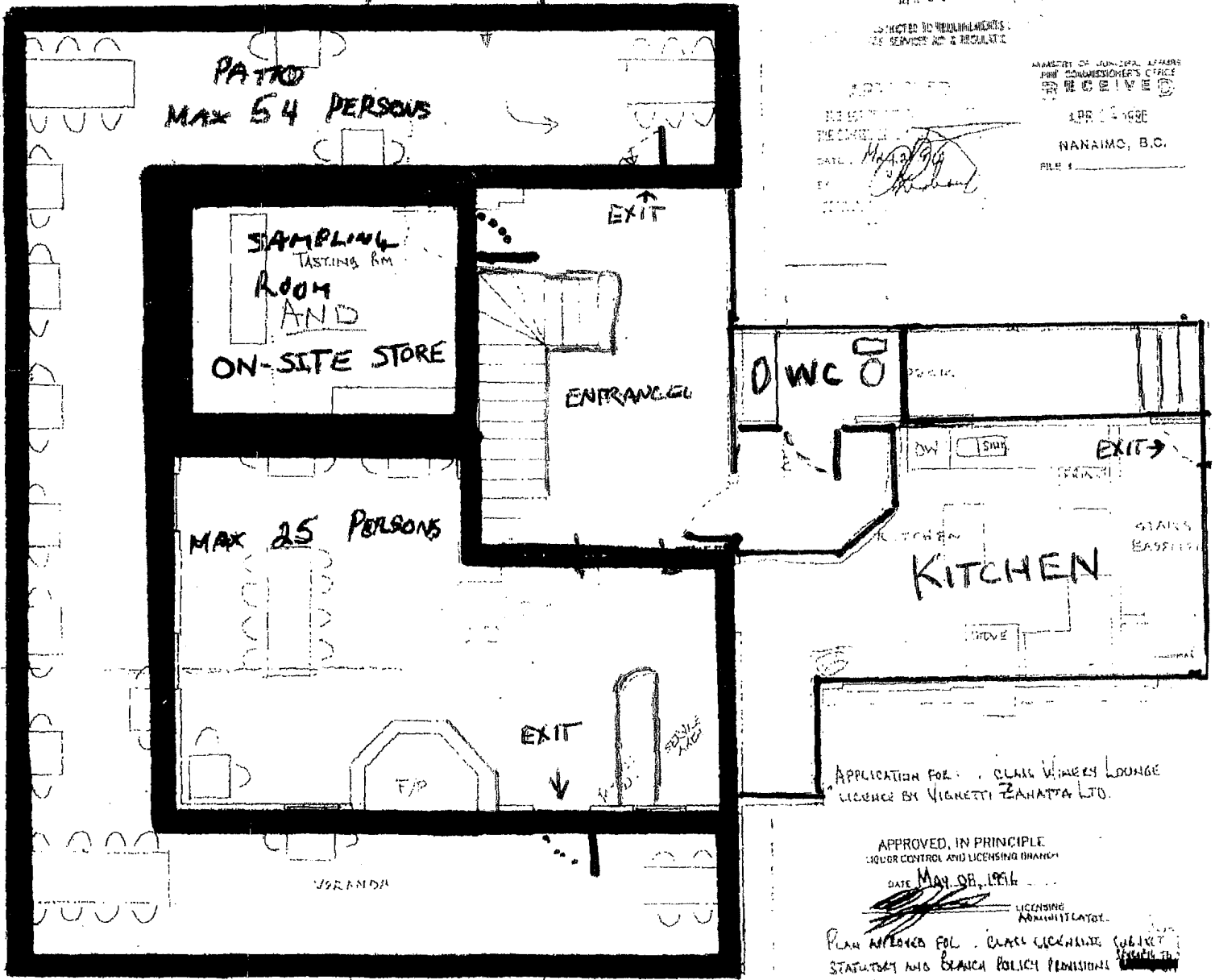
To the south the lawn wraps around the farmhouse and joins the patio.

The outdoor patio and the southern side of the farmhouse is bordered by a vegetable garden and winery building to the east, as well as an outbuilding (the "cabana") with additional bathrooms. The southern patio looks out onto the vineyard and fruit trees. Planters will be placed on the southern edge of the outdoor patio to further define this space.

### Dimensions

The outdoor patio is 51ft x 27ft

The lawn is 70ft x 35ft



APR 25 1995

AS DIRECTED BY MEMORANDUMS OF THE SERVICES AND REGULATIONS

MINISTRY OF MUNICIPAL AFFAIRS AND COMMUNITY DEVELOPMENT RECEIVED

APR 25 1995

NANAIMO, B.C.

APPROVED  
 RECEIVED BY THE COMMISSIONER  
 DATE: *May 27 1995*  
 BY: *[Signature]*

APPLICATION FOR: *CLASS 1 VINEYER LOUNGE*  
 LICENCE BY *VIGNETTI ZANATTA LTD.*

APPROVED, IN PRINCIPLE  
 LIQUOR CONTROL AND LICENSING BRANCH  
 DATE: *MAY 28, 1995*

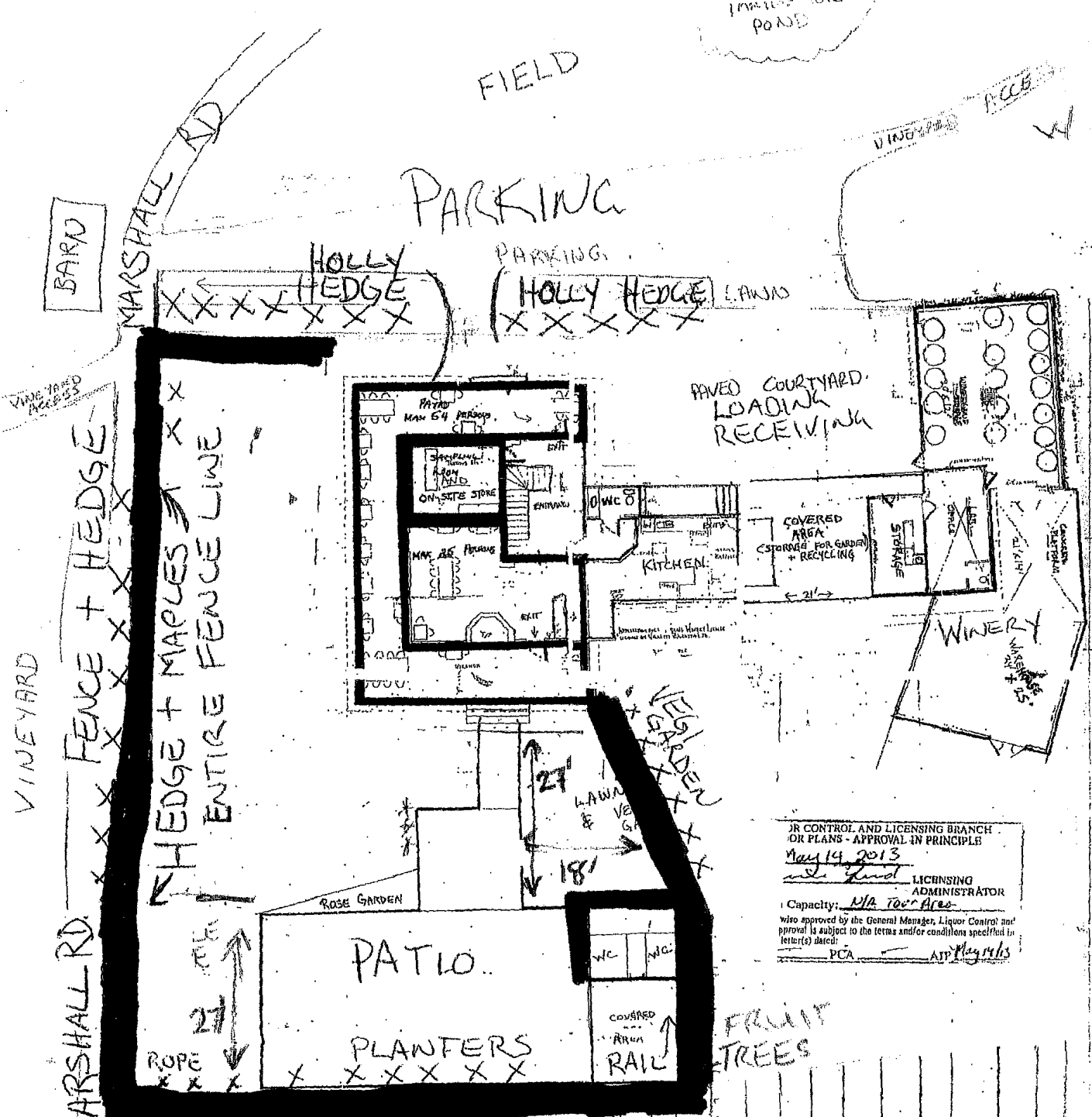
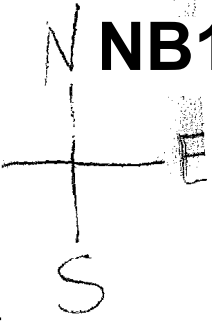
*[Signature]* LICENSING ADMINISTRATOR  
 PLAN APPROVED FOR: *CLASS LICENSING SUBJECT*  
 STATUTORY AND BRANCH POLICY PROVISIONS

MAXIMUM PATRON CAPACITY:  
 INTERNAL 25 OUTDOOR PATIO 54

\* CONTINUED USE, RENOVATION AND TRANSFER OF LIQUOR LICENCE CONTINGENT UPON THE TERMS AND CONDITIONS SPECIFIED IN THE LETTER GRANTING PRELIMINARY SITE AND PLAN CONTINUING TO BE SATISFIED.

LCLB OFFICIAL PLAN  
 MUST BE KEPT WITH LIQUOR LICENCE AND  
 AVAILABLE FOR INSPECTION AT ALL TIMES  
 Date Issued: June 17, 2011  
 Licence #: 171424  
 Gener 80 manager

VIGNETTI  
 ZANATTA



JR CONTROL AND LICENSING BRANCH  
 DR PLANS - APPROVAL IN PRINCIPLE  
 May 14, 2013  
 [Signature] LICENSING ADMINISTRATOR  
 Capacity: N/A 700' Area  
 who approved by the General Manager, Liquor Control and approval is subject to the terms and/or conditions specified in letter(s) dated: PCA [Signature]

LCLB OFFICIAL PLAN  
 MUST BE KEPT WITH LIQUOR LICENCE  
 AND AVAILABLE FOR INSPECTION AT ALL TIMES  
 Date Issued: June 3, 2013  
 Winery Licence #171424  
 General Manager

Vigneti Zanatta - Winery #171424  
 5039 Marshall Road, Duncan  
 TOUR AREA SITE PLAN

FRUIT TREES  
 Z →

DEMONSTRATION  
 VINEYARD

VINEYARD

**Part 9: Other**

Fee: \$110 for each request

Complete this section if you are requesting a change other than those listed in Part 1, page 1.

Describe your request in detail, using additional pages if required.

If your request requires an exercise of discretion: provide a written submission detailing why a request for discretion should be approved. All documentation to support your request for discretion must be submitted together in one package; the branch will not consider additional materials submitted after a completed application is received. For more information see your licence specific terms and conditions. Requests for discretion should be submitted at least two months prior to the proposed event.


Date(s) from:  (mm/dd/yy) To:  (mm/dd/yy) (inclusive) Time(s):

**Part 10: Declaration**

My signature below indicates I understand and acknowledge:

All of the information given is true and complete to the best of my knowledge. Section 57(1)(c) of the *Liquor Control and Licensing Act* states: "A person commits an offence if the person (c) provides false or misleading information in the following circumstances: (i) when making an application referred to in section 12; (ii) when making a report or when required and as specified by the general manager under section 59."

**Note:** An agent or lawyer acting on behalf of the licensee may not sign the application on behalf of the licensee.

Signature:  \_\_\_\_\_  
Authorized signatory of the licensee

Name:  (last / first / middle) Position:  (if not an individual) Date:  (Day/Month/Year)

This form should be signed by an appropriate individual who has the authority to bind the licensee. The licensee is responsible for ensuring that the individual who signs this form is authorized to do so. Typically, an appropriate individual will be as follows:

- If the licensee is an sole proprietor, the individual himself/herself
- If the licensee is a corporation, an officer or, in some cases, a director
- If the licensee is a general partnership, one of the partners
- If the licensee is a limited partnership, the general partner of the partnership
- If the licensee is a society, a director or a senior manager (as defined in the *Societies Act*)

If an authorized signatory has completed the *Add, Change or Remove Licensee Representative* form (LCLB101) and they have specifically permitted a licensee representative to sign this form on the licensee's behalf, the branch will accept the licensee representative's signature.

**Part 11: Application Fees - Payment Options**

Total Fee Submitted: \$

In accordance with Payment Card Industry Standards, the branch is no longer able to accept credit card information via email.

Payment is by (check 

- Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)
- Money order, payable to Minister of Finance
- Credit card:  VISA  MasterCard  AMEX

I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.

I am submitting my application by fax or mail and have given my credit information in the space provided at the bottom of the page.

LCLB023

5 of 6

Temporary Change to a Liquor Licence

**Credit Card Information** (To be submitted by fax or mail only)

Name of cardholder (as it appears on card):

Credit card number:  Expiry date:  /   
(Month) (Year)

Signature: \_\_\_\_\_

**Part 12: Local Government/First Nation Comments**

Objection

No objection

Comments:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of Municipality/Regional District/First Nations:

Name (print) \_\_\_\_\_ Phone: \_\_\_\_\_

Title: \_\_\_\_\_ E-mail: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Part 13: What Happens Next?**

The temporary change application process:

- 1. If the requested temporary change(s) require local government/First Nation comment, the applicant must take the completed application form and all required documents to their local government/First Nation and request that the local government/First Nation complete and sign Part 12.
- 2. The applicant will submit the signed application, all required documents and application fee to the Victoria Head Office (LCLB).

**Note:** Applicants must ensure they submit their completed application a minimum of three (3) weeks (or two (2) months, if it's a request for discretion - see Part 9) before the proposed change. Otherwise, your application will not be accepted and will be returned to you.

- 3. The LCLB licensing staff will review the application package and advise the applicant by phone, mail or fax, of any information or documents required before the application can be processed.
- 4. LCLB licensing staff will request comments from the local liquor inspector.
- 5. If required, the local liquor inspector will work with the applicant on security and related issues.
- 6. LCLB licensing staff will review the comments from the local government/First Nation (if applicable) and local liquor inspector.
- 7. LCLB staff will contact the applicant by, fax or mail to let them know whether or not the change has been approved. The applicant will receive LCLB's decision in writing.

The information requested on this form is collected by the Liquor Control and Licensing Branch under Section 26 (a) and (c) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purpose of liquor licensing and compliance and enforcement matters in accordance with the *Liquor Control and Licensing Act*. Should you have any questions about the collection, use, or disclosure of personal information, please contact the Freedom of Information Officer at PO Box 9292 STN PROV GVT, Victoria, BC, V8W 9J8 or by phone toll free at 1-866-209-2111.

