



## ELECTORAL AREA SERVICES COMMITTEE MEETING AGENDA

WEDNESDAY, JUNE 7, 2017  
BOARD ROOM  
175 INGRAM STREET, DUNCAN, BC

1:30 PM

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	<u>PAGE</u>
<b>1. <u>APPROVAL OF AGENDA</u></b>	
<b>2. <u>ADOPTION OF MINUTES</u></b>	
M1 Regular Electoral Area Services Committee meeting of May 17, 2017	1
<b>Recommendation</b> That the minutes of the regular Electoral Area Services Committee meeting of May 17, 2017, be adopted.	
<b>3. <u>BUSINESS ARISING FROM THE MINUTES</u></b>	
<b>4. <u>DELEGATIONS</u></b>	
D1 Luke Acker, Vancouver Island Windsport Society, Re: Request for Support - Windfest	7
<b>5. <u>CORRESPONDENCE</u></b>	
<b>6. <u>INFORMATION</u></b>	
1 1. Area A - Parks Commission Minutes - May 11, 2017; 2. Area B - Parks Commission Minutes - January 19, 2017; 3. Area B - Parks Commission Minutes - April 27, 2017; 4. Area D - Parks Commission Minutes - May 15, 2017; 5. Area G - Parks Commission Minutes - March 6, 2017; 6. Area G - Parks Commission Minutes - May 1, 2017; and 7. Area I - Parks Commission Minutes - May 16, 2017.	21
<b>Recommendation</b> For information.	
<b>7. <u>REPORTS</u></b>	
R1 Presentation by Transport Canada - Report from Inspection & Enforcement Division	33
<b>Recommendation</b> For information.	

R2 Application No. 01-B-16DVP - Report from Development Services Division 57

**Recommendation** That it be recommended to the Board that Application No. 01-B-16DVP (2370 MacDonald Road, PID: 000-287-288), to vary Clause 5 of Land Use Contract No. G58863 to reduce the side parcel line setback from 3.0 m to 1.0 m and the rear parcel line setback from 3.0 m to 1.5 m; and to vary Section 8.6(b)(3) of Zoning Bylaw No. 985 to reduce the rear parcel line setback from 4.5 m to 1.5 m, be approved.

R3 Application No. 01-D-17DVP - Report from Development Services Department 71

**Recommendation** That it be recommended to the Board that Application No. 01-D-17DVP (PID: 029-746-841, Vee Road) to vary Section 5.7.4 (d) of Zoning Bylaw No. 3705 to increase the maximum permitted height of a principal residential building from 7.5 metres to 9.5 metres be approved.

R4 Application No. 04-F-16DP - Report from Development Services Division 83

**Recommendation** That it be recommended to the Board:

1. That Development Permit with Variance Application No. 04-F-16DP/VAR (5525 Jenny Place) be approved;
2. That the General Manager of Planning & Development be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of *Official Community Plan Bylaw No. 1945*;
3. That Section 3.22 of Zoning Bylaw No. 2600 be varied to 10.9 metres for the shop, 4.5 metres for the garage, and 13.5 metres for the concrete retaining wall;
4. That a 'Save Harmless Covenant' be registered against the property prior to issuance of the Development Permit with variance; and,
5. That a landscape security bond be provided in accordance with the CVRD Landscape Security Policy.

R5      Application No. 03-H-16RS - Report from Development Services Division      175

- Recommendation**
1. That staff work with the applicant to refine and secure proposed environmental and site improvements emphasizing surface and ground water protection and aesthetics; and
  2. That Amendment Bylaws be drafted for Application No. 03-H-16RS (13271 Simpson Road), and referred to the Electoral Area Services Committee for consideration.

R6      Application No. 01-E-16RS - Report from Development Services Division      223

- Recommendation** That it be recommended to the Board:
1. That the referrals to Ministry of Transportation and Infrastructure, Island Health, School District 79, Cowichan Tribes, Sahtlam Fire Department, be accepted;
  2. That amendment bylaws for Rezoning Application No. 01-E-16RS (4681 Sahtlam Estates Road) be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> Reading;
  3. That a public hearing be scheduled with Directors from Electoral Areas E, F and D as delegates;
  4. That covenant(s) be drafted prior to public hearing to secure the areas to be dedicated to the CVRD; and
  5. That prior to adoption of the amendment bylaws, the auto-repair home-occupation be brought into conformity with Section 5.11 of Zoning Bylaw No. 1840.

R7      Cowichan Lake Road End Water Zoning - Report from Community & Regional Planning Division      309

- Recommendation** That it be recommended to the Board:
1. That Zoning Amendment Bylaw Nos. 4059 and 4060 (Road End Water Zone) be considered for first and second readings;
  2. That the proposed Amendment Bylaws, along with this staff report, be referred to Cowichan Tribes, Lake Cowichan First Nation, Ditidaht First Nation and the Town of Lake Cowichan for information only; and
  3. That a public hearing be waived in favour of public notice.

- R8 Cowichan Valley Regional District Cannabis Bylaw Amendments - Report from Community & Regional Planning Division 325

**Recommendation** That it be recommended to the Board:

1. That Zoning Amendment Bylaw Nos. 4118 through 4125 inclusive be considered for 1<sup>st</sup> and 2<sup>nd</sup> Readings;
2. That Zoning Amendment Bylaw Nos. 4118 through 4125 not be referred to any agencies; and
3. That a single Public Hearing be held in Duncan at the CVRD Board Room for Amendment Bylaw Nos. 4118 through 4125, with the Directors from Electoral Areas H, F and A delegated to attend on behalf of the Board.

- R9 Twin Cedars Sewer System - 3541 Cobble Hill Road Request for Inclusion - Report from Water Management Division 353

**Recommendation** That it be recommended to the Board:

1. That the Certificate of Sufficiency confirming that a sufficient petition requesting inclusion into the Twin Cedars System service area be received;
2. That CVRD Bylaw No. 2871 – Twin Cedars Sewer System Service Establishment Bylaw, 2006 be amended to include the property described as PID 017-996-783, Lot 1, Section 12, Range 5, VIP 55417, Shawnigan District; and
3. That the amendment bylaw be forwarded to the Board for consideration of three readings and upon payment of the connection fees, adoption.

- R10 Directors Report from Matteus Clement, Director, Electoral Area C, Cobble Hill, Re: Balme Ayr Gravel Pit - Cobble Hill 359

**Recommendation**

1. That a report be prepared detailing the regional district's regulatory authority regarding gravel mines, the Agricultural Land Reserve and industrial activities; and
2. That Ministry Staff be invited to attend an Electoral Area Services Committee meeting to provide an overview of health regulations and protection of farmland in areas adjacent to gravel mines.

R11 Directors Report from Matteus Clement, Director, Electoral Area C, Cobble Hill, 361  
Re: Accessory Dwelling Units as a Permitted Use in the A-1 Zone

**Recommendation** That bylaws to amend South Cowichan Zoning Bylaw No. 3520 to include Accessory Dwelling Units as a permitted use in the A-1 Zone be drafted and forwarded to the Board for first and second reading.

**8. UNFINISHED BUSINESS**

**9. NEW BUSINESS**

NB1 Area E - APC Minutes - May 23, 2017 363

**Recommendation** For information.

**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.

**12. ADJOURNMENT**

The next Electoral Area Services Committee Meeting will be held Wednesday, June 21, 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 S. Acton

Director M. Clement  
Director K. Davis  
Director M. Dorey

Director L. Iannidardo  
Director K. Kuhn  
Director A. Nicholson



Minutes of the Electoral Area Services Committee Meeting held on Wednesday, May 17, 2017 in the Board Room, 175 Ingram Street, Duncan BC at 1:30 PM.

**PRESENT:** Director I. Morrison, Chair  
 Director S. Acton  
 Director K. Davis  
 Director L. Iannidinardo  
 Director M. Marcotte  
 Director A. Nicholson  
 Alternate Director S. Jonas  
 Alternate Director J. Tatham

**ALSO PRESENT:** B. Carruthers, Chief Administrative Officer  
 R. Blackwell, General Manager, Land Use Services  
 M. Tippett, Manager, Regional & Community Planning  
 R. Conway, Manager, Development Services  
 R. Blackmore, Manager, Inspection & Enforcement  
 B. Farquhar, Manager, Parks & Trails  
 I. MacDonald, A/Chief Building Inspector  
 B. Suderman, Planner III  
 R. Rondeau, Planner II  
 J. Hughes, Recording Secretary

**ABSENT:** Director M. Clement  
 Director M. Dorey  
 Director K. Kuhn

**APPROVAL OF AGENDA**

**It was moved and seconded that the agenda be amended with the addition of seven New Business Items:**

- NB1 Grant-in-Aid Request, Area F - Cowichan Lake South/Skutz Falls Re: Cowichan Lake Chamber of Commerce Visitor Centre;**
- NB2 Grant-in-Aid Request, Electoral Area F - Cowichan Lake South/Skutz Falls Re: Caycuse Volunteer Fire Department;**
- NB3 Grant-in-Aid Request, Electoral Area F - Cowichan Lake South/Skutz Falls Re: Honeymoon Bay Community Society;**
- NB4 Grant-in-Aid Request, Electoral Area F - Cowichan Lake South/Skutz Falls Re: Lake Days Society;**
- NB5 Grant-in-Aid Request, Electoral Area F - Cowichan Lake South/Skutz Falls Re: Cowichan Lake Community Radio Society;**
- NB6 Grant-in-Aid Request, Electoral Area F - Cowichan Lake South/Skutz Falls Re: Lady of the Lake Society;**

**NB7 Grant-in-Aid Request, Electoral Area D – Cowichan Bay Re: Cowichan Bay Improvement Association; and**

**that the agenda, as amended, be approved.**

**MOTION CARRIED**

The Committee agreed by consensus that Item R2 (Cowichan Koksilah Official Community Plan Update – Report from Community & Regional Planning Division) be moved after Item.R6.

## **ADOPTION OF MINUTES**

**M1** Regular Electoral Area Services Committee meeting of May 3, 2017

**It was moved and seconded that the minutes of the Regular Electoral Area Services Committee meeting of May 3, 2017 be adopted.**

**MOTION CARRIED**

## **CORRESPONDENCE**

**C1** Grant-in-Aid Request, Electoral Area G - Saltair/Gulf Islands Re: Saltair Ratepayers Association

**It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area G - Saltair/Gulf Islands, in the amount of \$250 be provided to Saltair Ratepayers Association to support an appreciation event for the Saltair Cycling Group and 150 Quilters and Take 5 advertising.**

**MOTION CARRIED**

## **INFORMATION**

**IN1** Land Use Services Department 2016 Year End Report, was received for information.

**IN2** The following Items 1 through 4 were received for information:

1. Area B - Advisory Planning Commission Minutes - May 8, 2017;
2. Area E - Advisory Planning Commission Minutes - April 11, 2017;
3. Area C - Parks Commission Minutes - April 3, 2017; and
4. Area E - Parks Commission Minutes - April 13, 2017.

## **REPORTS**

**R1** Application No. 02-B-17DP-VAR - Report from Development Services Division

**It was moved and seconded that it be recommended to the Board:**

1. **That Development Permit with Variance Application No. 02-B-17DP-VAR (2054 Butler Road) be approved;**
2. **That Section 5.14(a) of Zoning Bylaw No. 985 be varied to decrease the**



- setback from a watercourse from 15 metres to 7.5 metres; and
3. That the General Manager of Land Use Services be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No. 3510.

**MOTION CARRIED**

- R3** Museum Lease Proposal for the Mill Bay Historic Church Building - Report from Parks & Trails Division

**It was moved and seconded that it be recommended to the Board that a lease be prepared for the three South Cowichan Historical Societies (Mill Bay-Malahat, Bamberton, Cobble Hill) to use the historic Mill Bay Church as a museum.**

**MOTION CARRIED**

**It was moved and seconded that it be recommended to the Board that a Land Disposition and Intention to Provide Assistance Public Notice be advertised pursuant to Section 286 of the *Local Government Act* for the lease of the Mill Bay Historic Church to the Mill Bay-Malahat, Bamberton and Cobble Hill Historical Societies.**

**MOTION CARRIED**

- R4** April 2017 Building Report - Verbal Report from Robert Blackmore, Manager, Inspections & Enforcement Division, was received for information.

- R5** April 2017 Bylaw Enforcement Report - Verbal Report from Robert Blackmore, Manager, Inspections & Enforcement Division, was received for information.

- R6** Regional District Approving Officer Function - Report from General Manager, Land Use Services Department

**It was moved and seconded that it be recommended to the Board that staff pursue the Approving Officer authority from the Province.**

**MOTION CARRIED**

**It was moved and seconded that it be recommended to the Board that the Province be sent a formal request to grant the Cowichan Valley Regional District the Approving Officer authority.**

**MOTION CARRIED**

**R2** Cowichan Koksilah Official Community Plan Update - Report from Community & Regional Planning Division, was received for information.

### **NEW BUSINESS**

**NB1** Grant-in-Aid Request, Area F - Cowichan Lake South/Skutz Falls Re: Cowichan Lake Chamber of Commerce Visitor Centre

**It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area F - Cowichan Lake South/Skutz Falls, in the amount of \$7,500 be provided to Cowichan Lake District Chamber of Commerce Visitor Centre to assist in delivery of Visitor Centre services.**

**MOTION CARRIED**

**NB2** Grant-in-Aid Request, Electoral Area F - Cowichan Lake South/Skutz Falls Re: Caycuse Volunteer Fire Department

**It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area F - Cowichan Lake South/Skutz Falls, in the amount of \$5,000 be provided to Caycuse Volunteer Fire Department to support fire/rescue services for West Cowichan Lake area.**

**MOTION CARRIED**

**NB3** Grant-in-Aid Request, Electoral Area F - Cowichan Lake South/Skutz Falls Re: Honeymoon Bay Community Society

**It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area F - Cowichan Lake South/Skutz Falls, in the amount of \$500 be provided to Honeymoon Bay Community Society to assist with Canada Day, Bay Days and Outdoor Movie Night.**

**MOTION CARRIED**

**NB4** Grant-in-Aid Request, Electoral Area F - Cowichan Lake South/Skutz Falls Re: Lake Days Society

**It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area F - Cowichan Lake South/Skutz Falls, in the amount of \$550 be provided to Lake Days Society to assist with Electoral Areas F & I's hosted Breakfast in the Town Event for Lake Days.**

**MOTION CARRIED**

**NB5** Grant-in-Aid Request, Electoral Area F - Cowichan Lake South/Skutz Falls  
Re: Cowichan Lake Community Radio Society

**It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area F - Cowichan Lake South/Skutz Falls, in the amount of \$500 be provided to Cowichan Lake Community Radio Society to support "Summer Nights" Music in the Park Events.**

**MOTION CARRIED**

**NB6** Grant-in-Aid Request, Electoral Area F - Cowichan Lake South/Skutz Falls  
Re: Lady of the Lake Society

**It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area F - Cowichan Lake South/Skutz Falls, in the amount of \$2,000 be provided to Lady of the Lake Society to assist with the Ambassador Program activities.**

**MOTION CARRIED**

**NB7** Grant-in-Aid Request, Electoral Area D – Cowichan Bay Re: Cowichan Bay Improvement Association

**It was moved and seconded 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 Cowichan Bay Improvement Association to support Low Tide Day.**

**MOTION CARRIED**

#### **CLOSED SESSION**

**3:03 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)(f) Law Enforcement and Sub (1)(l) Legal Opinion.

**MOTION CARRIED**

#### **RISE FROM CLOSED SESSION**

**4:52 PM** It was moved and seconded that the Committee rise without report, and return to the open portion of the meeting.

**MOTION CARRIED**

**ADJOURNMENT**

**4:52 PM**            **It was moved and seconded that the meeting be adjourned.**

**MOTION CARRIED**

**The meeting adjourned at 4:52 PM.**

\_\_\_\_\_  
Chair

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

Dated: \_\_\_\_\_

**Jennifer Hughes**

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**From:** noreply@civicplus.com  
**Sent:** Tuesday, May 16, 2017 10:51 AM  
**To:** Jennifer Hughes; Mary Anne McAdam  
**Subject:** Online Form Submittal: Electoral Area Services Committee

**Electoral Area Services Committee****Request to Appear as a Delegation at the Electoral Area Services Committee**

Electoral Area Services Committee meetings are held on the first and third Wednesdays of the month at 1:30 p.m.

Please Note: Contact information supplied by you and submitted with this form will become part of the public record and will be published in a meeting agenda that is posted online when this matter is before the Electoral Area Services Committee. If you do not wish this contact information disclosed, please contact the FOI Coordinator at 250.746.2507 or 1.800.665.3955 to advise.

Meeting Date	6/7/2017
Contact Information	
Contact Name	Luke Acker
Representing	Vancouver Island Windsport Society
Number Attending	1
Address	7283 Bell Mckinnon
City	Duncan
Province	BC
Postal Code	<i>Field not completed.</i>
Telephone Number	250-732-8262
Reply Email	<a href="mailto:crew@windfest.ca">crew@windfest.ca</a>
Presentation Topic and Nature of Request	This is a request for support for Canada's premier kiteboarding competition, 'Windfest', Taking place July 21-23, Windfest has become a national attraction for kiteboarders, as it showcases the CVRD's wind miracle, Nitinat Lake. Windfest works closely with the Ditidaht first nation, who participate in the event, and provide paid services to the event. Now in our 20th year of operation, Windfest seeks to grow from a grassroots event to a

truly national event. We request financial, and logistical support from the CVRD. Funds will be used for safety equipment, first aid attendants and event security.

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Do you have a                      Yes  
PowerPoint presentation?

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Email not displaying correctly? [View it in your browser.](#)



# Windfest 2017

Showcasing  
Kiteboarding  
Tourism  
In the CVRD



10

**Nitinat Lake in  
the CVRD.  
Photo is not  
edited.**

**D1**



# Nitinat Lake

- **One of the best places in the world to kiteboard.**
- But- very unknown. Underutilized, under promoted.
- Potential to be the Whistler of Wind sports.
- **Windfest gives Nitinat exposure.**
- No other significant media coverage.



# Windfest History

- Original event started in early **1990's**
- 100% volunteer based, **non-profit**
- **400** event spectators, **100** competitors
  - Many international visitors
- Over 25,000 unique website visitors
- **Famous** in Pacific North West as one of the **highest quality** kiteboard events



# Vancouver Island Windsport Society

- Founded in 2016, a non profit society
- Sole purpose is to run Windfest. Windfest growing very fast, and needed structure
- The Royal Victoria Yacht Club lends racing equipment to the VIWS. No financial support.
- VIWS Headquartered in Duncan
- No paid staff, no profit of any kind.



# Our Vision

- **Create a world class event**
  - Bring in professional competitors
  - Combine with music festival
  - Elevate the safety and security of the event
- **Showcase the region**
  - Nitinat Lake known globally as a kite holiday destination
  - Give back to the regional economy





# What we need from you

- We're looking for a **long term partner** to grow the event over the **next 5-10 years.**

We need:

- **Financial Support**

- we're asking 5k for 2017. Our total budget is 20K, made of corporate sponsors, and fees.

- **Other Support**

- Help with logistics and event promotion



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**Minutes**  
**Area A – Mill Bay/Malahat Parks Commission**  
**May 11, 2017**

Attending: Libbie Connor, Director Kerry Davis, David Keir, Deryk Norton, April Tilson Regrets: Brook Adams, Jim Connor, Nancy Crichton, Bonnie Mills.

The meeting was called to order at 7:00 p.m.

Discussion item: CVRD policy on cost recovery from builders that damage trails during house construction

MOTION: that we recommend to the board that CVRD adopt a policy of monitoring construction beside trails and parks to ensure the adjacent construction site builders are held accountable for any damage. Moved and seconded. Carried unanimously.

Discussion item: Recommendations for where students might be employed for park cleanup and other work projects:

- Barry Road walkway has blackberry and broom that covers half of the walkway and should be cleared.
- North Good Hope Trail: part of this trail was cleared of invasives and groomed by a contractor but the part that is CVRD park needs extensive work.

Discussion item: Recruitment - ideas were suggested for recruitment of volunteers to the Parks Commissions. The CVRD are in the process of reviewing the Commissions. The Chair will report back after a meeting in June of Parks' Commission Chairs that is being called by CVRD.

Deryk Norton has submitted his resignation from the Area A Parks Commission because he is moving back to Edmonton. We will certainly miss his knowledge, wise advice and ideas. Thank you Deryk for your contributions to Area A Parks.

The meeting adjourned at 8:10 p.m.







**Minutes  
Area D Parks Commission  
Monday May 15, 2017  
Cowichan Estuary Nature Centre**

Call to Order: 6:37 p.m.

Present: Kerrie Talbot(chair), Dave Nisbet, Nathan Mosewich, Roger Southern, Steve Garnett, Lori Iannidinardo (Director, Area D).

Guests: Ruth Baker & Colleen Underwood – Cowichan Bay Improvement Association

Approval of Agenda: Moved and carried.

Approval of previous minutes: Moved and carried.

Guests: Our guests were here to find out how to move forward with replacing the 'sailor & dory' Welcome sign at the north end of the village, as there is local interest in fundraising for the replacement. The sign is actually in South Cowichan Boat Launch Park.

**Motion:** To take Cowichan Bay sign replacement proposal to South Cowichan Parks for their consideration.  
**Passed.**

Ongoing business:

- The Green @ Cherry Point: 5% cash-in-lieu is paid to CVRD before final approval of subdivision.
- Parks Board lot at Cowichan Bay Estates – should be on the market soon.
- Gas Tax (\$38,347.00) has been earmarked for Pritchard Rd. trail engineering. Some discussion on what we actually get for that much money.
- Cowichan Tribes would like to provide a new name for Hecate Park. Brian Farquhar to follow up with Director Iannidinardo.
- Sponsor signage is not permitted on outside of Parks structures such as our Nature Centre.
- Role of volunteer Parks commission members. Please provide feedback to Kerrie by next Parks Commission meeting.

Motion to adjourn: 7:25 p.m.

Next meeting: Monday June 19, 2017.



March 06, 2017

## CVRD Area “G” Parks Commission Minutes

Attendance: Tim Godau, Jackie Rieck, Mel Dorey, Jason Wilson, Kelly Schellenberg.

Regrets: Dave Key, Glen Hammond, Greg Taylor, Paul Bottomley.

Call to Order: 7:15pm

Chair: Tim Godau

1. APPROVAL OF AGENDA — No agenda.
2. APPROVAL OF PREVIOUS MINUTES — Motion: To approve minutes from November 07, 2016 Parks Commission Meeting; Tim Godau; Carried.
3. OLD BUSINESS —
  - 3.1 Wood Chips On Trails — Tim has acquired 3 bags of chip samples from Otter Point. Motion: To encourage pilot project with Brian Farquhar as previously discussed; Tim Godau; Carried.
  - 3.2 Halloween/Easter — Motion: To strive to ensure all Saltair community mailboxes receive advertising so residents are adequately informed of Halloween and Easter events; Jason Wilson; carried.
4. NEW BUSINESS — A question was raised regarding the costs of Halloween 2016 festivities. Tim Godau to follow up.
5. REPORTS —
  - 5.1 Director’s Report:
    - a) Parks Commission appointments extended to December 31, 2017. Was originally set for April, then moved further back. Concern expressed regarding scope of Parks Commission meetings.
      - Commission members urged to maintain focus on Parks issues at meetings.
    - b) Property Acquisition — Saltair Parks has acquired approximately two acres at the South end of Stocking Creek park. Mel to inform Commission on legal description of lot for greater clarity.
  - 5.2 CVRD Report:
    - a) A poster of Stocking Creek park was received by Tim from Brian Farquhar. Tim to laminate.
  - 5.3 Centennial Park
    - a) Disc golf was discussed as a strong option for activities in our area. Motion: To create a trial disc golf course in Centennial Park, with a starting budget of \$500; Jason Wilson; Carried.
      - Jason to research options.
      - Tim to connect with Clayton Postings 25 n Ladysmith (who was previously running

- disc golf Thursday eve's at Ladysmith golf course).
- b) Tim to investigate potential for Ladysmith children's soccer to use the lower field.

5.44 Diana Princess of Wales Park:

- a) Danger trees recently removed.

5.5 Parkinson/Cliffcoe Connector Trail — No Report.

5.6 Stocking Creek Park —

- a) Tree down near french drain, needs to be cleared.

5.7 Beach Accesses —

- a) Seacloud: members to investigate potential for access.
  - Kelly Schellenberg to contact MOT to investigate potential for access.

5.8 Saltair Ball League — No Report.

5.9 Ladysmith Parks & Rec — Tim Godau attended February meeting. Will attend March also.

6. NEXT MEETING — Monday, April 03, 2017, Saltair Community Centre.

ADJOURNMENT — Motion: To adjourn meeting at 8:40pm; Tim Godau; Carried.

Submitted by: Jason Wilson, April 03 2017 @ 18:25.



Monday, May 1, 2017



## CVRD Area “G” Parks Commission Minutes

Attendance: Tim Godau, Dave Key, Jackie Rieck, Kelly Schellenberg, Mel Dorey, Jason Wilson

Guests: David Nikula, Debbie Neil

Call to order 19:04

Chair: Tim Godau

1. APPROVAL OF AGENDA —Motion: To approve the agenda; Tim Godau; Carried.

2. APPROVAL OF PREVIOUS MINUTES — Motion to approve minutes from March 06, 2017 Parks Commission Meeting; Jackie Rieck; Carried.

3. OLD BUSINESS —

3.1 Wood Chips On Trails — Tim Godau spoke with Ryan Dias, not acceptable. Ryan suggests too many shards, potentially dangerous.

3.2 Easter Event — 55 children in attendance. Tim Godau suggests getting paperwork in to CVRD earlier. Response to query raised in March meeting regarding Halloween costs: Halloween 2016 cost \$1500.

4. NEW BUSINESS —

4.11 David Nikula regarding tennis courts starting to deteriorate, delaminate and sink. David Nikula says it affects gameplay, perhaps causing more maintenance moving forward. Depression between two courts on south side, holds water, could become a danger. Suggests that surface needs attention, if no preventative maintenance going to deteriorate rapidly. Mel Dorey adds: complaint from tennis players last fall after courts were cleaned. Mel, took it up with CVRD regarding maintenance, spoke with CVRD to resurface. Estimated cost \$14,000, CVRD doesn't see funds until at least 2019. Tim Godau to confirm budget with CVRD for repairs.

Mel Dorey recommends somebody from CVRD come look at it, have a specialist make an assessment. Tim Godau will contact David Nikula to get together.

4.2 Tim Godau was approached by Mel Dorey with some interested parties to sit on commission. Mel Dorey recommends Parks Commission members. Tim Godau created a list of interview questions as follows:

- What qualities do you bring?
- Can you make the meetings?
- Do you walk our parks?
- Do you live in Saltair?

## 5. REPORTS —

5.1 Director's Report: Mel Dorey received email from community member regarding signs falling down in Stocking Creek (flora fauna). Kelly Schellenberg volunteers to reinstall signs. Motion: Volunteers right signs, any monies necessary should be paid by CVRD; Tim Godau; Carried. Tim Godau to follow up with Dan Brown re signage and maps.

### 5.2 CVRD Report:

a) Tim advised commission that Brian Farquar told him Parks commission appointments extended to December 31 2017. Kelly Schellenberg wishes to know how many on commission; looking for 7-9.

b) Invasive Plants - Kelly Schellenberg wishes to know about invasive plant contact. Tim Godau said nothing happened. Tim Godau to follow up with Ryan Diaz re invasive species count. Mel forwards that Giant Hogweed and Japanese Knotweed will be prioritized

### 5.3 Centennial Park:

a) Jason Wilson reports findings on disc golf facility. Research with several course designers suggests \$500 not enough of a starting budget for a trial disc golf course, as a proper basket costs \$350. David Key could possibly help fabricate some baskets to save costs. Jackie Rieck objects to \$500 being spent; members point out this was motioned and carried at March 06, 2017 meeting. Tim Godau to speak to CVRD regarding disc golf facility requirements.

-Tim Godau was to speak with Clayton Postings from Ladysmith regarding teaming up and sharing equipment using our park. No action, Tim Godau will follow up with Clayton Postings before next meeting.

Monday, May 1, 2017

b) Easter Celebration - Mel Dorey spoke with Evans' family who raised concern of 2x6 transition from grass to gravel, tripping hazard. Gravel needs to be filled in to make even with 2x6.

#### 5.4 Diana Princess of Wales Park;

a) Kelly Schellenberg wants to know what plans are for Cedar snags in front of park. Tim Godau reminds commission that Diana has a covenant that it remain a wilderness park.

b) Parkinson/Cliffcoe Connector Trail - no report

c) Stocking Creek Park

-tree down has been cleared near French drain

-Tim Godau has attention drawn to unauthorized trails being cut

-Motion: To inform CVRD re unauthorized trail building in Stocking Creek, & that CVRD place signage indicating stay on designated trails; Kelly Schellenberg; Carried.

#### 5.7 Beach Accesses

a) Kelly Schellenberg did not contact MOT regarding Seacloud access; she will contact before next meeting.

5.8 Saltair Ball League - Tim Godau received info from Amanda Repath league starting this week. Outhouse is in place.

5.9 Ladysmith Parks & Rec - No update.

6. NEXT MEETING - June 5, 2017, Saltair Community Centre.

ADJOURNMENT - Motion: To adjourn meeting at 8:12 pm; Tim Godau; Carried.

Submitted by: Jason Wilson, May 23, 2017 @ 21:57.



## **Minutes of the regular meeting of the Area I (Youbou/Meade Creek) Parks Commission**

Held in the Upper Community Hall, 8550 Hemlock St. Youbou BC on Tuesday, May 16, 2017  
at 7:04 p.m.

**Present:** Chairperson Marcia Stewart

Vice Chair Rob Somers

Don Macdonald

Duncan Hume

**Regrets:** Area Director – Klaus Kuhn

**Approval of Agenda: Amended.** A third item added to New Business; a letter from Youbou Community Association.

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

**Motion Carried.**

**Adoption of Minutes:**

**It was moved and seconded that the minutes of the regular Area I (Youbou/Meades Creek) Parks Commission meeting held on April 11, 2017 be adopted.**

**Motion Carried.**

**Business Arising**

**From April 11, 2017 minutes NB1 K. Kuhn had asked that the 2017 budget be cut by \$14,000.00 and if approved by Staff that options be brought back to the Area I Parks Commission for discussion. This amount was subsequently increased to \$40,000 per Klaus and the minutes were amended.**

**The Parks Commission asked why there were no options presented to them for cuts to the budget?**

**Correspondence**

**The Youbou Community Association sent a letter to the Area I Parks Commission, offering their support to any areas in our parks and community we felt needed refurbishing. Their suggestions being to install a flower garden on the road allowance in front of the Youbou Community Church, permission to improve signs in Youbou and information on park usage. The Commission would like to thank Kim Ring and the Youbou Community Association for their letter.**

### **REPORTS**

**Area I Director: No report.** However, Klaus informed that \$12,000 has been proposed for beach upgrades and tree limbing at Mile 77 Park. This proposal has been taken to the Cowichan Lake Community Forest Co-op for consideration.

**Cowichan Lake Recreation:** The Youbou Regatta will be Saturday, August 12, 2017. We are hoping that Area I Parks Commission members will be able to help out at the concession again. Volunteers required from 11 a.m. until 3 p.m.

Cowichan Lake Recreation has new software going live May 25, 2017, from “Class” to “Legend”. The new software will include CVRD, Ladysmith and North Cowichan and will enable area residents to go to one website and view all programs available and register. Facility availability will also be viewable. A news release will be coming out shortly.

**Chairperson Report:** No report.

**CVRD Report:** Ryan Dias reports a further reduction in the parks budget, up from the original \$14,000 to \$40,000 and now \$50,000 as instructed by the Area Director. This money comes out of the Arbutus Park upgrade budget and the elimination of the summer student work program. As a result, the Arbutus Park upgrade requires a redesign and this has caused work to be delayed until the fall.

**OB 1: Arbutus Park** – Delayed due to budget reduction.

**OB 2: Carly Cove** – No new information

**OB 3: Shaw Creek** – No new information.

**OB 4: Mile 77 Park** – The possibility of a new picnic shelter built by the Laketown Ranch people is still being pursued but there is no new information to report.

**NB 1: Parks Commission Bylaws Review – Questionnaire from Brian Farquhar.**

1. **Parks Commission Role** – Represent the local residents and ensure that projects proceed. Advise CVRD and recommend new projects pertaining to parks.
2. **Increase Awareness** – Advertise meetings.
3. **Term length for members** – Half should be elected, half should be appointed.
4. **Agenda Items** – Requests from local residents. We include items that members consider to be important. We discuss parks with Ryan Dias, Brock Tingey and Klaus Kuhn.
5. **Parks Staff Not Attending Meetings** – Doesn't really affect the function of the Commission.
6. **Is Minute Taking an Issue?** – Yes. Does not rotate from member to member, one person takes minutes. Unfortunately, our secretary left and the rest of us were unfamiliar with minute taking.
7. **Sufficient Resources Provided?** -
8. **Other Suggestions or Ideas for Volunteer Opportunities in Local Parks** –

**NB 2: Update on 2017 budget** – The Parks Commission learned that the budget has been reduced by \$50,000 per instructions from the Area Director.

**NB 3: Youbou Community Assoc. Letter re, Use of Parks** – The YCA has been referred to the CVRD and Ministry of Highways for information and permission to use CVRD parks and plant flower garden on public road.

**Adjournment**

**It was moved and seconded that the regular meeting of Area I Parks Commission be adjourned.**

**Motion Carried**

**Meeting adjourned at 8:49 p.m.**

**The next regular meeting is scheduled for Tuesday, June 13, 2017**





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** May 26, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 7, 2017

**FROM:** Inspection & Enforcement Division  
Planning & Development Department

**SUBJECT:** Presentation by Transport Canada

**FILE:**

## PURPOSE/INTRODUCTION

The purpose of this report is to provide Committee with a presentation from Transport Canada in relation to the navigation protection program and derelict vessels.

## RECOMMENDED RESOLUTION

For information.

## BACKGROUND

There have been a number of issues within the CVRD waterways with derelict and abandoned vessels blocking navigation routes and access to boat launches. Response by regulatory authorities has been considered less than adequate. There have been on-going discussions between staff, elected officials and regulatory agencies to address this on-going problem.

## ANALYSIS

The Electoral Area Services Committee has expressed an interest in having a representative from Transport Canada to present to Committee regarding derelict vessels and the *Navigation Protection Act*.

Ryan Greville, Manager, Navigable Waters Protection, from Transport Canada has agreed to attend and update the Committee on the issue of derelict vessels.

## FINANCIAL CONSIDERATIONS

N/A

## COMMUNICATION CONSIDERATIONS

N/A

## STRATEGIC/BUSINESS PLAN CONSIDERATIONS

Information provided will highlight new ideas and methods of dealing with the waterway issues being encountered.

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

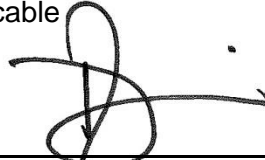
Prepared by:

Reviewed by:



Robert Blackmore, BSc., MSc.  
Manager

Not Applicable  
Not Applicable



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



# Abandoned Boats Program

## Two Components – Assessments and Removals & Education, Awareness & Research

### Program Overview Presentation

Presented by Ryan Greville, Navigation Protection Program

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# PURPOSE

- To provide an overview of the new Abandoned Boats Program (ABP)
- To introduce the two main components of the program
- To explain the roles and responsibilities of HQ and Regions and Stakeholder engagement



# ABANDONED BOATS PROGRAM

The **Abandoned Boats Program (ABP)** is part of a comprehensive national strategy to address abandoned, derelict, and wrecked vessels, being implemented under the Oceans Protection Plan.

**The ABP (2017/18 – 2021/22)** provides grant and contribution funding to assist in the removal of abandoned and/or wrecked small boats posing a hazard in Canadian waters. The program also helps to:

- Educate small boat owners about how to responsibly manage their boats
- Support research on boat recycling & environmentally responsible boat design

The Abandoned Boats Program (ABP) has two key components:

1. Assessment and Removals (A&R); and
2. Education, Awareness and Research (EA&R)

This is an application based program where recipients will need to apply for funding within a deadline. The first call for proposal for both components was launched on **May 31, 2017**.



# ASSESSMENT AND REMOVALS COMPONENT

The Assessment and Removals (A&R) component funds the permanent removal of abandoned and/or wrecked small boats that pose a hazard in Canadian waters.

- Targets SMALL boats (like pleasure craft, fishing boats) - not large, technically complex vessels. There is a soft cap threshold of \$50K per vessel (for removal and disposal costs).
- Ineligible boats include those located on land, military and heritage vessels, and boats involved in contract disputes (e.g. moorage fees unpaid.)

• This component will provide funding to:

- Conduct boat assessments for removals
- Remove and dispose abandoned and/or wrecked small boats

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## Available funding:

- \$5.6 million in total for this component over 5 years.
- Eligible recipients will receive:
  - 100% of total eligible costs for boat removal assessments (maximum of \$5K per boat assessment)
  - 75% of total eligible costs for the removal and disposal of boats (maximum of \$50K per boat removal & disposal)

**Deadline for applications and project proposals – October 31, 2017**



# EDUCATION, AWARENESS & RESEARCH COMPONENT

- The Education, Awareness & Research component funds public education projects aimed at raising awareness about boat owner responsibility and research to support advance boat recycling and environmentally responsible boat design in Canada.
- This component will provide funding to:
  - Educate owners about their responsibilities, including proper end-of-life management practices
  - Research that will examine ways to improve boat recycling options, particularly those made from fibreglass. This includes projects that focus on recycling processes and products, and those focused on boat design and construction (recyclability).

## Available funding:

- \$1,250,000 in total for this component over 5 years (\$750k for E&A and \$500k for research).
- Eligible recipients will receive:
  - 75% of total eligible costs for education and awareness projects (maximum of \$50K per project)
  - 100% of total eligible costs for research projects (maximum of \$100K per project)

**Deadline for project proposals – September 30, 2017**



# KEY ELEMENTS OF PROGRAM

## Eligible Recipients:

- Provinces, Territories, Municipalities and local governments;
- Indigenous groups, communities and organizations;
- Private ports or marinas\*
- Canadian Port Authorities
- Academia
- For-profit and not-for-profit organizations;

## Eligible expenditures such as:

- Staff salaries and benefits, professional fees, communication materials costs, travel costs and administrative costs.

## Conditions for funding:

- No advanced funding, proof of secured funding and all projects must be completed by **March 31, 2022**.



# ELIGIBILITY ASSESSMENT CRITERIA FOR A&R

## Applicants must:

- Demonstrate that boat is abandoned and/or wrecked;
- Provide description of boat to be assessed, including location/condition;
- Indicate if boat has resulted (or expected) in harmful consequences
- Authorized to assess boat and provide documentation;
- Provide an estimate of costs (for assessment only)
- Demonstrate that the boat has been assessed (for removal & disposals only)

## **Note: Boat owners are not eligible.**

- For the Assessments, grants will be provided and recipients will be able to incur the costs upon TC approval and be reimbursed following the assessments.
- For removal and disposals, contributions will be used and projects that meet the EAC will be further assessed against Merit Selection Criteria (MSC).



# EA&R ELIGIBILITY ASSESSMENT CRITERIA

## Education & Awareness Project Categories:

- Outreach initiatives, promotional awareness and public education campaigns;
- Public service announcements, social media, websites and other communications activity; and
- Production and distribution of education and awareness materials that promote owner responsibilities and end of life management of their boats

**Project Target groups** – small boat owners, Indigenous groups and/or communities and general public.

## Research Project Categories:

- Boat recycling – Activities that investigate and/or develop:
  - Technologies, materials or processes that facilitate the dismantling of boats and improve the separation and recycling of materials
  - Market opportunities for end-of-life boats and their materials
- New innovations for green designs – Activities that investigate and/or develop boat designs and materials that;
  - Reduce a boat's environmental impact at end-of-life (e.g. reduce hazardous or problematic materials)
  - Enhance a boat's recyclability and/or improve its end-of-life market value

If the projects meet the EAC, they will be assessed against the MSC.





# MERIT SELECTION CRITERIA

## Project proposals selection criteria:

A&R	EA&R
<ul style="list-style-type: none"><li>• Applicant Information</li><li>• Rationale for funding</li><li>• Proof of authorization for removal &amp; disposal</li><li>• Assessment results</li><li>• Project description</li><li>• Budget</li><li>• Other Criteria – Priority given to:<ul style="list-style-type: none"><li>• Provincial/territorial govts</li><li>• Indigenous organizations</li><li>• Application for multiple boats</li><li>• High risk (i.e. sinking, time, etc)</li><li>• Regional balance</li><li>• Cash vs in-kind support</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Relevance of the Project</li><li>• Applicant's relevant experience and capacity</li><li>• Quality of the Proposal</li><li>• Performance Measurement Strategy</li><li>• Value for the Money</li><li>• Other Criteria – Priority given to:<ul style="list-style-type: none"><li>• Variety of activities</li><li>• Regional balance</li><li>• Cash vs in-kind support</li></ul></li></ul>



# MERIT SELECTION CRITERIA – CON'T

## Review and selection of project proposals:

- Proposals will be reviewed by a Selection Review Committee (SRC) which will be comprised of TC subject matter specialists (Programs, Policy and regional NPP, ideally 5 members);0
- Proposals recommended to Transport Canada's Minister for approval.



# PROGRAM DELIVERY

- First call for proposals was launched May 31, 2017
- Subsequent annual calls for proposals will be much earlier (e.g. Feb)
- EAC initial review and approval for boat removal assessment
- EAC initial review for all other project proposals
- Project Selection Review Committee to review against MSC and establish recommendations Memo to minister for approval of recommended projects
- Agreements signed by TC/Recipient
- Compilation of assessed boats and completed removals



# PROGRAM MANAGEMENT & GOVERNANCE

## **Environmental Policy (ACS) - HQ**

- Provide policy direction
- Selection Review Committee member
- Subject matter expert support to program

## **Transportation and Environmental Programs (AHEC) - HQ**

### **• Management of the program and projects**

- Call for proposals and associated comms & Web processes & products
- Selection Review Committee (Chair, member & secretariat)
- Ministerial Recommendations and communications materials
- Negotiation and management of grants and contribution agreements

## **Navigation Protection Programs (AHEA) HQ**

- Provides authorization for boat assessments, removal and disposal, when applicable (e.g. BEFORE boat is submitted for funding)
- Subject matter expert support to program



# PROGRAM MANAGEMENT & GOVERNANCE

## Navigation Protection Programs - Regions

- Provides authorization for boat assessments, removal and disposal, when applicable
- Subject matter expert support to program – assessments
- Promotes ABP within their respective regions
- Regions to provide input to projects from respective region to the selection review committee
- Three (3) regional members selected on an annual basis by their peers to sit on the Selection Review Committee
- Regional assistance for monitoring and site visits, if required



# ABANDONED BOATS PROGRAM

- For more detailed information, we invite you to visit the ABR website at:  
<http://www.tc.gc.ca/eng/abandoned-boats-program.html>
- <http://www.tc.gc.ca/fra/programme-bateaux-abandonnes.html>

## CONTACT INFORMATION:

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**ABP email:** [tc.abp-pba.tc@tc.gc.ca](mailto:tc.abp-pba.tc@tc.gc.ca)

### **Program Manager**

Alain Paquet – 613-990-5394, [alain.paquet@tc.gc.ca](mailto:alain.paquet@tc.gc.ca)



# ROLE OF THE NAVIGATION PROTECTION PROGRAM

The Navigation Protection Program (NPP) is responsible for authorizing the removal and disposal of abandoned or wrecked vessels (boats) by an interested person.

NPP authorization is an eligibility requirement for the Transport Canada Program and will also be required for the Department of Fisheries and Oceans funding initiative (not yet launched)



# AUTHORITY FOR THE NPP

- **Abandoned or wrecked boat located within a Scheduled Navigable Water**
  - Section 20 of the *Navigation Protection Act* (NPA) authorizes interested persons right of possession of a vessel of concern for removal/disposal; and,
  - Costs associated with the assessment, removal and disposal of the boat may be eligible for G&C funding.
- **Wrecked boat located within a non-Scheduled Water**
  - The Receiver of Wreck (ROW) provisions authorize an interested person right of possession and disposal of a wrecked or abandoned vessel, for which the owner is unknown; and
  - Costs associated with the assessment and removal of the boat may be eligible for G&C funding.





# ABANDONED OR WRECKED BOAT

- Criteria considered in determining if a boat is abandoned, but not limited to :
  - If the owner is unknown, or cannot be located;
  - If the owner clearly expressed his/her intent to abandon the boat and never return to it;
  - If documentation exists that the boat has remained in the same location for over more than one active boating season, or for a period that is markedly unusual for that type of vessel and location;
  - Evidence that the boat is unoccupied or unmaintained over a significant period of time (e.g. hull growth, accumulation of garbage, unlocked doors or lack of proper equipment);
  - Reports that the boat has drifted and has been re-secured by other mariners;
  - The boat is slowly taking on water or at risk of sinking;
  - The boat does not possess a current Pleasure Craft License number or Vessel Registration number.
  
- Criteria considered in determining if a boat is wrecked includes:
  - A boat that is partially or substantially destroyed, partially sunk, sunk, lying ashore, grounded, stranded or in distress.

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# LOCATION OF OWNER

- After the interested person has submitted the *Request for Authorization to take Possession, Remove and Dispose of an Abandoned or Wrecked Boat* form, NPP will attempt to locate the vessel owner.
- The NPP Officer or the ROW will verify with the Office of Boating Safety Pleasure Craft Licensing (PCL), Ship Registry, and any other methods available to verify vessel owner information.
- If the owner is known, but the contact information for the owner is unknown, every reasonable effort should be undertaken by the interested person, the NPP Officer, or the ROW to locate the owner.

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# OWNER FOUND

- If the owner agrees to give the boat to an interested person:
  - The interested person and owner complete the “*Owner consent form for authorizing taking possession of an abandoned or wrecked boat*” form;
  - An authorization allowing the interested person to take possession of the boat for assessment, removal and disposal will be issued by the NPP;
  - The interested person may then apply to the G&C program on the basis of having received clear and documented owner consent.

NPP is required to confirm the validity of the owner’s consent, by all reasonable means available, including contacting the owner to confirm the agreement and verify the PCL or Ship Registry.

- If the owner is found and moves the vessel
  - No role for NPP but the program has to inform the interested person that the vessel has been moved and would no longer be considered as abandoned
- If the owner does not remove the vessel or refuses consent, contact the NPP Headquarters to discuss potential next steps.



# OWNER NOT LOCATED

- If the owner is unknown, the NPP will work with the interested person to ensure that a public notice is posted in order to locate the owner.
- Under the NPA provisions, a 31 day posting period is required;
  - If the owner is not located after the posting, the NPP may authorize the interested person to take possession of the boat or wreck for assessment, removal and disposal;
  - The interested person may then submit a request for G&C funding.
- Under the ROW provisions, a 90 day posting period may be required for boats valued over \$5,000, if the value is less than \$5000, a 31 day posting period is required;
  - After the posting, if the owner is not located, the ROW will issue a letter authorizing the interested person to take possession of the boat or wreck for assessment, removal and disposal;
  - The interested person may then submit a request for G&C funding.



# NPP CONTACT INFORMATION

## TRANSPORT CANADA NAVIGATION PROTECTION PROGRAM HEADQUARTERS AND REGIONAL OFFICE LOCATIONS

**Pacific Region Office**

820-800 Burrard Street

Vancouver BC V6Z 2J8

Telephone: 604-775-8867

Email: [NPPAC-PPNPAC@tc.gc.ca](mailto:NPPAC-PPNPAC@tc.gc.ca)**Prairie and Northern Region Office**

Canada Place 1100-9700 Jasper Ave

Edmonton AB T5J 4E6

Telephone: 780-495-8215

Email: [NPPNR-PPNRPN@tc.gc.ca](mailto:NPPNR-PPNRPN@tc.gc.ca)For: Alberta, Saskatchewan, Manitoba,  
Yukon, Northwest Territory, Nunavut.**Ontario Region Office**

100 South Front Street, 1st Floor

Sarnia ON N7T 2M4

Telephone: 519-383-1863

Email: [NPPONT-PPNONT@tc.gc.ca](mailto:NPPONT-PPNONT@tc.gc.ca)

Forms are not assessed at this office

**Headquarters Office**

Tower C, 330 Sparks Street, 18th Floor

Ottawa ON K1A 0N5

Telephone: 613-991-3476

Email: [NPPHQ-PPNAC@tc.gc.ca](mailto:NPPHQ-PPNAC@tc.gc.ca)**Quebec Region Office**

401-1550 d'Estimauville Avenue, 5th Floor

Quebec QC G1J 0C8

Telephone: 877-646-6420

Email: [PPNQUE-NPPQUE@tc.gc.ca](mailto:PPNQUE-NPPQUE@tc.gc.ca)**Atlantic Region Office**

95 Foundry Street, 6th Floor

P.O. Box 42

Moncton NB E1C 8K6

Telephone: 506-851-3113

Email: [NPPATL-PPNATL@tc.gc.ca](mailto:NPPATL-PPNATL@tc.gc.ca)For: Nova Scotia, New Brunswick, Prince-  
Edward Island, Newfoundland and  
Labrador.

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# QUESTIONS?



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** May 26, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 7, 2017

**FROM:** Development Services Division  
Land Use Services Department

**SUBJECT:** Development Variance Permit Application No. 01-B-16DVP  
(2370 MacDonald Road, PID: 000-287-288, Electoral Area B)

**FILE:** 01-B-16DVP

## PURPOSE/INTRODUCTION

The purpose of this report is to set out an application for a Development Variance Permit to vary the setbacks of the existing Land Use Contract and the underlying zoning to construct an accessory building at 2370 MacDonald Road.

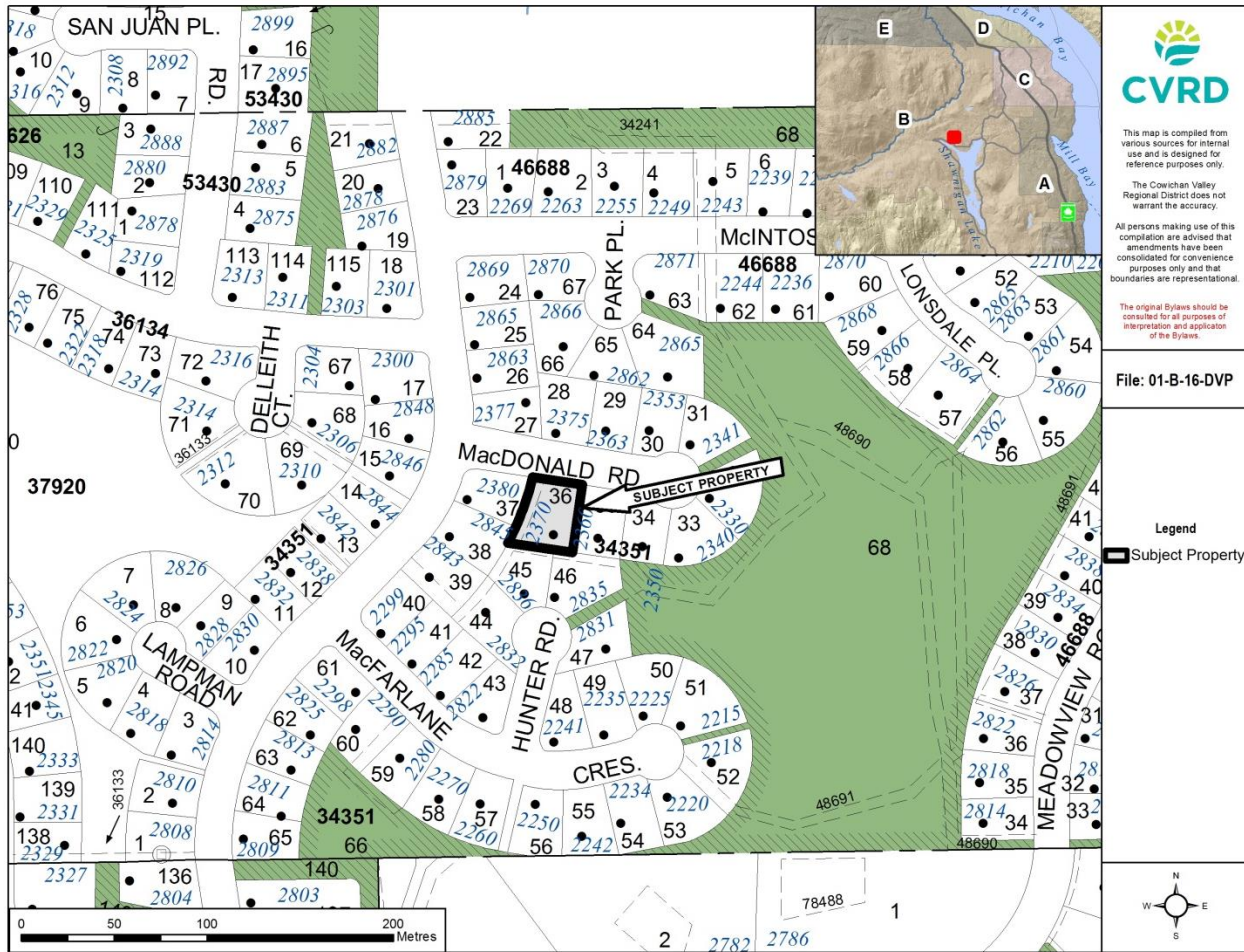
## RECOMMENDED RESOLUTION

That it be recommended to the Board that Application No. 01-B-16DVP (2370 MacDonald Road, PID: 000-287-288), to vary Clause 5 of Land Use Contract No. G58863 to reduce the side parcel line setback from 3.0 m to 1.0 m and the rear parcel line setback from 3.0 m to 1.5 m; and to vary Section 8.6(b)(3) of Zoning Bylaw No. 985 to reduce the rear parcel line setback from 4.5 m to 1.5 m, be approved.

## BACKGROUND

<u>Location of Subject Property:</u>	2370 MacDonald Road
<u>Legal Description:</u>	Lot 36, District Lot 19, Shawnigan District, Plan 34351
<u>Size of Parcel:</u>	0.1 ha (0.28 acres)
<u>OCP Designation:</u>	Village Residential
<u>Zoning:</u>	R-3 (Urban Residential)
<u>Land Use Contract (LUC):</u>	LUC registered on title under G58863
<u>Use of Property:</u>	Residential
<u>Use of Surrounding Properties:</u>	
	North R-3 - Residential
	East R-3 - Residential
	South R-3 - Residential
	West R-3 - Residential
<u>Road Access:</u>	MacDonald Road
<u>Water:</u>	Shawnigan Lake North Water System
<u>Sewage Disposal:</u>	Shawnigan Beach Estates Sewer System
<u>Drainage:</u>	Shawnigan Creek Cleanout and Drainage
<u>Fire Protection:</u>	Shawnigan Lake Fire Service Area
<u>Agricultural Land Reserve:</u>	N/A
<u>Wildfire Hazard:</u>	Moderate
<u>Archaeological Sites:</u>	None identified
<u>Environmentally Sensitive Areas:</u>	None identified

**LOCATION MAP**



**APPLICATION SUMMARY**

Subject Property

The subject property is located on the south side of MacDonald Road and is occupied by a single family dwelling. The property is approximately 1114 sq.m in area (0.28 acres), and is a typical sized lot in the Shawnigan Beach Estates subdivision. The property is fully serviced with community water, sewer, and drainage. This subdivision was established through a Land Use Contract which still applies to all lots in the subdivision.

Proposed Development

The applicant would like to demolish the existing accessory building (shed) in the backyard and build a new, larger, accessory building (shed/garage). The proposed accessory building is 55 sq.m (600 sq.ft) and would be located closer to the side and rear property lines than permitted. The shed/garage is proposed to be 1.0m from the side parcel line and 1.5m from the rear parcel line. See the Site Plan in Attachment A. The applicant has also submitted proposed elevations of the accessory building to provide further information as to what the building will look like, which would match the existing dwelling, also included in Attachment A.

The applicant seeks variances for the proposed siting of the building, which are further described below.



### COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

#### Surrounding Property Owner Notification and Response:

A total of 29 letters were mailed-out or hand delivered as required pursuant to CVRD *Development Application and Procedures and Fees Bylaw No. 3275*. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. To date, no letters have been received.

### OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

#### Official Community Plan No. 3510

The subject property falls within the Shawnigan Village Development Permit Area of Official Community Plan No. No. 3510, however the proposed accessory building does not trigger the requirement to obtain a Development Permit (DP), therefore a DP is not required.

#### Land Use Contract (LUC) and Zoning

A Land Use Contract (LUC) affects the subject property and is registered on title under G58863 (which affects all lots included within the Shawnigan Beach Estates subdivision). The LUC overrides the Zoning Bylaw until such time as the LUC is terminated. Legislation was enacted in 2014 to permanently terminate all LUC's within the province on June 30, 2024. Once the LUC is terminated the underlying zoning will come into effect.

The LUC (G58863) contains building setback requirements under Clause #5 of the contract (see Attachment B). The required LUC setbacks are:

- Setbacks for side and rear parcel lines - 10 feet (3 metres)

Therefore, the proposed setbacks of 1.0 m and 1.5 m for the side and rear parcel lines, respectively, both require setback variances.

#### Zoning Bylaw No. 985

The underlying zoning for the subject property is R-3 (Urban Residential) in accordance with the Area B Zoning Bylaw No.985 (see Attachment C). The setback requirements for an accessory building in the R-3 zone are:

- Side (interior) Setback – 1.0 metre (as the building is located in the rear yard)
- Rear Setback – 4.5 metres

In terms of the R-3 zone, the proposed 1.5 m rear parcel line setback for the accessory building does not meet the required 4.5 m setback.

#### Proposed Variances

The applicant requests to vary the LUC setback requirements as well as put into place a variance for the underlying R-3 zoning, in order to construct the accessory building as proposed. The variances include:

##### *Land Use Contract (LUC) G58863*

- **LUC Clause No.5**

Request to vary the required side parcel line setback from 3 m to 1 m; and to vary the rear parcel line setback from 3 m to 1.5 m.

##### *Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985:*

- **R-3 Zone - Section 8.6(b)(3)**

Request to vary the required rear parcel line setback from 4.5 m to 1.5 m.

As such, the LUC requires both the side and rear setback to be varied, and the underlying zoning requires only a rear yard setback variance.

The applicant's variance rationale is attached as Attachment D.

## PLANNING ANALYSIS

The proposed accessory building (shed/garage) is approximately 55 sq.m (600 sq.ft) in size. The existing house and the proposed new shed combined result in a lot coverage of 22%, which is below the 40% maximum permitted in the LUC and the 30% maximum lot coverage of the R-3 Zone. Although, the existing shed is to be replaced with a larger one, the proposed lot coverage of 22% will still comply with both the LUC and R-3 Zone lot coverage restrictions.

### Side Setback Variance

The LUC is required to be varied for the side setback, from 3 metres to 1 metre, a difference of 2 metres. The underlying zoning allows for a 1 metre setback and therefore once the LUC is terminated in 2024 the siting of the building will be in compliance with the R-3 Zone. The R-3 zone and several of the residential zones in the zoning bylaw allow for the side setback of residential accessory buildings to be reduced to 1 metre when the building is located in the rear yard. Granting the side yard setback variance for the LUC would allow the building to be constructed under the current LUC, but is of little consequence later when the setback will actually comply with the R-3 zoning (in 2024).

### Rear Setback Variance

Currently, the LUC allows for a 3 metre rear parcel line setback, which is more generous than the underlying R-3 Zone which requires a 4.5 metre setback. The table below breaks down the LUC and R-3 rear setback variance.

Regulations	Required Rear Setback	Proposed Setback	Variance Requested	After 2024
LUC	3.0 m	1.5 m	1.5 m	N/A
R-3	4.5 m	1.5 m	3.0 m	3.0 m variance

The accessory building is proposed to be sited 1.5 metres from the rear property line, and requires a variance from the current LUC in affect, and the applicant seeks to put in place a variance for the underlying zoning due to the LUC terminating in 2024. The current LUC variance is a difference of 1.5 metres between the required and proposed setbacks, however the variance for the underlying R-3 zoning is a difference of 3.0 m between the required and proposed setbacks.

### Surrounding Properties

The lots abutting the subject property are arranged in a typical subdivision manner where the rear yard of the subject property abuts the rear yards of the neighbouring lots. The neighbour to the east also has a shed at the rear corner of their property. And the neighbouring properties to the south have a tree hedge providing general screening between the properties. See the photos contained in Attachment E.

### Final Comments

The accessory building side setback will ultimately meet the underlying zoning, therefore the main consideration is that of the rear setback variance. The proposed accessory building is primarily screened by the tree hedge along the southern boundary and is keeping within the lot coverage permitted in the LUC and the R-3 Zoning. There are no windows proposed that would overlook the neighbouring properties to the east or south, and in general, rear accessory buildings can help provide for more privacy within backyards by creating separation between usable yard spaces. In addition, no objections have been received by owners of the neighbouring properties. As such, staff is supportive of this DVP application.

Option 1 is recommended.

**OPTIONS**

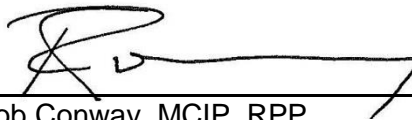
1. That it be recommended to the Board that Application No. 01-B-16DVP (2370 MacDonald Road, PID: 000-287-288), to vary Clause 5 of Land Use Contract No. G58863 to reduce the side parcel line setback from 3.0 m to 1.0 m and the rear parcel line setback from 3.0 m to 1.5 m; and to vary Section 8.6(b)(3) of Zoning Bylaw No. 985 to reduce the rear parcel line setback from 4.5 m to 1.5 m, be approved.
2. That Application No. 01-B-16DVP be denied.

Prepared by:

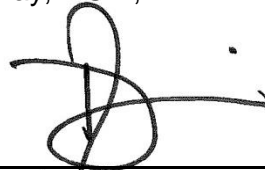


Sheila Herrera, MCIP, RPP  
Planner II

Reviewed by:



Rob Conway, MCIP, RPP  
Manager



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

**ATTACHMENTS:**

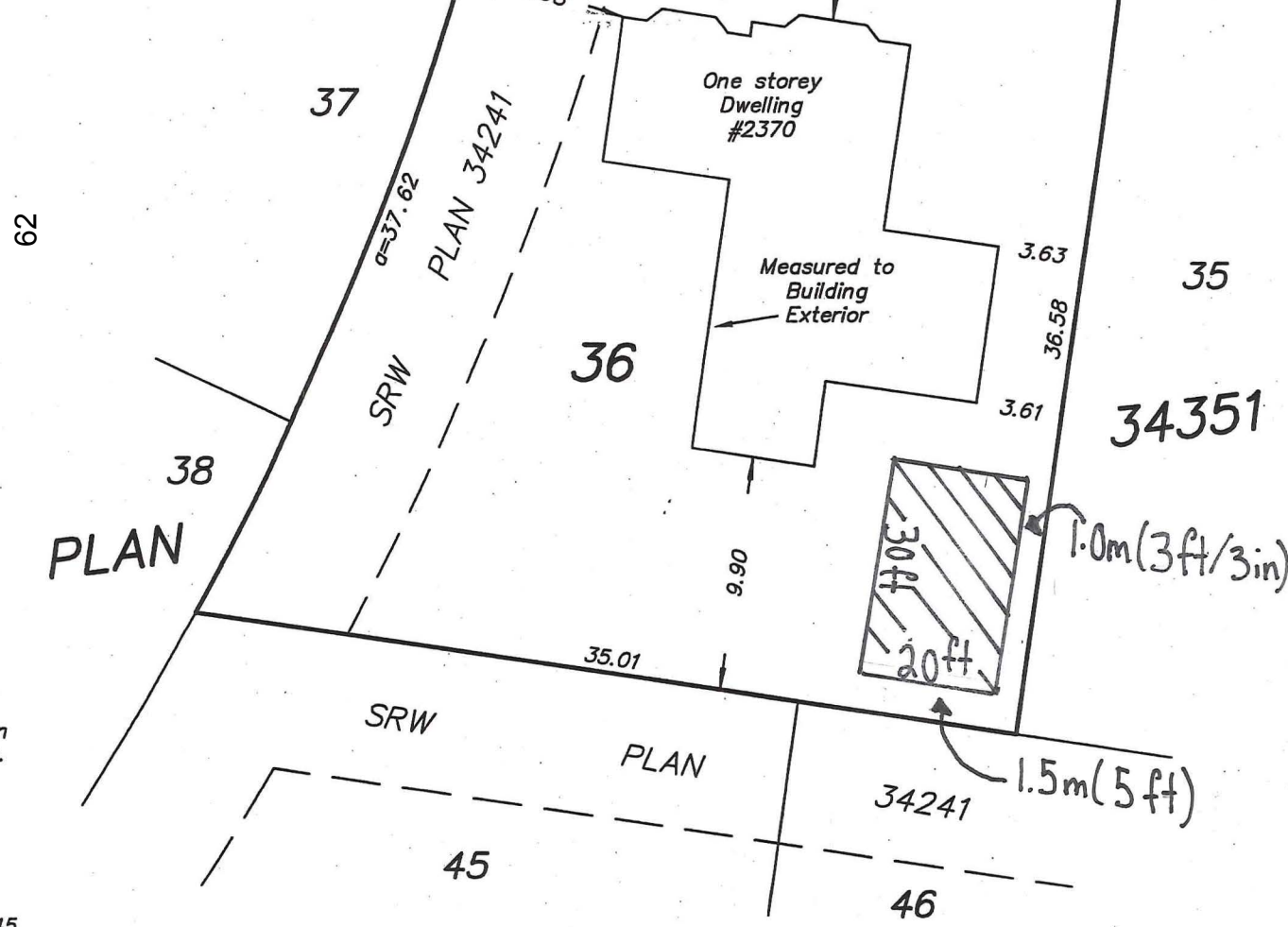
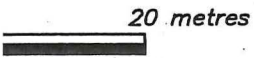
- Attachment A – Site Plan and Elevations
- Attachment B – LUC Setback Requirements
- Attachment C – R-3 Zone
- Attachment D – Rationale Letter
- Attachment E – Site Photos
- Attachment F – Draft Development Variance Permit

FOR  
 T 19,  
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 APR 14 2017


**MACDONALD ROAD**

Note: Lot 36 lies within the C.V.R.D. Area B and is Zoned R-3. Bylaw setback requirements are as follows:

	Residential Use	Accessory Use
Front	7.5 m	7.5 m
Side (Interior)	3.0 m or 10%	3.0 m or 10% or 1.0 m if located in rear yard
Side (Exterior)	4.5 m	4.5 m
Rear	4.5 m	4.5 m



This is to certify that the structures on the above lot lie wholly within the said lot and do not encroach on any adjoining lot or road. Certified correct this 15th day of November 2016

©  **R2**  
 B.C.L.S.  
 THIS DOCUMENT IS NOT VALID UNLESS  
 ORIGINALLY SIGNED AND SEALED.



REAR VIEW

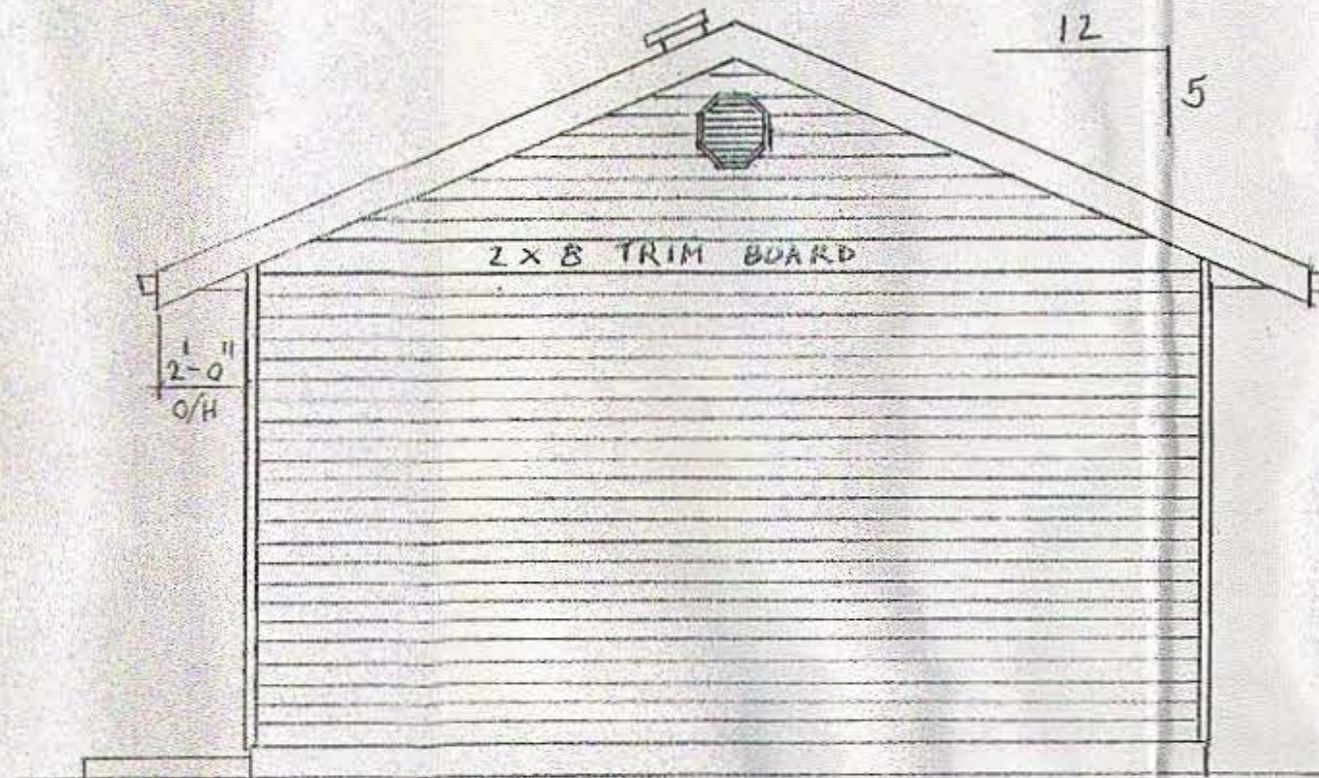


RIGHT VIEW

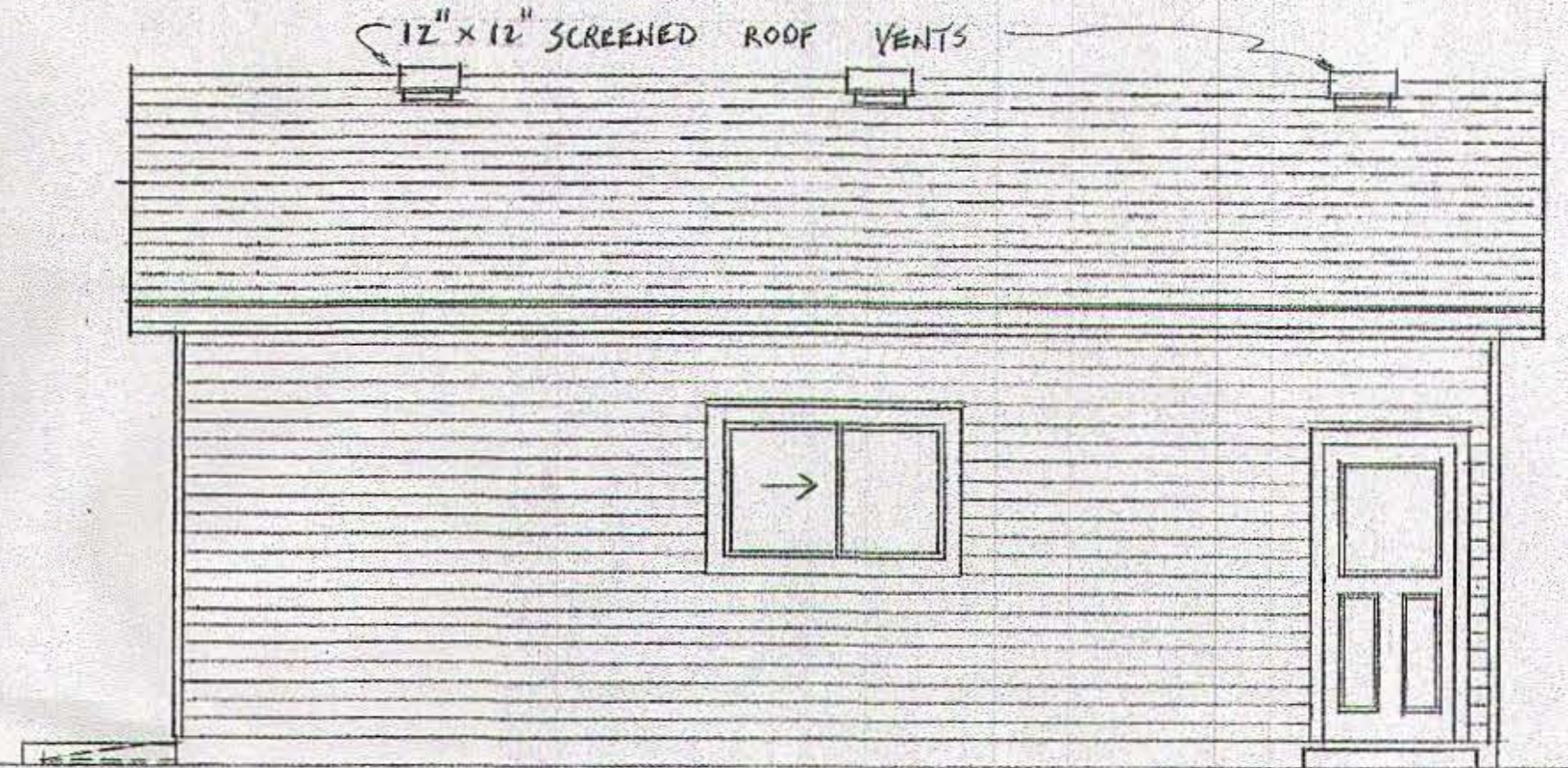


LEFT VIEW

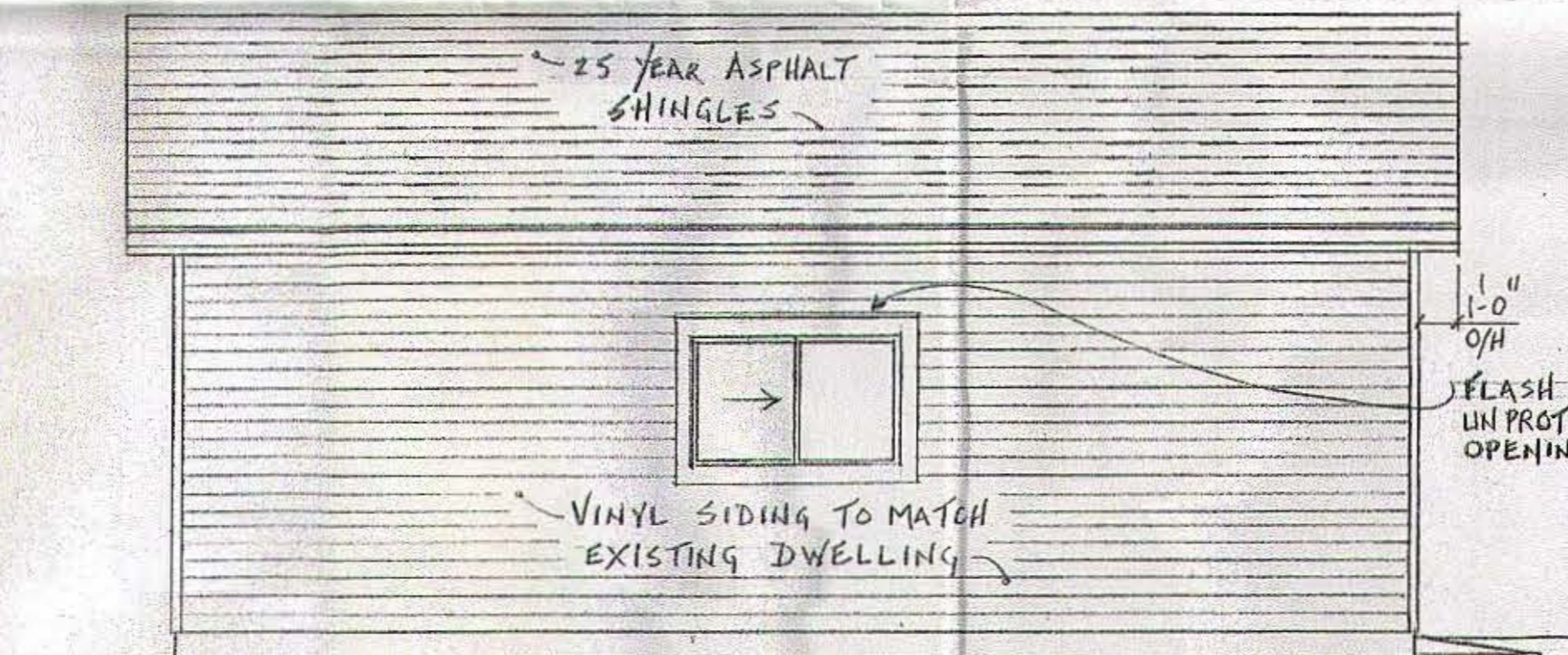
REPRESENTATIVE SAMPLE OF EXTERIOR FINISHES



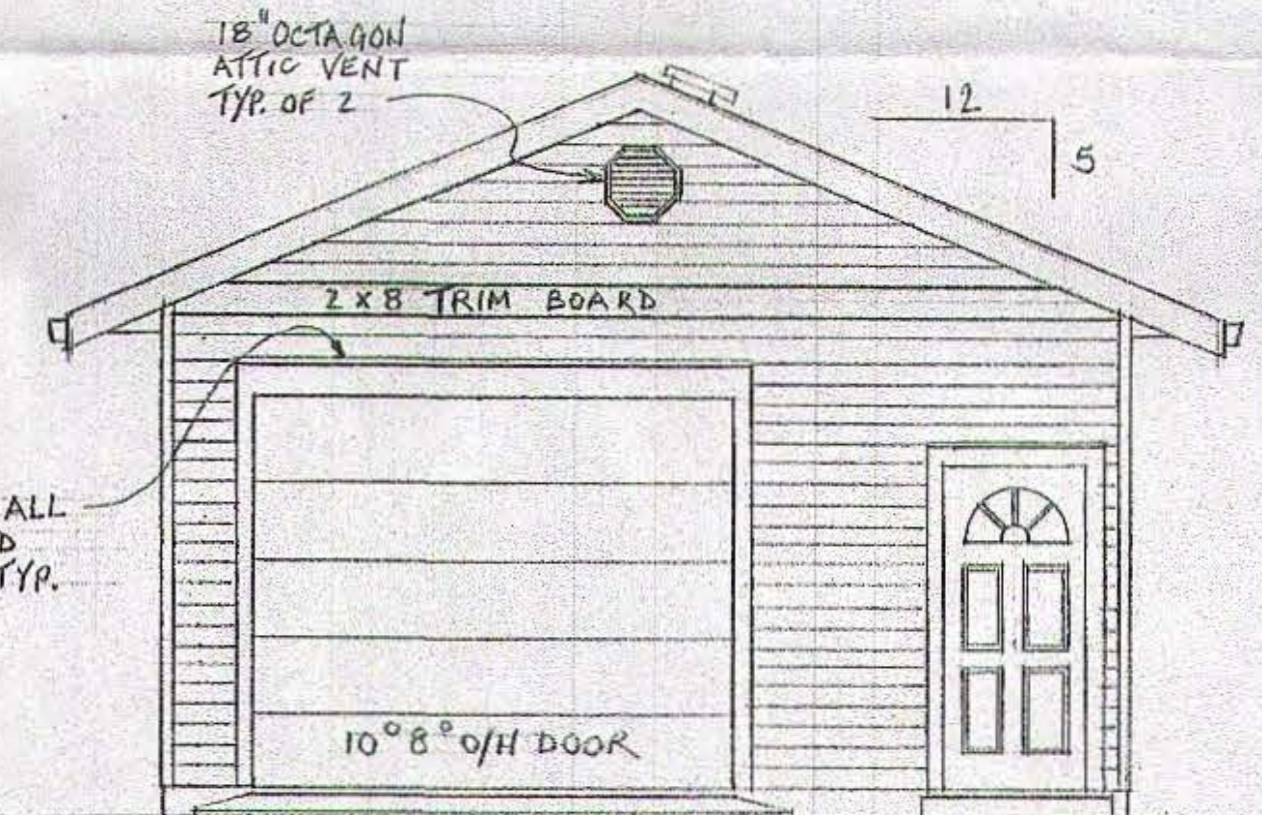
REAR ELEVATION  
1/4" = 1'-0"



RIGHT ELEVATION  
1/4" = 1'-0"



LEFT ELEVATION  
1/4" = 1'-0"



FRONT ELEVATION  
1/4" = 1'-0"

<p><b>GARAGE DRAWINGS FOR VARIANCE</b> FOR <b>GRANT MELLEMSTRAND</b> 2370 MACDONALD ROAD SHAWNIGAN LAKE, B.C.</p>		<p><b>JIM CLEOUGH</b> DESIGN &amp; DRAFTING 477 ALDERLEA ST. DUNCAN, B.C. V9L 3V3 250-748-8122</p>		<p>JOB NO 1705</p>	<p>SCALE 1/4" = 1'-0"</p>	<p>SHEET TITLE ELEVATIONS</p>
		<p>JOB DATE MARCH 2017</p>	<p>CLIENT MELLEMSTRAND</p>	<p>PRINT DATE</p>	<p>DRAWN BY J. CLEOUGH</p>	<p>SHEET NO. A-1 OF</p>

RECEIVED  
APR 14 2017

R2

- 4 -  
4

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration

of the mutual covenants hereinafter contained and set forth the parties hereto hereby agree each with the other as follows:

1. In this Agreement unless the context otherwise requires, "Planner" shall be construed to mean and include the Director of Planning for the District and his duly authorized assistants or such consulting or other Professional Planners as may be appointed to act for the District.
2. The said land shall not hereafter be used except for the following purposes:
  - a) The placing, constructing or erecting, and the maintaining thereon of not more than two hundred seventy-nine (279) single family residential dwellings and suitable accessory building thereto.
3. No dwelling shall be constructed except on designated site areas as shown on Schedule "B".
4. No part of any building shall be closer than twenty-five (25) feet to the boundary of a frontage road.
5. No part of any building shall be closer than ten (10) feet to any common boundary of the said lands and any other parcel of land.
6. The total site coverage by building or buildings shall not exceed forty percent (40%) of the total site area of the lot. For the purpose of this section, site coverage shall be based on the projected area of the outside of the outer most walls of all buildings, including out-buildings. Provided however, steps, eaves, and sundecks may be excluded.
7. No building shall exceed a height of thirty-five (35) feet.
8. No dwelling shall be utilized as a hotel, motel, hostel, dormitory or as a structure for the overnight accommodation of persons other than members of a single family unit who own and occupy as a residence a dwelling existing or constructed upon the said lands.
9. Except as may be necessary for the purposes of construction of buildings, parking areas, roads, walkways, recreational areas, water supply systems, sewage systems and surface water drainage systems, the vegetation and landscape of the said lands shall be kept in their natural state.

8.6 R-3 ZONE - URBAN RESIDENTIAL

(a) Permitted Uses

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

- (1) single family residential dwelling;
- (2) horticulture;
- (3) home based business;
- (4) bed and breakfast accommodation;
- (5) daycare nursery school accessory to a residence; and
- (6) small suite or secondary suite

(b) Conditions of Use

For any parcel in an R-3 Zone:

- (1) the parcel coverage shall not exceed 30 percent for all buildings and structures;
- (2) the height of all buildings and structures shall not exceed 10 metres except for accessory buildings which shall not exceed a height of 7.5 metres;
- (3) the setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>COLUMN I Type of Parcel Line</b>	<b>COLUMN II Residential Use</b>	<b>COLUMN III Accessory Residential Use</b>
Front Side (Interior)	7.5 metres 10% of the parcel width or 3 metres whichever is less	7.5 metres 10% of the parcel width or 3.0 metres whichever is less or 1.0 metres if the building is located in a rear yard
Side (Exterior)	4.5 metres	4.5 metres
Rear	4.5 metres	4.5 metres

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APR 14 2017

Grant Mellemstrand  
2370 MacDonald Road  
Shawnigan Lake, B.C.  
V0R 2W1  
(250)-743-6055

April 10, 2017

Development Services Division  
Planning and Development Department  
Cowichan Valley Regional District  
175 Ingram Street  
Duncan, B.C.  
V9L 1N8

Attn: Sheila Herrera

Dear Ms. Herrera,

I am writing this letter to provide rationale for my variance application 01-B-16DVP. I am applying for this variance for a number of reasons. Primarily, I would like to build a permanent workshop and storage building (20' x 30' dimension) at the back of my property to meet both my personal needs of creating a space for woodwork and hobby activities, and my family needs of providing proper space for food and property storage. In reference to your March 14 email, thank you for clarifying the variances as requested in the Land Use Contract and as it relates to the zoning bylaw. Given the current property setback regulations in Area B (Shawnigan Lake), I will be unable to construct said structure without a variance to the property setbacks. Other reasons of rationale include:

- After consulting with all of my surrounding neighbours, I have received no objections to building said structure.
- Under the current Land Use Contract (LUC) of the Shawnigan Beach Estates, the property variance request is reasonable but, when the LUC is terminated in 2024, the only non-compliance will be the rear yard setback, as the side yard setback will comply with current underlying zoning. Given neighbours' acceptance to the request and the location of the building at the back of my property, the property variance and construction of the structure will not be an issue.
- Due to the existence of Statutory Right of Way located on the west side of my property, and location of my primary residence, I am unable to locate said structure in another location on my property.
- This structure will be used for storage and hobby activities but also for possible vehicle access and storage – hence the proposed location of the building at the side and rear of my property.
- The elevation of this building will not be taller than my primary residence and will have the same finished look of my primary residence. Therefore, this



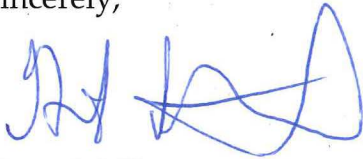
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structure will not stand out from my primary residence or other buildings in the neighbourhood.

I sincerely thank you for considering my application for a zoning variance. If you require any more information regarding my application, I would be happy to provide it.

I look forward to your reply and communicating with you further during this rezoning application process.

Sincerely,



Grant Mellemstrand



Existing accessory building and setback from east (side) property line.



Existing eastern (side) property boundary.



Rear shed and walkway at neighbouring property to the east (side).



Existing accessory building and setback from the south (rear) property line. Tree hedge at neighbouring properties to the south.



**COWICHAN VALLEY REGIONAL DISTRICT**

**DEVELOPMENT VARIANCE PERMIT**

**FILE NO:** 01-B-16DVP

**DATE:** \_\_\_\_\_

**REGISTERED PROPERTY OWNER(S):**

**GRANT LEIGHTON MELLESTRAND  
NAOMI ANNE BARCLAY**

1. This Development Variance Permit is issued and is subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.

2. This Development Variance Permit applies to and only to those lands within the Regional District described below:

*LOT 36, DISTRICT LOT 19, SHAWNIGAN DISTRICT, PLAN 34351  
(PID: 000-287-288)*

3. Authorization is hereby given:

- To vary Clause No.5 of Land Use Contract G58863 to reduce the side parcel line setback from 3.0 m to 1.0 m; and to reduce the rear parcel line setback from 3.0 m to 1.5 m; and
- To vary Section 8.6(b)(3) of Zoning Bylaw No. 985 to reduce the rear parcel line setback from 4.5 m to 1.5 m.

4. The following plans and specifications are attached to and form a part of this permit.

Schedule A – Location Plan  
Schedule B – Site Plan

5. The land described herein shall be developed in substantial compliance with the terms and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

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

**AUTHORIZING RESOLUTION XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE X DAY OF MONTH, 2017.**

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

I HEREBY CERTIFY that I have read the terms of the Development Variance Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with GRANT LEIGHTON MELLESTRAND AND NAOMI ANNE BARCLAY other than those contained in this Permit.

\_\_\_\_\_  
Owner/Agent (signature)

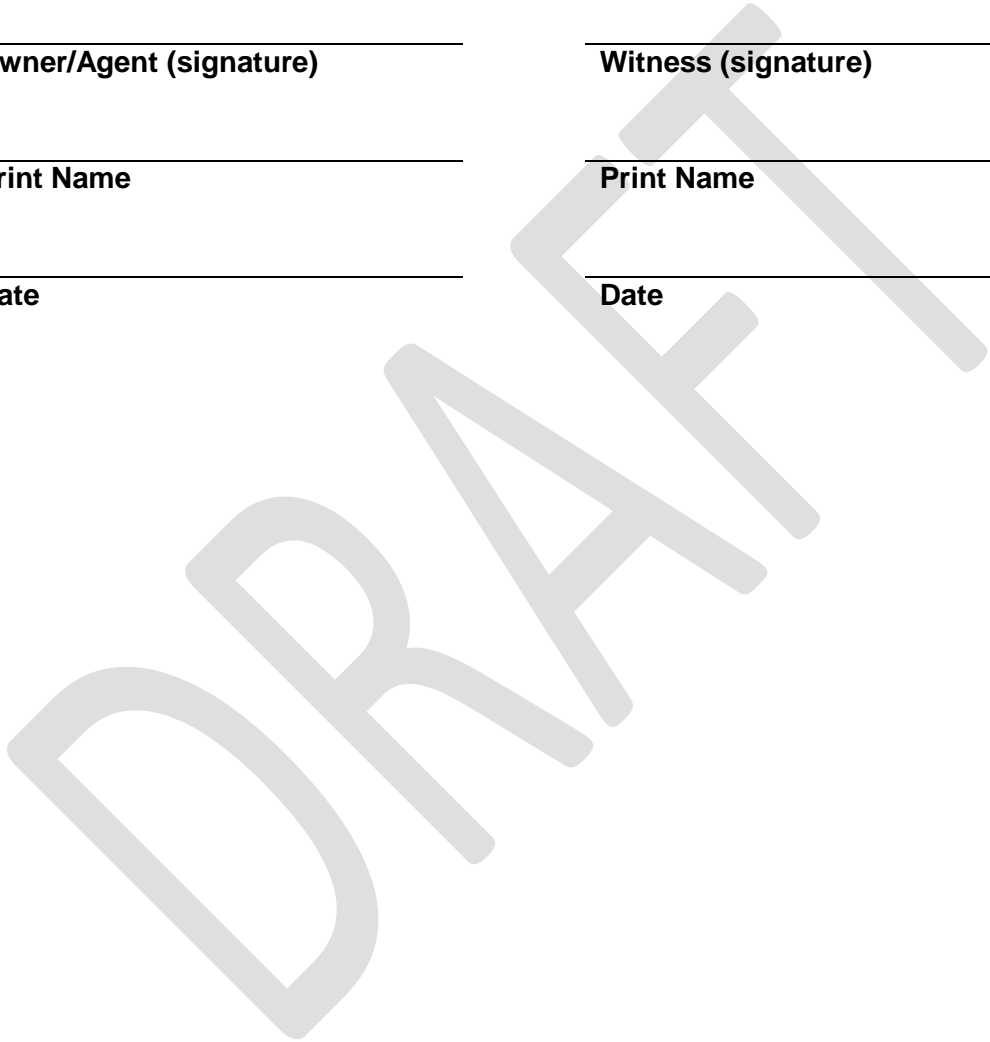
\_\_\_\_\_  
Witness (signature)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** May 26, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 7, 2017

**FROM:** Development Services Division  
Land Use Services Department

**SUBJECT:** Development Variance Permit Application No. 01-D-17DVP  
- Electoral Area D (PID: 029-746-841, Vee Road)

**FILE:** 01-D-17DVP

## PURPOSE/INTRODUCTION

The purpose of this report is to set out a request to vary the maximum permitted height of a single family dwelling to be located on Lot 1 at Vee Road.

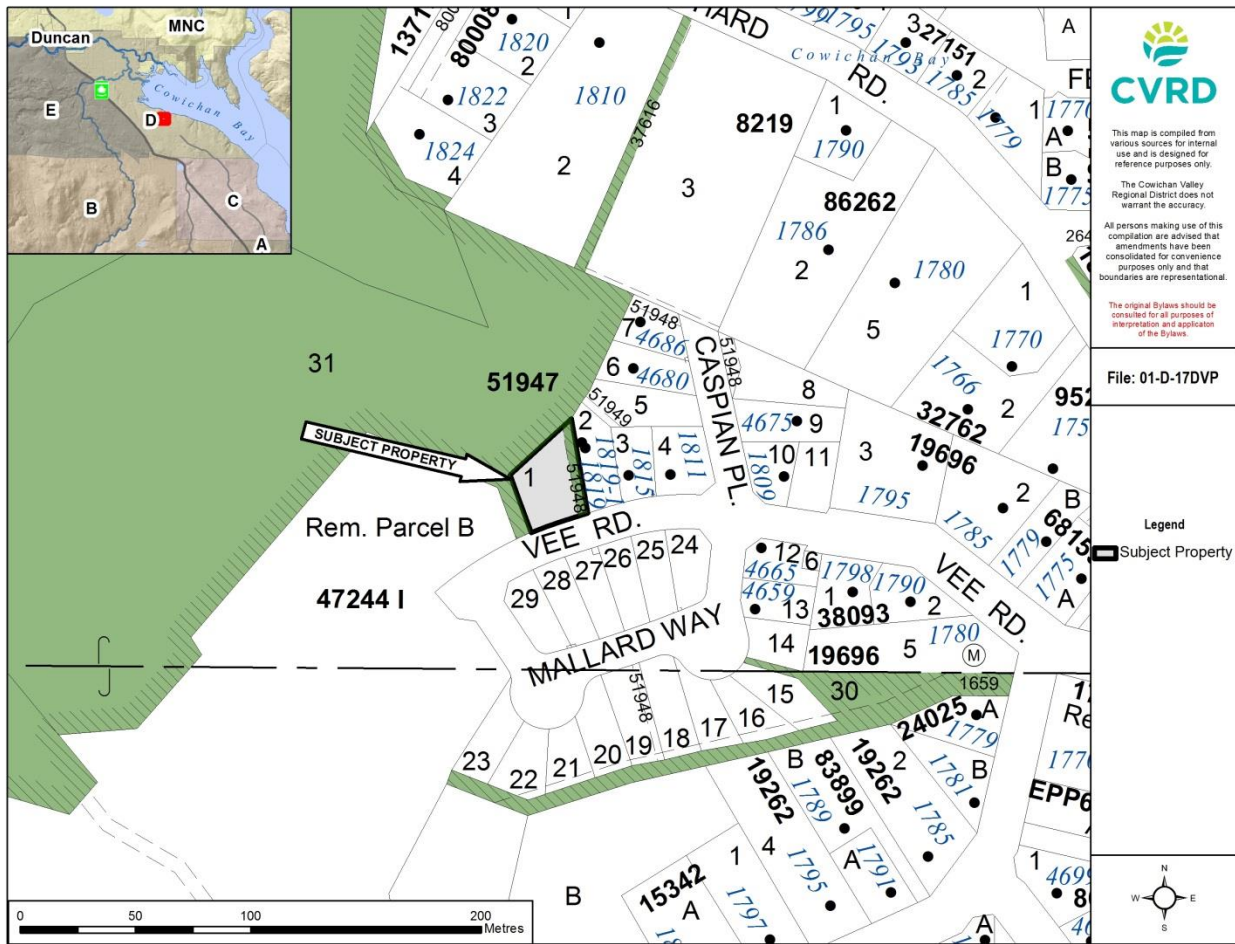
## RECOMMENDED RESOLUTION

That it be recommended to the Board that Application No. 01-D-17DVP (PID: 029-746-841, Vee Road) to vary Section 5.7.4 (d) of Zoning Bylaw No. 3705 to increase the maximum permitted height of a principal residential building from 7.5 metres to 9.5 metres be approved.

## BACKGROUND

<u>Location of Subject Property:</u>	Lot 1 Vee Road (PID: 029-746-841)
<u>Legal Description:</u>	Lot 1, Section 6, Range 4, Cowichan District, Plan EPP51947
<u>Size of Parcel:</u>	0.09 ha (0.24 acres)
<u>OCP Designation:</u>	Village Residential
<u>Zoning:</u>	R-3
<u>Use of Property:</u>	Vacant lot
<u>Use of Surrounding Properties:</u>	
	North Park
	East Residential (R-3)
	South Residential (R-3)
	West Park
<u>Water:</u>	Cowichan Bay Waterworks District
<u>Sewage Disposal:</u>	Cowichan Bay Sewer System
<u>Drainage</u>	Wilmot Road Drainage
<u>Fire Protection:</u>	Cowichan Bay Volunteer Fire Department
<u>Agricultural Land Reserve:</u>	N/A
<u>Archaeological Sites:</u>	None identified
<u>Environmentally Sensitive Areas:</u>	None identified

**LOCATION MAP**



**APPLICATION SUMMARY**

The subject property is currently vacant and a single family dwelling will be constructed on the lot. The proposed dwelling is a typical rancher style home with a walk-out basement, with the building appearing like a single storey dwelling from the street level.

The street elevation is much higher than the lot itself, essentially the property drops off quite abruptly from the edge of the sidewalk and the bottom of the lot is several metres down from the street.

The applicant is requesting a building height variance from 7.5 m to 9.5 metres, a variance of 2 metres.

The Site Plan and Elevations are attached as Attachments A and B, respectively.

**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

**Surrounding Property Owner Notification and Response:**

A total of 11 letters were mailed-out or hand delivered as required pursuant to CVRD *Development Application and Procedures and Fees Bylaw No. 3275*. The notification letter described the purpose of this application and requested comments regarding this variance within a recommended time frame. To date, no letters have been received.

### OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

#### Official Community Plan No.3605

The subject property falls within the Cowichan Bay Official Community Plan No. 3605 and is located within the Village Residential (VR) designation. The area was recently subdivided into single family lots, for which a Development Permit was issued.

#### Zoning Bylaw No.3705

The subject property is zoned Village Residential – R3, which permits a single family dwelling and accessory uses. The maximum building height is specified in Section 5.7.4 (d) and states:

*“The maximum height of all buildings and structures is 7.5 m, except it is 4.5 m for accessory buildings and structures.”*

### PLANNING ANALYSIS

The subject property is much lower than the street, as evident in the attached photos (Attachment C). The average natural grade is the starting point for measuring the height of the building and in this case that measurement starts well below the grade of the street.

The average natural grade for the building site was set at the 95 m elevation, and with a 7.5 m building height the maximum peak elevation of the building would be at the 102.5 m elevation. If the building was to conform to the zone requirement then the peak of the building would be 2.89 m above the street elevation. This form of development results in buildings that have a poor street presence and would highlight the massing of the roof form rather than the front façade of the dwelling. The applicant has chosen a house plan that results in a maximum peak elevation of 104.5 m, which is demonstrated on the Streetscape Plan (Attachment D). The Streetscape Plan demonstrates the height of the proposed dwelling in relation to the other homes existing on the street. And although a 2 metre variance is requested, the height of the proposed dwelling is in keeping with the homes already constructed on the street.

Staff consider the height variance to be a reasonable request in order to construct a home that is in keeping with the style of development within the area.

Option 1 is recommended.

### OPTIONS

1. That it be recommended to the Board that Application No. 01-D-17DVP (PID: 029-746-841, Vee Road) to vary Section 5.7.4 (d) of Zoning Bylaw No. 3705 to increase the maximum permitted height of a principal residential building from 7.5 metres to 9.5 metres be approved.
2. That Application No. 01-D-17DVP (PID: 029-746-841, Vee Road) be denied.

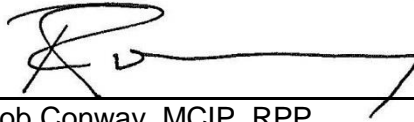
Prepared by:



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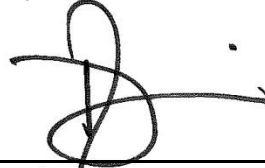
Sheila Herrera, MCIP, RPP  
Planner II

Reviewed by:



---

Rob Conway, MCIP, RPP  
Manager



---

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

**ATTACHMENTS:**

- Attachment A – Site Plan
- Attachment B – Elevations
- Attachment C – Site Photos
- Attachment D – Streetscape Plan
- Attachment E – Draft Development Variance Permit



**SKETCH PLAN SHOWING PROPOSED DWELLING LOCATION & CROSS-SECTION OF LOT 1, SECTION 6, RANGE 4, COWICHAN DISTRICT, PLAN EPP51947.**

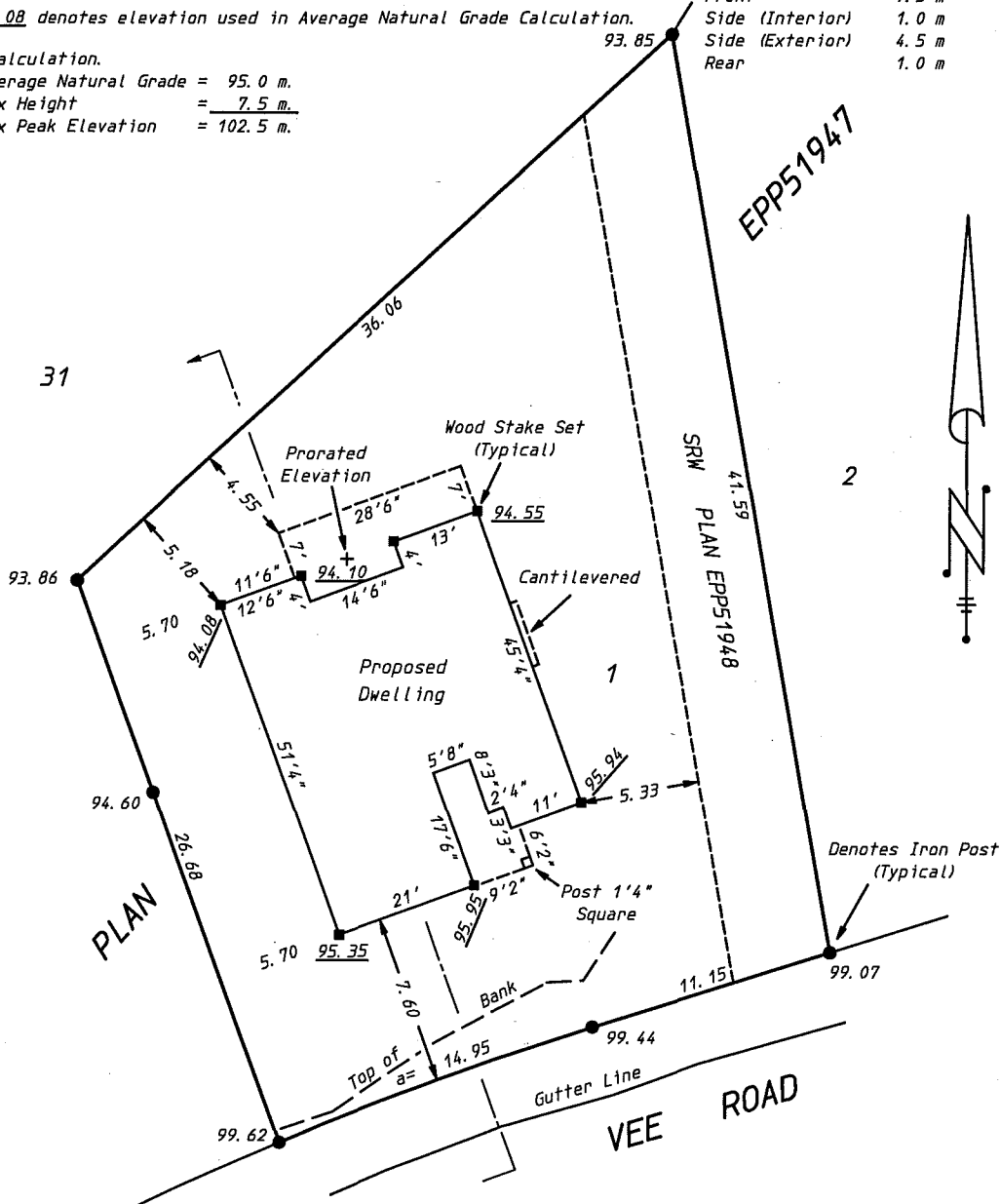
Note: Lot 1 lies within the C. V. R. D. Area D and is Zoned R-3.  
 Bylaw setback requirements are as follows:  
 Principal Residential Use:  
 Front 7.5 m  
 Side (Interior) 10 % or 3.0 m  
 Side (Exterior) 4.5 m  
 Rear 4.5 m  
 Adjoining ALR 15.0 m  
 Accessory Residential Use:  
 Front 7.5 m  
 Side (Interior) 3.0 m  
 Side (Exterior) 4.5 m  
 Rear 3.0 m  
 Adjoining ALR 15.0 m  
 Accessory Building Use: Non-Residential  
 Front 7.5 m  
 Side (Interior) 1.0 m  
 Side (Exterior) 4.5 m  
 Rear 1.0 m

SCALE 1 : 250

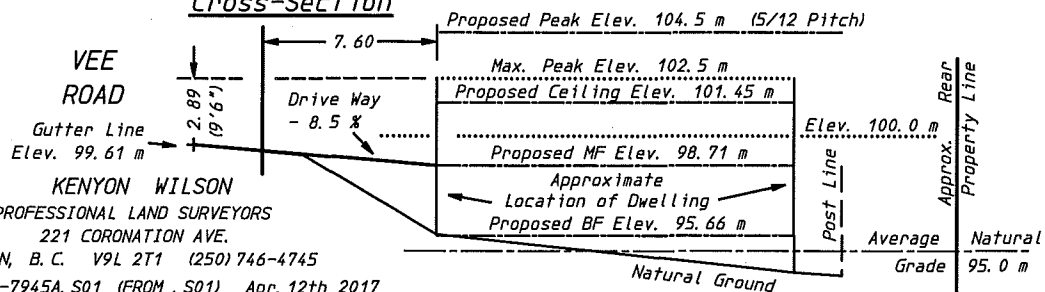


All distances & elevations are in metres, unless otherwise noted.  
 Elevations are derived from Nail 300 with an assumed Elevation of 100.0 m.  
 94.08 denotes elevation used in Average Natural Grade Calculation.

Calculation.  
 Average Natural Grade = 95.0 m.  
 Max Height = 7.5 m.  
 Max Peak Elevation = 102.5 m.



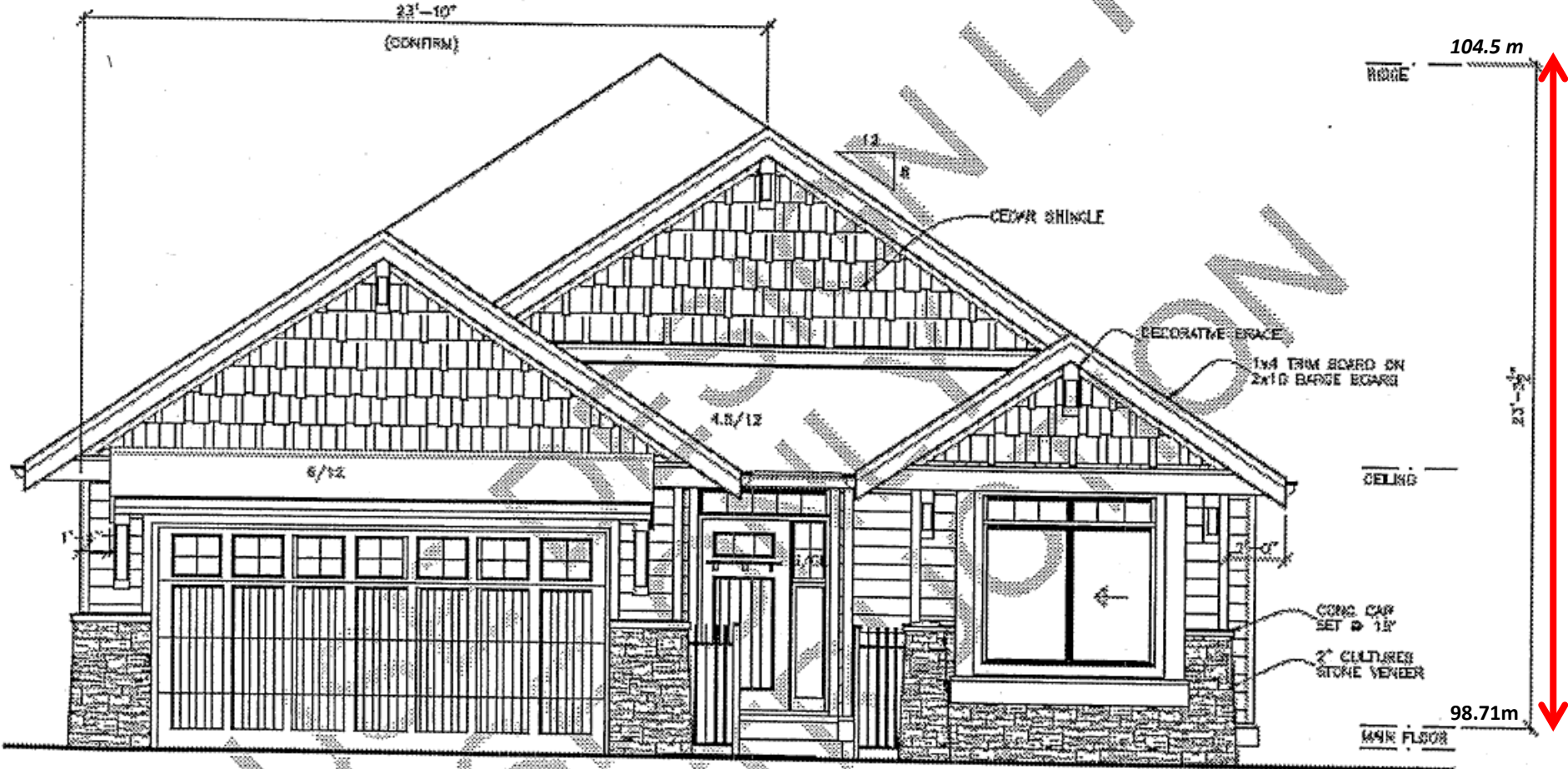
**Cross-Section**



KENYON WILSON  
 PROFESSIONAL LAND SURVEYORS  
 221 CORONATION AVE.  
 DUNCAN, B. C. V9L 2T1 (250) 746-4745  
 FILE 16-7945A.S01 (FROM .S01) Apr. 12th 2017

**ATTACHMENT B**

76



**FRONT ELEVATION**

SCALE: 1/4" = 1'-0"

Building is 5.8m above the main floor elevation from street view

R3

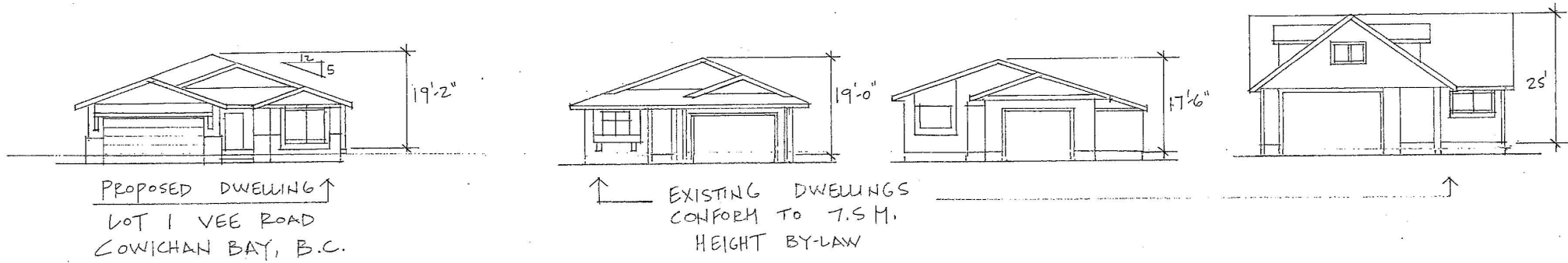


Subject property photos demonstrating the site well below the grade of the street.



# Streetscape Plan

# ATTACHMENT D



79

$\frac{1}{16}'' = 1'-0''$  SCALE

THIS SKETCH TO FORM PART OF  
VARIANCE APPLICATION FOR  
LOT 1, VEE ROAD  
COWICHAN BAY, B.C.  
APRIL 27, 2017



R3



**COWICHAN VALLEY REGIONAL DISTRICT**

**DEVELOPMENT VARIANCE PERMIT**

**FILE NO:** 01-D-17DVP

**DATE:** \_\_\_\_\_

**REGISTERED PROPERTY OWNER(S):**

JOHN WAYNE JEW

SANDRA ELLEN JEW

1. This Development Variance Permit is issued and is subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.

2. This Development Variance Permit applies to and only to those lands within the Regional District described below:

*LOT 1, SECTION 6, RANGE 4, COWICHAN DISTRICT, PLAN EPP51947  
(PID: 029-746-841)*

3. Authorization is hereby given to vary Section 5.7.4(d) of Zoning Bylaw No. 3705 to increase the height of a principal residential dwelling from 7.5 m to 9.5 m.

4. The following plans and specifications are attached to and form a part of this permit.

- Schedule A – Location Plan
- Schedule B – Site Plan
- Schedule C – Elevations

5. The land described herein shall be developed in substantial compliance with the terms and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

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

**AUTHORIZING RESOLUTION XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE X DAY OF MONTH, 2017.**

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

**I HEREBY CERTIFY that I have read the terms of the Development Variance Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with CHRIS CLEMENT (agent) on behalf of JOHN WAYNE JEW AND SANDRA ELLEN JEW (owners) other than those contained in this Permit.**

\_\_\_\_\_  
**Owner/Agent (signature)**

\_\_\_\_\_  
**Witness (signature)**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Print Name**

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

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

**DRAFT**







# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** May 29, 2017  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 7, 2017  
**FROM:** Development Services Division  
 Land Use Services Department  
**SUBJECT:** Development Permit with Variance for 5525 Jenny Place  
**FILE:** 04-F-16DP-VAR

## PURPOSE/INTRODUCTION

The purpose of this report is to set out a development permit with variance application for an existing shop, garage and retaining wall located within a Riparian Assessment Area.

## RECOMMENDED RESOLUTION

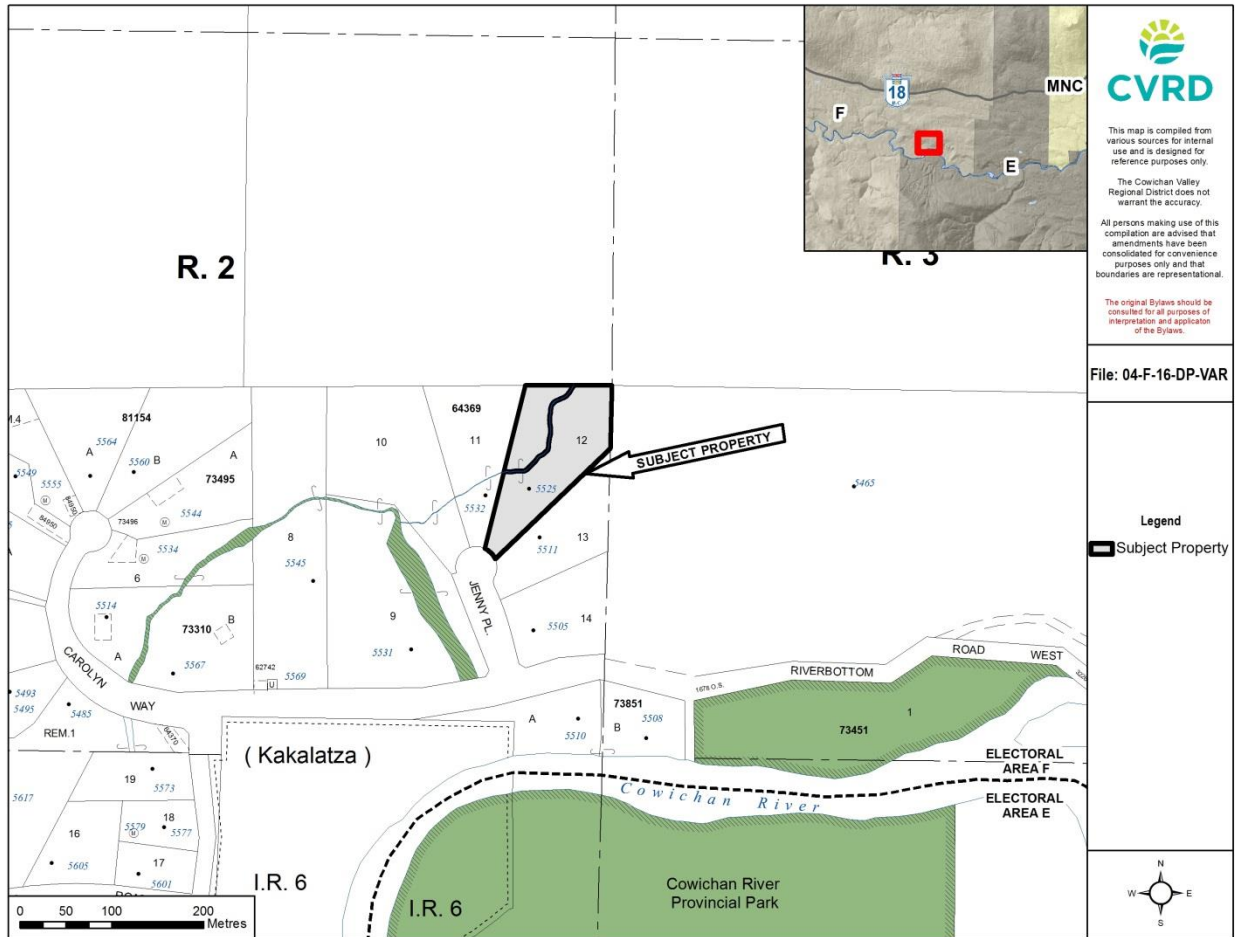
That it be recommended to the Board:

1. That Development Permit with Variance Application No. 04-F-16DP/VAR (5525 Jenny Place) be approved;
2. That the General Manager of Planning & Development be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of *Official Community Plan Bylaw No. 1945*;
3. That Section 3.22 of Zoning Bylaw No. 2600 be varied to 10.9 metres for the shop, 4.5 metres for the garage, and 13.5 metres for the concrete retaining wall;
4. That a 'Save Harmless Covenant' be registered against the property prior to issuance of the Development Permit with variance; and,
5. That a landscape security bond be provided in accordance with the CVRD Landscape Security Policy.

## BACKGROUND

<u>Location:</u>	5525 Jenny Place
<u>Size of Parcel:</u>	1.4 hectare (3.45 acres)
<u>OCP Designation:</u>	River Corridor (Area E OCP)
<u>Zoning:</u>	RC-3   River Corridor 3 (Area F ZB)
<u>ALR:</u>	Outside
<u>Development Permit Area:</u>	Cowichan River DPA
<u>Use of Property:</u>	Residential
<u>Use of Surrounding Properties:</u>	North: Forestry (F-1) East: Residential (RC-3) South: Residential (RC-3) West: Residential (RC-3)
<u>Road Access:</u>	Jenny Place
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	Septic
<u>Environmentally Sensitive Areas:</u>	Unnamed Watercourse
<u>Archaeological Site:</u>	None identified
<u>Wildfire Interface:</u>	High

**LOCATION MAP**



**APPLICATION SUMMARY**

Site Characteristics

Existing buildings on the property include a single family home, a shop and garage (see Attachment A). According to a Riparian Assessment Report prepared for the subject property, a unnamed tributary is located on the north end of the property, and an ephemeral ditch is located on the east side of the property (see Attachment B – Page 5). The unnamed tributary flows into a constructed pond located approximately 20 metres upslope of the shop. The pond is approximately 15 metres long, and about 10 metres wide, with a depth of about 2m. The pond is supported by 1.5 metre high rock retaining walls to the west, and a 3.3 metre high reinforced concrete retaining wall to the south. The discharge from the pond is contained in a section of a pipe that empties to a 2.5 metre high cascade over rock and into a ditch channel that flows from the base of the cascade southwest to the property line (see Attachment C). Downstream of the subject property, the ditched channel continues across two adjacent properties to Monk’s Oxbow, a fish bearing stream. A 1.5 metre drop in the ditch channel at the west property boundary prevents any fish from accessing the tributary on the property. Nevertheless, the tributary is considered a stream under the Riparian Areas Regulation (RAR), as it has natural headwaters or springs upstream of the ditched section. The unnamed tributary is subject to a 10.0 metre Streamside Protection and Enhancement Area (SPEA) setback measured from the high water mark.

The ephemeral ditch flows adjacent to the east side of the property, down a ditch along Jenny Place and eventually empties into Monk's Oxbow. Due to the gradient of the ditch along Jenny Place, fish access to the subject property is not possible. As a result, the ditch is subject to a 2.0 metre SPEA setback under the RAR classification of non -fish bearing ditch.

#### Background & Site Assessment

In 2016, the CVRD and the Department of Forest, Lands & Natural Resources (FLNRO) received a complaint regarding work being undertaken in and adjacent to the unnamed tributary on the subject property. Upon inspection, the following issues were identified:

1. Unauthorized construction of a shop, garage, 3.3 high concrete retaining wall, and rock retaining walls within 30 metres of the unnamed tributary;
2. Unauthorized works in/about a stream including expansion of an existing pond, construction of a retaining wall to store water, culverting of a portion of unnamed tributary, construction of a spillway and armoring of a waterfall feature.

As a Development Permit, Building Permit and Water License were never obtained prior to construction and alterations to the tributary, the owner is in violation of the following regulations:

1. The *Area E Official Community Plan No. 1490* and *Riparian Areas Protection Act* which requires a RAR Assessment Report be prepared by a Registered Professional Biologist prior to constructing any buildings or structures within 30 metres of the high water mark of a watercourse;
2. The Area F Zoning Bylaw No. 2600 Section 3.22 which does not permit any buildings or structures to be located within 15 metres of the high-water mark of the watercourse;
3. The CVRD Building Bylaw and BC Building Code, which require any buildings larger than 100 ft<sup>2</sup> in size and any retaining wall over 1.5 metres in height to obtain a Building Permit; and,
4. The Water Sustainability Act which requires a permit for works in/about a stream and the storage of water.

Staff in conjunction with FLNRO has been working with the applicant to gain a better understanding of the environmental impacts and overall seismic and flooding risk associated with the unauthorized work. The following section summarizes the key findings of assessments conducted by two Registered Professional Biologists, Registered Professional Engineer and Legal Surveyor.

RAR Assessment Report & Biological Assessment – See Attachment B & Attachment D

The shop is encroaching 5.9 metres into the SPEA (violation of *RAR Act*);

1. The retaining wall is encroaching 8.5 metres into the SPEA (violation of *RAR Act*);
2. The encroachments into the SPEA has resulted in loss of riparian habitat potentially resulting in long-term impacts to downstream fish and fish habitat through decreased nutrient input and increase sediment transport to the stream; and,
3. There is a perceived risk of a flood hazard during high flow periods as a result of the works undertaken on the unnamed tributary and pond.

Geotechnical Assessment – See Attachment E

1. Low risk of slope instability related to the works undertaken on the pond; however, the existing rock retaining walls supporting the pond do not meet engineering standards;
2. The overall stability of the existing 3.3 metre high concrete retaining wall is considered to be deficient; and
3. Potential risk of the pond over flowing in the circumstance of a heavy rainfall and/or blockage of the culvert.

Legal Survey Plan – See Attachment F

1. The shop is encroaching 10.9 metres into the watercourse setback (Violation of Section 3.22 of Zoning Bylaw No. 2600);
2. The garage is encroaching 10.5 metres into the watercourse setback (Violation of Section 3.22 of Zoning Bylaw No. 2600); and
3. The 3.3 metre concrete retaining wall is encroaching 13.5 metres into the watercourse setback (Violation of Section 3.22 of Zoning Bylaw No. 2600).

### Recommendations

The following recommendations from the professional involved in this application are proposed to address the environmental impacts and overall seismic and flooding risk. The recommendations are based on the applicants desire to retain the shop, garage and retaining walls.

1. Revegetation of the SPEA, as per the Biological Assessment Report prepared by Pacificus Biological Services Ltd. (see Attachment D);
2. Armouring of the unnamed tributary, ditch and pond to protect against potential flooding as per the RAR Assessment Report (see Attachment B);
3. Upgrading of the existing spillway as per the Geotechnical Report prepared by Core Geotechnical Ltd. (see Attachment E);
4. Reconstruction of the rock retaining walls that support the pond as per the Geotechnical Report prepared by Core Geotechnical Ltd. (see Attachment E); and
5. Construction of two 1.5 metre rock retaining walls with planting benches, where the rear face of the highest rocks would be located at the alignment of the existing concrete retaining wall as per the Geotechnical Report prepared by Core Geotechnical Ltd. (see Attachment E);

In addition, as the owner's desire is to retain the existing buildings and structures encroaching into the 15 metre watercourse setback, the applicant is requesting the following variances:

- A variance of 10.9 metres for the shop (from 15 metres to 4.1 metres);
- A variance of 4.5 metres for the garage (15 metres to 10.5 metres); and
- A variance of 13.5 metres for the concrete retaining wall (from 15 metres to 1.5 metres).

A letter of rationale has been submitted by the applicant in support of the application (see Attachment G).

### **COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

This application was not referred to the Electoral Area F – Cowichan Lake South/Skutz Falls Advisory Planning Commission (APC), as the CVRD Fees and Procedures Bylaw exempts referral of development permit with variance for Riparian Areas Regulations applications unless otherwise specified by the electoral area Director.

A letter to inform adjacent property owners of the variance request was sent out on May 23, 2017. To date, no comments have been received.

### **OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS**

*Area E Official Community Plan No. 1945 - Cowichan River Development Permit Area*

The intent of the *Cowichan River Development Permit Area (DPA)* guidelines is to apply the *Riparian Areas Regulation*. The regulations require that any works proposed within 30 metres of a freshwater feature be subject to an environmental review by a Qualified Environmental Professional (QEP). The DPA specifies that a Development Permit must be applied for and issued prior to undertaking any development.

*Area F Zoning Bylaw No. 2600*

Section 3.22 of Electoral Area F Zoning Bylaw No. 2600 does not permit any building or structure to be located within 15 metres of the high water mark of any watercourse, or a lake, or the sea, or 30 m of the Cowichan River unless specified in a Development Permit.

The Area F Zoning Bylaw defines building as “*any structure, wholly or partly enclosed by a roof or roofs supported by walls or columns, which is used or intended to be used for supporting or sheltering any use accommodating persons, animals, chattels or things*”. Structure is defined as “*any construction fixed to, supported by, or sunk into land or water, but not concrete paving or asphalt paving or similar surfacing of a parcel*”. The Area F Zoning Bylaw does not except structures as retaining walls from setback requirements.

**PLANNING ANALYSIS**

As the construction of the shop, garage, retaining walls and alterations in/about a stream were completed without first obtaining a Development Permit, Building Permit or Water License, there is an extensive list of violations that need to be addressed. The violations not only relate to contraventions of CVRD Bylaws, the *BC Building Code* and the *Water Sustainability Act*, but to the environmental impact and the overall seismic and flooding risk associated with the unauthorized work.

As previously mentioned, staff has been working with FLNRO and the applicant to address the extent of the violations. Based on the recommendations proposed by the professionals, both CVRD staff and FLNRO are satisfied with remediation work proposed to mitigate the impact of the unauthorized work. CVRD staff do, however, recommend that in addition to the implementation of the recommendations and approval of the variance, a ‘Save Harmless Covenant’ be registered on the Certificate of Title prior to issuance of the development permit to protect the CVRD from future damage claims. Staff further recommend a landscape security in the amount of 125% of the total estimated costs be provided prior to issuance of a Development Permit.

Staff recommend approval of a development with variance, Option 1.

**OPTIONS**

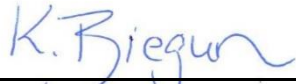
## Option 1

1. That Development Permit with Variance Application No. 04-F-16DP/VAR (5525 Jenny Place) be approved;
2. That the General Manager of Planning & Development be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of *Official Community Plan Bylaw No. 1945*;
3. That Section 3.22 of Zoning Bylaw No. 2600 be varied to 10.9 metres for the shop, 4.5 metres for the garage, and 13.5 metres for the concrete retaining wall;
4. That a ‘Save Harmless Covenant’ be registered against the property prior to issuance of the Development Permit with variance; and
5. That a landscape security bond be provided in accordance with the CVRD Landscape Security Policy.

## Option 2

That it be recommended to the Board that Development Permit with Variance Application No. 04-F-16 DP/VAR (5525 Jenny Place) be denied.

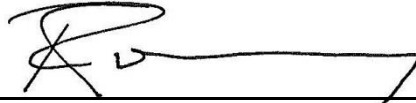
Prepared by:



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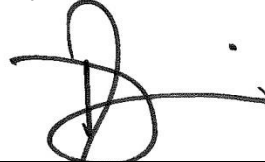
Kasia Biegun  
Planner I

Reviewed by:



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Rob Conway, MCIP, RPP  
Manager

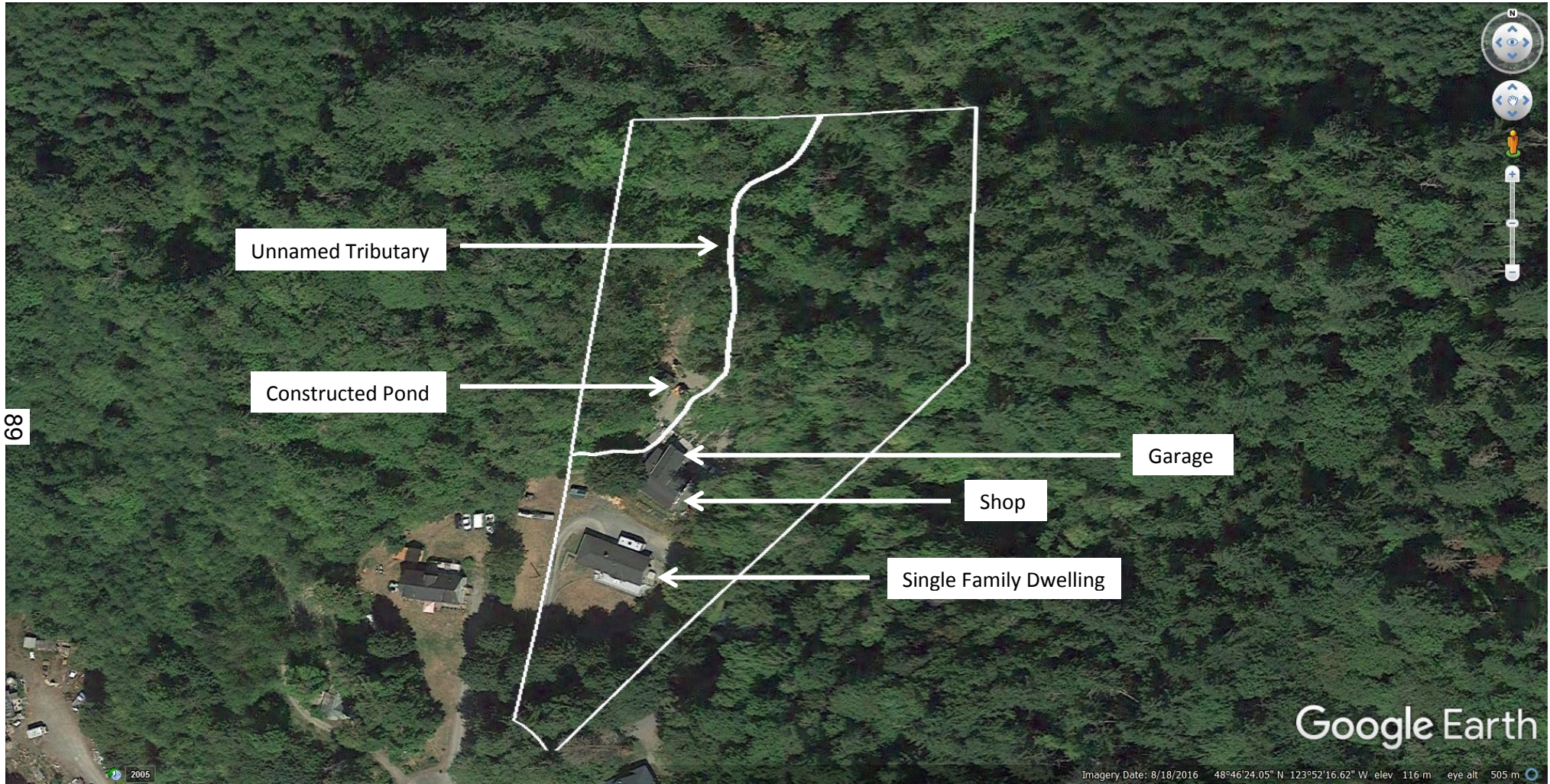


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Ross Blackwell, MCIP, RPP, A. Ag.  
General Manager

**ATTACHMENTS:**

- Attachment A – Subject Property
- Attachment B – RAR Assessment Report
- Attachment C – Environmental Features
- Attachment D – Biological Assessment
- Attachment E – Geotechnical Report
- Attachment F – Legal Survey Plan
- Attachment G – Letter of Rationale
- Attachment H – Draft Development Permit with Variance





Single Family Home looking north



Single Family Home looking south



06

Shop looking north



Shop & Garage looking south



FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Riparian Areas Regulation: Assessment Report**

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

Date April 14, 2016

**I. Primary QEP Information**

First Name	Steve	Middle Name		
Last Name	Toth			
Designation	R.P.Bio	Company: Toth and Associates Environmental Services		
Registration #	1788	Email	<a href="mailto:stoth@shaw.ca">stoth@shaw.ca</a>	
Address	6821 Harwood Drive			
City	Lantzville	Postal/Zip	V0R 2H0	Phone # 250-390-7602
Prov/state	BC	Country	Canada	

**III. Developer Information**

First Name	Shawn	Middle Name		
Last Name	Buttle			
Company				
Phone #	250-709-8816	Email	<a href="mailto:shawnbuttle@icloud.com">shawnbuttle@icloud.com</a>	
Address	5525 Jenny Place			
City	Duncan	Postal/Zip	V9L 6H8	
Prov/state	BC	Country	Canada	

**IV. Development Information**

Development Type	Construction: Accessory Building		
Area of Development (ha)	0.04	Riparian Length (m)	200
Lot Area (ha)	1.44	Nature of Development	redevelopment
Proposed Start Date	2016-06-15	Proposed End Date	2016-09-15

**V. Location of Proposed Development**

Street Address (or nearest town)	5525 Jenny Place						
Local Government	Cowichan Valley Regional District			City	Electoral Area F		
Stream Name	Unnamed Creek						
Legal Description (PID)	023-606-665			Region	Vancouver Island		
Stream/River Type	Stream			DFO Area	South Coast		
Watershed Code	NA						
Latitude	49	22	56	Longitude	124	35	23

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## **Section 1. Riparian Areas Regulation (RAR) Detailed Assessment of water features on 5525 Jenny Place, Sahtlam.**

### **Introduction**

I, Steve Toth, AScT, R.P.Bio. (Toth and Associates Environmental Services) conducted a detailed *Riparian Areas Regulation* (RAR) assessment of an unnamed ephemeral tributary to Monk's Oxbow (a side channel of the Cowichan River) on, and adjacent to 5525 Jenny Place, Duncan in Electoral Area F of the Cowichan Valley Regional District (CVRD) on March 16, 2016. The current development includes construction of a shop / studio on the property (Figure 1). The construction of the building was nearing completion at the time of survey.

### **Water Features**

An unnamed tributary flows in a natural channel in a ravine at the north end of the property (Photograph 1) to a constructed pond located approximately 20m upslope of the shop / studio (Photograph 2). The discharge from the pond is contained in a section of pipe that empties to a 2.5m high cascade over rock (Photograph 3) and into a ditched channel that flows from the base of the cascade southwest to the property line (Photograph 4). Downstream of the property the ditched channel continues across two adjacent properties to Monk's Oxbow. A drop in the ditch line of approximately 1.5m at the west property boundary would prevent any fish from accessing the ditch on the property. The mapped channel gradient downstream of the property to Monk's Oxbow is 22.9%.

An ephemeral ditched drainage flows adjacent to the east side of the property (Photograph 5 and 6) and south along Jenny Place in a ditch and driveway access culverts to Monk's Oxbow. The drainage has a mapped average channel gradient of 11%. Channel widths average 0.7m. Culvert gradients on the ditch along Jenny Place would prevent fish access to the drainage on the property. The lower end of the ditch at River Bottom Road could potentially be fish-bearing.

Under the RAR Assessment Methods ditches are characterized as "being manmade and straight with no significant headwaters or springs. They were constructed to drain property (they often form property boundaries) or roadways and while connected to natural streams they are not part of the natural historic drainage pattern".

### **Watercourse Setbacks**

The unnamed tributary flowing to the west side of the property would be considered a stream under the RAR, as it has natural headwaters or springs upstream of the ditched section. The CVRD also has the drainage mapped as a stream on their GIS Mapping. The unnamed tributary would receive the minimum Streamside Protection and Enhancement Area (SPEA) setbacks permissible under the RAR of 10.0m from high water mark.

The ditched drainage along the southeast side of the property would be considered a ditch, as it has no significant headwaters or springs upstream of the ditched section and does not appear to be part of the historic natural drainage pattern. The ditched drainage would receive 2m SPEA setbacks under the classification of a non fish-bearing ditch.

Section 3.22 of the CVRD's Area F Zoning Bylaw (No. 2600) regarding watercourse setbacks indicates that:

- “Notwithstanding any other provision of this Bylaw, no building or structure shall be located within 15 metres of the high water mark of any watercourse, or a lake, or the sea, or 30 m of the Cowichan River, unless specified in a Development Permit”.

### **Discussion**

The shop / studio intrudes within the 10m SPEA setback and 15m Zoning Bylaw setback of the unnamed tributary, with the patio and roof-overhang extending to within approximately 3m of the high water mark at its closest point (Photograph 7). The ditch line of the unnamed tributary is well defined adjacent to the building, but has poorly defined banks and a shallow cross-sectional profile downstream towards the west boundary of the property (Photograph 8). There is little vegetation growing along the south side of the unnamed tributary.

The ditched drainage has well defined banks near the upstream end of the property, with an increasingly shallow profile and poorly defined banks near the downstream end of the drainage at Jenny Place (Photograph 9). Vegetation along the drainage largely consists of moss and the occasional mature bigleaf maple tree.

### **Recommendations**

I recommend that the intrusion into the setbacks caused by construction of the shop / studio be permitted, as it is my understanding that the construction was conducted prior to the CVRD's request for a RAR assessment. In order to compensate for the loss of riparian habitat, I recommend that the landowner undertake revegetation of a portion of the SPEA setback on the property (as indicated on Figure 2), as well as increase the bank height and line the south bank with rock to protect against potential flooding. The outer boundary of the south side of the SPEA boundary downstream of the shop / studio should be marked on the ground with landscape ties or some form of low fencing. Rock should also be placed around the perimeter of the dug-out pond, and the area of disturbed ground around the pond should be seeded with grass seed.

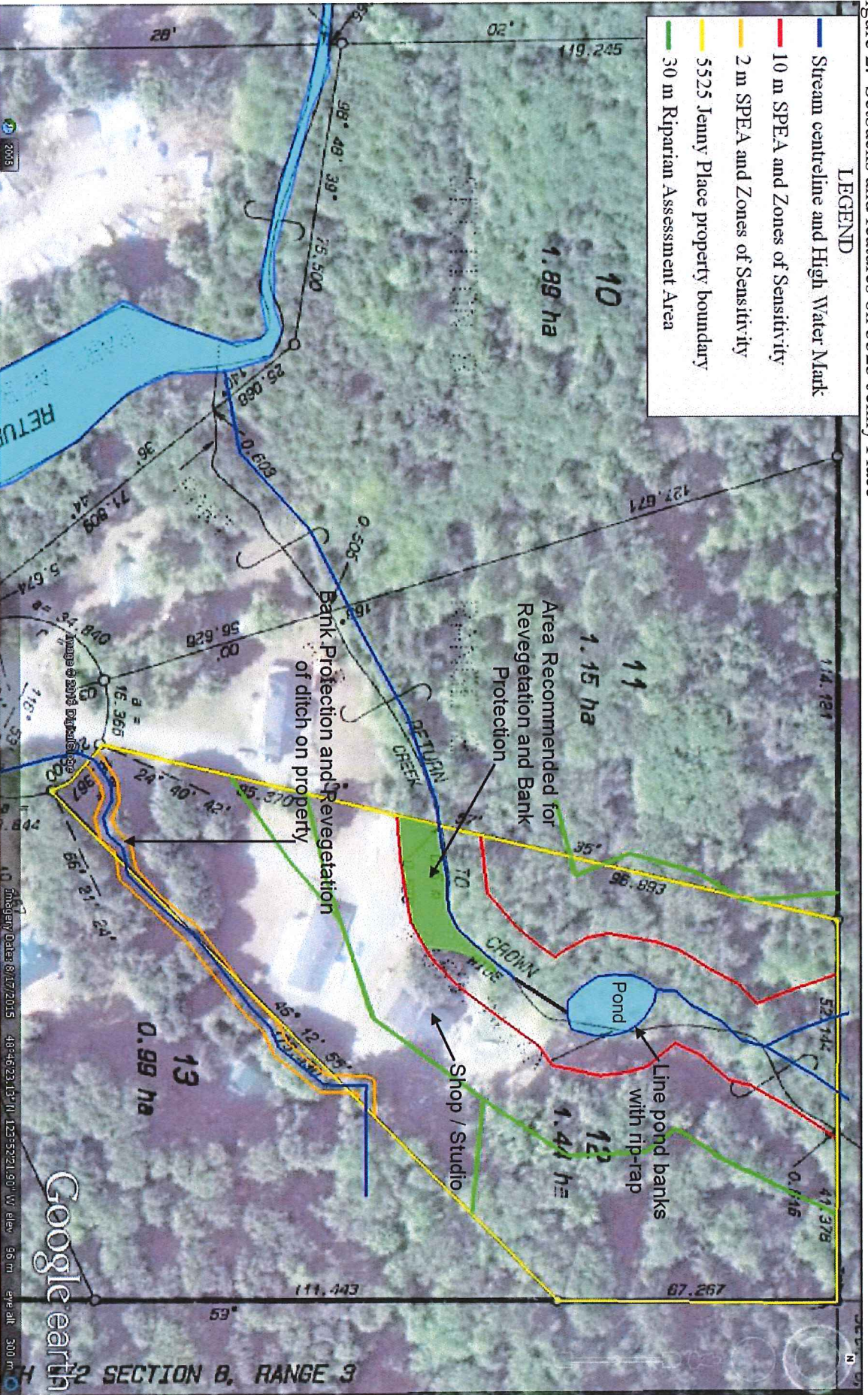
I recommend that the banks of the ditched drainage on the southeast side of the property also be lined with rock. The 2m SPEA setback from the top of ditch banks on the property should be revegetated with native plants.

All drainage maintenance and rock armouring should be conducted and completed during the summer months when the drainages are dry. All areas of disturbed soils within the SPEA setbacks should be revegetated prior to the start of Fall rains.

Figure 1. 5525 Jenny Place (outlined in yellow) and streamlines



Figure 2. Setbacks and features on 5525 Jenny Place



**Section 2. Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology

Date: April 19, 2016

Description of Water bodies involved (number, type) 1 – Unnamed tributary to Monk’s Oxbow

Stream   
Number of reaches 1  
Reach # 1

**Channel width and slope and Channel Type**

Channel Width(m)	Gradient (%)		
starting point	25.0	I, <u>Steve Toth</u> ( <i>name of qualified environmental professional</i> ), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer: <u>Shawn Buttle</u> ( <i>name of developer</i> ) ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	
0.5			
0.8			
0.6			
0.6			
1.0			
0.9	15.0		
1.1			
1.0			
1.0	7.0		
1.3			
0.7			
Total: minus high /low mean	47.0		
	15.7		
	R/P	C/P	S/P
Channel Type			X

**Site Potential Vegetation Type (SPVT)**

Yes No

SPVT Polygons   Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Steve Toth, hereby certify that:  
a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;  
b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Shawn Buttle;  
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and  
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No: 1 Method employed if other than TR

SPVT Type LC SH TR

**Zone of Sensitivity (ZOS) and resultant SPEA**

Segment 1 If two sides of a stream involved, each side is a separate segment. For all water bodies  
No: multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m) 10

Litter fall and insect drop ZOS (m) 10

Shade ZOS (m) max 2.7 South bank Yes  No

**SPEA maximum** 10 (For ditch use table3-7)

**Zone of Sensitivity (ZOS) and resultant SPEA**

Segment 2 If two sides of a stream involved, each side is a separate segment. For all water bodies  
No: multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m) 10

Litter fall and insect drop ZOS (m) 10

Shade ZOS (m) max NA South bank Yes  No

**SPEA maximum** 10 (For ditch use table3-7)

Form 3 Detailed Assessment Form  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Description of Water bodies involved (number, type) 1 – Unnamed ditch

Ditch	X
Number of reaches	1
Reach #	1

Channel Width(m)		Gradient (%)		
starting point	0.5	19.0	I, <u>Steve Toth</u> ( <i>name of qualified environmental professional</i> ), hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shawn Buttle</u> ; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	
	0.5			
	0.6			
	0.6			
	0.9			
	1.0			
	0.7	10.0		
	1.0			
	0.5			
	0.6			
	1.8	4.0		
Total: minus high /low	6.4	33.0		
mean	0.7	11.0		
Channel Type	R/P	C/P		S/P
				X

**Site Potential Vegetation Type (SPVT)**

SPVT Polygons	Yes	No	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes  I, <u>Steve Toth</u> ( <i>name of qualified environmental professional</i> ), hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shawn Buttle</u> ; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.				
		X					
Polygon No:	<table border="1"> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">LC</td> <td style="text-align: center;">SH</td> <td style="text-align: center;">TR</td> </tr> </table>		1	LC	SH	TR	Method employed if other than TR
1	LC	SH	TR				
SPVT Type	<table border="1"> <tr> <td></td> <td></td> <td></td> <td style="text-align: center;">X</td> </tr> </table>					X	
			X				

**Zone of Sensitivity (ZOS) and resultant SPEA**

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	2						
Litter fall and insect drop ZOS (m)	2						
Shade ZOS (m) max	NA	South bank	Yes		No	X	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)				No significant natural headwaters, seasonal flow, man-made		
Ditch Fish Bearing	Yes		No	X	If non-fish bearing insert no fish bearing status report		
Gradient in culverts along Jenny Place would prevent fish access to the drainage ditch on the subject property.							
SPEA maximum	2.0m	(For ditch use table3-7)					



Form 3 Detailed Assessment Form  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	2					
Litter fall and insect drop ZOS (m)	2					
Shade ZOS (m) max	2	South bank	Yes	X	No	
<b>SPEA maximum</b>	<b>2.0m</b>	(For ditch use table3-7)				

I, Steve Toth, hereby certify that:  
a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;  
b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Shawn Buttle;  
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and  
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

**Section 4. Measures to Protect and Maintain the SPEA**

1. Danger Trees	There were no trees documented during the site survey that would currently represent Danger Trees. A topped, multi-stemmed bigleaf maple adjacent to the southwest corner of the shop / studio (Photograph 8) is likely to become a hazard tree and should be removed and replaced with lower growing, manageable shrub / small tree species.
I, <u>Steve Toth</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shawn Buttle</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	There was no significant wind-throw, or areas of wind-thrown trees noted during the assessment of the property. The assessment indicated that the development of the property has not resulted in increased wind-throw risk.
I, <u>Steve Toth</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shawn Buttle</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
3. Slope Stability	The property appears to represent the old fan of the unnamed tributary and has steep slopes adjoining the east and west sides of approximately the northern third of the property. There were no obvious indicators of recent slope failures or signs of instability, however the slopes adjacent to the Cowichan River are well known for their active clay deposits and slope failures.
I, <u>Steve Toth</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shawn Buttle</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
4. Protection of Trees	Any future development activities should take precautions to ensure that the root networks of trees growing along the outer boundaries of the SPEA setbacks are not damaged during development.
I, <u>Steve Toth</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shawn Buttle</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
5. Encroachment	The RAR requires that the 10m SPEA boundary be marked on the ground prior to any physical development occurring within the 30m Riparian Assessment Area. I recommend that the south side of the 10m SPEA boundary of the unnamed tributary occurring downstream of the shop / studio be marked on the ground with landscape ties, low wooden fencing, or wooden stakes at 6-8m intervals.

Form 3 Detailed Assessment Form  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shawn Buttle</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>6. Sediment and Erosion Control</p>	<p>As this RAR assessment is addressing a development that has already occurred, our primary recommendation concerning sediment and erosion control is to ensure that all areas of disturbed or exposed soils be seeded with grass seed during the 2016 growing season.</p> <p>Run-off from the upper driveway should be ditched along the east side of the driveway, and a culvert installed under the current RV parking area. Driveway run-off should be directed to the ditchline on the east side of the property.</p> <p>Burning of construction waste materials should not occur within the 30m Riparian Assessment Area.</p>
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shawn Buttle</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>7. Stormwater Management</p>	<p>Hard surface derived run-off has been directed to infiltration fields and drain rock chambers.</p>
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shawn Buttle</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>8. Floodplain Concerns (highly mobile channel)</p>	<p>There is a perceived risk of flood hazards associated with the raised channel sections of the unnamed tributary and the ditch drainage on the property. During high flow periods the culvert inlet at the dug-out pond should be routinely inspected to ensure that the inlet does not become blocked by flotsam washed down from upstream areas.</p>
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shawn Buttle</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	

**Section 5. Environmental Monitoring + Post Development Reporting**

As development within the 30m Riparian Assessment Area has already been completed there is no need for Environmental Monitoring.

The province requires that a post-development assessment be conducted within 6 months of completion of physical development and that a post-development report be submitted as an addendum to this assessment report. We recommend that the post-development survey be conducted once the recommendations outlined in this report have been completed.

**Section 6. Photos**



Photograph 1. View upstream on watercourse from pond.



Photograph 2. View downstream to pond and shop / studio.



Photograph 3. View of cascade from pipe outlet to ditchline.



Photograph 4. View downstream from top of pipe outlet to ditchline.



Photograph 5. View downstream on ditched drainage along the east side of the property.



Photograph 6. View downstream on ditched drainage to Jenny Place.



Photograph 7. View downstream from pipe outlet with eave overhang and patio visible on left.



Photograph 8. View upstream on unnamed tributary showing low banks and lack of vegetation.



Photograph 9. View downstream on ditch drainage showing raised channel bed and lack of defined banks.

## Section 7. Professional Opinion

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

Date

1. I/We Steve Toth

*Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)*

hereby certify that:

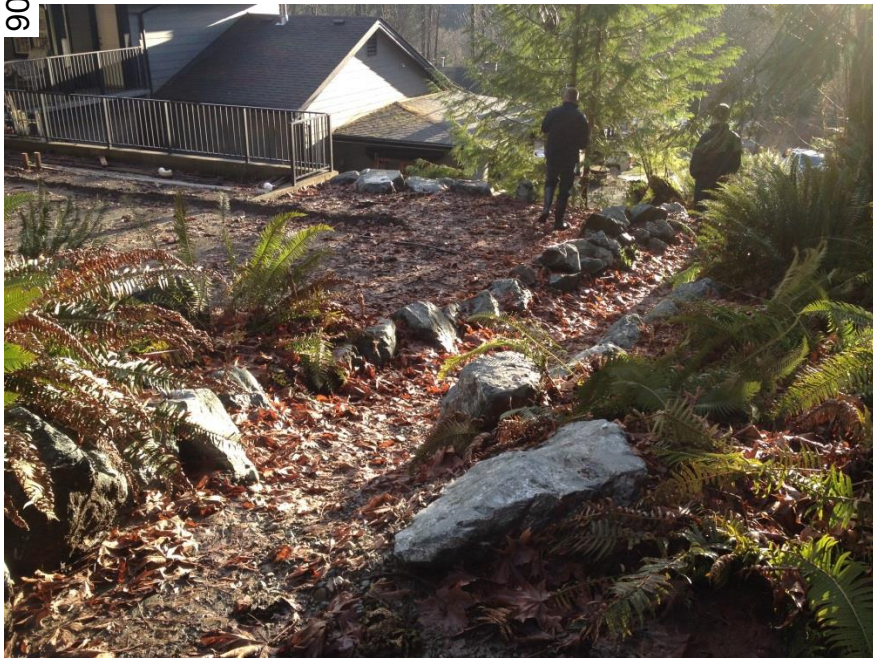
- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer Shawn Buttle, which proposal is described in section 3 of this Assessment Report (the "development proposal"),
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a)  if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**
- b)  if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.



Constructed Pond looking south



Spillway looking south



Armoured waterfall with concrete retaining wall looking north

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Unnamed tributary looking north



Unnamed tributary looking south



January 25, 2017  
Amended May 25, 2017

Shawn Buttle  
Property Owner's  
5525 Jenny Place  
Duncan, BC V9L 6H8

## **Re: Biological Assessment of the Potential Impacts to a Stream and Pond from Development Activities on 5525 Jenny Place near Duncan.**

Dear Mr. Buttle:

I am writing to summarize the findings of the environmental assessment that was completed on your property. The assessment focuses on an unnamed stream, referred to as Stream 1, that flows through 5525 Jenny Place to Monk's Oxbow and the Cowichan River (Figure 1). The purpose of the assessment was to assess an area of the property post development to determine if the developments had any detrimental impacts or carry future risk to the associated stream ecology, specifically fish or fish habitat. This assessment is designed to address both the Cowichan Valley Regional District's and the Province of British Columbia's (MFLNRO) concerns and directions in relation to the development<sup>12</sup>.

### **Background**

Stream 1, which is inclusive of a small pond, is an unnamed ephemeral (Pers. Comm. Mike and Shawn Buttle) tributary to Monk's Oxbow, a side channel of the Cowichan River. The stream confluences with Monk's Oxbow approximately 100m upstream of the Cowichan River. Online fisheries databases lack records for Stream 1<sup>3</sup>. Stream 1 entered 5525 Jenny Place on the north end of the property and flowed in a southerly direction exiting the property at

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<sup>1</sup> Kasia Biegun, CVRD, e-mail message, December 8, 2016

<sup>2</sup> David Johnson, MFLNRO, e-mail message, December 2, 2016

<sup>3</sup> Habitat Wizard, Website search January 15, 2016, <http://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/ecosystems/habitatwizard>



approximately the middle of the western boundary. The pond is located within the northern half of the property (Figure 2).

When the land was purchased by the current owner's father, Mike Buttle, in 1990, a pond existed at its current location and a small building was present adjacent (within 10m) to the pond and stream (Pers. Comm. Mike Buttle). In the early 90's the property was subdivided and minor modifications were made to the stream and the pond was made slightly larger (Pers. Comm. Mike Buttle). In 1997, Shawn Buttle took possession of 5525 Jenny Place. A wood shed existed approximately 20m from the stream and pond at this time. In approximately 2000, a concrete slab and building measuring approximately 12' by 44' in length were built onto the existing wood shed on the stream side, bringing the edge of the building to its current location approximately 4m from the stream. In 2010, works began on adding a 20' by 44' extension including the 2<sup>nd</sup> story suite to the north towards the pond. In 2013 the retaining wall was installed. Between 2010 and 2016 works continued on the building getting it to its current finished condition. In 2015, works in and adjacent to the pond occurred with the pond being made slightly larger. In April 2016, a Riparian Area Regulations (RAR) assessment was conducted (Toth, 2016). The RAR assessment recommended that rock be placed on the banks of the pond and the south bank of the stream downstream of the pond. In addition, the RAR recognized that the building was within the Streamside Protection and Enhancement Area (SPEA) and vegetation had been removed within the SPEA. The RAR report made recommendations to rehabilitate as much of the SPEA as possible through revegetation. Between March 2016 and September 2016 the recommended additional rock works were conducted with the banks of the pond being armoured with large rock rip rap, an improved culvert and an overflow swale. During this same time period, the stream between the culvert outlet and property boundary was armoured with smaller rip rap. Revegetation works have yet to be conducted.

On November 30, December 12 and 13<sup>th</sup>, 2016, Qualified Environmental Professional (QEP), Derek LeBoeuf, RPBio. of Pacificus Biological Services Ltd. (Pacificus) conducted site visits and environmental assessments related to the pond and stream and past developments. The November 30<sup>th</sup> site visit included meeting with Kasia Biegun of the Cowichan Valley Regional



District and David Johnson of the Ministry of Forests, Lands, and Natural Resource Operations (MFLNRO).

## Methods

The site assessments took into account the RAR, the Cowichan Valley Regional District's regulations, MFLNRO's Water Sustainability Act as well as the requested information from both the Cowichan Valley Regional District and MFLNRO. Field assessment included reconnaissance of the stream, fish trapping, and conversations with Shawn Buttle, Mike Buttle, and Steve Toth.

## Biological Assessment and Current Conditions

This stream was assessed from the confluence with Monk's Oxbow in an upstream direction to approximately 40m upstream of the pond.

At the confluence with Monk's Oxbow, Monk's Oxbow stream was 2m wide with a gravel and clay substrate. The gradient was 1-3% with a riffle pool morphology (Photo 1). Several decaying chum (*Oncorhynchus keta*) were observed indicating the utilization of the oxbow stream by spawning chum (Photo 2).

Upstream of Monk's Oxbow, Stream 1 averaged 0.8m wide with a predominantly riffle morphology, gradient of 10%, gravel substrate and poorly confined banks. Riparian vegetation consisted predominantly of regenerating alders with ferns and salmonberry understory (Photo 3). At 23m upstream of the confluence, the gradient increased to 23% and the morphology changed to a step pool morphology with a cobble substrate. At 34m upstream, the gradient increased to 44% for 13m. This section consisted of cobble/boulder with several drops and very shallow plunge pools. This feature was determined to be a complete barrier to upstream migration to all fish species (Photo 4 and 5). At 47m the stream flows through an old crossing structure that consisted of a wood crossing over a metal culvert. This structure is partially failing with some water flowing through the culvert and some flowing around and under the culvert. Upstream of the culvert, the gradient ranges between 10 and 15%, the channel width averages 1m, and the substrate is gravel and sand with 20cm organic banks. The riparian vegetation was regenerating



alders and maple trees with ferns and salmonberry understory (Photo 6). The south side riparian vegetation was only 3m wide. Past 3m the riparian vegetation transitioned to grass. At 158m the western edge of Mr. Buttle's property was reached; this point demarcates the start of stream armouring. The stream consisted of cobble sized angular rock, rock armoured banks, gradient ranged between 10% and 19% and a cascade pool morphology (Photo 7). At 203m the stream flowed out of the 2m high culvert / pond outlet (Photo 8).

The pond was approximately 12m wide by 20m long and 2 to 3m deep with large rip rap banks. The riparian vegetation was newly planted grass and clover with some planted ferns. Natural vegetation existed approximately 5m from the west bank (Photo 9).

Upstream of the pond, the stream had an average gradient of 15% which increased within 40m to 30%. Understory vegetation was devils club, ferns and salmonberry (Photo 10). The assessment terminated at 260m upstream of the confluence of Monk's Oxbow.

Five baited gee traps were set within the section of the stream and pond within the subject property and left to soak for 17.5 hours. No fish were sampled.

### **Summary**

The stream is a small 1m wide ephemeral stream that is characterized by moderately steep gradients. At 40m upstream of Monk's Oxbow there is a barrier to upstream fish migration. Based on the ephemeral nature of the stream and the trapping results it is concluded that no resident fish inhabit the portion of the stream upstream of the identified migration barrier. Therefore, the portion of the stream located within the subject property is non-fish bearing.

### **Conclusion and Discussion**

The pond and stream within the subject property are non-fish bearing, however, it cannot simply be concluded that as this section of stream is non-fish bearing that no impacts to fish will occur as a result of development. It is widely acknowledged that non-fish bearing reaches of streams influence downstream fish and fish habitat (British Columbia, 2006). Riparian areas, the vegetation adjacent to streams, influence downstream fish and fish habitat in non-fishing bearing portions of streams. Riparian areas stabilize stream banks preventing erosion, provide nutrients through insect and organic litter inputs, filter runoff water and provide shade moderating water



temperature (British Columbia, 2006). In summary, non-fish bearing reaches and their associated riparian areas are important in maintaining water quality and nutrient contributions for downstream fish and fish habitat.

The degree to which the riparian areas of non-fish bearing reaches in the Province of BC are protected from development varies. For instance the Riparian Area Regulations, which applies to this type of development, completely protects a strip of riparian vegetation (SPEA) in non-fish bearing. However, the Forest and Range Practices Act and Private Managed Forest Land Act allows for harvest of merchantable timber in the riparian zone adjacent to non-fish bearing reaches but protects non-merchantable timber and understory vegetation.

The RAR (Toth, 2016) for this property determined that the SPEA for this stream is 10m in width on either side of the stream. Development has only occurred on the south side of the stream. Development has removed or altered the riparian vegetation or will prevent the potential for natural riparian area from re-establishing.

In the case of Mr. Buttle's development, he has removed the natural riparian vegetation resulting in potential downstream negative impacts. There are two avenues for which the removal of riparian vegetation can result in negative impacts to downstream fish or fish habitat. These avenues are water quality and nutrient input. Each avenue will be assessed related to Mr. Buttle's development below.

### **Water Quality**

Increased erosion potential as a result of the loss of riparian vegetation is one potential way water quality can be impacted. In this situation, the stream is now in a state for which future erosion should not occur as the stream banks have been armoured (Photo 11) which is actually an improvement over its prior condition (Photo 12) when the 2016 RAR was conducted. Provided the rip rap was installed properly and is monitored and maintained bank erosion should not negatively impact water quality in the future.

The second way water quality can be impacted by development is that riparian vegetation filters surface water and prevents the transport of sediment from runoff. In this instance, the north bank is functional. Due to loss of riparian vegetation the south bank would be less functional in this aspect. The developed area currently does not pose a high risk of sediment



transport as it is composed of either hard non-erodible surfaces (roofs, cement, or rock crush). The areas that have recently been disturbed and have exposed soils are a high risk of sediment transport. When these recently disturbed areas are revegetated, as per the recommendations, they will become functional at preventing sediment runoff. Provided the guidance contained within this report regarding re-vegetation is implemented, it is my opinion that the degree to which water quality could negatively be affected due to this development would be negligible.

The third way for which water quality can be impacted through the removal of riparian vegetation would be through water temperature regulation. As this stream is ephemeral and wouldn't be flowing during the warmer summer months and is very small, thermo-regulation would be a very insignificant factor to the downstream environment and therefore is not considered as a concern moving forward.

### **Nutrient Input**

The loss of the south bank riparian vegetation means that there would be less nutrient input into the stream which would be carried downstream to contribute to Monk's Oxbow and fish utilizing this habitat. Again the ability to quantify the degree of this loss of nutrients cannot be determined via this assessment. It is my opinion that some decrease in nutrient input would occur from this development but it would not be of a level to threaten or negatively impact downstream fish. This small scale of riparian loss on its own is not typically significant enough to negatively impact downstream fish but is the type of impact that is considered cumulative and throughout an entire watershed can add up to negative impacts.

It was also requested to provide input on impacts created during the placement of works that has taken place within the stream area recently<sup>4</sup>. Toth (2016) recommended that the stream and pond be armoured with rock. Mr. Buttle performed these recommendations during the appropriate fisheries window of 2016 when the stream was completely dry (Pers. Comm. Shawn Buttle) and had submitted a notification for and received comment for "Changes In and About a Stream"<sup>5</sup>. As these works were conducted in the least risk work window and the stream was dry

<sup>4</sup> David Johnson, MFLNRO, e-mail message, December 2, 2016

<sup>5</sup> Section 11, File Number: 1003549 – email from Jacqueline Roden, August 12, 2016.



the probability that impacts to downstream fish occurred would have been minimized. From the November and December onsite assessments there were no observed impacts to the downstream fish habitat that could be linked to the rock armouring, pond, pond outlet works.

### Summary

As described above the loss of riparian vegetation from this development could result in impacts to downstream fish and fish habitat through decreased nutrient input and increased sediment transport to the stream. In my opinion, quantitatively, both of these potential impacts would be fairly negligible; however, they cannot be totally discounted. As a result of this conclusion I recommend remediation in the form of re-vegetation to the remaining SPEA to limit these minor potential negative impacts.

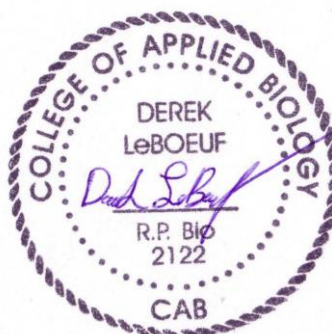
### **Remediation Plan**

Similar to the conclusion reached by Toth (2016), my recommendation is that as much of the altered or removed SPEA as possible should be revegetated. Appendix 1. details the proposed landscape plan which will immediately improve and continue over time to restore the features, functions and conditions that support natural stream processes in the riparian area

If you have any questions or concerns regarding this letter, please do not hesitate to contact me directly at the contact information provided below.

Sincerely,

Derek LeBoeuf, R.P.Bio.  
 Pacificus Biological Services Ltd.  
 Campbell River, B.C.  
 250-286-0005







## References

Steve Toth (2016). "Riparian Areas Regulation: Assessment Report for 5525 Jenny Place" Toth and Associates Environmental Services April 2016.

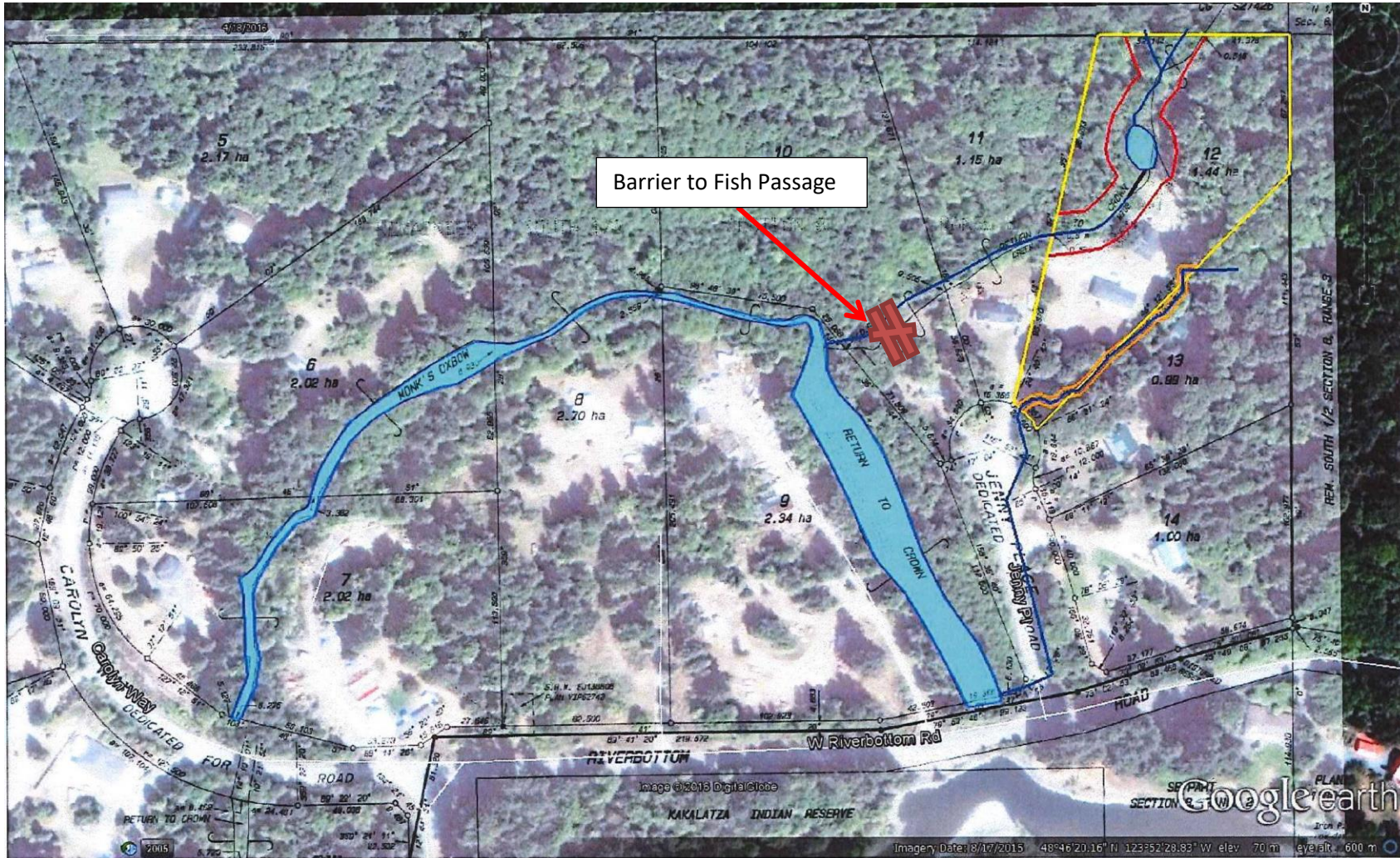
British Columbia (2006). "Riparian Areas Regulation Implementation Guidebook" Ministry of Water Land and Air Protection January 2006.



## Figures



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**Figure 1.** Figure taken from Toth 2016 RAR report showing the location of Stream 1, Monks Oxbow, 5525 Jenny Place boundary (yellow), the SPEA (red) and the location of the upstream fish migration barrier.





## Photos



**Photo 1. View of the confluence between Stream 1 and Monk's Oxbow.**



**Photo 2. Decaying chum salmon carcasses indicating use of the oxbow stream for spawning by chum salmon.**



**Photo 3. Riparian vegetation was regenerating alders with ferns and salmonberry understory upstream of the confluence between Stream 1 and Monk's Oxbow.**



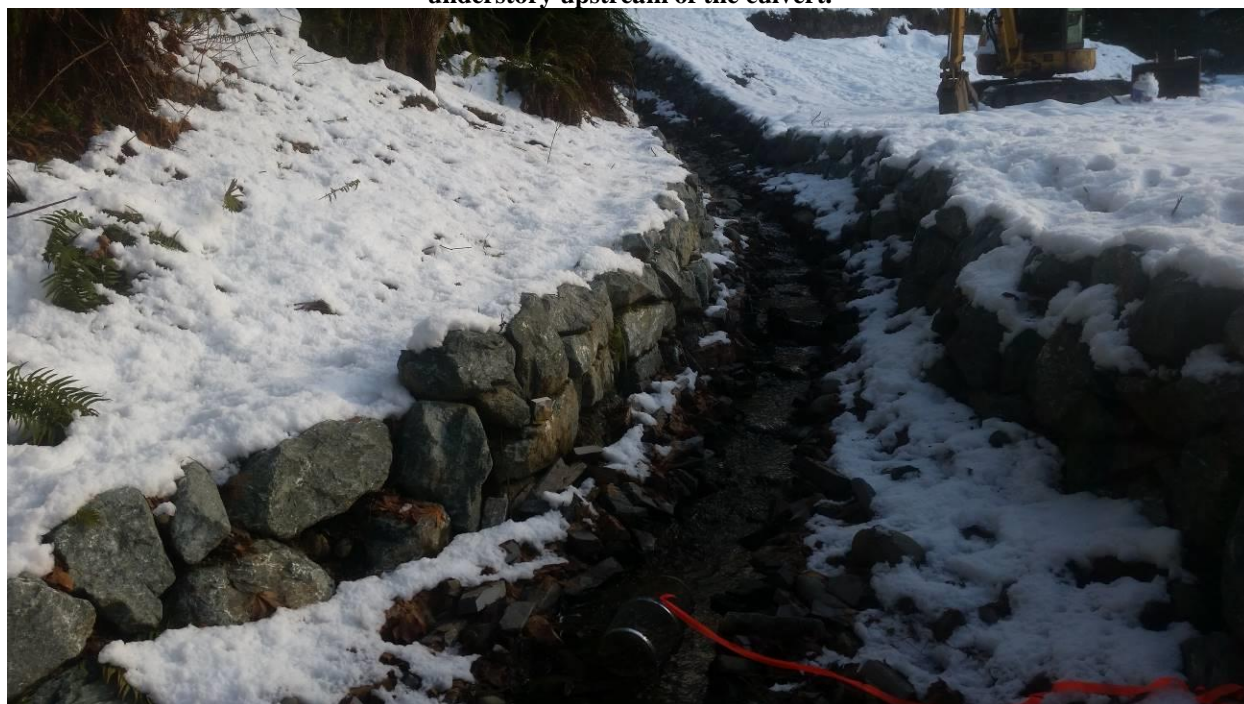
**Photo 4. Upstream view of the barrier to fish migration that was identified at 0+034m on Stream 1.**



**Photo 5. Upstream view of the barrier to fish migration showing the steep gradient and lack of pool habitat throughout.**



**Photo 6. The riparian vegetation was regenerating alders and maple trees with ferns and salmonberry understory upstream of the culvert.**



**Photo 7. The stream along the western edge of Mr. Buttle's property.**





**Photo 8. 2m high culvert / pond outlet that the Stream flows out of along the western edge of the property.**



**Photo 9. Natural vegetation existed approximately 5m from the west bank.**



**Photo 10. Understory vegetation was devils club, ferns and salmonberry upstream of the pond.**



Photograph 7. View downstream from pipe outlet with eave overhang and patio visible on left.

**Photos 11 and 12. The photo on the left is taken on November 30<sup>th</sup>, 2016 after bank protection works have occurred. The photo on the right is from the Toth (2016) RAR report and was taken in March 2016. The photos show that pre-armouring works the banks were subject to continued erosion activities.**



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**Appendix 1:**

**Landscape Plan**

**Developed for:**

Shawn Buttle

Lot 12, Section 8, Range 2, Sahtlam District in the Cowichan Valley Regional District

**Developed by:**

Pacificus Biological Services Ltd.

April 2017



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## Introduction

In developing the property at Lot 12, Section 8, Range 2, Sahtlam District the owner removed vegetation from the Streamside Protection and Enhancement Area (SPEA) as regulated by the Riparian Area Regulation (RAR) which has been adopted by the Cowichan Valley Regional District. As part of the development permit variance request and meeting RAR requirements the maximum amount of remaining SPEA is to be restored. As such this document outlines a landscape plan to achieve SPEA restoration.

The zone requiring restoration extends over a distance of approximately 100m with a SPEA width of 10m for the east side of the stream and pond, subtracting approximately 40m<sup>2</sup> for the footprint of the built shop, and with an additional approximately 130m<sup>2</sup> on the west side of the pond and culvert. The resulting area requiring restoration is 1090m<sup>2</sup>.

## Objective

The objective of the site revegetation landscaping is to restore the features, functions and conditions that support natural stream processes in the riparian area (RAR SPEA). The area identified in Figure 1 requires specific planting advice based on multiple guidelines described below.

## General Site Description

Located in the Coastal Western Hemlock Very Dry Maritime Eastern Variant Zone (CWHxm1)<sup>6</sup>, the ecosystem type at the identified property has a variety of species recommended by the RAR Implementation Guidebook as well as the Ministry of Environment for planting within the identified SPEA. Species recommended are outlined in Appendix 1- RAR Revegetation

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<sup>6</sup> Biogeoclimatic Ecosystem Classification Subzone/Variant Map for the South Island Resource District-South Coast Region. MFLNRO. August 2016.




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Guidelines for Brownfield Sites-Appendix 3 Plant List and Appendix 2- Ministry of Environment Riparian Restoration Guidelines.

In accordance with the Planting Guidelines in the Riparian Restoration Guidelines (Appendix 2) and the steps outlined in the Riparian Revegetation Site Plan –Treatment Plan<sup>7</sup> the proposed landscaping should be carried out as per the following:

- Site Preparation
  - The site should be free of any invasive species (ie. Scotch broom, Himalayan blackberry, Japanese knotweed) prior to soil disturbance
  - Compacted soils should be tilled, have organics added, mulched, or otherwise.
- Planting
  - Exposed soils should be planted immediately this spring with a suitable native grass seed and legume mixture.
  - All riparian plantings should be based on 1 tree or shrub per 1 square metre density.
  - Outside of the 3m shrub planting area, trees should be planted every 4<sup>th</sup> plant (i.e. tree, fruit bearing plant, shrub, fruit bearing plant or tree, shrub, fruit bearing plant, shrub, etc) in order to reduce same species competition and mimic natural distribution.
  - Trees planted require a hole 2 to 3 times larger than the size of the roots. Loosen soil for 20cm at bottom and sides of the hole. For dry sites, fill hole with water. Add compost or bone meal if desired.
  - The Ministry of Environment Riparian Restoration Guidelines recommends that tree stock should be a minimum of 1.2m (4ft) in height when purchased and planted 1.5 to 2m apart. The RAR guidelines have no suggested minimum tree height. Our recommendation is that 50% of trees meet this minimum height.

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<sup>7</sup> Appendix 4: Revegetation Guidelines for Brownfield Sites. RAR Implementation Guidebook. September 6, 2012

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- 
- Coniferous trees should comprise not less than 10% and not more than 25% of the tree stock planted. See below for site specific species makeup for planting.
  - A minimum of 50% of trees and shrubs planted should be fruit-bearing species such as Salmonberry (*Rubus spectabilis*), salal berry (*Gaultheria shallon*), Dull Oregon grape (*Mahonia nervosa*), black gooseberry (*Ribes lacustre*), huckleberry (*Vaccinium spp.*) etc.
  - Plant Care and Maintenance
    - Planting on a given area being enhanced must be successful to an 80% take. If more than 20% die over one year, replanting is required.
    - Stock planted during the fall (Sept. - Oct.) and spring (March - April) has the greatest likelihood of surviving. Regular watering may be required until the plants are established.
    - Exposed soils after planting should be seeded with a suitable native grass seed and legume mixture.

These guidelines applied to the 1090m<sup>2</sup> area to be planted result in the following species distribution:

- 1090m<sup>2</sup> at 1 plant per m<sup>2</sup> equates to 1090 plants being required to plant.
- Of the total trees, conifers must compose a minimum of 109 plantings and up to a maximum of 273 plantings.
- Of the total trees and shrubs, 545 plants must be fruit bearing species.
- The remaining 272-436 plants may be a mixture of trees and shrubs suited to the specific climatic zone. Refer to list of species in Appendix 1 and 2 and choose any combination.

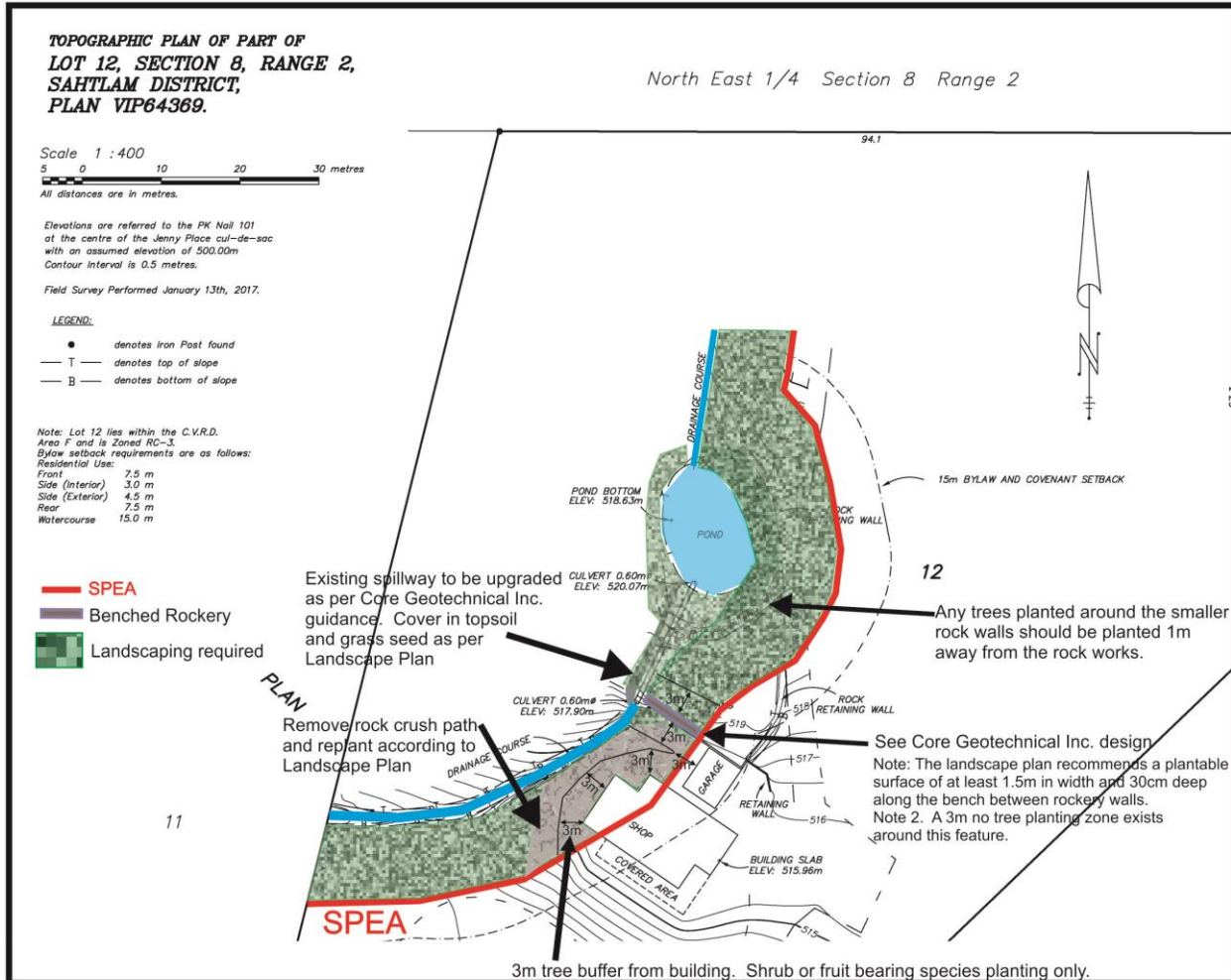
#### Site Specific Recommendations

Areas located within the identified landscaping area that require specific advice include:



- 
- Gravel pathway - The gravel pathway indicated in Figure 1 should have the overlaying gravels removed, and soils prepared as described in the Site Preparation section.
  - Driveway – the driveway indicated in Figure 1 on the east side of the pond should be prepared as described in the site preparation section.
  - Bench Rockery- The bench structure of the retaining rockery should have a plantable surface no less than 1.5m in width in order to establish successful plant growth. And should only be planted with fruit bearing or shrub plants within 3m of the structure.
  - Adjacent to buildings a 3m tree buffer should be applied and should only be planted with fruit bearing or shrub plants.
  - Natural rock areas- where poor soils and natural impervious surfaces (ie. Rocky areas) are found, both soil enhancement and mulching should be conducted, or the planting of specific species according to dry soil type (ie. ferns, Dull Oregon grape).
  - Not all plants need to be purchased. Many species, such as fern, salmonberry, salal, etc could be transplanted from natural stock on the property. Stock must not be taken from the SPEAs.

In summary, 1090 plantings are required to restore the SPEA. Provided 1090 plants are planted at a density of 1m<sup>2</sup> following the guidance contained within this plan and 20% of the plantings survive for one year, it is our opinion that the resulting restoration will fulfill site restoration requirements and allow for a functional SPEA to be achieved. If you have any questions or concerns regarding this plan, do not hesitate to contact our office at 250-286-0005.



**Landscape Planting Minimum Requirements**

Outside of the 3m shrub planting area, trees should be planted every 4th plant (i.e. tree, fruit bearing plant, shrub, fruit bearing plant or tree, shrub, fruit bearing plant, shrub, etc)

- \*55 - 1.2m high conifer trees
- \*55 - 218 - 20cm high trees - maple, alder, cottonwood, fir, spruce, cedar, hemlock, balsam
- \*545 fruit bearing species -
- \*272 - 436 shrubs - refer to list of species in Appendix 1 and 2 and choose any combination.

Figure 1. Overview of site plan and landscape outline





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## Appendix 1

RAR Revegetation Guidelines for Brownfield Sites-Appendix 3 Plant List- Ecosystem Type Coastal-Dry (CDF, CWH-dry)

[http://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rar\\_reveg\\_guidebk\\_sept6\\_2012\\_final.pdf](http://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/fish-fish-habitat/riparian-areas-regulations/rar_reveg_guidebk_sept6_2012_final.pdf)

RAR Revegetation Guidelines for Brownfield Sites

**APPENDIX 3. PLANT LIST (Note: This plant list describes common riparian species but is not considered complete. Further research is recommended during plant species selection.)**

Species	Latin	Soil moisture regime	Soil nutrient regime	Shade tolerance	Planting zone	Ecosystem Type				Comments
						Coastal - Dry (CDF, CWH - dry)	Coastal - Moist/Wet (CWH - moist, wet)	Southern Interior - Dry (PP IDF MS)	Southern Interior - Moist (ICH)	
<b>Deciduous trees:</b>										
Bigleaf maple	<i>Acer macrophyllum</i>	dry to moist	rich to very rich	H	floodplains	Y				Does well on disturbed sites
Red alder	<i>Alnus rubra</i>	wet	rich to very rich	M	streambanks, active floodplains, disturbed sites	Y	Y			Nitrogen-fixing; ferns, grasses and sedges grow well beneath whereas acid loving salal and vaccinium species do not; fast-growing; reproduces vegetatively from stump sprouts
Paper birch	<i>Betula papyrifera</i>	moist, well-drained soils	medium to rich	M	moist forest, seepage sites, floodplains,	Y	(Y)	Y	Y	Reproduces vegetatively from stump sprouts; unable to tolerate long periods of drought or saturated soils
Pacific dogwood	<i>Cornus nuttallii</i>	moderately dry to moist, well-drained soils	poor to rich	M	along streams or gullies, open to dense forests	Y				
Pacific Crabapple	<i>Malus fusca</i>	moist to wet	medium to rich	M	edges of standing and flowing water, upper beaches	Y	Y			
Black Cottonwood	<i>Populus balsamifera</i> ssp. <i>Trichocarpa</i>	moist to very moist	rich to very rich	L	floodplains, streambanks, lakeshores, seepage sites	Y	Y	Y	Y	Reproduces by root suckers and stem sprouts; low seed viability
Trembling Aspen	<i>Populus tremuloides</i>	slightly dry	medium to rich	L	open forest, edges of grasslands			Y	Y	Unable to tolerate long periods of saturated soils; reproduces by root suckers and stem sprouts; low seed viability
Bitter cherry	<i>Prunus emarginata</i>	slightly dry to moist	poor to very rich	M	along streams, logged areas	Y	Y		Y	Occurs on logged sites
Choke Cherry	<i>Prunus virginiana</i>	dry to moist	rich moist to disturbed sites	L	adapted to a wide range of sites				Y	Leaves, bark, stem and cherry pit are toxic. Good for erosion control due to spread by rhizomes and tendency to create thickets.

RAR Revegetation Guidelines for Brownfield Sites

Species	Latin	Soil moisture regime	Soil nutrient regime	Shade tolerance	Planting zone	Ecosystem Type				Comments
						Coastal - Dry (CDF, CWH - dry)	Coastal - Moist/Wet (CWH - moist, wet)	Southern Interior - Dry (PP IDF MS)	Southern Interior - Moist (ICH)	
<b>Conifers:</b>										
Amabilis fir	<i>Abies amabilis</i>	moist to very moist, deep, well-drained	poor to rich	H			Y			Grows with western hemlock, sitka spruce and western redcedar; produces abundant understorey due to high shade tolerance
Grand fir	<i>Abies grandis</i>	slightly dry to very moist	very rich	H		Y		Y	Y	Grows with Douglas-fir
Western larch	<i>Larix occidentalis</i>	moderately dry to slightly dry	medium to rich	L	open forest			Y	Y	
Englemann Spruce	<i>Picea engelmannii</i>	slightly dry to very moist	poor to rich	M	seepage sites, floodplains, lakeshores		Y	Y	Y	
White Spruce	<i>Picea glauca</i>	slightly dry to very moist	medium to very rich	M	wet draws, floodplains, seepage sites			Y	Y	
Sitka Spruce	<i>Picea sitchensis</i>	moist to very moist, well-drained soils	rich to very rich	M	alluvial floodplains	(Y)	Y			Shallow rooted
Lodgepole Pine	<i>Pinus contorta</i>	very dry to moist	very poor to medium	L	dry rocky slopes to deep rich soils	Y	Y	Y	Y	Tolerant of poor soils and compacted soils
Western White Pine	<i>Pinus monticola</i>	dry to moist	poor to rich to very rich	M	moist creek bottoms, benches	Y			Y	Drought tolerant
Ponderosa Pine	<i>Pinus ponderosa</i>	very dry to moderately dry	medium to very rich	L	open forests			Y	(Y)	Very drought tolerant
Douglas-fir	<i>Pseudotsuga menziesii</i>	dry to moist	medium	L-H	dense to open forest	Y	Y	Y	Y	Does not tolerate saturated soils
Western Redcedar	<i>Thuja plicata</i>	slightly dry to wet seepage sites	poor to very rich	H	alluvial sites	Y	Y	Y	Y	Tolerates saturated soils; Low drought resistance

RAR Revegetation Guidelines for Brownfield Sites

Species	Latin	Soil moisture regime	Soil nutrient regime	Shade tolerance	Planting zone	Ecosystem Type				Comments
						Coastal - Dry (CDF, CWH - dry)	Coastal - Moist/Wet (CWH - moist, wet)	Southern Interior - Dry (PP IDF MS)	Southern Interior - Moist (ICH)	
Western Hemlock	<i>Tsuga heterophylla</i>	moist to very moist; prefers soils with high organic content (acidic)	Very poor to medium	H	moist creek bottoms, seepage sites	Y	Y		Y	Creates dense canopy limiting understorey growth; not drought tolerant
<b>Shrubs:</b>										
Vine Maple	<i>Acer circinatum</i>	moist to wet	medium	H	under forest cover, open areas, stream banks	Y	Y			
Douglas Maple	<i>Acer glabrum</i>	dry to moist but well-drained	medium	H	open sites, moist open forests, seepage sites, moist gullies	Y		Y	Y	
Mountain alder	<i>Alnus tenuifolia</i>	very moist to wet; poorly drained sites	rich to very rich	M	streamside, pond and lake edges			Y	Y	Reproduces vegetatively from stump sprouts
Sitka alder	<i>Alnus viridis ssp. sinuata</i>	moist	tolerates low nutrient levels	M	streambanks, edges of wet meadows, well-drained upland forests		Y		Y	Nitrogen fixing; good for poor soils
Saskatoon	<i>Amelanchier alnifolia</i>	dry to moist	medium	M	open forest, meadows; moist gullies in grasslands, disturbed sites	Y		Y	Y	Easily propagated from wild seedlings or root cuttings
Red-Osier Dogwood	<i>Cornus stolonifera</i>	moist to wet	tolerates low nutrient levels	H	streamside, open forest, disturbed sites	Y	Y	Y	Y	Easily propagated from cuttings or layering from suckers. Excellent species for environmental plantings on moist soils.

RAR Revegetation Guidelines for Brownfield Sites

Species	Latin	Soil moisture regime	Soil nutrient regime	Shade tolerance	Planting zone	Ecosystem Type				Comments
						Coastal - Dry (CDF, CWH - dry)	Coastal - Moist/Wet (CWH - moist, wet)	Southern Interior - Dry (PP IDF MS)	Southern Interior - Moist (ICH)	
Beaked Hazelnut	<i>Corylus cornuta</i>	moist but well-drained sites	medium	H	open forest, well-drained streamside, shady openings	Y	Y	Y	Y	
Black Hawthorn	<i>Crataegus douglasii</i>	moist	tolerates low nutrient levels	L	streamside, lake shores, open areas and forest edges, open deciduous forest	Y	Y	Y	Y	
Salal	<i>Gaultheria shallon</i>	dry to wet	tolerant of poor soils	H	coniferous forests, shoreline	Y	Y			Forms thickets; highly adaptable to a wide range of sites
Oceanspray	<i>Holodiscus discolor</i>	dry to moist sites	tolerates low nutrient levels	M	open areas, ravine edges	Y	Y	Y	Y	
Black Twinberry	<i>Lonicera involucrata</i>	wet to moist sites to rocky slopes	medium	H	streamside, forests and openings, seepage areas, edges of wetlands		Y	Y	Y	
Dull Oregon-grape	<i>Mahonia nervosa</i>	dry to moist	poor to rich	H		Y	Y			
Mock Orange	<i>Philadelphus lewisii</i>	moist rich sites to dry rocky soils	tolerates low nutrient levels	M	open forest, forest edges, open brushy areas	Y	Y	Y	Y	
Pacific Ninebark	<i>Physocarpus capitatus</i>	moist to wet	tolerates low nutrient levels	M	streamside, forest edges	Y				
Cascara	<i>Rhamnus purshiana</i>	moist to wet	medium to very rich	H	mixed forest, south aspect	Y	Y		Y	Grows with red alder and vine maple at the coast
Black gooseberry	<i>Ribes lacustre</i>	moist to dry to wet	poor to rich	M	streamside, forest, open seepage areas, dry areas	Y	Y	Y	Y	Often grows on rotting wood

RAR Revegetation Guidelines for Brownfield Sites

Species	Latin	Soil moisture regime	Soil nutrient regime	Shade tolerance	Planting zone	Ecosystem Type				Comments
						Coastal - Dry (CDF, CWH - dry)	Coastal - Moist/Wet (CWH - moist, wet)	Southern Interior - Dry (PP IDF MS)	Southern Interior - Moist (ICH)	
Oak Fern	<i>Gymnocarpium dryopteris</i>	moist to very moist	poor to rich	H	moist forest	Y	Y	Y	Y	
Sword Fern	<i>Polystichum munitum</i>	moist to very moist	medium to rich	H	moist forest	Y	Y			
Deer Fern	<i>Blechnum spicant</i>	moist to wet	medium to rich	H	moist to wet forests, streambanks, under alder		Y		Y	
Lady fern	<i>Athyrium dryopteris</i>	moist to wet	rich	H	moist to wet forests, streambanks, gullies, clearings	Y	Y	Y	Y	
Bunchberry	<i>Cornus canadensis</i>	moist to very moist	medium to rich	H	moist forest		Y	Y	Y	
Five-leaved bramble	<i>Rubus pedatus</i>	moist to very moist	poor to medium	H	moist forest, streambanks		Y		Y	
Twinflower	<i>Linnaea borealis</i>	dry to moist	poor to rich	H	open and dense forest, rocky shorelines	Y	Y	Y	Y	



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## Appendix 2

Ministry of Environment Riparian Restoration Guidelines

[www.env.gov.bc.ca/lower-mainland/electronic.../RiparianRestorationGuidelines.doc](http://www.env.gov.bc.ca/lower-mainland/electronic.../RiparianRestorationGuidelines.doc)



## Riparian Restoration Guidelines

Riparian Restoration Plans should be prepared and supervised by an appropriately qualified professional. The riparian restoration plan should be sufficiently detailed to allow for monitoring for conformity to the plan as well as plant survival rates.

### Planting Guidelines:

**A list of recommended tree and shrub species is provided on page 2.**

<sup>1</sup> d = dry, m = moist, w = wet

◆ denotes fruit-bearing species

- All riparian plantings should be based on 1 tree or shrub per 1 square metre density.
- All tree/shrub species should be of guaranteed nursery stock.
- The botanical name should be used when ordering stock to ensure that the desired native species is being purchased. Each specimen should be tagged with the botanical name and the tag should be left attached after planting.
- Stock planted during the fall (Sept. - Oct.) and spring (March - April) has the greatest likelihood of surviving. Regular watering may be required until the plants are established. Additional advice on proper planting procedures should be obtained from the nursery supplying the stock.
- Coniferous trees should comprise not less than 10% nor more than 25% of the tree stock planted.
- Tree stock should be a minimum of 1.2m (4ft) in height when purchased and planted 1.5 to 2m apart. The RAR guidelines have no suggested minimum tree height
- Planting on a given area being enhanced must be successful to an 80% take. If more than 20% die over one year, replanting is required.
- A minimum of 50% of trees and shrubs planted should be fruit-bearing species.





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### **Structural Guidelines**

*Wherever a development site will result in land clearing activities, the opportunity exists to salvage and translocate structural materials (i.e. downed wood, stumps, mossy rocks, vascular plants, non vascular plants) into the remaining environmentally sensitive areas. These key forest floor features provide a diversity of habitats for both invertebrates and vertebrate species.*

- Salvaged large woody debris and stumps from the development site should be placed in previously damaged riparian areas to provide structural habitat features for small wildlife and amphibians.
- Mossy rocks and herbs can be salvaged from the development site to help 'seed' the restored area with native groundcover species.
- Large projects are well suited to the creation or translocation of wildlife trees within the area undergoing restoration/enhancement.




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## Recommended Native Plant Species for Riparian Fish and Wildlife Habitat

### Deciduous Trees

Botanical Name	Common Name	Mature Height (m)	Best Growth Conditions <sup>1</sup>
<i>Acer circinatum</i>	vine maple	to 7	m-w
<i>Acer glabrum var. douglasii</i>	Douglas maple	to 10	d-m
<i>Acer macrophyllum</i>	broadleaf maple	to 35	d-m
<i>Alnus rubra</i>	red alder	to 25	m
<i>Betula papyrifera var. commutata</i>	western white birch	to 30	m-w
◆ <i>Crataegus douglasii</i>	black hawthorn	to 10	m
<i>Populus balsamifera or P.trichocarpa</i>	black cottonwood	to 50	m-w
◆ <i>Prunus emarginata</i>	bitter cherry	2-15	m
<i>Rhamnus purshiana</i>	cascara	to 10	d-w
<i>Salix lucida ssp. lasiandra</i>	Pacific willow	to 12	w

### Coniferous Trees

Botanical Name	Common Name	Mature Height (m)	Best Growth Conditions <sup>1</sup>
<i>Picea sitchensis</i>	Sitka spruce	up to 70	m
<i>Pinus monticola</i>	western white pine	to 40	m-d
<i>Pseudotsuga menziesii</i>	Douglas-fir	to 70	d
<i>Thuja plicata</i>	western red cedar	to 60	m-w
<i>Tsuga heterophylla</i>	western hemlock	to 60	d-w

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## Shrubs

<b>Botanical Name</b>	<b>Common Name</b>	<b>Mature Height (m)</b>	<b>Best Growth Conditions<sup>1</sup></b>
<i>Alnus crispa ssp. sinuata</i>	Sitka alder	1-5	m
◆ <i>Amelanchier alnifolia</i>	saskatoon	1-5	d-m
◆ <i>Cornus sericea</i> or <i>C. stolonifera</i>	red-osier dogwood	1-6	m
◆ <i>Corylus cornuta var. californica</i>	beaked hazelnut	1-4	m
<i>Holodiscus discolor</i>	oceanspray	to 4	d-m
<i>Physocarpus capitatus</i>	Pacific ninebark	to 4	w
◆ <i>Prunus virginiana</i>	choke cherry	1-4	d
◆ <i>Rosa nutkana</i>	Nootka rose	to 3	d-m
◆ <i>Rosa gymnocarpa</i>	baldhip or dwarf rose	to 1.5	d-m
◆ <i>Rubus parviflorus</i>	thimbleberry	0.5-3	m
◆ <i>Rubus spectabilis</i>	salmonberry	to 4	m-w
<i>Salix hookeriana</i>	Hooker's willow	to 6	w
<i>Salix lucida</i> spp. <i>lasiandra</i>	Pacific willow	to 12	w
<i>Salix scouleriana</i>	Scouler's willow	2-12	m
<i>Salix sitchensis</i>	Sitka willow	1-8	m-w
◆ <i>Sambucus caerulea</i> or <i>S. glauca</i>	blue elderberry	-	d-m
◆ <i>Sambucus racemosa var. arborescens</i>	red elderberry	to 6	m
◆ <i>Sorbus sitchensis</i>	Sitka mountain ash	1-4	m
◆ <i>Symphoricarpos albus</i>	snowberry	0.5-2	d-m
◆ <i>Vaccinium parvifolium</i>	red huckleberry	to 4	m



26 May 2017

Our Ref: 53

*53 report rev 4 2017-05-26.docx*

Mr. Shawn Buttle

shawnjttm@gmail.com

**Re: Geotechnical Assessment**

**Pond and Stream at 5525 Jenny Place, Sahtlam**

Dear Sir,

## Introduction

At your request, we have carried out a Geotechnical Assessment at the site of a Pond and Stream at 5525 Jenny Place, Sahtlam, British Columbia.

The site reconnaissance assessment comprised a limited walkover.

This letter presents the results of the reconnaissance, together with engineering analyses and recommendations for static and seismic lateral earth pressures, rainfall runoff estimates, culvert flow estimates, and a landslide assurance statement.

This work was carried out in accordance with our proposal, and the relevant APEGBC Guidelines for "Geotechnical Engineering Services for Building Projects and "Legislated Landslide Assessments for Proposed Residential Developments in British Columbia.

## Background

We understand that you have made an application for a water licence (Water Licence File 1003570).

The two regulatory authorities involved are the Cowichan Valley Regional District (CVRD) and the Ministry for Forests, Lands and Natural Resource Operations (MFLNRO).

The CVRD requires the following:

"A structural report and BC Building Code schedules prepared, signed and stamped by a Structural Engineer addressing the structural integrity of the retaining wall."

The MFLNRO requires the following:

"One report prepared and signed by a relevant engineering or geotechnical professional, addressing the suitability of the created instream works (pond, retaining structure, concrete wall,



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outlet pipe, spillway, armored channel, (all works created in 2016) for the intended purpose. If there are applicable construction standards, they should be identified.

This report must address any increased risk to the property owner, and property owners downstream as well as the safety of the instream works. This report must address the ability of the works to pass anticipated flood events safely.

This report should also include recommendations of potential improvements to the instream works that might be done to offset any concerns identified.”

## Site Visit

We visited the site on January 6, 2017.

### Location

The property is located at 5525 Jenny Place, Sahtlam (Duncan). The legal address of the property is Lot 12, Section 8, Range 2, Sahtlam District Plan VIP64369.

The pond which is the subject of this work is located on the northern (upslope) side of a workshop. It is shown on the site plan (Drawing No. 53-1), based on the survey plan prepared by Kenyon Wilson, Surveyors.

The pond has a catchment of approximately 16ha.

### Topography

The site topography may be summarised as being in the central part of a small valley. The property has a relief of about 50m; while the ground rises above the pond by about 80m, to the crest of a ridge.

The side slopes of the valley within which the pond lies are steep (up to approximately 45°), and appear to be consistent with glacial action.

### Vegetation

There was little vegetation on the site of the pond and its downstream slopes, as shown in the following photographs.



*Figure 1: View towards the retaining wall from the pond.*



Figure 2: View of the pond, looking towards the North (upslope).

### Drainage

A 600mm diameter culvert was observed draining the pond. This is shown on the site plan (Drawing No. 53-1). The culvert outfall is an aesthetic water feature. The water flows into a trapezoidal channel (approximately 1200mm wide x 600mm deep) that has been lined with cobble-sized rock. The pond does not have a well-defined spillway, but overflow would generally flow over the broad crest above the culvert alignment

### Existing Development

The pond and retaining walls are shown on the site plan. We understand that the pond was constructed by excavation into the native ground, together with construction of some stacked rock walls.

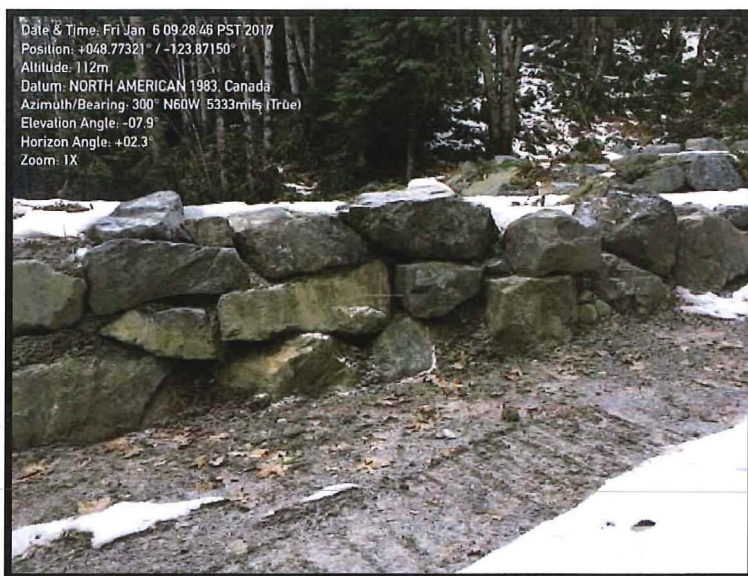


Figure 3: Stacked rock support on the eastern side of the pond.

The structure of the retaining wall is being separately addressed by the Structural Engineer, Mr. Alex Apostoli, P.Eng. of AAE Structural. For the purposes of geotechnical assessment, the retaining wall is 3.3m high, with vertical faces and horizontal backfill and toe.

Aerial photographs have been reviewed, showing the development of the site since 2005, as shown in the following sequence of images.



	<p>Date: July 16, 2005</p> <p>The location of the site is shown by the yellow "pin" numbered "53".</p> <p>The area is relatively undeveloped at this time. Some clearing is visible, with relatively dense vegetation on the undeveloped hillsides.</p>
--	---





		<p>Date: June, 2006</p> <p>Some changes in development.</p>
		<p>Date: August 23, 2012</p> <p>More development changes.</p>



	<p>Date: August 17, 2015</p> <p>No significant changes.</p>
	<p>Date: July 28, 2016</p> <p>Some construction activity may possibly be seen.</p>

## Geology

Reference to published geology maps indicates that the site is underlain by undifferentiated sedimentary rocks of the Nanaimo Group, which was deposited in the Late Cretaceous Period of Geological Time. Quaternary sediments were mapped overlying the rock. No rock was observed in the field, however. The soils exposed on the site comprised stiff to very stiff, silty sandy gravel soils of low plasticity, consistent with Quaternary sediments (e.g. ablation Till). The maps indicate close proximity to intersecting faults.

No groundwater was observed seeping through the retaining wall. It should be noted that groundwater levels and flows are transient, and are affected by such factors as preceding climatic conditions and soil and rock permeability.



The Site Seismic Hazard was calculated using the National Resources of Canada hazard calculator. The results, attached, indicate a Peak Ground Acceleration of 5.3g, amongst other factors.

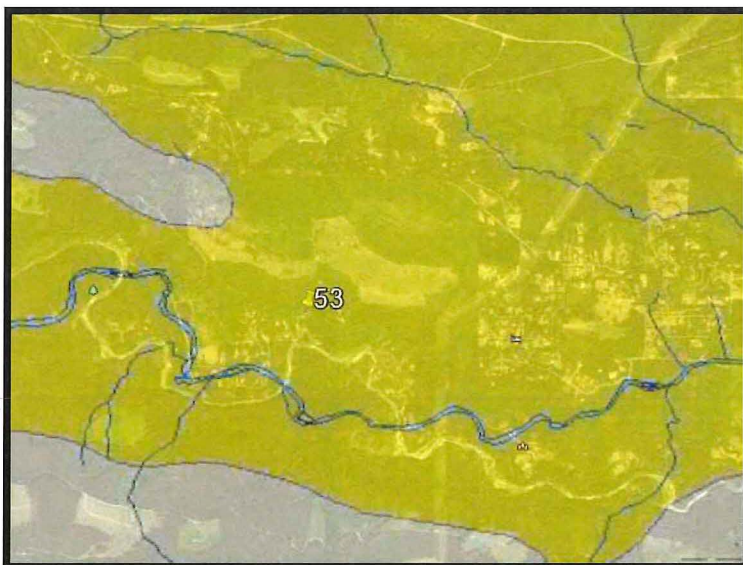


Figure 4: Quaternary Geology (shaded in yellow) (from BC Map Place)

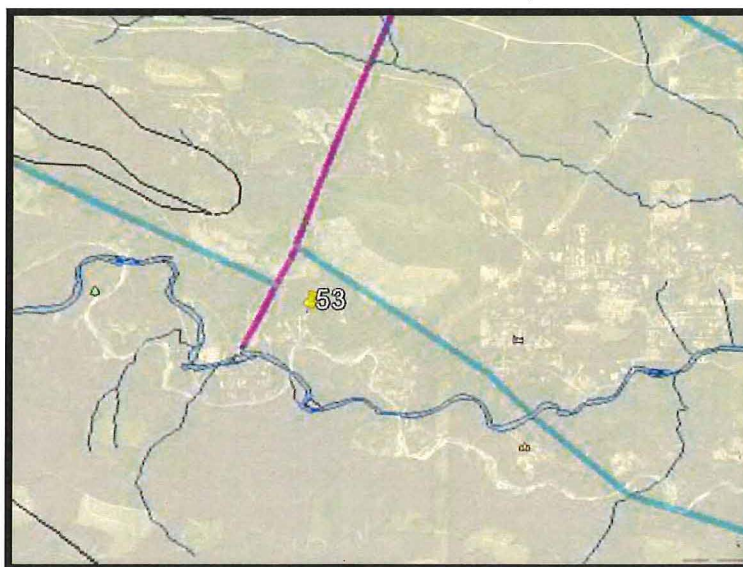


Figure 5: Fault Traces

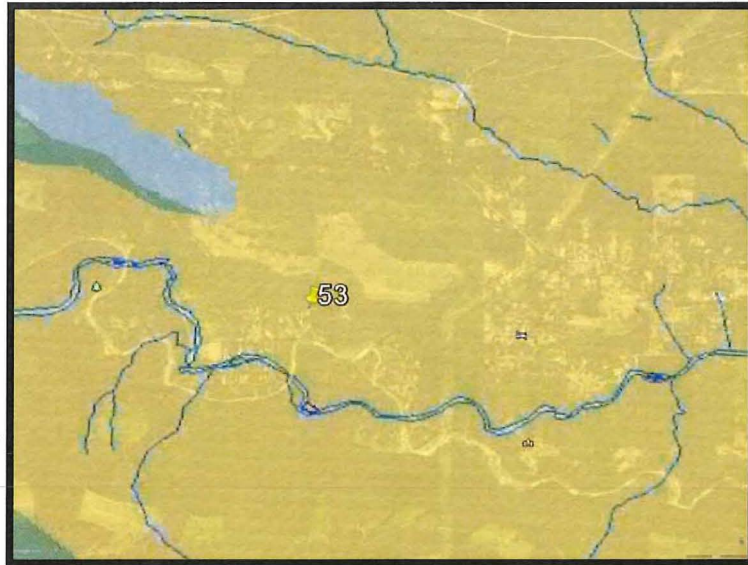


Figure 6: Geology Map showing that the site is underlain by the Nanaimo Group, shaded in yellow.

### Evidence of Instability

No evidence of past or incipient instability was observed at the time of the site visit.

### Subject Development

The development that is the subject of this report comprises a 3.3m high reinforced concrete retaining wall separating a workshop from a pond, the pond itself and its outfall.

The pond was constructed upstream of the retaining wall. It has been surveyed as shown on the site plan. It is approximately oval in plan, about 15m long, and about 10m wide, with a depth of about 2m

We understand that, as part of the structural engineer's recommendations, a buttress will be provided for the retaining wall upslope of the shop. A series of stacked rock walls, approximately 1.5m high, will buttress the western part of the wall, adjacent to the creek.

### Discussion and Recommendations

No rock was observed on the site surface. The depth to bedrock is not known. The site soils comprise quaternary alluvium consistent with glacial till. The observed soils were conservatively assumed to be ablation till, although basal till might be present below the surface.



## Slope Stability

### Qualification of Slope Instability Risk

All slopes are unstable in Geological Time. In the assessment of the risk of slope instability, we consider the present climatic conditions and that the extrapolation of those as being representative of the next 50 years as being reasonable. However, the effect of Climate Change is an unknown, although many scientists and engineers believe that these effects may include the likelihood of increased humidity, which could adversely affect slope instability through increased soil pore water pressures. It would be prudent to take cognizance of this, and provide additional drainage to the soil.

It is possible that ground creep is occurring on the steep side slopes of the valley. Ground creep is a phenomenon where downslope movement occurs within the upper metre of the ground profile closest to the ground surface.

We consider that the pond has a **Low Risk** of slope instability, as defined on the attached "Landslide Risk Assessment" sheet.

## Retaining Wall

### Lateral Earth Pressures

We recommend the following lateral earth pressures for use in the retaining wall design.

Active Earth Pressure Summary		Static		Seismic	
		Coulomb	Rankine	Mononobe-Okabe	
Coefficient of Active Earth Pressure	$k_a$	0.28	0.31	0.39	( $K_{AE}$ )
Active Thrust	$P_a$ (kN/m)	25.7	28.4	33	( $P_{AE}$ )
Total Active Thrust acts at Height	$h$ (m)	1.1	1.1	1.3	
Seismic Overturning Moment	$M_o$ (kN-m/m)			40.7	
Angle of Critical Failure Surface	$a$ ( $^\circ$ )	53	53	46	( $a_{AE}$ )

Passive Earth Pressure Summary		Static		Seismic	
		Coulomb	Rankine	Mononobe-Okabe	
Coefficient of Passive Earth Pressure	$k_p$	5.77	3.25	4.53	( $K_{PE}$ )

Note: Coulomb theory may overestimate passive pressure, as can Mononobe-Okabe for passive seismic case.

### Retaining Wall Global Stability

The BC Building Code requires minimum Factors of Safety (FoS) of 1.5 and 1.0, respectively, for the static and seismic cases.



We assessed the global stability of the existing 3.3m high retaining wall, and found it to be deficient. We then provided iterative input and feedback to the structural engineer, and developed a workable seismic and static construction methodology to reinforce the structure.

Sample analyses are attached.

### Footings

Footings should be founded on native soil or rock, and proportioned for a maximum dependable bearing capacity of 150kPa (Limit State Design) or 100kPa allowable bearing capacity (for Working Stress Design) (to be confirmed by a geotechnical engineer). Footings should not be founded on non-engineered fill.

### Frost

Freezing of the pore water in the soil can result in additional pressures on the retaining wall. Provided that the drainage is maintained, this effect can be tolerated. If intolerable movement that may be attributed to frost manifests itself in the future, then management options could include insulation and heating.

### Drainage

As mentioned above, due to the possible effects of Climate Change, it would be prudent to provide more drainage capacity than the minimum required at present.

For the retaining wall, drainage must be provided so that groundwater levels are maintained below the base (refer Drawing No. 53-2).

### Rock Retaining Walls

Geotechnical engineers are rarely asked to comment on stacked rock retaining walls less than 1.5m high, however at this site, such walls are supporting a pond. From what we were able to observe, the stacked rock retaining walls were generally well-constructed, as was the reinforced concrete retaining wall. Ideally, we consider that the existing rock walls should be reconstructed with engineering design and construction review.

Alternatively, the existing walls could be buttressed with additional stacked, interlocking rock, placed so that the face of the rock slopes at no steeper than 1V:6H, with the minimum rock size of the base rocks being at least 1m long and 0.6m wide. These should be buried by a minimum of 0.3m. Although this buttressing revetment would not interlock with the existing wall, except for the upper row of rocks, it would provide confidence in the overall stability of the gravity structure.



Rock retaining walls should be constructed in accordance with “Rockery Design And Construction Guidelines” Publication No. FHWA-CFL/TD-06-006, November 2006 by the Federal Highways Administration<sup>1</sup>.

## Quantification of Slope Stability

Therefore, provided that the development is carried out in accordance with the recommendations of this report, we consider that the site is safe for its intended use, with FoS >1.5 for static loads and FoS >1 for seismic loads. A Landslide Assessment Assurance Statement is attached.

## Hydrology

### Culvert Capacity

We have assessed the capacity of the 0.6m diameter culvert, flowing half-full, to be approximately  $6.3\text{m}^3\text{s}^{-1}$ .

### 1 in 200 year Storm

We have estimated the catchment for the pond to be approximately 16ha based on contours mapped by CVRD<sup>2</sup>. The critical storm for the catchment has a duration of 1hr. Based on the Intensity Duration Frequency curves for Lake Cowichan, the 1-in-200-years recurrence interval storm of 1hour will precipitate 18mm of rainfall.

The calculated average flow rate for the storm duration into the pond will be  $0.8\text{m}^3\text{s}^{-1}$ , which would relate to the culvert flowing about 15% full. This allows for some potential increase in rainfall due to climate change. The discharge velocity will be about  $30\text{ms}^{-1}$ .

### Pond Capacity

We estimate (conservatively assuming almost vertical internal sides) that the pond would have a capacity of almost  $300\text{m}^3$ .

### Pond Breach Analysis

We have carried out a breach analysis<sup>3</sup>. The results indicate that if the pond breached, then it would occur over a 6m long segment of the pond, to a depth of 0.6m. The pond would discharge approximately  $0.5\text{m}^3\text{s}^{-1}$  of water over a period of 3 minutes at an average depth of about 9cm. We consider that this scenario would be very unlikely, but if it occurred, then the hazard to life is not significant.

<sup>1</sup> Rockery Design and Construction Guidelines

[https://www.fhwa.dot.gov/innovativeprograms/pdfs/centers/local\\_aid/RockeryDesignandConstructionGuidelines\\_013007.pdf](https://www.fhwa.dot.gov/innovativeprograms/pdfs/centers/local_aid/RockeryDesignandConstructionGuidelines_013007.pdf)

<sup>2</sup> <http://www.cvr.bc.ca/2025/Maps-GIS>

<sup>3</sup> “Dam Break Downstream Inundation”: Dam Safety Program; Ministry of Forests, Lands and Natural Resource Operations, published 2001, last updated 2016.



### Downstream Channel

As noted previously, the channel downstream of the culvert outfall is of trapezoidal cross-section, with approximately 1.2m base width, and height of about 0.6m. It has been armoured with cobble-sized rocks. In our opinion, the armour should perform adequately for most storms but the energy dissipation from the design storm outflow will likely erode the channel's armour. In the event of such erosion, the armour will require reinstating.

We recommend that following a storm event that causes movement of the armour, that you upgrade the armour to an appropriate size (minimum 0.45m width), and the channel reconfigured with sides sloped at 1V:2H. If this is unsatisfactory to the regulatory authorities, then you will need to reconstruct the channel's armour to satisfy the CVRD and/or MNFLO. In our opinion, however, this would be punitive without monitoring performance. In the event of the design storm, the potential erosion from this channel would be insignificant compared to the total erosion throughout the catchment.

### Spillway

As the culvert has approximately 600% excess capacity for the design storm, the pond is unlikely to overtop provided that the culvert is adequately maintained, and does not become blocked. However, in that unlikely event, there will likely be some erosion of soil in the spillway path.

Our recommendations for the spillway are as follows:

- Widen the existing channel to 1m;
- Deepen the existing channel in the range of from 0.4m to 0.5m, with either a rectangular or curved cross-section;
- Armour the channel with strong, durable, volcanic rock of minimum size of approximately 0.3m.

The existing culvert may be exposed and opened up to half of its height, as required by the landscape plan.

A grate should be installed upstream of the culvert to mitigate the risk of logs etc. blocking the inlet (as shown on the Site Plan, Drawing No. 53-1).

### Further Geotechnical Engineering

It is possible that the CVRD may require a geotechnical engineer to provide a letter of assurance for Construction Review for the geotechnical components of the construction. If this is the case, then we will need to be engaged to prepare a British Columbia Building Code Schedule B, and you will need to provide us with your design drawings (including the relevant geotechnical components of structural designs), the relevant geotechnical requirements of the Building Permit (including the BP number), and your proposed construction schedule.

The future effects of Climate change are unknown. Monitoring may be prudent to track stream flow during and following large storms. Relating observed effects against the severity of the storm will provide a feedback mechanism for prudent improvements to the drainage works, in particular the armoured channel.





We request a minimum of 24 hours' notice prior to attending the site. Following satisfaction with the construction monitoring, we would prepare a BC Building Code Schedule C-B.

This work is specific to the pond and retaining wall. Should another project be proposed than that for which this report was prepared, e.g. if a building is to be located elsewhere on the lot, then further geotechnical input will be required.

You should immediately advise us if subsurface conditions encountered during construction that vary from those described in this report.


### Closure

The CVRD and MFLNRO may rely on this report for their processing of the relevant permits. It is our professional opinion, not to be construed as a guarantee, that the site is safe for its intended use provided that the recommendations of this report are adopted.

We trust that this meets your present requirements. Should you have any questions, please do not hesitate to contact the undersigned at your earliest convenience.

Yours truly,

### **Core Geotechnical Inc.**


  
 Bruce Grayson, P.Eng. 2017-05-26

Director

Attach:

- I. General Notes
- II. Landslide Risk Assessment Sheet
- III. Landslide Assurance Statement
- IV. Seismic Hazard Sheet
- V. Drawing No. 53-1 "Site Plan"
- VI. Sketch No. 53-2 "Cross Section A-A"
- VII. Stability Analyses (Finite Element Analyses Output)



## GENERAL NOTES

This report comprises the results of a site investigation carried out in accordance with normally-accepted methods for a specific purpose and client as defined in the introductory section(s) of the document. The report should not be used by other parties or for other purposes without prior consultation with this firm, as it might not contain adequate or appropriate information for extrapolation.

### LOGGING

The information on the Logs (Test Bores, Test Holes, Natural Exposures etc.) has been based on a visual and tactile assessment except at the discrete locations where test information has been reported (eg field and/or laboratory results).

Reference should be made to our standard sheets for the definition of our logging procedures (Soil and/or Rock Descriptions, as appropriate).

### GROUNDWATER

Unless otherwise indicated, the water levels given on the logs are the levels of free water or seepage in the test hole recorded at the given time of measuring. The measured ground water level may be affected by the method of investigation (for example, if rotary drilling is utilised, drilling fluids will be pumped into the ground).

The actual groundwater level may differ from the recorded level depending on material permeabilities. Further variations of this level could occur with time due to such effects as seasonal and tidal fluctuations or construction activities. Final confirmation of levels can only be made by appropriate instrumentation techniques and programmes.

### SAMPLING

Samples extracted during the fieldwork phase of a site investigation may be 'disturbed' or 'undisturbed' (as indicated on the logs) depending on the intended nature and purpose of the sample as well as the practicable method of extraction, transportation, extrusion and testing. This aspect should be taken into account when assessing test results which must of necessity reflect the effects of such disturbance.

Generally, 'disturbed' samples would be suitable for visual identification, moisture content determination, Atterberg Limits testing, compaction and California bearing ratio (CBR) testing, amongst others.

The amount sampled is also a limiting factor in the suitability for testing purposes, for example, a minimum of 10 kg is necessary for compaction and CBR testing.

'Undisturbed' samples are normally necessary for laboratory testing such as shrink-swell tests. These samples are obtained by pushing a thin-walled, mild steel tube with a machined cutting edge into the soil, and extracting the assembly. The soil (normally of nominal 50 mm diameter) is extruded at the laboratory prior to testing.

### LABORATORY TESTING

Laboratory testing is normally carried out in accordance with appropriate standards (or specific ones, if requested). All testing will be carried out in a sub-contracted laboratory. Where tests are used which are not covered by standard procedures, details are given in the report.

All soil properties (as measured by laboratory testing) exhibit inherent variability and thus a certain statistical number of tests is required in order to predict an average property with any degree of confidence. The site variability of soil strata, future changes in moisture and other conditions and the discrete sampling positions must also be considered when assessing the representative nature of the laboratory programme.

Certain laboratory tests provide interpreted soil properties as derived by conventional mathematical procedures. The applicability of such properties to engineering design must be assessed with due regard to the site, sample condition, procedure and the proposed development.

### INTERPRETATION OF RESULTS

The discussion and any recommendations contained within this report are normally based on a site evaluation from discrete test hole data. Generalised or idealised subsurface conditions (including any cross-sections contained in the report) have been assumed or prepared by interpolation and /or extrapolation of these data. As such, these conditions are an interpretation and must be considered as a guide only.

### CHANGE IN CONDITIONS

Local variations or anomalies in the generalised ground conditions used for this report can occur, particularly between discrete test hole locations. Furthermore, certain design or construction procedures may have been assumed in assessing the soil-structure interaction behaviour of the site. Any change in design, in construction methods, or in ground conditions as noted during construction, from those assumed in this report should be referred to this firm for appropriate assessment and comment.

### FOUNDATION DEPTH

Where referred to in the report, the recommended depth of any foundation (piles, caissons, footings, etc.) is an engineering estimate of the depth to which they should be constructed. The estimate is influenced and perhaps limited by the fieldwork method and testing carried out in connection with the site investigation, and other pertinent information as has been made available. The depth remains, however, an estimate and therefore liable to variation. Foundation drawings, designs and specifications based upon this report should provide for variations in the final depth depending upon the ground conditions at each point of support.

### REPRODUCTION OF REPORTS

Where it is desired to reproduce the information contained in this report for the inclusion in the contract documents or engineering specification of the subject development, such reproduction shall include all of the report, including appendices (if any).

**This report is the subject of copyright and shall not be reproduced without the express permission of Core Geotechnical Inc. Reproduction, where permitted, must be in full.**



## SOIL DESCRIPTION

Core Geotechnical Inc. describes a soil in terms of its visual and tactile properties. This sheet is intended to complement test logs and, relates to field samples and exposures as applicable. The description involves an evaluation of each of the items listed below and is in general agreement with the Canadian Foundation Engineering Manual.

### SOIL TYPE

The soil type is described according to its estimated grain size composition and the tactile behaviour (plasticity) of fines (silt and clay fraction). The following table provides a guideline for the basis of the soil description:

Soil Classification	Particle Size
Silt and Clay (differentiated by Atterberg Limits Tests)	< 0.06 mm (the 0.075 mm sieve size is commonly used in practice)
Sand	0.06 - 0.2 mm (fine), 0.2 - 0.6 mm (medium), 0.6 - 2 mm (coarse)
Gravel	2 - 6 mm (fine), 6 - 20 mm (medium), 20 - 60 mm (coarse)
Cobble	60 - 200 mm
Boulder	> 200 mm

Where a soil contains one main soil type with up to 5% of a secondary soil type, it is described as having a trace of the secondary soil type. Similarly, if the proportion of the secondary soil type is within the range of 5 - 12%, it is described as having some of the secondary soil type. If the soil has 12 - 50% of the secondary soil type, the secondary soil type is used as an adjective in the description, eg Sandy CLAY, where the main soil type is clay, with up to 50% sand by weight. A soil with, say, 20% gravel, 30% sand and 50% clay would be described as a Gravelly Sandy CLAY.

### STRENGTH (CONSISTENCY/RELATIVE DENSITY)

This assessment is based on the effort required to penetrate and/or mould the soil, and is an indicator of the shear strength.

Granular soils are generally described in terms of relative density (density index) as listed in the Canadian Foundation Engineering Manual. These soils are inherently difficult to assess, and normally a penetration test procedure (SPT or CPT) is used in conjunction with published correlations. Alternatively, in-situ density tests may be carried out in conjunction with minimum and maximum density (laboratory) tests.

Cohesive soils can be assessed by direct measurement (eg shear vane, pocket penetrometer [shown as PP\* on the logs]) or estimated approximately by tactile means and/or the aid of a geological pick as given in the following table. It is emphasised that a 'design' shear strength must take cognisance of the in-situ moisture content and the possible variation of moisture with time, climate, and other factors.

Term	Tactile Properties	Unconfined Compressive Strength, $q_u$ (kPa)
Very Soft	Extrudes from fingers without difficulty. Soil may tend to flow.	<25
Soft	Extrudes from fingers when squeezed.	25 - 50
Firm	Thumb may penetrate with moderate effort. Moulded by light finger pressure.	50 - 100
Stiff	Moulded by moderate finger pressure.	100 - 200
Very Stiff	Moulded by strong finger pressure.	200 - 400
Hard	Depending on moisture condition, may be moulded by very strong finger pressure or may tend to	>400
Friable	Soil is sugary, or crumbles without meaningful result on a pocket penetrometer.	

### MOISTURE

The moisture condition of the soil is most applicable for cohesive soils as an aid to the assessment of consistency and workability. The moisture condition may be related to the estimated plastic limit ( $W_p$  or PL) eg  $m < W_p$  where the soil is assessed as being drier than the estimated plastic limit (In the field, this is often assessed by an inability for the soil to roll out into threads of 3 mm diameter.);  $m = W_p$  where the soil is assessed as being approximately at the plastic limit, ie it may just be rolled out into threads of 3 mm diameter; and  $m > W_p$ , where the soil is assessed as being wetter than the plastic limit (ie the soil is able to be rolled into threads of less than 3 mm diameter).

Non-cohesive soils may be described as being either Dry (dusty, dry to the touch), Moist (damp, no visible water) or Wet (visible free water, saturated condition). Ground water observations are noted on all test logs.

### COLOUR

Colour may be an aid to the correlation of data between test locations and for subsequent excavation operations. The prominent colour is noted, followed by (mottled, streaked, stained etc) secondary colours as applicable. Colour is usually described at field moisture condition, however, both wet and dry colours may be recorded.

### OTHER TERMS

Some other terms which the layperson may not be familiar with might be used in the description of a soil. In most cases these would be referenced in The Canadian Foundation Engineering Manual. Some of the more common of these terms are outlined below:

- Fill - soil which has not been laid down by nature, ie it has been man-made.
- Till - natural soil compacted and abraded under the weight and movement of a glacier.
- Alluvium - natural soil laid down in streams, lakes, estuaries, dunes etc.
- Residual - soil derived from rock weathered in-situ
- Colluvium - soil deposited by natural transport down a slope (also called slopewash)
- Talus - debris such as cobbles and boulders, generally at the toe of a slope
- Glacio-Marine - soil deposited in a marine environment beneath a glacier



# ROCK DESCRIPTION

Core Geotechnical Inc. describes a rock based on methods described in the Canadian Foundation Engineering Manual, together with local practice. This sheet is intended to complement test logs, and relates to cored rock, field samples and exposures as applicable. The description involves an evaluation of each of the items listed below and is in general agreement with the Canadian Foundation Engineering Manual.

## ROCK TYPE

The rock type is described according to its assessed origin (ie sedimentary, igneous volcanic/hypabyssal, pyroclastic, igneous plutonic, and metamorphic) and estimated grain (crystal, clast, phenoclast etc) size composition. The following table provides a guideline for the basis of the rock type description:

SEDIMENTARY			IGNEOUS					METAMORPHIC
Clastic	Non-Clastic		Acid	Intermediate	Basic	Pyroclastic (e.g. Ash / Bombs)		
	Chemical	Organic						
Conglomerate	Limestone	Coal	<b>Volcanic</b> (e.g. Lava) <i>Fine Grained</i>	Rhyolite	Trachyte	Basalt	Agglomerate Volcanic Breccia Tuff	Grade Low ↑ High Gneiss Quartzite Schist Slate Phyllite
Sandstone	Chert		<b>Hypabyssal</b> (e.g. Sill) <i>Medium Grained</i>	Porphyry		Dolerite		
Siltstone	Gypsum		<b>Plutonic</b> (e.g. Batholith) <i>Coarse Grained</i>	Quartz/Orthoclase	Plagioclase	Gabbro		
Claystone				Granite	Syenite, Diorite			
Shale								

## SEDIMENTARY ROCKS

Sandstone and Conglomerate are defined as rocks containing more than 50% of sand sized grains and gravel sized fragments, respectively. Similarly, Claystone and Siltstone are defined as rocks containing more than 50% of clay or sericitic material, and silt sized granular particles, respectively, AND where the rock is not laminated. Laminated rocks containing more than 50% of clay and/or silt sized particles are defined as shale. Rocks possessing characteristics of two groups are described by their predominant particle size with reference also to the minor constituents, eg clayey sandstone, sandy shale.

## STRENGTH

This assessment refers to the strength of the rock substance, not the strength of the rock mass. The strength of the rock substance is estimated by the Point Load Strength Index  $I_{s(50)}$  and normally refers to the average of the strength measured in the direction perpendicular to the bedding, and the strength measured parallel to the bedding, for sedimentary rocks. The table below describes the strength classifications used by this firm:

Term	Abbr.	Field Guide	$I_{s(50)}$ (MPa)
<b>Extremely Low</b>	EL	Easily remoulded by hand to a material with soil properties.	<0.03
<b>Very Low</b>	VL	May be crumbled in the hand. Sandstone is "sugary" and friable.	<0.1
<b>Low</b>	L	The core* may be broken by hand and easily scored with a knife. Sharp edges of core may be friable and break during handling.	<0.3
<b>Medium</b>	M	The core* can be broken by hand with considerable difficulty. Readily scored with knife.	<1
<b>High</b>	H	The core* cannot be broken with unaided hands, can be slightly scratched or scored with knife.	<3
<b>Very High</b>	VH	The core* cannot be broken readily with hand held hammer. Cannot be scratched with pen knife.	<10
<b>Extremely High</b>	EH	The core* is difficult to break with hand held hammer. Rings when struck with a hammer.	>10

\*A piece of core 150 mm long and 50 mm diameter

## WEATHERING

The assessment of weathering does not imply engineering behaviour, however it may assist in identification. No distinction is drawn between chemical weathering and alteration for most engineering purposes. These procedures are collectively described as weathering using the following terms which do not describe the related strength change. Carbonate rocks may not necessarily conform to this classification.

Term	Abbreviation	Definition
<b>Extremely Weathered</b>	EW	The rock exhibits soil-like properties though the texture of the original rock is still evident.
<b>Highly Weathered</b>	HW	Limonite staining or colour change affects the whole of the rockmass and other signs of chemical or physical decomposition are evident.
<b>Moderately Weathered</b>	MW	Staining extends throughout the whole of the rockmass and the original colour is no longer recognisable.
<b>Slightly Weathered</b>	SW	Partial staining or discolouration of the rockmass, usually by limonite, has taken place.
<b>Fresh</b>	Fr	Rockmass unaffected by weathering.

## FRACTURING and BEDDING

These important features can control the overall behaviour of a rockmass. All types of natural fractures across which the core is discontinuous are noted. These fractures include bedding plane partings, joints and other defects but exclude artificial fractures such as drilling breaks. The nature of the defects (joints, partings, seams, zones and veins) is also noted with description, orientation, infilling or coating, shape, roughness, thickness, etc. given generally in accordance the Canadian Foundation Engineering Manual. The spacing of natural fractures excludes bedding partings unless there is evidence that they were separated prior to drilling. This notwithstanding, bedding partings may be considered planes of weakness in an engineering assessment.

Term	Description
<b>Fragmented</b>	The core is comprised primarily of fragments of length less than 20 mm, and mostly of width less than the core diameter.
<b>Highly Fractured</b>	Core lengths are generally less than 20 - 40 mm with occasional fragments.
<b>Fractured</b>	Core lengths are mainly 30 mm - 100 mm with occasional shorter and longer sections.
<b>Slightly Fractured</b>	Core lengths are generally 300 mm - 1 m with occasional longer sections and occasional sections of 100 mm - 300 mm.
<b>Unbroken</b>	The core does not contain any fractures.

Bedding Spacing may be described based on the thickness of the layering, as follows:

Thinly Laminated	Laminated	Very Thinly Bedded	Thinly Bedded	Medium Bedded	Thickly Bedded	Very Thickly Bedded
<6mm	6mm - 20 mm	20mm - 60 mm	60mm - 200 mm	200mm - 600 mm	600mm - 2 m	> 2m



## LANDSLIDE RISK ASSESSMENT

Landslide assessments for Residential developments are carried out in accordance with the APEGBC document "Guidelines for Legislated Landslide Assessments for Proposed Residential Developments in BC".

Definitions for qualitative assessments are as follows:

### Qualitative Measures of Likelihood

Level	Descriptor	Description	Indicative Annual Probability
A	Almost Certain	The event is expected to occur	$>\sim 10^{-1}$
B	Likely	The event will probably occur under adverse conditions	$\sim 10^{-2}$
C	Possible	The event could occur under adverse conditions	$\sim 10^{-3}$
D	Unlikely	The event might occur under very adverse circumstances	$\sim 10^{-4}$
E	Rare	The event is conceivable but only under exceptional circumstances	$\sim 10^{-5}$
F	Not Credible	The event is inconceivable or fanciful	$\sim 10^{-6}$

Note: "~" means that the indicative value may vary by, say,  $\pm 1/2$  of an order of magnitude, or more.

### Qualitative Measures of Consequence to Property

Level	Descriptor	Description
1	Catastrophic	Structure completely destroyed or large-scale damage requiring major engineering works for stabilisation
2	Major	Extensive damage to most of structure, or extending beyond site boundaries requiring significant stabilisation works.
3	Medium	Moderate damage to some of structure, or significant part of site requiring large stabilization works.
4	Minor	Limited damage to part of structure, or part of site requiring some reinstatement/stabilization works.
5	Insignificant	Little damage

### Qualitative Risk Analysis Matrix – Level of Risk to Property

Likelihood	Consequences to Property				
	1: Catastrophic	2: Major	3: Medium	4: Minor	5: Insignificant
A – Almost Certain	VH	VH	H	H	M
B - Likely	VH	H	H	M	V-M
C - Possible	H	H	M	L-M	VL-L
D - Unlikely	M-H	M	L-M	VL-L	VL
E - Rare	L-M	L-M	VL-L	VL	VL
F – Not Credible	VL	VL	VL	VL	VL

### Risk Level Implication

Risk Level		Example Implications
VH	Very High Risk	Extensive detailed investigation and research, planning and implementation of treatment options essential to reduce risk to acceptable levels; may be too expensive and not practical.
H	High Risk	Detailed investigation, planning and implementation of treatment options required to reduce risk to acceptable levels.
M	Moderate Risk	Tolerable provided treatment plan is implemented to maintain or reduce risks. May be accepted. May require investigation and planning of treatment options.
L	Low Risk	Usually accepted. Treatment requirements and responsibility to be defined to maintain or reduce risk.
VL	Very Low Risk	Acceptable. Manage by normal slope maintenance procedures.

Note:

- (1) the implications for a particular situation are to be determined by all parties to the risk assessment; these are only given as a general guide.
- (2) Dual descriptors for Likelihood, Consequence and Risk may be used to reflect the uncertainty of the estimate in particular cases.

# LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia", March 2006/Revised September 2008 ("APEGBC Guidelines") and the "2012 BC Building Code (BCBC 2012)" and is to be provided for *landslide assessments* (not floods or flood controls) for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the *APEGBC Guidelines*.

To: The *Approving Authority*

Date: Friday, March 3, 2017

Cowichan Valley Regional District

With reference to: British Columbia Building Code 2012 Sentences 4.1.8.17 and 9.4.4.4.(2) (Refer to BC Building and Safety Policy Branch Information Bulletin 819-01 issued January 18, 2010)

The *Approving Authority* has not adopted a *level of landslide safety*.

For the Property: Lot 12, Section 8, Range 2, Sahtlam District Plan VIP64369, 5525 Jenny Place, Sahtlam (Duncan).

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer* or *Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the property in accordance with the *APEGBC Guidelines*. The report must be read in conjunction with this statement. In preparing that report I have:

Check to the left of applicable items

- 1. Collected and reviewed appropriate background information
- 2. Reviewed the proposed *residential development* on the Property
- 3. Conducted fieldwork on and, if required, beyond the Property
- 4. Reported on the results of the fieldwork on and, if required, beyond the Property
- 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
  - 6.1. reviewed and characterized, if appropriate, any *landslide* that may affect the property
  - 6.2. estimated the *landslide* hazard
  - 6.3. identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
  - 6.4. estimated the potential consequences to those elements at risk
- 7. Where the *Approving Authority* has adopted a *level of landslide safety*, I have:
  - 7.1. compared the *level of landslide safety* adopted by the *Approving Authority* with the findings of my investigation
  - 7.2. made a finding on the *level of landslide safety* on the Property based on the comparison
  - 7.3. made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 8. Where the Approving Authority has **not** adopted a level of landslide safety, I have
  - 8.1. described the method of *landslide hazard analysis* or *landslide risk analysis* used
  - 8.2. referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*
  - 8.3. compared this guideline with the findings of my investigation
  - 8.4. made a finding on the *level of landslide safety* on the Property based on the comparison
  - 8.5. made recommendations to reduce *landslide hazards* and/or *landslide risks*

9. Reported on the requirements for future inspections of the property and recommended who should conduct those inspections

Based on my comparison between the appropriate and identified provincial, national or international guideline for level of landslide safety (item 8.4 above)

I hereby give my assurance that, based on the conditions<sup>(1)</sup> contained in the attached landslide assessment report,

- for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended"
- With one or more recommended registered covenants
- Without any registered covenant.
- for a development permit, as required by the Local Government Act (Sections 919.1 and 920), my report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit".
- for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"
- With one or more recommended registered covenants
- Without any registered covenant.
- for flood plain bylaw variance, as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the Local Government Act (Section 910), "the development may occur safely".
- for flood plain bylaw exemption, as required by the Local Government Act (Section 910), "the land may be used safely for the use intended".

Name: Bruce John Grayson, P.Eng

Date: Friday, March 3, 2017

Signature:

<sup>(1)</sup> When seismic slope stability assessments are involved, level of landslide safety is considered to be a "life safety" criterion as described in the National Building Code of Canada (NBCC 2010), Commentary on Design for Seismic Effects in the User's Guide, Structural Commentaries, Part 4 of Division B. This states:

"The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion; in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse".

# 2015 National Building Code Seismic Hazard Calculation

INFORMATION: Eastern Canada English (613) 995-5548 français (613) 995-0600 Facsimile (613) 992-8836  
Western Canada English (250) 363-6500 Facsimile (250) 363-6565

February 14, 2017

Site: 48.7733 N, 123.8713 W User File Reference: 5525 Jenny Place, Cowichan Valley

Requested by: Bruce Grayson, P.Eng., Core Geotechnical Inc.

**National Building Code ground motions: 2% probability of exceedance in 50 years (0.000404 per annum)**

Sa(0.05)	Sa(0.1)	<b>Sa(0.2)</b>	Sa(0.3)	<b>Sa(0.5)</b>	<b>Sa(1.0)</b>	<b>Sa(2.0)</b>	<b>Sa(5.0)</b>	<b>Sa(10.0)</b>	PGA (g)	PGV (m/s)
0.625	0.969	<b>1.198</b>	1.238	<b>1.120</b>	<b>0.665</b>	<b>0.400</b>	<b>0.126</b>	<b>0.044</b>	<b>0.528</b>	<b>0.812</b>

**Notes.** Spectral ( $S_a(T)$ , where T is the period in seconds) and peak ground acceleration (PGA) values are given in units of g ( $9.81 \text{ m/s}^2$ ). Peak ground velocity is given in m/s. Values are for "firm ground" (NBCC 2015 Site Class C, average shear wave velocity 450 m/s). NBCC2015 and CSAS6-14 values are specified in **bold** font. Three additional periods are provided - their use is discussed in the NBCC2015 Commentary. Only 2 significant figures are to be used. *These values have been interpolated from a 10-km-spaced grid of points. Depending on the gradient of the nearby points, values at this location calculated directly from the hazard program may vary. More than 95 percent of interpolated values are within 2 percent of the directly calculated values.*

Ground motions for other probabilities:

Probability of exceedance per annum	0.010	0.0021	0.001
Probability of exceedance in 50 years	40%	10%	5%
Sa(0.05)	0.142	0.328	0.450
Sa(0.1)	0.217	0.505	0.698
Sa(0.2)	0.268	0.631	0.864
Sa(0.3)	0.268	0.644	0.888
Sa(0.5)	0.221	0.559	0.791
Sa(1.0)	0.105	0.293	0.439
Sa(2.0)	0.055	0.163	0.255
Sa(5.0)	0.011	0.036	0.071
Sa(10.0)	0.0039	0.012	0.025
PGA	0.115	0.275	0.379
PGV	0.134	0.372	0.547

## References

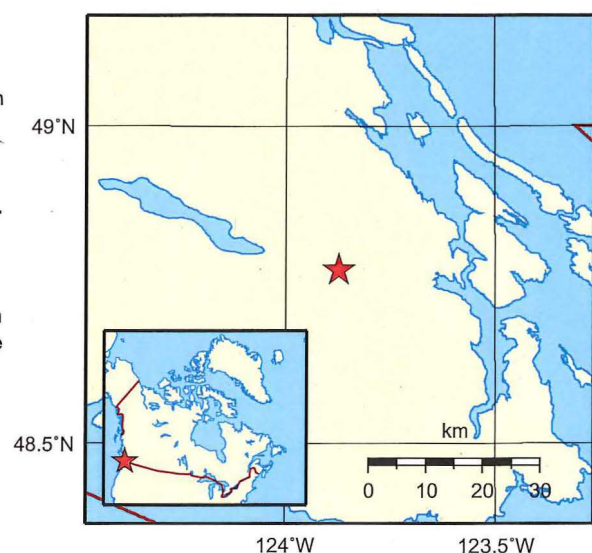
National Building Code of Canada 2015 NRCC no. 56190;  
Appendix C: Table C-3, Seismic Design Data for Selected Locations in Canada

User's Guide - NBC 2015, Structural Commentaries NRCC no. xxxxxx (in preparation)  
Commentary J: Design for Seismic Effects

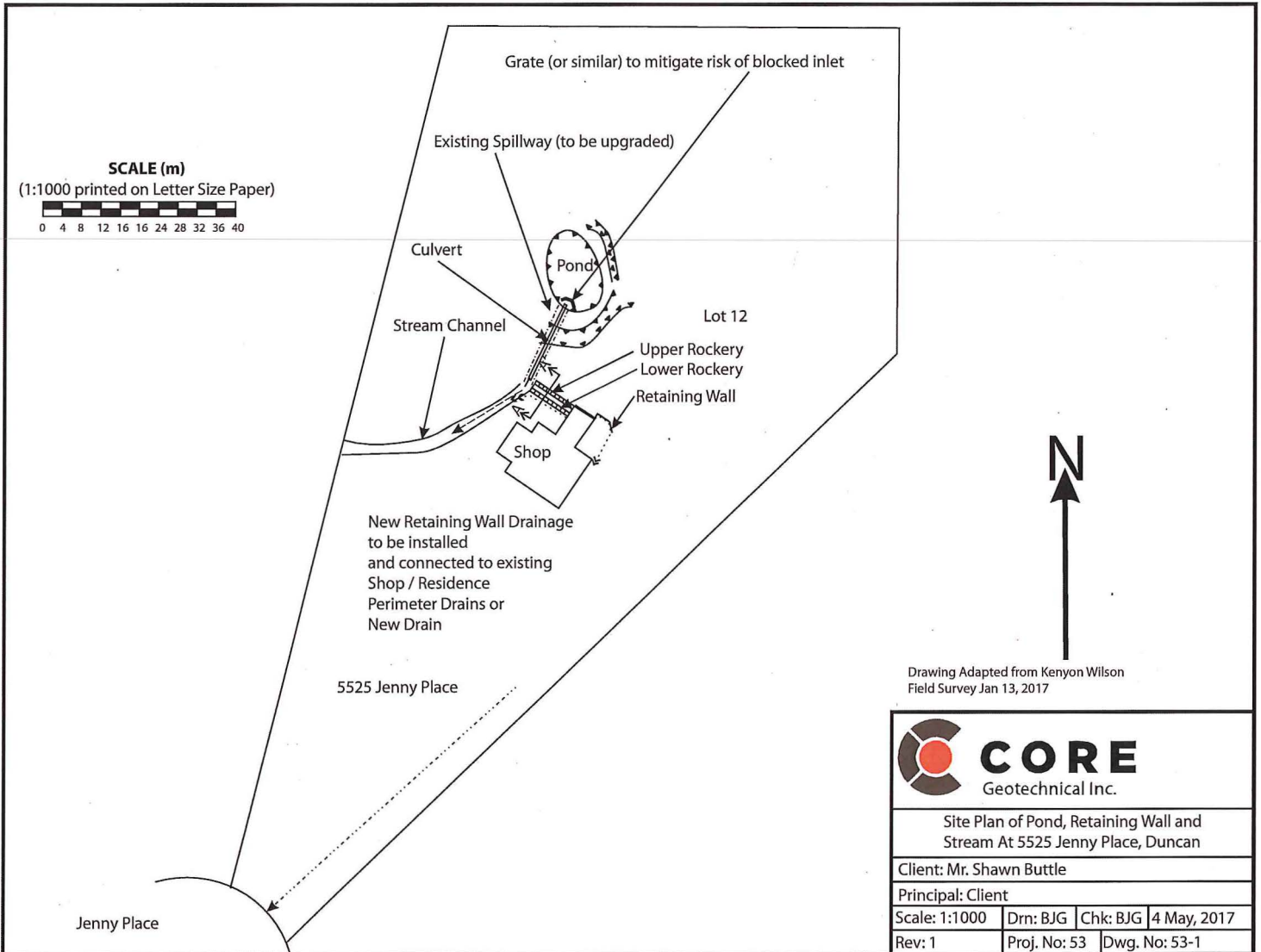
Geological Survey of Canada Open File 7893 Fifth Generation Seismic Hazard Model for Canada: Grid values of mean hazard to be used with the 2015 National Building Code of Canada

See the websites [www.EarthquakesCanada.ca](http://www.EarthquakesCanada.ca) and [www.nationalcodes.ca](http://www.nationalcodes.ca) for more information

Aussi disponible en français

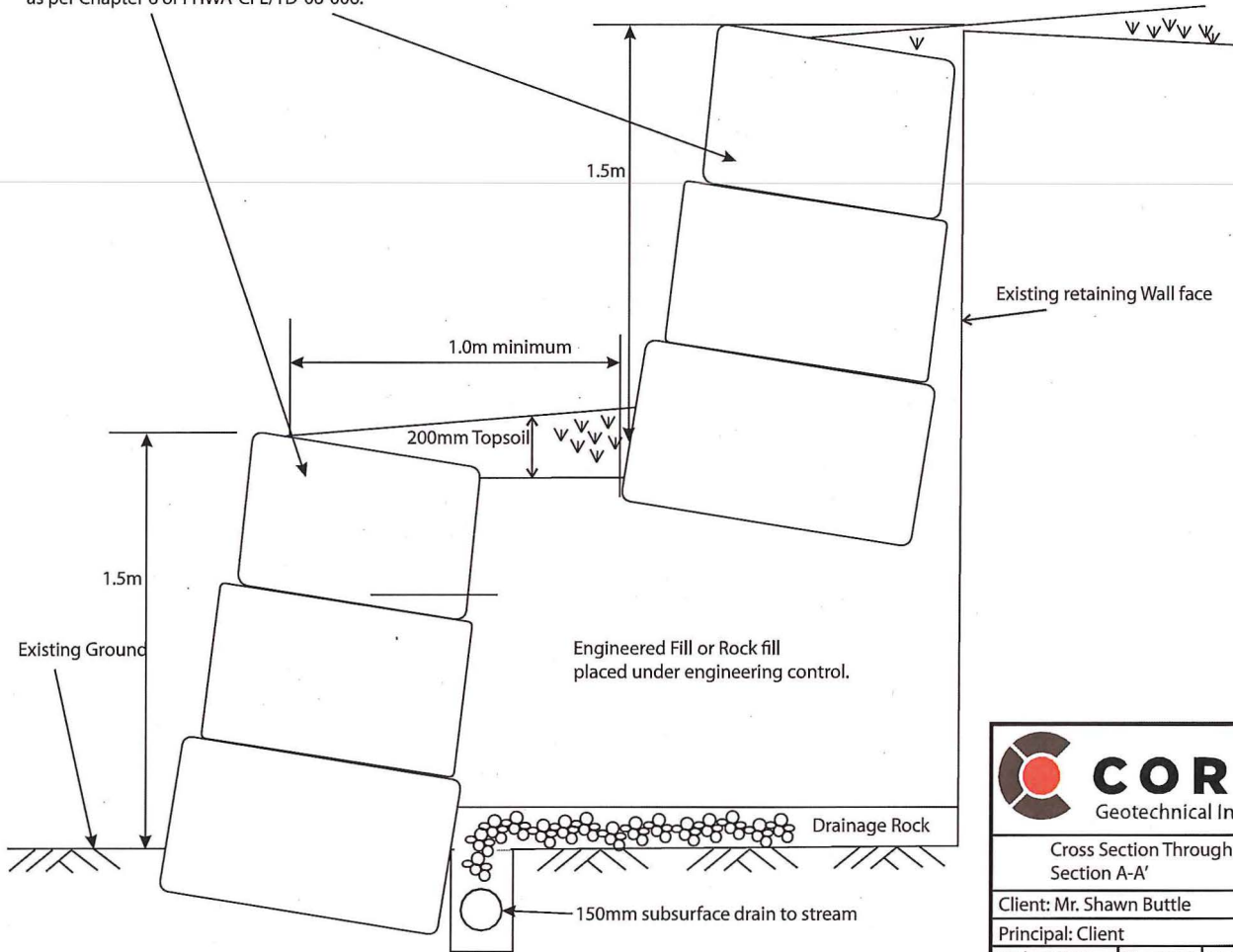





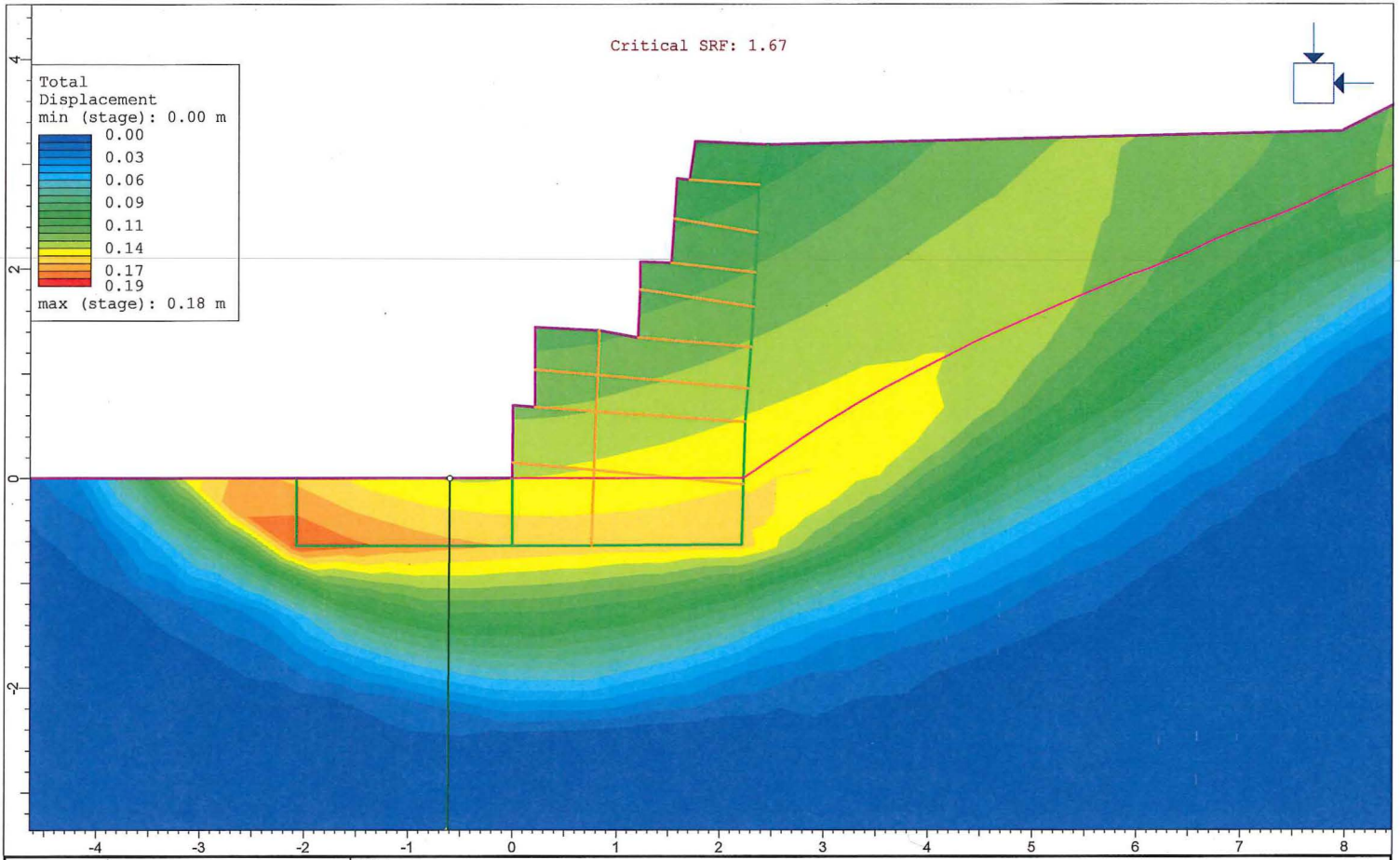



 <b>CORE</b> Geotechnical Inc.			
Site Plan of Pond, Retaining Wall and Stream At 5525 Jenny Place, Duncan			
Client: Mr. Shawn Buttle			
Principal: Client			
Scale: 1:1000	Drn: BJG	Chk: BJG	4 May, 2017
Rev: 1	Proj. No: 53	Dwg. No: 53-1	

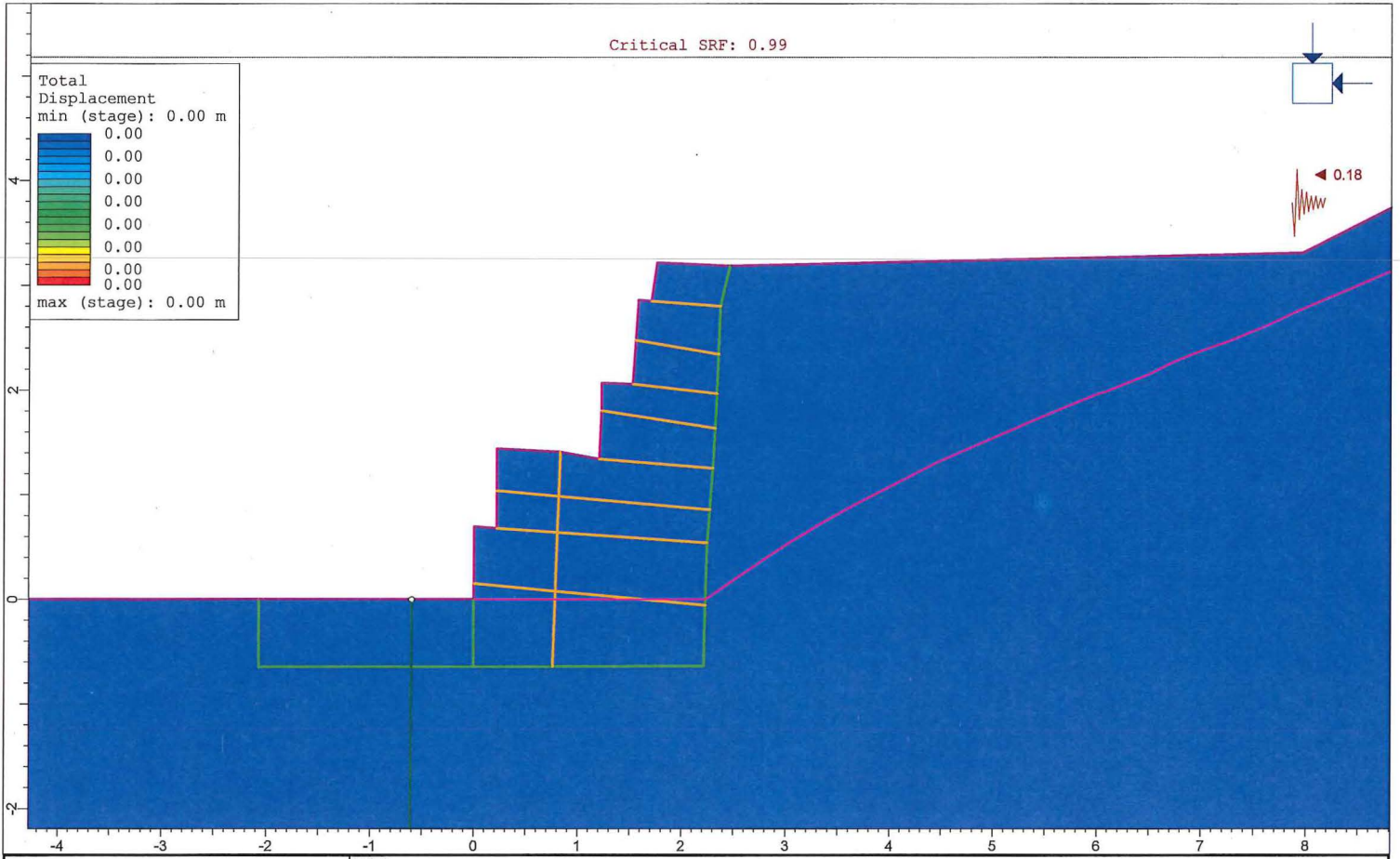
Rockery constructed in accordance with Chapter 5 of FHWA-CFL/TD-06-006, with engineering construction reviews to confirm details as per Chapter 6 of FHWA-CFL/TD-06-006.




 <b>CORE</b> Geotechnical Inc.			
Client: Mr. Shawn Buttle			
Principal: Client			
Scale: 1:200	Drn: BJG	Chk: BJG	4 May, 2017
Rev: 0	Proj. No: 53	Dwg. No: 53-2	



 <p><b>CORE</b> Geotechnical Inc.</p> <p><small>INTERPRET 9.021</small></p>	Project			5525 Jenny Place		
	Analysis Description			Rockery		
	Drawn By	BJG	Scale	1:50	Company	
	Date	4/25/2017	File Name	53 rockery 7 static.fez		



 <p><b>CORE</b> Geotechnical Inc.</p> <p>INTERPRET 9.021</p>	Project			5525 Jenny Place		
	Analysis Description			Rockery		
	Drawn By	BJG	Scale	1:50	Company	
	Date	4/25/2017	File Name	53 rockery 7 seismic.fe3		



TOPOGRAPHIC PLAN OF PART OF LOT 12, SECTION 8, RANGE 2, SAHTLAM DISTRICT, PLAN VIP64369.

North East 1/4 Section 8 Range 2

North Sec 8

Scale 1 : 400  
5 0 10 20 30 metres

All distances are in metres.

Elevations are referred to the PK Nail 101 at the centre of the Jenny Place cul-de-sac with an assumed elevation of 500.00m  
Contour Interval is 0.5 metres.

Field Survey Performed January 13th, 2017.

LEGEND:

- denotes Iron Post found
- T — denotes top of slope
- B — denotes bottom of slope

Note: Lot 12 lies within the C.V.R.D. Area F and is Zoned RC-3.  
Bylaw setback requirements are as follows:  
Residential Use:  
Front 7.5 m  
Side (Interior) 3.0 m  
Side (Exterior) 4.5 m  
Rear 7.5 m  
Watercourse 15.0 m

PLAN

11

94.1

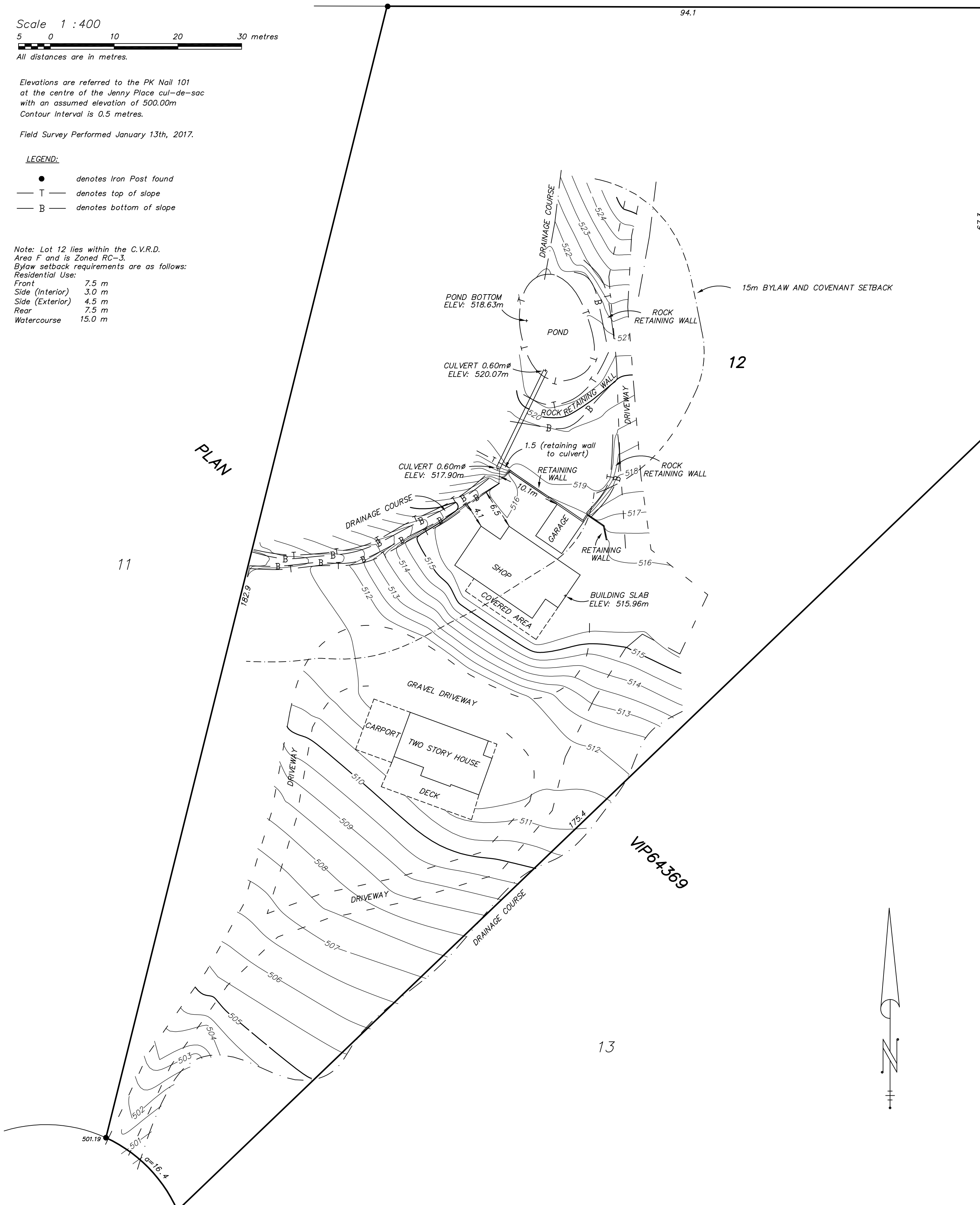
67.3

12

VIP64369

13

Remainder South 1/2 Section 8 Range 3



JENNY PLACE



**KENYON WILSON**  
 PROFESSIONAL LAND SURVEYORS  
 221 CORONATION AVENUE  
 DUNCAN, B.C. V9L 2T1 (250)746-4745  
 FILE: 13-7542\_TOPO.dwg Date: May 23, 2017

February 27, 2017

Board of Variance Members  
Cowichan Valley Regional District  
175 Ingram Street, Duncan, BC V9L 1N8

**Re: Letter of Rationale for the Developments that Have Occurred at 5525 Jenny Place,  
Electoral Area E&F.**

Dear Board Members,

I am writing to the board in regards to my request for a Development Permit Variance. Over the period of 15 years and in several small steps I have taken what was a small wood shed and constructed a shop, a small semi-detached garage with a small non-permanent living quarters above the small garage. In early 2016 the Regional District informed me that I required a building permit for the buildings I had constructed but as a portion of my buildings are within the 15m setback from a watercourse that my development was non-compliant and I would need to through the process of getting a Development Permit Variance. Since I was first informed just over a year ago I have become very very aware of the Regional District's rules, regulations, and bylaws. I am writing this letter with the intent to better inform the board of the history that has resulted in the board members being presented my variance request.

My property, 5525 Jenny Place, is pie shaped with a small stream on the western side of the back half (north) of the property. There is a pond that is part of the stream, the pond is located near the middle back half of the property. The stream goes completely dry for long stretches of time every year. Downstream of my property, the stream flows to Monks Oxbow. Monks Oxbow is used by salmon for spawning. I have been informed by biologists that the section of stream on my property is not used by fish, as it is above a steep gradient section that prevents fish from swimming from Monks Oxbow up to my property and as the stream dries completely no resident fish could exist.

A small building was located within 10m of the pond when my dad purchased the property in 1990. My dad then proceeded to subdivide the property into the layout of properties that currently exists, including my property 5525 Jenny Place with the pond and a portion of the stream. At the time of subdivision my dad made some slight modifications to the pond by making it slightly larger.

In 1997, I purchased 5525 Jenny Place from my father. When I took possession of the property a small wood shed existed approximately 10m from the stream and pond. Around 2000, I decided to add to the woodshed by starting work on a 12' by 36' building for which part was an expanded woodshed as well as enclosed tool storage building on a concrete slab foundation. This building was built onto the existing wood shed. I did all the work on my own and completed the building in approximately 2002. In 2010, I began works on a 20' by 44' extension to the shop which included the 2nd story suite. This work was a result of needing more space as my business and family grew. The room above is to accommodate my parents when they visit as they live on a remote island north of Campbell River. This allows my parents to see the grandkids more frequently and more conveniently. The works on this building have continued until now. In 2013 I installed the retaining wall. In 2015, works in and adjacent to the pond occurred with the pond being made slightly larger. This pond works is what prompted the December 2015 Compliance and Enforcement visit. The C&E visit likely informed the Cowichan Valley Regional District of my building encroachments as shortly after that I had an inquiry from the building inspector and Regional District. Over the next year I have become very aware of the regional districts regulations regarding development permits and developments around streams and watercourses. Since December 2015, I have done a bit of additional work on the banks of the pond and the stream bank. These works were recommended by the biologist that did a Riparian Area Regulations (RAR) assessment that I was informed I needed for the Regional District. I also continued with some finishing works on the buildings but have not added to them.

The works for which I have conducted since 2000 that occurred without a Development Permit and portions of it which have occurred within the regional districts streams and watercourse setback area were not an intentional violation of Regional District bylaws. Until December 2015 I was completely unaware that a Development Permit and further to that a Development Permit Variance were a requirement of constructing a secondary building on my property. The main reasons for my lack of awareness of these regulations and bylaws are that I have all the skills required to construct these buildings and, I guess by chance had never become aware of the requirement for a development permit.

I grew up with my father who is a very handy and skilled man at construction type projects. He would start and complete a task himself. Growing up and learning these skills from my Father is likely the reason I am now a general construction contractor. I believe I have a good reputation



as a contractor and carpenter in the valley and would be willing to provide references if necessary. The works that have been completed on my property and are in need of a development permit variance are a direct result of me not being aware of the Regional District requirements and of me not having to outsource the actual construction works as I have the skills, tools and abilities to do it all myself. I believe that by not having to outsource the work is an important part of this, as at no point did I have anyone come onto my property and ask me or inform me of Development Permits.

I am now fully aware and have had a crash course in the Regional District's regulations and bylaws as well as the provinces regulations around works in and about a stream. I understand the Regional District's policy and procedures for handling Development Permit Variances and that my situation is a bit outside the normal process, as the process is supposed to happen prior to the development. Knowing what I know now in regards to the setback and building permits, I would have done things differently. The way things have unfolded have resulted in excessive stress to me and my family. Stress in the form of lost sleep not knowing if I will have to remove or modify my buildings. Stress in the form of incurring additional costs right now in the form of the numerous professionals I have had to hire to conduct assessments and produce reports. And stress in the form of not knowing how much more this could cost to finally become compliant. I strongly believe you do not need to make an example of me by refusing to accept the request for a Development Permit Variance as I believe my experience (extra cost and stress) is already a strong enough example for reasons why not to attempt to develop without a Development Permit or a Development Permit Variance.

I hope that I have provided enough evidence to the board to show that I am fully committed and prepared to take the necessary steps to make things right. I am available at any time to answer any questions that may come up. I look forward to moving forward pending your decision.

Sincerely,

Shawn Buttle



**COWICHAN VALLEY REGIONAL DISTRICT**

**DEVELOPMENT PERMIT WITH VARIANCE**

**FILE NO:** 04-F-16DP-VAR

**DATE:** \_\_\_\_\_

**REGISTERED PROPERTY OWNERS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District legally described as:

Lot 12, Section 8, Range 2, Sahtlam District, Plan VIP64369  
(PID 023-606-665)

3. Section 3.22 (Setbacks from a Watercourse) of Zoning Bylaw No. 2600 is varied as follows (see Schedule A):
  - 15 metres to 4.1 metres from the high-water mark of the unnamed tributary for the existing shop;
  - 15 metres to 10.5 metres from the high-water mark of the unnamed tributary for the existing garage; and,
  - 15 metres to 1.5 metres from the high-water mark of the unnamed tributary for the existing concrete retaining wall.
4. Construction shall be carried out subject to the following conditions:
  - a) Construction shall be carried out in strict compliance with the RAR Assessment Report No. 4086A prepared by Steve Toth, R.P. Biologist, dated 14 April 2016 (see Schedule B).
  - b) Construction shall be carried out in strict compliance with the Biological Assessment Report prepared by Derek LeBoeuf, R.P. Biologist, dated 25 January 2017 (see Schedule C).
  - c) Construction shall be carried out in strict compliance with the Geotechnical Report dated 6 March 2017 prepared by Bruce Grayson, Professional Engineer (see Schedule D).
  - d) Registration of a 'Save Harmless Covenant' against the property prior to issuance of the Development Permit with Variance.
  - e) Payment of a landscaping security bond in the amount of 125% of the total estimated landscaping cost, prior to issuance of the Development Permit with Variance (see Schedule E).

5. The land described herein shall be developed in substantial compliance with the requirements and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

The following Schedules are attached:

- Schedule A – Legal Survey Plan, dated 23 May 2017
- Schedule B – RAR Assessment Report, dated 14 April 2016
- Schedule C – Biological Assessment Report, dated 25 January 2017
- Schedule D – Geotechnical Report, dated 6 March 2017
- Schedule E – Landscaping Cost Estimate, dated \_\_\_\_\_ 2017
- Schedule F – CVRD Landscaping Security Policy

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. \_\_\_\_\_ PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

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

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

\_\_\_\_\_  
Owner/Agent (signature)

\_\_\_\_\_  
Witness (signature)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** May 29, 2017  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 7, 2017  
**FROM:** Development Services Division  
 Land Use Services Department  
**SUBJECT:** Rezoning Application No. 03-H-16RS (13271 Simpson Road)  
**FILE:** 03-H-16RS

## PURPOSE/INTRODUCTION

The purpose of this report is to present an application to expand the list of permitted uses of the I-1 (Light Industrial) zone on the subject property.

## RECOMMENDED RESOLUTION

1. That staff work with the applicant to refine and secure proposed environmental and site improvements emphasizing surface and ground water protection and aesthetics;
2. That Amendment Bylaws be drafted for Application No. 03-H-16RS (13271 Simpson Road), and referred to the Electoral Area Services Committee for consideration.

## BACKGROUND

Location: 13271 Simpson Road

Legal description: That part of Lot 9, Oyster District, lying to the west of the westerly boundary of Lot 1, Plan 2169 and to the south of the southerly boundary of Lot 3, of said Plan, except the south 10 Chains thereof and except Plan 50801 and VIP76340 (PID: 008-903-603)

Agent: Nures Kara, with Schnitzer Steel Canada Ltd.

Owner: Cassidy Sales & Service Ltd.

Size of Land Parcel: Approximately 2.7 ha (6.6 acres)

Use of Property: Recycling and transfer of autos, auto parts, and other materials

Use of Surrounding Properties: North: C-3 (Service Commercial)  
 South: I-3 (Ultra Light Industrial)  
 East: A-1 (Primary Agricultural/ALR)  
 West: Trans-Canada Highway

Road Access: Simpson Road (Trans-Canada Frontage Road)

Water: Well for non-potable water, water delivery service for drinking water

Sewage Disposal: Septic system for office and scale building, portable washrooms for employees

Environmentally Sensitive Areas: None

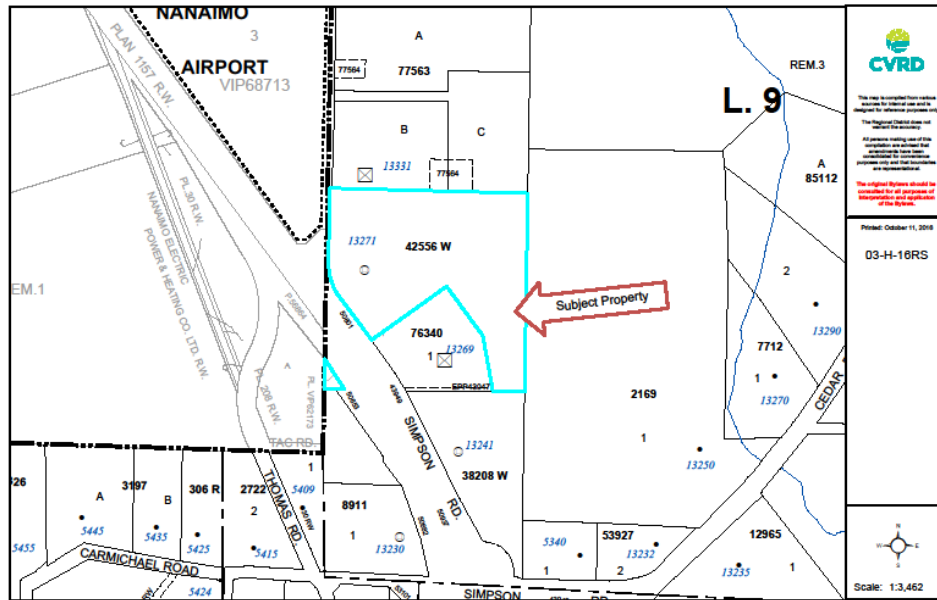
Fire Protection: North Oyster Volunteer Fire Department

Wildfire Hazard Rating: Moderate

Existing Plan Designation: Industrial

Existing Zoning: I-1 (Light Industrial)

**LOCATION MAP**



**APPLICATION SUMMARY**

This application proposes to amend the I-1 Zone that is currently applied to the subject property to a new I-1A (Light Industrial A) zone that would permit all the current I-1 (Light Industrial) uses as well as permit the recycling, sorting and storage of metals, motor vehicles and motor vehicle parts, batteries, hazardous wastes (which come from the end-of-life vehicles received on site), appliances, and electrical equipment. The proposed zone would also permit exterior storage of said material.

The subject property is an industrially zoned parcel which operates a metal recycling facility. The facility accepts vehicles, appliances, tires and other materials and prepares them for recycling and transfer to other facilities. Fluids are removed from vehicles and appliances, and materials are sorted, stored on site, and later transferred by barge to other facilities for further processing. The facility on the subject property employs 15 personnel, and operates generally within the hours of 6:00 a.m. and 6:00 p.m. Monday through Friday, and 7:00 a.m. and 4:30 p.m. on Saturday. These hours may vary slightly depending on operational needs.

The intent of the zoning amendment application is to accommodate the facility's existing metal recycling facility, which is not currently permitted in the I-1 Zone, but which likely has an element of legal non-conforming status considering auto wrecking has been occurring on the property prior to incorporation of the CVRD. The determination of legal non-conforming status, and the extent of which, has yet to be determined by the courts.

Adjacent lands to the north and south are zoned for industrial or commercial uses, and the property to the east is within the Agricultural Land Reserve (ALR).

**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

The Advisory Planning Commission made the following recommendation after conducting a site

visit and has also prepared a background memo for consideration, both of which are included in Attachment J – Advisory Planning Commission Comments and Recommendation:

*“That the Area “H” Advisory Planning Commission recommends the CVRD staff and board to investigate the option of creating a new Light Industrial zone that would permit the applicant to legally continue the current operation on the parcel and apply for a Waste Stream Management Permit but **ONLY and we emphasize ONLY** on the following conditions:*

1. *Any new zone created must not in any way remove or weaken the protection for the general environment and the ground water that is provided by the existing zones. It is unreasonable to cover the entire parcel with a roof so that translates into complete coverage of the ground with non-permeable, properly engineered concrete with run-off collectors and separators etc.. The protection for the aquifer should be “state of the art”. This condition is non-negotiable.*
2. *Should the parcel or operation be sold or the current lease terminated, the parcel zone should revert back to the existing zone.*
3. *An unrestricted list that clearly identifies materials that are specifically excluded from being on the parcel must be a condition of this new zone.*
4. *Consideration be made to mitigate some of the unsightliness of the operation, perhaps with some sort of hedge.*
5. *Consideration should be made regarding appropriate and clearly defined hours of operation.*
6. *Consideration should be made to limit the height of the scrap piles.”*

This application has been referred to the following external agencies for comment (Referral responses are included as Attachment K – Referral Agency Response:

- Island Health
- Ministry of Transportation and Infrastructure
- North Oyster Volunteer Fire Department
- Regional District of Nanaimo
- Agricultural Land Commission
- CVRD Parks & Trails Division
- Public Safety Division
- Economic Development Division
- Engineering Services Department (Recycling and Waste Management)
- Engineering Services Department (Environmental Services).

#### OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

The I-1 Zone states the following as a permitted use (Item 26):

*“Recycling, sorting and storage of glass, plastic, aluminum, wood, paper, cardboard, but excluding external storage of any material, and excluding the recycling, sorting and storage of heavy metals, batteries, appliances, wrecked motor vehicles or automotive parts.”*

The applicant indicates that aspects of the recycling facility have been in operation on the property since the 1960s, perhaps resulting in some degree of legal non-conforming status being applied to the land use. Legal non-conforming status can be established in cases where the use is not permitted by current bylaws, but the use either predates the CVRD and CVRD Zoning Bylaws or was legally permitted at the time it was established, and a subsequent change in bylaws no longer permitted the use.

Non-conforming uses are regulated by the provincial *Local Government Act*, and cannot be expanded beyond the scale and extent of the use occurring at the time the bylaws prohibiting the use became enacted. Proving the extent of non-conforming status generally requires a court decision and can be challenging depending on the historical evidence available, as well as other legal factors.

**Policy Context:**

The subject property is designated Industrial within the North Oyster/Diamond Official Community Plan (OCP), and is located on land underlain by the Cassidy Aquifer.

The Cassidy Aquifer is classified as an environmentally sensitive area within the OCP (please see Attachment E), and there are numerous objectives and policies within the plan intended to protect the Cassidy aquifer from contamination.

Relevant objectives and policies from the OCP are noted below:

***Natural Environmental Objectives***

- *Protect natural freshwater systems and important groundwater recharge areas including Woodley Range, Cassidy and Bush Creek Aquifers and Long Lake, Priest Lake, and Michael Lake.*
- *Limit or prohibit development within hazardous or environmentally sensitive areas so as to protect area residents from personal injury or loss of property and to safeguard the natural environment.*

With respect to environmentally sensitive areas defined in the OCP, Policy 3.2.2 states:

*Prior to the rezoning of lands which are located in environmentally sensitive areas or which may affect environmentally sensitive areas, the Board shall give due consideration to the following:*

- a) Soil stability;*
- b) Natural vegetation or groundcover;*
- c) Wildlife and fish habitat;*
- d) Quality and quantity of surface drainage and groundwater;*
- e) Adjacent land uses.*

**Policy 13.1.5**

*All watercourses and known groundwater aquifers shall be protected from activities which would reduce their suitability as sources of domestic water supply or for fish, shellfish and wildlife habitat.*

***Industrial Area Objectives***

- *Discourage intensive industrial development that would erode the present rural residential, agricultural and recreational character of the plan area.*
- *Recognize existing light industrial land uses and encourage small scale light industrial activities in locations which do not impact on the rural character of the community or natural environment, in particular groundwater resources.*

The following outlines Industrial policies of the plan:

**Policy 10.1.3**

*All industrial development must have regard for the implications respecting the Hazardous and Environmentally Sensitive Area, Freshwater Management and Natural Resource Management policies of this plan.*

The industrial policies provide direction for where further light industrial activities should occur, and that no additional areas be designated for heavy industrial use.

***Development Permit Area***

The property is within the Cassidy Aquifer Development Permit Area, and prior to any new development, a Development Permit would be required subject to the guidelines of the Development Permit Area.



**CVRD Waste Stream Management Licencing Bylaw:**

Municipal solid waste and/or recycling facilities within the CVRD are required to obtain a licence in accordance with Bylaw No. 2570, "Waste Stream Management Licencing Bylaw". The Bylaw specifies requirements for facilities to ensure that waste and recycling facilities do not negatively impact communities or the environment.

Prior to obtaining a waste stream facility licence, the property must be zoned for the intended land use. The applicants have applied for a waste stream facility licence, which would regulate how the facility is operating and ensure that the facility complies with current regulations. However, a licence cannot be issued while the use is not compliant with the zoning.

Attachment H summarizes the operational plans that have been developed in support of the proponent's application for a Waste Stream Management Licence:

- Operating Plan, 2015;
- Contingency Plan, 2015;
- Environmental Management Plan, 2015

**Contaminated Site Regulation – Environmental Management Act:**

As a result of the metal recycling and auto wrecking use on the property, a site profile was required. Pursuant to the Contaminate Site Regulation, a preliminary site investigation is required by the Province. In this case, the Ministry of Environment has advised that the CVRD may proceed with the zoning amendment application, and the requirement for a preliminary site investigation can be deferred as the applicants are not proposing any changes to the ground/movement of soil/construction of buildings in the current zoning amendment application.

Attachment H highlights two studies that have been completed for the site, as well as measures the applicants have taken to mitigate impact of the metal recycling and auto-wrecking activities to the environment. The above-referenced studies are:

- Stage 1 Preliminary Site Investigation, prepared by Johnston Gray Environmental which revealed no surface or subsurface impacts to soil and groundwater
- Groundwater Quality Review, prepared by Envirochem Services Inc.

**PLANNING ANALYSIS**

The motivation for this application is, at a minimum, two-fold:

- 1) *Resolve the ambiguous status of the property in terms of Zoning Bylaw compliance.*  
Under the current possibly legal non-conforming status, the applicants are not permitted to expand the metal recycling use from that which occurred at the time the CVRD incorporated. They are also not permitted to construct any buildings, additions or alterations that support the metal recycling/auto wrecking as a result of the unconfirmed legal non-conforming use status. If it was determined through the courts to be legal non-conforming, the Board of Variance has the ability to approve applications for alterations/additions/expansion to legal non-conforming uses. However, the Board of Variance does not have the ability to authorize new structures. The applicants have plans to construct a new scale and a new building, but these and other improvements are not possible while the status of the metal recycling facility is unclear.
- 2) *Apply for a CVRD Waste Stream Management Licence*  
Auto wrecking is regulated by the *Provincial Vehicle Dismantling and Recycling Industry Environmental Planning Regulation*. This regulation is not specific to the site and is based on the model of professional reliance, well as compliance verification and enforcement which may be undertaken by the Ministry from time to time. All operators have to register under the regulation but are not required to submit technical documents to be registered. An

Environmental Management Plan and reporting is required every two years for these types of operations.

Given the policies of the plan, and the environmentally sensitive location, there would be no justification for approval of the application if it was a newly proposed use.

However, the site has been operating in some capacity for auto wrecking and metal recycling prior to incorporation of the CVRD, and has been designated and zoned Industrial for many years. It would not appear that the use will cease, and staff have considered whether it is most appropriate to amend the zoning for the existing use with the intention to apply regulations: both the CVRD Waste Stream Management Licencing Bylaw and new conditions of use that could be specified in the amendment bylaw.

Alternatively, the site could remain with its uncertain legal status in anticipation that one day the use will cease from the site in favour of new, more appropriate uses. Adjacent land uses are:

- North - C-3 (Service Commercial Zone)
- South – I-3 (Ultra Light Industrial Zone)
- East – A-1 (Primary Agricultural Zone)
- West – Trans Canada Highway

In addition to the environmental measures summarized in Attachment H, the applicants have proposed the following:

- 1) Increase the frequency of groundwater monitoring to quarterly. If the results continue to be positive over time, reduce the monitoring to semi-annually then annually. Currently, groundwater monitoring occurs every two years.
- 2) Pave more of the site over time such that any hydrocarbons or runoff from the activities be contained onsite and directed to oil water separators. A common theme with the APC and other referral agencies is to require paving of the entire site where business operations are conducted.

If the Committee is inclined to recommend approval, further analysis and careful consideration of zoning regulations, and perhaps amendments to the Cassidy Aquifer Development Permit area, that offer mechanisms to protect groundwater on the site should be considered. These would apply to the land in perpetuity and not be reliant on the operator if there was ever a change in tenants. Currently, the owner of the property is Cassidy Sales and Service, with Schnitzer leasing the site.

Staff is seeking direction from the Committee prior to undertaking further work on developing amendment bylaws. If the Committee finds there is merit to the application, staff will work with the applicant to further refine and secure their commitments, and identify conditions of use for the zone.

Option 1 is recommended.

## OPTIONS

Option 1:

That it be recommended to the Board:

1. That staff work with the applicant to refine and secure proposed environmental and site improvements emphasizing surface and groundwater protection and aesthetics;
2. That Amendment Bylaws be drafted for Application No. 03-H-16RS (13271 Simpson Road), and referred to the Electoral Area Services Committee for consideration.

Option 2:

That it be recommended to the Board that Application No. 03-H-16RS (13271 Simpson Road) be denied, and a partial refund of fees be given in accordance with CVRD Fees and Procedures Bylaw No. 3275.

Prepared by:

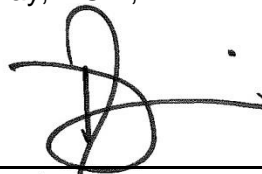


Rachelle Rondeau, MCIP, RPP  
Planner II

Reviewed by:



Rob Conway, MCIP, RPP  
Manager



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

**ATTACHMENTS:**

- Attachment A – Official Community Plan Map
- Attachment B - Zoning Map
- Attachment C – Orthophoto Map
- Attachment D – Agricultural Land Reserve Map
- Attachment E - OCP Designated Environmentally Sensitive Areas
- Attachment F - Site Map
- Attachment G – Application Proposal
- Attachment H - Environmental Summary Letter
- Attachment I - I-1 Light Industrial Zone, Bylaw No. 1020
- Attachment J – Advisory Planning Commission Comments and Recommendation
- Attachment K - Referral Agency Responses



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

The Cowichan Valley Regional District does not warrant the accuracy.

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

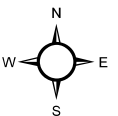
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 03-H-16-RS

# OCP

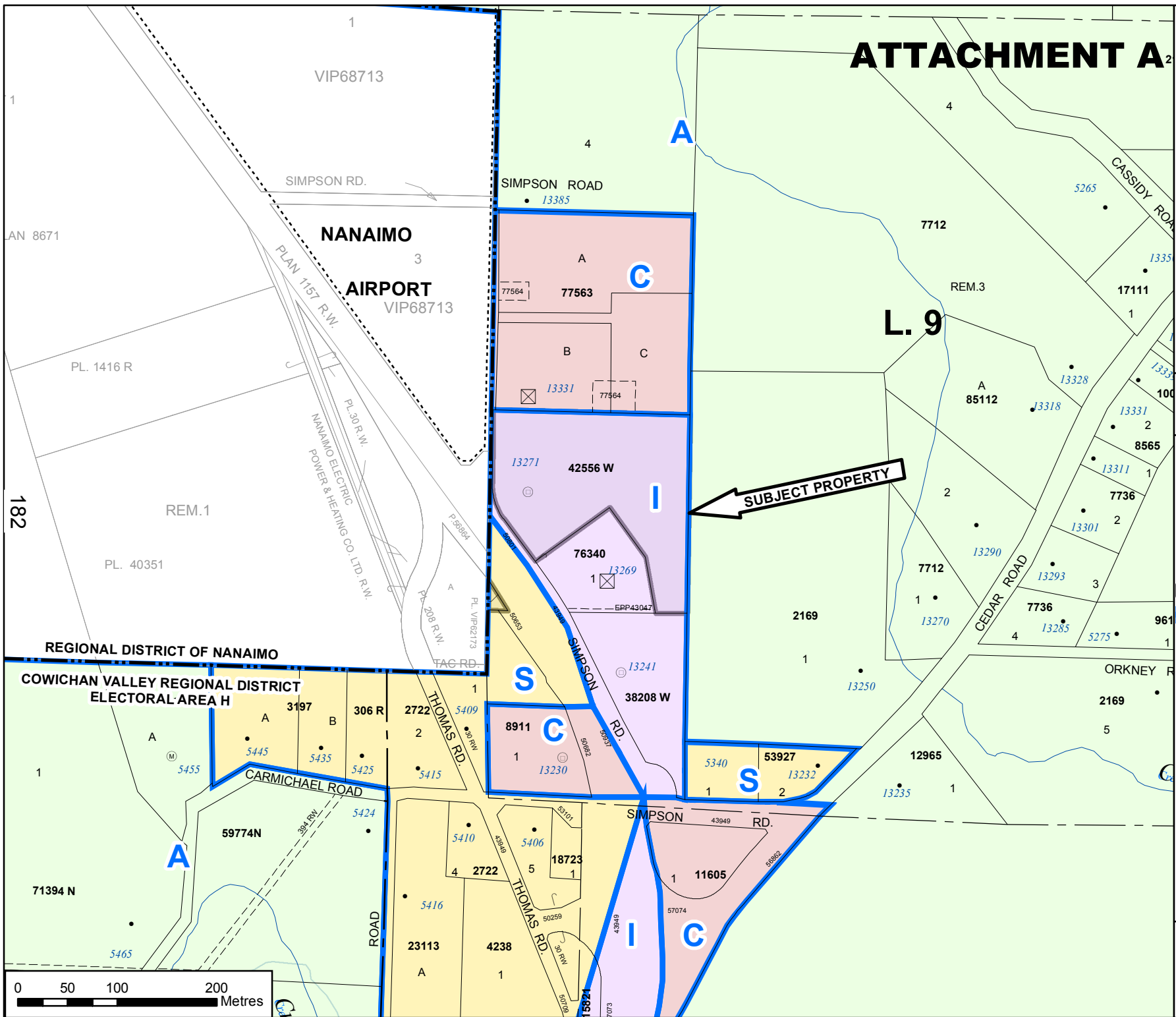
## Legend

- Subject Property
- OCP H



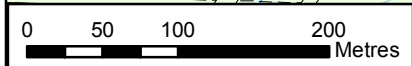
# RS

# ATTACHMENT A



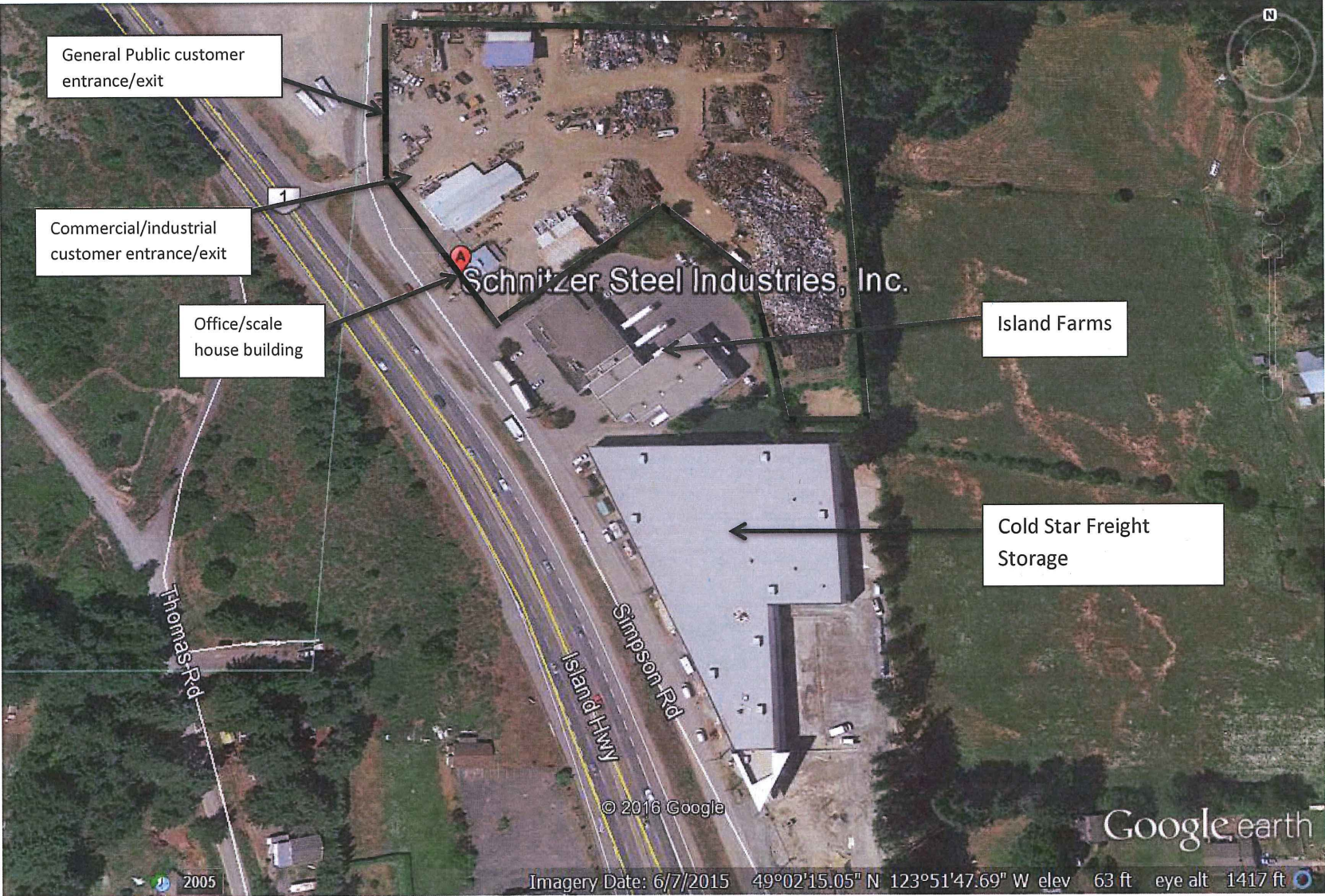
AN 8671

182





**ATTACHMENT C**



# ATTACHMENT D



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

The Cowichan Valley Regional District does not warrant the accuracy.

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

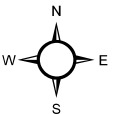
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 03-H-16-RS

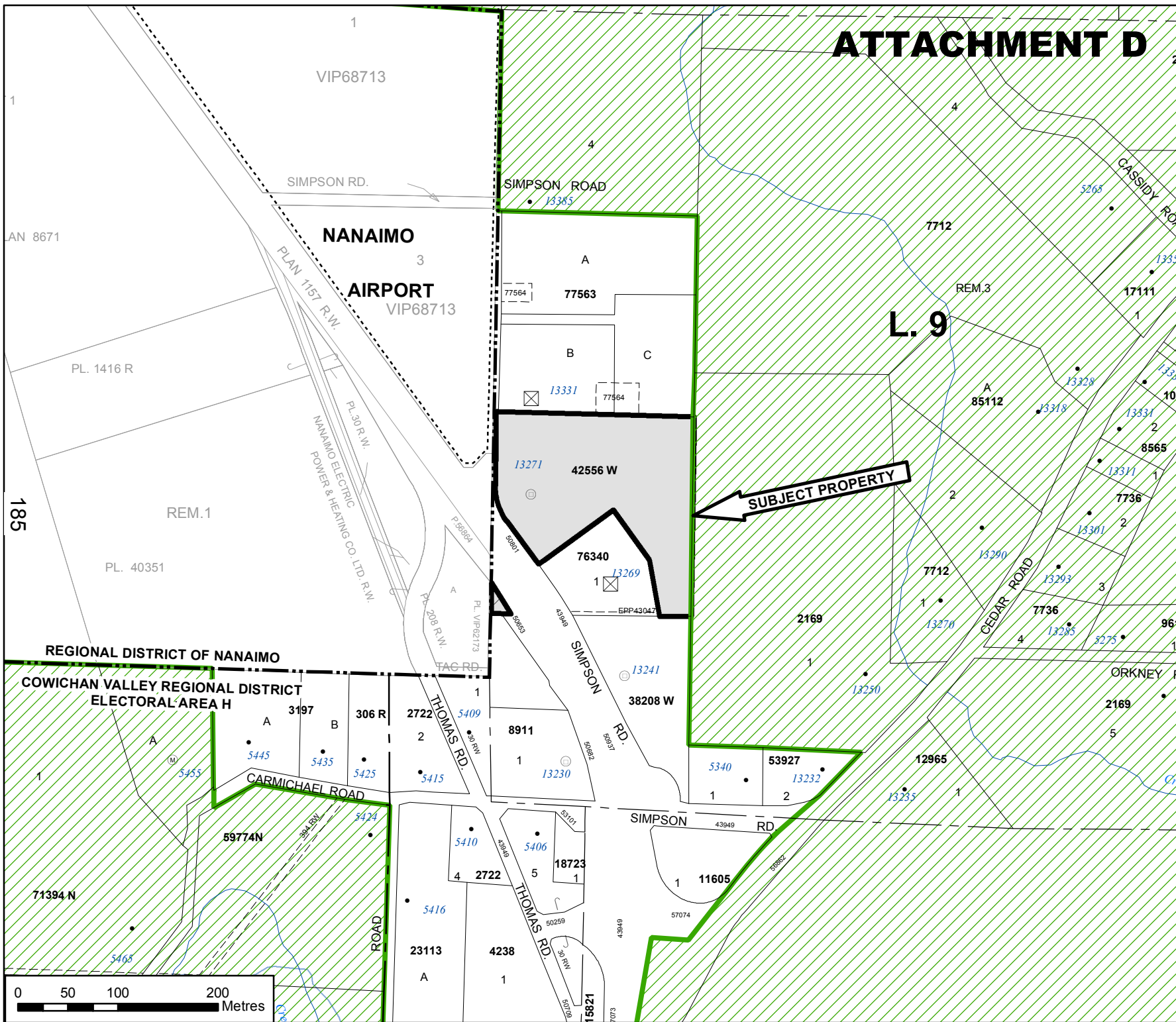
## ALR

Legend

- Subject Property
- ALR



# R5



VIP68713

SIMPSON RD.

**NANAIMO AIRPORT**  
VIP68713

SIMPSON ROAD

A  
77563  
B  
77564  
C

13271  
42556 W  
76340  
13269  
EPP43042

**SUBJECT PROPERTY**

### L. 9

REM.3

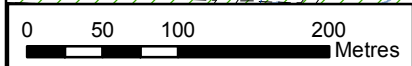
SIMPSON RD.

8911  
13230

38208 W

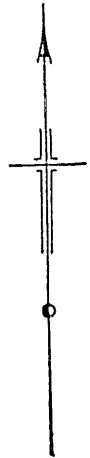
SIMPSON RD.

11605








## NORTH OYSTER-DIAMOND COMMUNITY PLAN

186



- 16 -

**Environmentally Sensitive Areas**

-  Environmentally Sensitive Areas.
-  Historical Significance
-  Tudor Mill (Traditional swimming area)
-  Coffin Point (Swimming area / Indian burials.)
-  Ivy Green Fountain

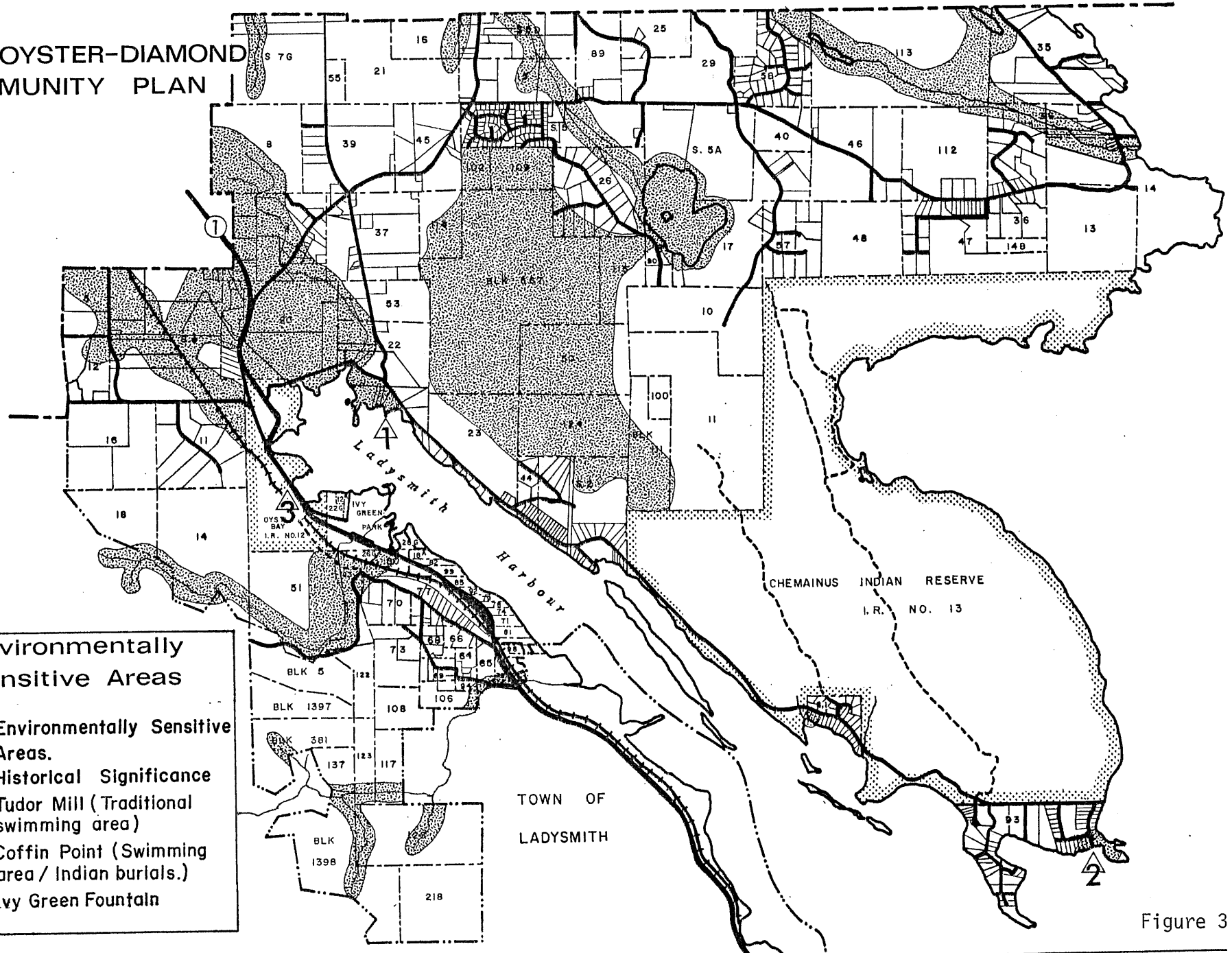
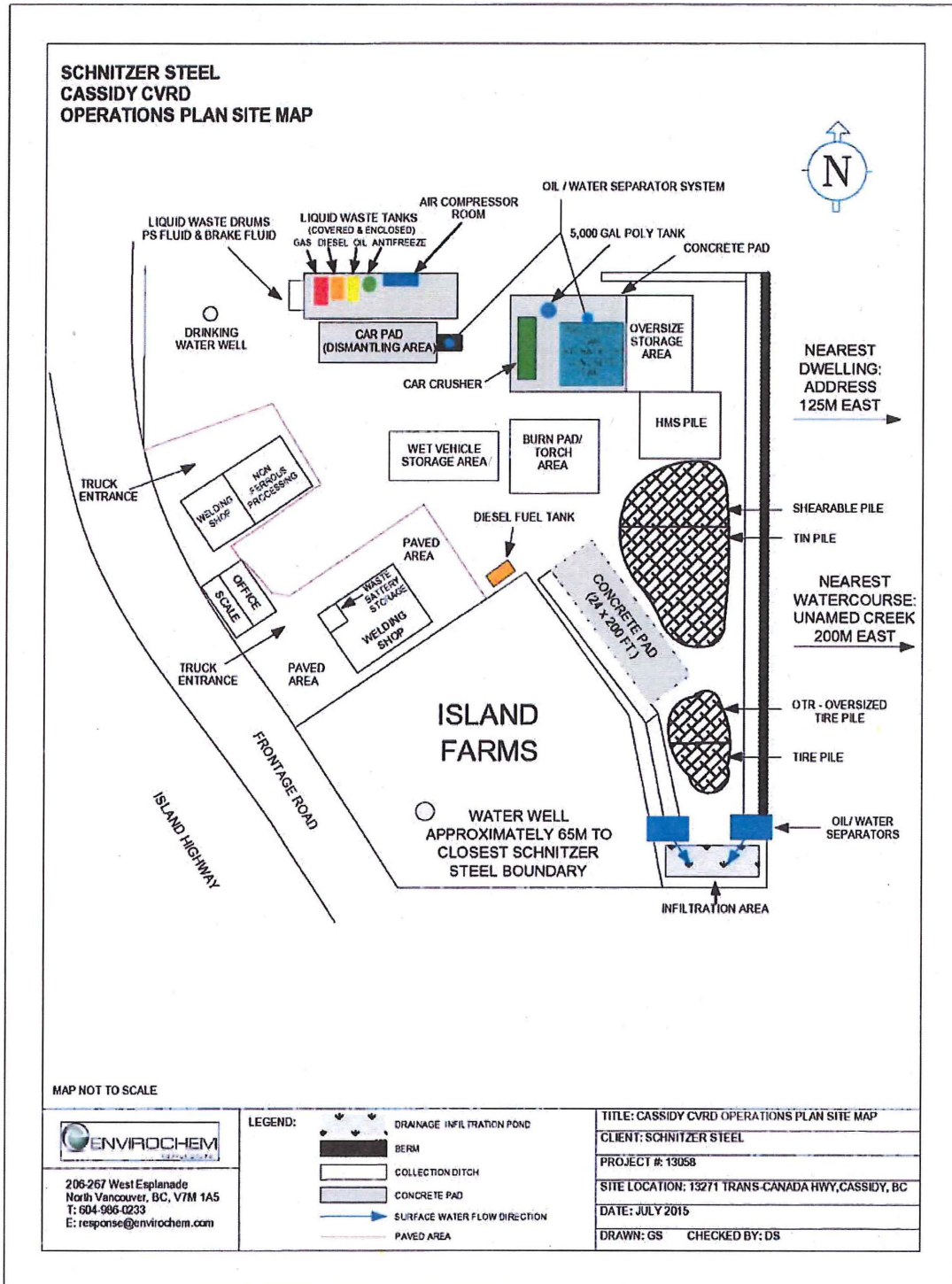


Figure 3

R5



## 2.0 SITE MAP





October 6, 2016

Mr. Rob Conway, MCIP, RPP  
Manager, Development Services Division  
Planning & Development Department  
Cowichan Valley Regional District  
175 Ingram Street  
Duncan, BC V9L-1N8

Dear Mr. Conway;

Re: **Schnitzer Steel Canada Ltd. (Schnitzer) Cassidy Facility Zoning Amendment Application for 13271 Trans-Canada Highway, Cassidy, BC – Amendment to I-1 Zone**

Schnitzer Steel Canada (Schnitzer) hereby makes application to the Cowichan Valley Regional District (CVRD) requesting an amendment to the I-1 Zone (CVRD Zoning Bylaw No. 1020) for the above-referenced property. Our requested amendments to the property's allowable uses and zoning designation are as follows:

1. Any use permitted in the I-1 Zone; and
2. Recycling, sorting and internal and/or external storage of any substance or material including but not limited to: glass, plastic, aluminum, wood, paper, cardboard, ferrous and non-ferrous metals, batteries, fluids, hazardous wastes (generated from the processing of End-of-Life Vehicles-ELVs including but not limited to: hydraulic & brake oils, anti-freeze, mercury switches, refrigerant gasses, gasoline, diesel, and tires), appliances, motor vehicles, motor vehicle parts, electrical equipment and other ancillary uses associated with metal recycling.

The purpose for requesting this amendment is to accommodate the facility's existing metal recycling activities (including recycling/processing of motor vehicles/motor vehicle parts) that have been occurring on this property since the 1960s. The property is currently designated as "Industrial" under the CVRD's Official Plan Designation (OCP).

Enclosed herewith is Schnitzer's Zoning Amendment application and supplementary information as outlined below:

1. Two (2) site plans illustrating the current depiction of the property;
2. Title Certificate;
3. Environmental Summary Report; and
4. Completed Site Profile.

Schnitzer thanks you for your consideration of this application. If there are any questions, please do not hesitate to contact me at your earliest convenience.

Sincerely,



Mr. Nures Kara  
Senior Environmental/Project Manager – Schnitzer Steel Canada Ltd.

Cc: Mike Tippett, MCIP, RPP (Manager, Community & Regional Planning-CVRD)

Encl.



October 6, 2016

Mr. Rob Conway, MCIP, RPP  
Manager, Development Services Division  
Planning & Development Department  
Cowichan Valley Regional District  
175 Ingram Street  
Duncan, BC V9L-1N8

Dear Mr. Conway;

Re: **Schnitzer Steel Canada Ltd. (Schnitzer) Cassidy Facility Zoning Amendment Application –  
Summary of Environmental Improvements**

Further to our August 11, 2016 pre-application meeting and subsequent information provided to the CVRD Environment Department, outlined below is a summary of Schnitzer's environmental initiatives in support of its zoning amendment application:

**1. Independent Environmental Investigations**

**a. October 2002 – Stage I and II Preliminary Site Investigation Report (PSI)**

This site investigation conducted by Johnston Gray Environmental on behalf of the previous operator and landowner, reviewed the history of the site and adjacent properties; surveyed the site and vicinity including the surface, the sub-surface soil including three test pits; and reviewed the present use.

Key findings from the report showed minor hydrocarbon staining on the ground and no surface or sub-surface impacts to soil and groundwater.

The report stated that Phase II Site Assessment was not necessary.

**b. August 2015 – Groundwater Quality Assessment**

In August 2015, Schnitzer retained Envirochem Services Inc. (Envirochem) – a third party environmental consultant to conduct a soil and groundwater quality assessment, to address the CVRD's concern about the environmental condition of this property. Five (5) boreholes were drilled and five (5) groundwater monitoring wells were installed. Based on the analytical results, Envirochem concluded there is no evidence to suggest that past or present facility operations have had a negative impact on soil and/or groundwater quality. Therefore, groundwater monitoring will be conducted every two years to confirm that these conditions persist.

**2. Environmental Management**

Schnitzer recognizes the importance of protecting the environment and understands how site activities may affect the environment. As such, Schnitzer has implemented several onsite environmental controls to protect the environment.

**a. Surface Water Management**

In 2008, two (2) one-metre deep stormwater collection and conveyance channels equipped with liners and crushed rock were installed on the western side of the property adjacent to the Island Farms property, and eastern side of the property, to improve infiltration, conveyance and containment of stormwater. Additionally, four oil water separators (OWS's) and a stormwater retention pond were installed - Two OWS' capture and treat runoff from the western conveyance channel and two OWS' capture and treat runoff from the eastern property boundary conveyance channel. All four OWS' discharge into the infiltration pond. Two additional oil water separators are located at the vehicle processing area (northern part of the site). Water from the vehicle processing area discharges through the OWS' then into a plastic 5,000 US gallon tank located behind the car crusher. The tank water is sampled and disposed at an approved facility when there is sufficient water.

The oil water separators are inspected weekly and are cleaned out on a regular basis to ensure maximum performance. Inspections and clean out events are documented and are part of regular facility maintenance.

Additional stormwater Best Management Practices (BMPs) are implemented (i.e. installing hay bales, oil booms and creating a berm and filter cloth against the fence lines to prevent run-off into the east neighbouring properties (see photographs below). These BMPs are regularly inspected and replaced as required.



Flooding at the entrance of the Facility has occurred sporadically due to the large runoff of of-site stormwater from the Trans-Canada highway. The Ministry of Transportation is responsible for managing run-off from the highway.

#### b. Groundwater Protection

Schnitzer ensures all storage, handling and processing of end-of-life vehicles is done on impervious paved surfaces, and wherever possible, protected from the weather. Fluids removed from end-of-life vehicles (ELVs) for recycling are stored and disposed in accordance with the BC *Hazardous Waste Regulation*.

Additional initiatives Schnitzer has taken to prevent potential groundwater contamination include:

- Removal, management and disposal of over 520,000 kilograms of contaminated soil (Industrial Land-IL standards) to an authorized landfill in 2013. All pertinent documentation was submitted to the CVRD on August 18, 2015; and
- Storing on-site fuel in double-walled tanks with spill and collision protection. Fuel tanks are subject to annual integrity inspections.

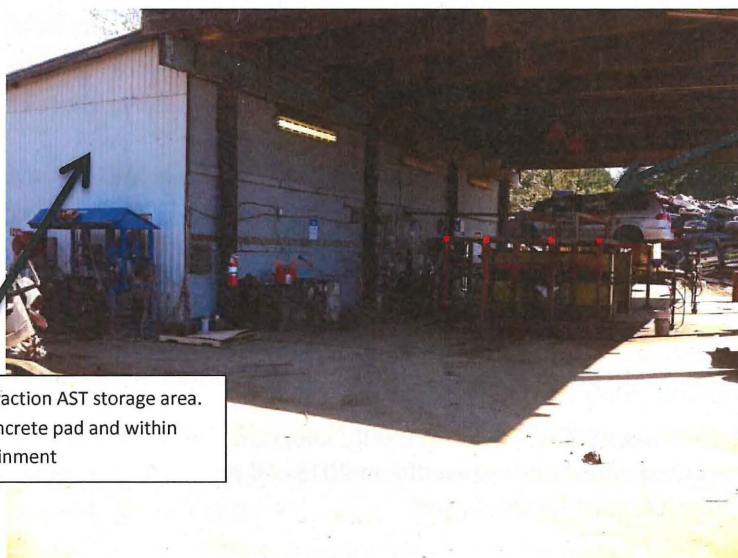
#### c. End-of-Life Vehicle (ELV) Processing

Intact and unprocessed ELVs received at this facility are temporarily stored (approximately 1-3 days) on the compacted gravel surface adjacent to the Vehicle De-Polluting processing area (VDU). These ELVs are processed within the VDU area, which is equipped with a covered roof, situated on a concrete pad with three catch basins. All vehicle fluids are removed with a vacuum fluid extraction system, connected to contained, double-walled storage tanks located in a separate, enclosed storage unit within the VDU processing area. Overhead stainless steel waste product transfer lines connect the vehicle fluid removal equipment to the tanks. Additionally, all other wastes such as batteries, mercury switches, and air conditioning system refrigerants are removed. Once processed, the ELV's are compacted with a crusher also located on a concrete pad and then temporarily

stockpiled (approximately 30 days) until they are removed and transported to our Tacoma facility for further processing.

These operating procedures are conducted in accordance with the BC *Vehicle Dismantling Recycling Industry Environmental Planning Regulation (VDRIEPR)*. Certain wastes generated by this process (i.e. batteries, anti-freeze, oil, tires) are exempt under CVRD Bylaw 2570 because they are collected and recycled under their respective BC Ministry of Environment's (BCMOE) Product Stewardship Program, also known as Extended Producer Responsibility. Furthermore, Schnitzer has been participating in the CVRD's Zero Waste Challenge by directly or indirectly (via its waste vendors) converting its wastes into new resources.

The following photograph shows the vehicle preparation area on an impermeable concrete surface, with covered area with fluid extraction system and spill containment measures.



Vehicle fluid extraction AST storage area.  
Situated on a concrete pad and within  
secondary containment

ELV processing area.  
Situated on a  
concrete pad and  
covered. All fluids are  
drained with a  
vacuum fluid  
extraction system  
and emptied into  
double-walled ASTs  
located in the  
building next door.

#### d. Management of Ozone Depleting Substances

Schnitzer personnel hold certification for Ozone Depleting Substance (ODS) Awareness. A VDU technician inspects and evacuates refrigerants (ODS) from each vehicle air conditioning (AC) system. The ODS is transferred from vehicles and refrigerators into appropriate storage tanks and disposed as a hazardous waste using licensed haulers and disposal facilities.

e. **Air Emissions**

Schnitzer has implemented several controls to minimize the generation of dust and other air emissions. They include:

- Approximately 50% of the facility is paved;
- Paved surfaces are regularly swept; and
- Schnitzer ensures there are adequate dust suppression controls in place around the unpaved areas (application of watering roads, dust generating processing activities and unpaved yard surfaces during the summer).

3. **2015 – Cassidy Facility CVRD Operating Plan, Contingency Plan and Environmental Management Plan**

Outlined below are the plans Schnitzer developed in support of its CVRD Waste Stream Licence (WSML) application. To our knowledge, these plans have been reviewed by CVRD Environment staff and previously approved. However, the WSML application is on hold pending the outcome of our rezoning application:

- The October 2015 Operating Plan was developed to address our pending CVRD WSML, and meet the requirements of CVRD Bylaw 2570 regulating the management of municipal solid waste and recyclable material. The Plan covers operating procedures including hours of operation; materials management and procedures; environmental management including ground water protection, surface water management, air emissions, spill response, and inspections.
- The July 2015 Contingency Plan identifies the hazardous wastes generated from site activities and storage and management procedures, including spill and emergency response measures. The Plan also satisfies the requirements of the *Vehicle Dismantling and Recycling Industry Planning Regulation* (BC Reg. 200/2007) and the *Hazardous Waste Regulation* (BC Reg. 63/68).
- The December 2015 Environmental Management Plan (EMP) provides Standard Operating Procedures (SOPs) for the management of wastes generated from the processing of End-of-Life-Vehicles (ELV's) with the purpose of protection of surface and groundwater satisfying the requirements of section 2 of the BC *Vehicle Dismantling and Recycling Industry Environmental Planning Regulation (VDRIEPR)* (B.C. Reg. 200/2007 as amended) and Section 16(2) of the *Hazardous Waste Regulation* for an environmental management plan, as well as standard metals recycling industry practices.

This EMP will be reviewed at a minimum every five years from the date of the Facility's registration under the BC *VDRIEPR*. Any portion of the Plan that does not reflect current waste handling and management practices will be amended to reflect those new practices.



An environmental compliance review will be conducted by a qualified professional at a minimum of every two years. The audit will include a review of all waste management practices in comparison to the EMP and applicable Federal and Provincial Statutes, and evaluate the effectiveness of the Plan for minimizing waste discharges to the environment. A report of the findings will be made available upon request.

#### 4. Unauthorized Waste Management

The Operations Plan and EMP identify the wastes generated from the ELV process and how they managed. In addition, controlled wastes and prohibited wastes, as defined by the CVRD bylaw 2108 and which are not described in the Operations Plan and EMP, are not accepted at the Cassidy Facility. Schnitzer has a detailed procedure for screening incoming scrap metal commodities for unacceptable wastes. A list of prohibited materials is posted at several locations within the drop-off area and shown in the picture below. In the unlikely event these materials are inadvertently received, Schnitzer will isolate them and retain the services of a qualified person/company, and in a timely manner, arrange for proper handling and disposal.



## 5. Inspections

Inspections at the Cassidy Facility will be conducted in the following manner:

1. Daily inspections (visual) of the areas listed below will be conducted by a Site Supervisor. The visual inspections will entail ensuring received materials conform to our Scrap Acceptance Policy (SAP), observing no residual liquids, litter, etc. migrating off-site:
  - a. Property boundary;
  - b. Shop, Non-ferrous Storage and Processing, Balers;
  - c. Fueling Stations;
  - d. Vehicle De-Pollution Station and Storage Tanks;
  - e. Non-ferrous and Steel piles;
  - f. Oversize Area and Torching Area;
  - g. Perimeter stormwater conveyance channels (ditches); and
  - h. Public Drop-Off Area.
2. Monthly inspections will be conducted on the entire site, including areas in Part 1 above. Inspection results and any follow-up actions will be documented.

## 6. Aesthetics

The Schnitzer facility is located adjacent (east) to the Trans-Canada Highway, and directly south of the Nanaimo Airport and adjacent industrial lots. From an aesthetics perspective, the view of the metal stockpiles are substantially blocked by existing buildings on the Schnitzer facility, and the existing Island Farms and Cold Storage Freight systems warehouse buildings. Additionally, the eastern property view is blocked by existing trees and a fence. Furthermore, the Schnitzer facility entrance is located adjacent to the Trans-Canada Highway (The facility entrances of our business neighbours – Island Farms and Cold Star Freight Systems are also located adjacent to the Trans-Canada Highway. There are no residential dwellings near these entrances).

Schnitzer is proud of its environmental management practices and wishes to maintain an excellent working relationship with the CVRD. We hope that this information satisfies your requirements at this time. However if you have any questions or require any additional or supporting information please do not hesitate to contact me.

Sincerely,



Nures Kara

Senior Environmental/Project Manager  
Schnitzer Steel Canada Ltd.

<b>PART ELEVEN: INDUSTRIAL ZONES</b>
--------------------------------------

## 11.1 I-1 ZONE-LIGHT INDUSTRIAL

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

(a) Permitted Uses

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

1. Automotive body repair and painting;
2. Automotive repair shop;
3. Boat building;
4. Book binding, publishing;
5. Sale of wholesale and retail building supplies, lumber yard;
6. Broom and brush manufacturing;
7. Cabinet and furniture manufacturing including a joinery;
8. Candy manufacturing;
9. Canning of fruits or vegetables;
10. Cold storage plant;
11. Dairy products manufacturing;
12. Door and window manufacturing;
13. Electric equipment manufacturing;
14. Feed and seed storage;
15. Food products manufacturing, processing and packaging, excluding meat processing and fish processing;
16. Frozen food locker;
17. Parking garage;
18. Kennel;
19. Laboratory;
20. Laundry, dry cleaning and dyeing establishment;
21. Jewellery, mattress, musical instrument, toy, paper box and cardboard, sign, glass, textile, tool, tent and awning, wax products and window shade manufacturing;
22. Contractors workshop, yard and storage;
23. Modular or prefabricated home and truss manufacturing;
24. Welding shop;
25. Warehouse, including mini-warehouse, truck and trailer rentals, and;
26. Recycling, sorting and storage of glass, plastic, aluminum, wood, paper, cardboard, but excluding external storage of any material, and excluding the recycling, sorting and storage of heavy metals, batteries, appliances, wrecked motor vehicles or automotive parts;
27. One single family residential dwelling unit per parcel accessory to a use permitted in Section 11.1 (a) 1 to 26;
28. Separate or secondary suite.

(b) Conditions of Use

For any parcel in an I-1 Zone:

1. The parcel coverage shall not exceed 50 percent for all buildings and structures.
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>COLUMN I</b> Type of Parcel Line	<b>COLUMN II</b> Buildings and Structures
Front Yard	9.0 metres
Side Yard (Exterior or Interior)	9.0 metres
Rear Yard	9.0 metres

3. All uses shall be carried on inside an enclosed building except for storage of material and vehicles.



Minutes of the regular Electoral Area H Advisory Planning Commission Meeting held on March 13, 2017, continuation dated April 3, 2017 at 7:10 pm, at the North Oyster Community Hall.

**PRESENT** Mike Fall  
Jan Tukham  
Chris Gerrand  
Allison Heikes  
Cheryl Chapman

**ALSO PRESENT** Director Marcotte

**ABSENT** 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 Area H APC meeting of March 13, 2017 be continued, as indicated in the minutes of the March 13, 2017, as circulated, be approved.  
**MOTION CARRIED**

**BUSINESS ARISING D1 03-H-16RS**

Rezoning application 03-H-16RS. A discussion continued on April 3, 2017, please refer to the notes attached to these minutes regarding this application, and forming of the motion.

**Motion: It was moved and seconded:** That the Area “H” Advisory Planning Commission recommends the CVRD staff and board to investigate the option of creating a new Light Industrial zone that would permit the applicant to legally continue the current operation on the parcel and apply for a Waste Stream Management Permit but **ONLY and we emphasize ONLY** on the following conditions:

1. Any new zone created must not in any way remove or weaken the protection for the general environment and the ground water that is provided by the existing zones. It is unreasonable to cover the entire parcel with a roof so that translates into complete coverage of the ground with non-permeable, properly engineered concrete with run-off collectors and separators etc.. The protection for the aquifer should be “state of the art”. This condition is non-negotiable.
2. Should the parcel or operation be sold or the current lease terminated, the parcel zone should revert back to the existing zone.
3. An unrestricted list that clearly identifies materials that are specifically excluded from being on the parcel must be a condition of this new zone.
4. Consideration be made to mitigate some of the unsightliness of the operation, perhaps with some sort of hedge.
5. Consideration should be made regarding appropriate and clearly defined hours of operation.
6. Consideration should be made to limit the height of the scrap piles.

**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 8:50 pm.

---

Jan Tukham, Secretary

## Background

- Schnitzer Steel Canada would like to apply for a WSMP (Waste Stream Management Permit). A WSMP will only be considered if the operation is located on a parcel having the correct zone for the activity taking place.
- The activity currently taking place on the parcel in question (and which Schnitzer Steel Canada would like to continue) is primarily, but not restricted to, auto wrecking and the (mostly) outdoor extraction, separation and storage of scrap metals of various different kinds and shapes.
- The current zone on the parcel is I-1 (Light Industrial) which specifically excludes “external storage of any materials, and excludes the recycling, sorting and storage of heavy metals, batteries, appliances, wrecked motor vehicles or automotive parts.” In addition; Section 5.4 of the CVRD Zoning bylaw (which applies to ALL zones) states “Except as otherwise specified in this bylaw.....No parcel shall be used for a junk yard”.
- The current operation on the parcel is only allowed under a “Legal non-conforming status”.
- The application before the APC (Advisory Planning Commission) is to rezone the parcel to an appropriate zone so that Schnitzer Steel Canada can then apply for the WSMP and carry on with the existing activities.
- There is no existing zone in the zoning bylaw that would permit auto wrecking and external storage of the materials currently being stored on the parcel. For this facility to apply for a WSMP and legally continue its current activities a new zone must be designed and created for this parcel. This new zone must avoid the stipulations of the OCP (that forbids Heavy Industrial zones in this area) so it must be a Light Industrial zone not a Heavy Industrial zone. This new zone must also avoid the virtually prohibitive requirement of the existing L1 zone that all scrap metal etc. be processed and stored indoors.

[Advisory Planning Commission List of Consideration/concerns and opinions - Meeting April 3, 2017](#)

**List of discussion items regarding Application 03-H-16RS (Schnitzer Steel) re the drafting of a new zone to make the current operation conforming.**

1. **Consideration:** The existing facility sits over two aquifers that are irreplaceable and of immeasurable value to the local environment, our community, surrounding communities and to future generations.  
**Opinion:** The citizens of Area 'H' and surrounding communities will demand 'state-of-the-art' protection for those aquifers. Due to the size and value of the aquifers, half measures, such as monitoring, are unacceptable. We consider monitoring to be closing the barn door after the horses are gone.
  
2. **Consideration:** Easily accessible information indicates extremely deleterious and toxic chemicals can and do (often unintentionally) leak and leach from scrap metal and recycling yards such as the facility here. We presume the intent of the existing bylaw (requiring scrap metals etc. to be stored indoors) is to prevent rainwater from picking up these toxic substances and washing them into the ground water, the soil and/or underlying aquifers.  
**Opinion of the APC:** Because our soils and aquifers are irreplaceable and immensely valuable, this is a good bylaw and should not under any circumstances be weakened or circumvented. These substances must, at all costs, be prevented from polluting the local environment, the soil and the aquifers.
  
3. **Consideration:** Other than a roof, the only system that will guarantee 100% protection for the aquifers is **complete** coverage of the site where these activities take place, with a non-permeable fabric overtopped by properly engineered concrete. In addition, 'run-off' and storm water collection systems with separators would be required. These systems are known as "Closed Loop". This is the level of protection our citizens should and will demand.  
**Opinion of the APC:** This or similar groundwater protection systems are in place all over the civilized world including many facilities owned and/or operated by Schnitzer. Any community would demand no less.
  
4. **Consideration:** This facility is of significant value to our community. In our wasteful society, for literally hundreds of good reasons, recycling is absolutely essential.  
**Opinion of the APC:** Unfortunately, this very valuable and essential facility is situated in an entirely inappropriate location. It may have been relatively harmless over 40 years ago when the facility was one tenth the size it is today and when automobiles and appliances were built from simple materials but now they contain a myriad of extremely toxic and/or carcinogenic substances including mercury and PCBs etc. The value of the facility is completely overshadowed by the value of the aquifers and the risks the facility exposes them to.
  
5. **Consideration:** Rezoning the property this facility sits on, in order to obtain a WSMP is definitely a step in the right direction as it will at least create some level of control (which seems to currently be minimal at best) over the activities and procedures that take place there.



Advisory Planning Commission List of Consideration/concerns and opinions - Meeting April 3, 2017

**Opinion of the APC:** Based on our experience with the neighbouring property (and Shawnigan Lake), we (the APC) are not convinced the CVRD and/or any other government or private organization will guarantee the protection for the aquifers that a closed loop system will.

6. **Consideration:** This application for rezoning or a new zone has been made by Schnitzer Steel Canada Ltd. and Schnitzer Steel Canada is not the owner of the property.

**Opinion of the APC:** It is our opinion that the property owner should be the applicant or at least involved in the application process because it is the property owner that will ultimately be the benefactor of a new zone if one is created and granted.

7. **Consideration:** The applicant, Schnitzer Steel Canada, in their presentation to the APC and at the site visit has gone to great lengths to highlight the improvements they have made at the site as well as their track record of environment protection at their other facilities.

**Opinion of the APC: Schnitzer Steel Canada's environmental track record IS ENTIRELY IRRELEVANT. A new zone will apply to the property, not the company renting it or the owner. The parcel could be sold at any time in the future and if a new zone is granted, that zone would go with the parcel.**

8. **Consideration:** Because this facility is of significant value to the community, it is worth investigating alternatives to the current situation.

**Opinion of the APC:** Any alternative contemplated must provide the same level of environmental protection (or better) as the existing bylaws. Development Permits do not give the Cassidy aquifers the level of protection they require and the process itself carries a record of abuse. We strongly believe Development Permit process needs to be strengthened to prevent further abuse.

9. **Consideration:** Our current Official Community Plan (OCP) stipulated that "no additional areas be designated for heavy industrial use". We believe the current activity on the site can only be considered as heavy. Because changing the OCP is difficult (and possibly unwise) an alternative could be to create a new light industrial zone that would allow the current activities to continue.

**Opinion of the APC: Any new zone, contemplated and/or created specifically for this property in order to circumvent the existing OCP and/or bylaws and make a WSMP grantable, MUST provide the same or better protection for the aquifer and the general environment as the existing bylaw.**

10. **Consideration:** Pollution of the Cassidy aquifer would be a catastrophic loss to our community.

**Opinion of the APC:** By circumventing the existing bylaws and allowing this activity to continue at this site without adequate protection for the aquifer, we would all be held morally accountable should that catastrophe occur. Additionally, if the aquifers were lost, the burden of shame carried by those responsible for allowing an inappropriate facility to operate over them would linger for many years. Our children and grand children would never forgive us.



Nanaimo Airport  
P.O. Box 149 3350 Spitfire Rd  
Cassidy, BC Canada V0R 1H0  
Phone (250) 245-2157

March 10, 2017

Planner, Development Services Division  
Cowichan Valley Regional District  
Planning and Development Department  
175 Ingram Street  
Duncan, BC, V9L 1N8

Attention: Rachelle Rondeau

**Subject: Rezoning Amendment Referrals**

Dear Rachelle,

We appreciate the extension granted to allow us time to respond to the two rezoning requests identified in your email(s) to Lisa Martin at NAI Commercial (Chakalaka Market at 13230 Trans-Canada Highway and Schnitzer Steel, CVRD File No. 03-H-16RS). Our comments and concerns are as follows:

**1. Chakalaka Market and vacant lot directly to the north**

Comments: **Approval recommended subject to conditions below**

- Activities and/or structures that may interfere with aviation activities and safety are not permitted. Examples of this are obstacles that exceed Transport Canada regulated obstacle and height thresholds, reflective surfaces or smoke that may interfere with pilot vision, garbage and/or litter that could pose a direct hazard to aircraft or indirectly by way of attracting birds or wildlife, etc.

**2. Schnitzer Steel, CVRD File No. 03-H-16RS**

Comments: **Approval recommended subject to conditions below**

- Activities and/or structures that may interfere with aviation activities and safety are not permitted. Examples of this are obstacles that exceed Transport Canada regulated obstacle and height thresholds, reflective surfaces or smoke that may interfere with pilot vision, garbage and/or litter that could pose a direct hazard to aircraft or indirectly by way of attracting birds or wildlife, etc.

(continued)

Additional comments regarding this application:

- The Nanaimo Airport Commission takes a proactive approach in maintaining good stewardship of the underground aquifer on airport property and is aware that nearby property owners may be concerned about the storage of batteries and/or other types of hazardous waste.

Please don't hesitate to contact me if you have any questions or concerns regarding this matter.

Sincerely,



Jeff Sandford  
Business Systems Manager  
Nanaimo Airport Commission  
Telephone: (250) 245-2157 Ext. 318

Cc: Michael Hooper, CEO, Nanaimo Airport Commission



## MEMORANDUM

**DATE:** February 17, 2017 **FILE NO:** 03-H-16RS (Kara for Schnitzer)

**TO:** Rachelle Rondeau, Planner II, Development Services Division

**FROM:** Jason deJong, Fire Rescue Services Coordinator, Public Safety Division

**SUBJECT:** Bylaw Amendment Referral Form No. 03-H-16RS (Kara for Schnitzer) – Public Safety Application Review

In review of the Bylaw Amendment Referral Form No. 03-H-16RS (Kara for Schnitzer) the following comments are made regarding the proposed amendment:

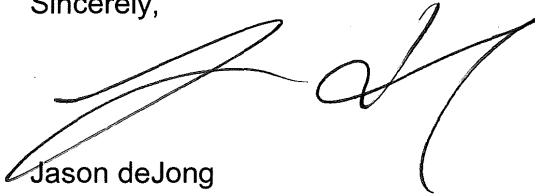
- ✓ Proposal is within the Ladysmith RCMP Detachment area.
- ✓ Proposal is within the British Columbia Ambulance Station 159 (Ladysmith) response area.
- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.

Public Safety has the following concerns that may affect the delivery of emergency services to the proposed facility:

- ✓ Proposal is within North Oyster Fire Department boundaries area and their input may further affect Public Safety concerns/comments.
- ✓ The Community Wildfire Protection Plan has identified this area as **Moderate risk for wildfire.**
- ✓ FireSmart principles must be adhered to and maintained (see attached information).
- ✓ All site employees should be taught the permissible methods for fighting incipient fires and for isolating fires and initiating an emergency notification.
- ✓ Using excerpts from NFPA 230, Annex F -- Fire hazard potential exists in the scrap recycling area as there are multiple storage areas of different materials. This can be best controlled by;
  - Storage piles be solid and placed in an orderly manner
  - Separation of yard storage from buildings and flammable materials should be 60m
  - All roads and accesses should be designed to support the loads imposed by fire-fighting equipment and apparatus.
  - Accesses should be well maintained and should remain accessible to the fire department at all times.
  - Accesses should be 6m to 15m wide to provide sufficient room for fire department apparatus.
- ✓ Material Data Safety Sheet and Emergency Site Plan should be made available to the local fire department.

- ✓ It doesn't appear that the site currently has any visible address numbering. As per Cowichan Valley Regional District House Numbering, Unsightly Premises and Graffiti Bylaw No. 1341, building numbers assigned are to be displayed in a conspicuous place on the property on which the building is located so that the number is visible from the roadway.

Sincerely,



Jason deJong

## Annex F Guidelines for Outdoor Storage of Scrap Tires

*This annex is not a part of the requirements of this NFPA document but is included for informational purposes only.*

**F.1 Scope.** This annex applies to the outdoor storage of scrap tires in whole, baled, or processed form, including incidental usage locations.

**F.2 Purpose.** This annex has been developed for the purpose of aiding fire officials and authorities having jurisdiction in their effort to both prevent and properly manage fire incidents that occur in whole, baled, or processed scrap tire stockpiles. Each individual property has its own unique conditions of tire handling, exposure, and topography. Thus, in this annex, basic fire protection principles are applied with due consideration of local factors.

Rubber has a heat combustion of about 34.7 mJ/kg (15,000 Btu/lb), or roughly twice that of ordinary combustibles (e.g., paper and wood). Once ignited, fire development is rapid, and high temperatures can be expected due to the large exposed surface area of whole tires. In the case of baled or processed-tire fires, high temperatures can also be expected, although the fire behavior differs. Burning is likely to persist for extended periods. In all cases, there is a high probability of rekindling in the tire pile, even if the fire is controlled.

### F.3 Definitions.

**F.3.1 Burn-It.** A fire-fighting strategy that allows for the free-burn of a tire fire.

**F.3.2 Bury-It.** A fire-fighting strategy in which a tire pile is buried with soil, sand, gravel, cement dust, or other cover material.

**F.3.3 Concrete.** A composite material that consists essentially of a binding medium within which particles or fragments of aggregate are embedded in hydraulic cement concrete. The binder is formed from a mixture of hydraulic cement and water.

**F.3.4 Forecasting.** The ability to predict the fire progression location prior to the completion of the inventory fire break using heavy equipment.

**F.3.5 Scrap Tire.** A tire that can no longer be used for its original purpose due to wear or damage.

**F.3.6 Shredded Tire.** A scrap tire reduced in size by a mechanical-processing device, commonly referred to as a shredder.

**F.3.7 Tactics.** The method of securing the objectives laid out in the strategy through the use of personnel and equipment to achieve optimum results.

**F.3.8 Tire Chip.** A classified scrap tire particle that has a basic geometrical shape, which is generally 5.1 cm (2 in.) or smaller and has most of the wire removed.

**F.4 Fire Experience.** Fire experience in outdoor storage of scrap tires reveals a number of concerns, including the following:

- (1) Lack of fire codes for scrap tire storage
- (2) Generation of large amounts of black smoke
- (3) Storage is often too close to buildings on the same or adjacent premises, causing fires in the exposed buildings
- (4) Generation of oil during a fire where oil contributes to fire or where runoff contaminates the surrounding area
- (5) Delays in reporting fires

- (6) Lack of fire-fighting capabilities

Fire hazards inherent in scrap rubber tire storage are best controlled by an aggressive fire prevention program that includes a pre-incident plan.

**F.5 General.** The fire hazard potential inherent in scrap rubber tire storage operations can best be controlled by an aggressive fire prevention program. The method of storage should be solid piles in an orderly manner and should include the following:

- (1) Driveways to separate piles and to provide access for effective fire-fighting operations should be a minimum of 18 m (60 ft) in accordance with Table F.10(a) and Table F.10(b).
- (2) Separation of yard storage from buildings, vehicles, flammable materials, and other exposures should be a minimum of 60 m (200 ft).
- (3) The area within 60 m (200 ft) of a pile should be totally void of trees, plants, or vegetation.
- (4) Topography is a factor in determining the manner of tire fire tactics and environmental mediation.
- (5) Tires should not be stored on wetlands, flood plains, ravines, canyons, or steeply graded surfaces. Scrap tire storage preferably should be on a level area. The preferred surface for the storage area is concrete or hard packed clay, not asphalt or grass.
- (6) Smoking should be prohibited within the tire storage area. Other types of potential ignition sources such as cutting and welding, heating devices, and open fires should be prohibited. Suitable safeguards should be provided to minimize the hazard of sparks from such equipment as refuse burners, boiler stacks, and vehicle exhaust.
- (7) Piles should not be permitted beneath power lines or structures.
- (8) Lightning protection systems that conform to local and state codes should be located at the facility but away from the tire piles.
- (9) Piles should be at least 15 m (50 ft) from the fences. Lanes should be kept clear of debris or vegetation.

**F.6 Fire Department Access to Site.** Each tire storage yard should be provided with fire access routes as follows:

- (1) Each tire storage yard or pile should be provided with emergency vehicle access routes, such that no portion of the pile is more than 45 m (150 ft) from an access road or fire break.
- (2) All roads and accesses should be designed to support the loads imposed by fire-fighting equipment.
- (3) All bridges and structures, including drainage structures on access roads, should be capable of carrying a minimum design load of HS-20 in accordance with AASHTO *Standard Specifications for Highway Bridges*. The design and as-built plans for all bridges should be certified by a licensed structural engineer. Routes should be surfaced with material designed to allow accessibility under all climatic conditions.
- (4) All emergency vehicle accesses should have an unobstructed vertical clearance of not less than 4.1 m (13½ ft), or as is needed to allow for the passage of large fire-fighting equipment, with a minimum outside turning radius of 13.7 m (45 ft) provided for emergency vehicle access.
- (5) All dead-end accesses in excess of 45 m (150 ft) should be provided with a turn-around area.
- (6) Accesses should be well maintained and should remain accessible to the fire department at all times. The fire chief can allow the use of alternative materials or processes to provide equivalent fire protection.





Strategic and Community  
Development  
6300 Hammond Bay Rd.  
Nanaimo, B.C.  
V9T 6N2

Ph. (250) 390-6510  
Toll Free: 1-877-607-4111  
Fax: (250) 390-4163

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

February 17, 2017

Your File No.: CVRD: File No. 03-H-16RS

Rachelle Rondeau, RPP  
Planner II Development Services Division  
Cowichan Valley Regional District  
175 Ingram Street  
Duncan, BC V9L 1N2

Dear Ms. Rondeau:

**Re: Referral - Bylaw Amendment Referral Form  
Schnitzer Steel, 13271 Simpson Road**

Thank you for referring File No. 03-H16RS regarding Schnitzer Steel Canada Ltd's., rezoning application. Regional District of Nanaimo (RDN) staff has reviewed the application to evaluate the potential land use conflicts and environmental risks.

We have provided comments on three areas of interest and these are as follows:

**1. Protection of the Cassidy Aquifer**

The RDN's concerns pertain to the Cassidy Aquifer as it is classified as an environmentally sensitive area within the RDN's Electoral Area A Official Community Plan. Schnitzer Steel's Summary of Environmental Management Plan seems to address protection of groundwater supplies and any surface water runoff is captured in an oil water separator.

To further protect the aquifer it is recommended that all business operations are conducted on impermeable surfaces such as where the storage of materials are located and where processing operations are carried out. According to the report currently 50% of the site is paved.

Paving the entire site would ensure hydrocarbons or any runoff/leachate from the operation can be contained onsite and directed into an oil water separator. It is preferable that the storage of wet vehicles be stored on an impervious surface such as asphalt, concrete or other similar impermeable surfaces.

.../2



## 2. Aesthetics

Aesthetics along the Trans-Canada Highway Corridor is of concern. We would encourage that screening and buffering be a requirement of the rezoning or development permit requirements. Any screening or buffering should occur on the side in public view that fronts the Trans-Canada Highway. While the site is industrially zoned there should be some requirement for buffering and screening of the operation from public view. We would recommend a landscaping plan to improve buffering.

As part of the Waste Stream Management License application process, the RDN would suggest a Qualified Professional be engaged to consider current and proposed operations and provide a statement that they are satisfied that all measures are in place to prevent any environmental impact on surface or groundwater.

## 3. Economic Development

This site provides residents in the south part of the RDN with a convenient location to recycle metal. The continuation of this facility is important to local community economic development and job creation.

Yours sincerely,



Sharon Horsburgh, M.A. MCIP, RPP.  
Sustainability Coordinator

cc: Alec McPherson, RDN Director Electoral Area A  
Geoff Garbutt, GM of Strategic & Community Development, RDN  
Jeremy Holm, Manager of Current Planning, RDN  
Paul Thompson, Manager of Long Range Planning, RDN



COWICHAN VALLEY REGIONAL DISTRICT  
175 Ingram Street, Duncan, B.C. V9L 1N8  
Tel: (250) 746-2620 Fax: (250) 746-2621

**3YLAW AMENDMENT REFERRAL FORM**

Date: January 17, 2017

CVRD File No. 03-H-16RS (Kara for Schnitzer)

We have received an application to amend the zoning of the subject property from I-1 (Light Industrial) to a new industrial zone that would permit all the current I-1 (Light Industrial) uses as well as permit the recycling, sorting and storage of metals, motor vehicles and motor vehicle parts, batteries, hazardous wastes, appliances, and electrical equipment. The proposed zone would also permit exterior storage of said material.

General Property Location: 13271 Simpson Road

Legal Description: That part of Lot 9, Oyster District, lying to the west of the westerly boundary of Lot 1, Plan 2169 and to the south of the southerly boundary of Lot 3, of said Plan, except the south 10 Chains thereof and except Plan 50801 and VIP76340 (PID: 008-903-603)

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **FRIDAY, FEBRUARY 17, 2017**. If no response is received within that time, it will be assumed that your agency's interests are unaffected. **If you require more time to respond, please contact CVRD Planner Rachelle Rondeau by calling 250-746-2620 or e-mailing rrondeau@cvrld.bc.ca**

RECEIVED  
PROV. AGRICULTURAL  
LAND COMMISSION  
JAN 20 2017

Comments:

Approval recommended for reasons outlined below

Interests unaffected

Approval recommended subject to conditions below

Approval not recommended due to reasons outlined below

Subject property not in ALR.

Commission would appreciate continued maintenance of buffering along subject property's eastern boundary which is adjacent to ALR.

Signature Gordon Bernard Title Regional Planner Contact Info: 604-660-7011  
(sign and print) Feb 10/17

This referral has been sent to the following agencies:

- Ministry of Transportation and Infrastructure (Nanaimo)
- Island Health (Nanaimo)
- North Oyster Volunteer Fire Department
- Regional District of Nanaimo
- Agricultural Land Commission
- CVRD Parks & Trails Division
- CVRD Economic Development Division
- CVRD Public Safety Division
- CVRD Recycling & Waste Management Division





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175 Ingram Street, Duncan, B.C. V9L 1N8  
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Date: January 17, 2017

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Comments:

Approval recommended for reasons outlined below

Interests unaffected

Approval recommended subject to conditions below

Approval not recommended due to reasons outlined below

Signature Tauseef Waraich Title Manager Contact Info: twaraich@cvrld.bc.ca  
(sign and print)

This referral has been sent to the following agencies:

- Ministry of Transportation and Infrastructure (Nanaimo)
- Island Health (Nanaimo)
- North Oyster Volunteer Fire Department
- Regional District of Nanaimo
- Agricultural Land Commission
- CVRD Parks & Trails Division
- CVRD Economic Development Division
- CVRD Public Safety Division
- CVRD Recycling & Waste Management Division

**Rachelle Rondeau**

---

**From:** Tauseef Waraich  
**Sent:** Wednesday, March 29, 2017 3:52 PM  
**To:** Rachelle Rondeau  
**Cc:** Ilse Sarady  
**Subject:** FW: Message from "RNP002673853F77" - Schnitzer Cassidy

Good afternoon Rachelle,

Recycling and Waste Management Division doesn't have any additional comment for this file. Cheers.

Best Regards,

Tauseef Waraich, M.Sc., P.Ag  
Manager  
Recycling & Waste Management Division  
Cowichan Valley Regional District  
175 Ingram Street, Duncan, BC V9L 1N8  
Email: [twaraich@cvrd.bc.ca](mailto:twaraich@cvrd.bc.ca)  
Tel: 250.746.2530 Toll Free: 1.800.665.3955 Fax: 250.746.2513



COWICHAN VALLEY REGIONAL DISTRICT  
175 Ingram Street, Duncan, B.C. V9L 1N8  
Tel: (250) 746-2620 Fax: (250) 746-2621

**BYLAW AMENDMENT REFERRAL FORM**

Date: January 17, 2017

CVRD File No. 03-H-16RS (Kara for Schnitzer)

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Comments:

- Approval recommended for reasons outlined below
- Approval recommended subject to conditions below
- Interests unaffected
- Approval not recommended due to reasons outlined below

Signature  Title Kara Schnitzer Contact Info: \_\_\_\_\_  
(sign and print) KATHERINE HUXEC

This referral has been sent to the following agencies:

- Ministry of Transportation and Infrastructure (Nanaimo)
- Island Health (Nanaimo)
- North Oyster Volunteer Fire Department
- Regional District of Nanaimo
- Agricultural Land Commission
- CVRD Parks & Trails Division
- CVRD Economic Development Division
- CVRD Public Safety Division
- CVRD Recycling & Waste Management Division

MEMORANDUM

**DATE:** February 14, 2017

**TO:** Rachelle Rondeau, Development Services

**FROM:** Kate Miller, Manager, Environmental Services

**SUBJECT:** 03-H-16RS Schnitzer Steel Canada Ltd. For Cassidy Sales and Services. Ltd.

Thank you for giving me an opportunity to comment on the Rezoning and Official Community Plan Amendment application. The proposal as stated is not supported due to its **Environmental Impact and Critical Location.**

The current proposal seeks to accommodate a current non-conforming use by amending the Zoning and Official Community Plan designation. The proposal suggests not only permitting and regulating the current non-conforming use but also expanding the allowable uses on the property. All the uses listed under the new proposed zoning have potentially substantial environmental impacts on groundwater resources.


The subject property is located in a highly environmentally sensitive location over the Cassidy aquifer. The recently completed intrinsic aquifer vulnerability (DRASTIC) mapping for the area indicates that the subject property is in a zone of high risk and vulnerability to surface contamination. The expansion of the approved activities on the site does not indicate a systematic protection of these values.

Areas of high intrinsic vulnerability offer less natural protection than areas of low or moderate vulnerability; therefore, land use activities which pose a high hazard should be discouraged from these areas, or require much more stringent hydrogeological assessment and reporting requirements to ensure the prevention of contamination is maximized. The intrinsic vulnerability of the site with the existing and now new proposed activities has a high potential to result in groundwater contamination.

While activities on the current site have been historic in nature there is an opportunity to both remediate and put into effect regulatory requirements and constraints to protect valuable environmental resources that benefit the community. The area has also experienced recent growth of important investments in critical food systems infrastructure on the adjacent property which relies on both groundwater resources as well as real and perceived environmental standards related to food protection.


The property could be rezoned to allow for a narrower range of light industrial activities while also establishing requirements for storm water management, groundwater monitoring and site and materials management.

Submitted by,



Kate Miller,

JAN 20 2017

	COWICHAN VALLEY REGIONAL DISTRICT 175 Ingram Street, Duncan, B.C. V9L 1N8 Tel: (250) 746-2620 Fax: (250) 746-2621
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<b>3YLAW AMENDMENT REFERRAL FORM</b>	Date: January 17, 2017 CVRD File No. 03-H-16RS (Kara for Schnitzer)
--------------------------------------	--

We have received an application to amend the zoning of the subject property from I-1 (Light Industrial) to a new industrial zone that would permit all the current I-1 (Light Industrial) uses as well as permit the recycling, sorting and storage of metals, motor vehicles and motor vehicle parts, batteries, hazardous wastes, appliances, and electrical equipment. The proposed zone would also permit exterior storage of said material.

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You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **FRIDAY, FEBRUARY 17, 2017**. If no response is received within that time, it will be assumed that your agency's interests are unaffected. **If you require more time to respond, please contact CVRD Planner Rachele Rondeau by calling 250-746-2620 or e-mailing [rrondeau@cprd.bc.ca](mailto:rrondeau@cprd.bc.ca)**

Comments:

<input type="checkbox"/> Approval recommended for reasons outlined below	<input checked="" type="checkbox"/> Interests unaffected
<input type="checkbox"/> Approval recommended subject to conditions below	<input type="checkbox"/> Approval not recommended due to reasons outlined below

Signature *Ray Melnick* Title *manager, EDC* Contact Info: *amelnick@cprd.bc.ca*  
(sign and print)

This referral has been sent to the following agencies:

<input checked="" type="checkbox"/> Ministry of Transportation and Infrastructure (Nanaimo) <input checked="" type="checkbox"/> Island Health (Nanaimo) <input checked="" type="checkbox"/> North Oyster Volunteer Fire Department <input checked="" type="checkbox"/> Regional District of Nanaimo <input checked="" type="checkbox"/> Agricultural Land Commission	<input checked="" type="checkbox"/> CVRD Parks & Trails Division <input checked="" type="checkbox"/> CVRD Economic Development Division <input checked="" type="checkbox"/> CVRD Public Safety Division <input checked="" type="checkbox"/> CVRD Recycling & Waste Management Division
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COWICHAN VALLEY REGIONAL DISTRICT  
175 Ingram Street, Duncan, B.C. V9L 1N8  
Tel: (250) 746-2620 Fax: (250) 746-2621

**BYLAW AMENDMENT REFERRAL FORM**

Date: January 17, 2017

CVRD File No. 03-H-16RS (Kara for Schnitzer)

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Comments:

- Approval recommended for reasons outlined below
- Interests unaffected
- Approval recommended subject to conditions below
- Approval not recommended due to reasons outlined below

*No comments from water management.*

Signature *[Signature]* Title SR. ENG. TECH Contact Info: 250-746-2536  
(sign and print)

This referral has been sent to the following agencies:

- Ministry of Transportation and Infrastructure (Nanaimo)
- Island Health (Nanaimo)
- North Oyster Volunteer Fire Department
- Regional District of Nanaimo
- Agricultural Land Commission
- CVRD Parks & Trails Division
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Comments:

Approval recommended for reasons outlined below

Interests unaffected

Approval recommended subject to conditions below

Approval not recommended due to reasons outlined below

*There are no parks & trails interesting with this application*

Signature *Tanya Suroka* Title Parks & Trails Planner Contact Info: \_\_\_\_\_  
(sign and print) TANYA SUROKA

This referral has been sent to the following agencies:

- Ministry of Transportation and Infrastructure (Nanaimo)
- Island Health (Nanaimo)
- North Oyster Volunteer Fire Department
- Regional District of Nanaimo
- Agricultural Land Commission
- CVRD Parks & Trails Division
- CVRD Economic Development Division
- CVRD Public Safety Division
- CVRD Recycling & Waste Management Division

**Rachelle Rondeau**

---

**From:** Johal, Anika TRAN:EX <Anika.Johal@gov.bc.ca>  
**Sent:** Friday, February 03, 2017 11:50 AM  
**To:** Rachelle Rondeau  
**Subject:** CVRD File 03-H-16RS - Bylaw Amendment Referral Response

**CVRD File 03-H-16RS**  
**MoTI File 2017-00560**

Hello Rachelle,

The Ministry has no objection to the proposed bylaw amendment for 13271 Simpson Road.

Thank you,

**Anika Johal**

**District Development Technician**

BC Ministry of Transportation and Infrastructure

3<sup>rd</sup> Floor – 2100 Labieux Road, Nanaimo, B.C. V9T 6E9

Tel 250-751-3277 | Fax 250-751-3289 | [anika.johal@gov.bc.ca](mailto:anika.johal@gov.bc.ca)





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** May 30, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 7, 2017

**FROM:** Development Services Division  
Land Use Services Department

**SUBJECT:** OCP and Zoning Amendment Application No. 01-E-16RS  
(4681 Sahtlam Estates Road)

**FILE:** 01-E-16RS

## PURPOSE/INTRODUCTION

The purpose of this report is to provide additional information to the Electoral Area Services Committee regarding an Official Community Plan Amendment and Rezoning Application that proposes to subdivide the subject property into two parcels, and to dedicate land to the CVRD for conservation of a wetland and establish a trail corridor.

This report includes the Public Meeting Minutes from March 16, 2017, and the APC's recommendation.

## RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That the referrals to Ministry of Transportation and Infrastructure, Island Health, School District 79, Cowichan Tribes, Sahtlam Fire Department, be accepted;
2. That amendment bylaws for Rezoning Application No. 01-E-16RS (4681 Sahtlam Estates Road) be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> Reading;
3. That a public hearing be scheduled with Directors from Electoral Areas E, F and D as delegates;
4. That covenant(s) be drafted prior to public hearing to secure the areas to be dedicated to the CVRD; and
5. That prior to adoption of the amendment bylaws, the auto-repair home-occupation be brought into conformity with Section 5.11 of Zoning Bylaw No. 1840.

## BACKGROUND

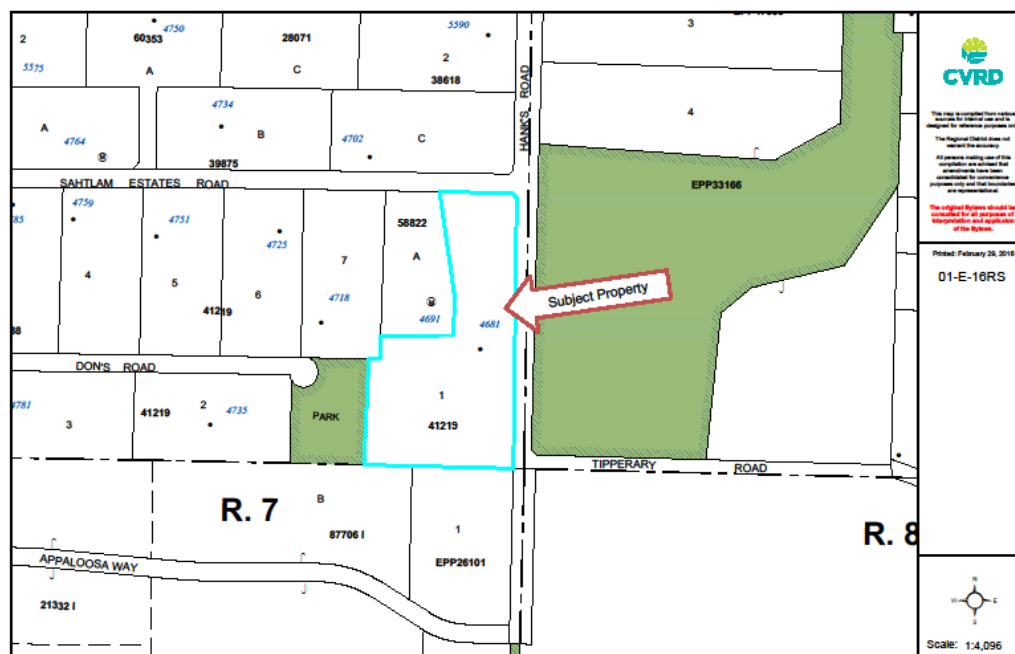
For reference, please see Attachment A – Former EASC Reports

A brief chronology is provided below:

- At the November 16, 2016, meeting of the Electoral Area Services Committee (EASC), this application was considered and referred back to staff to explore with the applicant a zoning amendment, or other solution, that would allow auto repair on the subject property. The Committee was looking for more information from staff regarding options to address the non-compliant auto repair home occupation.
- At the December 7, 2016, EASC meeting, the application was referred to staff to arrange a CVRD-hosted public neighbourhood meeting. This meeting was held on March 16, 2017, at the Sahtlam Fire Hall. At the public meeting, there was broader policy discussion regarding Temporary Use Permits and Home Based Business policies for consideration in the Official Community Plan review, as well as specific discussion on the subject application (01-E-16RS). For reference, please see Attachment B – March 16, 2017, Public Meeting Minutes

- Most recently, at the April 19, 2017, EASC meeting, the Committee directed that the application be referred back to the Advisory Planning Commission (APC), as the APC had never been provided information with respect to the non-compliant auto repair home occupation. Staff's opinion at the time of the original referral to the APC and other agencies was that it is not the APC's or referral agencies' role to comment on bylaw enforcement. However, since that time, there has been significant discussion about the options for legalizing the auto repair business either through a Temporary Use Permit, which would require an amendment to the Official Community Plan, or through establishment of a site specific zone. The CVRD conducts bylaw enforcement on a complaint-driven basis, and the Board can direct how, and if, bylaw enforcement occurs.

## LOCATION MAP



## APPLICATION SUMMARY

The application proposes to rezone the subject property to permit subdivision to a 1 ha minimum parcel size. The applicants would like to subdivide their 3.0 ha parcel to create a new 1 ha lot so they can build a smaller home and continue operating the auto repair shop for some years prior to retirement, which will remain on the proposed new lot. As the minimum lot size for the existing R-2 Zone is 2 ha, a zoning amendment to a zone with a 1 ha minimum is requested.

Additionally, the applicants propose to dedicate a wetland on the west side of the property adjacent to Dons Park and a trail corridor at the rear of the property to the CVRD. The property is within 1 kilometre of Wake Lake, which is identified in the Official Community Plan as the largest breeding ground within the CVRD for the western toad, a species in need of conservation, and the red-legged frog, a provincially blue-listed species. The ecological assessment submitted with the application indicates that protecting the wetland and streams on the subject property through dedication to the CVRD and covenants would be beneficial for amphibian habitat. A trail

at the rear of the property is already used by the public, and this would be dedicated to the CVRD also.

#### **COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

The Electoral Area E Advisory Planning Commission re-considered this application at their May 23, 2017, meeting and made the following recommendation:

- 1) *That the APC supports the application to subdivide the property and dedicate the land as proposed;*
- 2) *That the APC does not support establishment of a site specific zone that would allow both subdivision AND auto repair as a principal permitted use.*
- 3) *That the APC recommends the auto repair business be brought into compliance with the zoning regulations. Members were divided at when this should be required: either at the time of subdivision or at some future date when the applicants are ready to retire.*

For other agency and CVRD Department referral responses, please see Attachment A – Former EASC Reports.

#### **OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS**

There is supportive policy within the Official Community Plan to acquire large tracts of ecologically sensitive lands on forestry designated parcels and to create suburban sized lots (1 ha minimum) in exchange for the sensitive land dedication, which is how this application was originally proposed.

The property is not designated forestry, and the OCP does not specifically intend that the Rural Residential/Forestry Conversion designation be used for a residential to residential conversion, however given the proximity of the subject property to Wake Lake and the dedicated lands nearby, this would be an ecologically important connection.

The Official Community Plan supports home occupations in the area with clearly defined regulations, and also supports re-development of the home occupation regulations in an OCP review without negatively impacting the community character of the plan area.

#### **PLANNING ANALYSIS**

Preliminary discussions in the current Electoral Area E OCP review do not propose to expand the home occupation regulations to an extent that would allow the size and number of bays of the current auto repair business.

Attempting to defer compliance to some future date through a covenant is not recommended as these are difficult and expensive to administer, and rely principally on the cooperation of the owner at the time. If the Committee is inclined to recommend approval of the application, it should include a requirement for compliance prior to adoption of the amendment bylaws.

Alternatively, should the Committee support the automotive repair use continuing, a “spot zone” would be the most appropriate way to accomplish it, rather than setting expectations around compliance via covenant agreements that require continued supervision and enforcement, and can be changed over time (subject to Board approval of the day).

Staff recommend Option 1.

**OPTIONS**

Option 1

1. That the referrals to Ministry of Transportation and Infrastructure, Island Health, School District 79, Cowichan Tribes, Sahtlam Fire Department, be accepted;
2. That amendment bylaws for Rezoning Application No. 01-E-16RS (4681 Sahtlam Estates Road) be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> reading;
3. That a public hearing be scheduled with Directors from Electoral Areas E, F and D as delegates;
4. That covenant(s) be drafted prior to public hearing to secure the areas to be dedicated to the CVRD; and
5. That prior to adoption of amendment Bylaws, the auto-repair home-occupation be brought into conformity with Section 5.11 of Zoning Bylaw No. 1840.

Option 2:

That Rezoning Application No. 01-E-16RS OCP and Zoning Amendment Application No. 01-E-16RS (4681 Sahtlam Estates Road) be denied and a partial refund be provided to the applicant in accordance with the CVRD's Development Application Procedures and Fees Bylaw.

Prepared by:

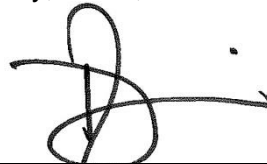


\_\_\_\_\_  
Rachelle Rondeau, MCIP, RPP  
Planner II

Reviewed by:



\_\_\_\_\_  
Rob Conway, MCIP, RPP  
Manager



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

**ATTACHMENTS:**

- Attachment A – Former EASC Reports
- Attachment B – March 16, 2017 Public Meeting Minutes





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** November 28, 2016

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of December 7, 2016

**FROM:** Development Services Division  
Planning & Development Department

**SUBJECT:** OCP and Zoning Amendment Application for 4681 Sahtlam Estates Road

**FILE:** 01-E-16RS

## PURPOSE/INTRODUCTION

The purpose of this report is to consider an application to amend Official Community Plan Bylaw No. 1490 and Zoning Bylaw No. 1840 to create a new zone that would permit the subdivision of the subject property into two parcels with a minimum permissible lot size of 1 ha, and to permit an auto repair shop.

## RECOMMENDED RESOLUTION

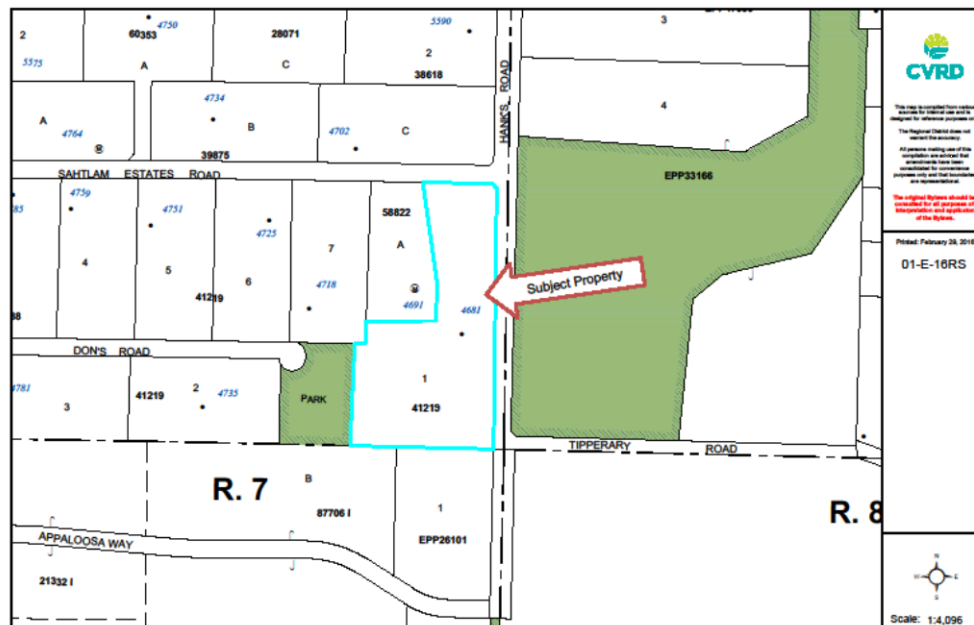
That it be recommended to the Board

1. That the referrals to Ministry of Transportation and Infrastructure, Island Health, School District 79, Cowichan Tribes, Sahtlam Fire Department be accepted;
2. That amendment bylaws for Rezoning Application No. 01-E-16RS be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> reading;
3. That a public hearing be scheduled with Directors from Electoral Areas E, F and D as delegates;
4. That covenant(s) be drafted prior to public hearing to secure the areas to be dedicated to the CVRD; and
5. That prior to adoption of the amendment bylaws, the auto-repair home-occupation be brought into conformity with Section 5.11 of Zoning Bylaw No. 1840.

## BACKGROUND

For reference, please see the November 16, 2016 Staff Report to Committee regarding file 01-E-16RS.

At the November 16, 2016, meeting of the Electoral Area Services Committee (EASC), this application was referred to staff to explore with the applicant a zoning amendment that would allow auto repair on the subject property. Currently, there is an auto repair shop operating on the property that is too large to be considered a home occupation.

**LOCATION MAP****APPLICATION SUMMARY**

The application proposes to rezone the subject property to permit subdivision to a 1 ha minimum parcel size. The applicants would like to subdivide their 3.0 ha parcel to create a new 1 ha lot so they can build a smaller home and continue operating the auto repair shop, which will remain on the proposed new lot. As the minimum lot size for the existing R-2 Zone is 2 ha, a zoning amendment to a zone with a 1 ha minimum is requested.

Additionally, the applicants propose to dedicate a wetland on the east side of the property adjacent to Dons Park and a trail corridor at the rear of the property to the CVRD. The property is within 1 kilometre of Wake Lake, which is identified in the Official Community Plan as the largest breeding ground within the CVRD for the western toad, a species in need of conservation, and the red-legged frog, a provincially blue-listed species. The ecological assessment submitted with the application indicates that protecting the wetland and streams on the subject property through dedication to the CVRD and covenants would be beneficial for amphibian habitat. A trail at the rear of the property is used by the public, and this would be dedicated to the CVRD also.

**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

See attached November 16, 2016 EASC report.

**OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS**

There is supportive policy within the Official Community Plan to acquire large tracts of ecologically sensitive lands on forestry designated parcels and to create suburban sized lots (1 ha minimum) in exchange for the sensitive land dedication, which is how this application was originally proposed.

The property is not designated forestry, and the OCP does not specifically intend that the Rural

Residential/Forestry Conversion designation be used for a residential to residential conversion, however given the proximity of the subject property to Wake Lake and the dedicated lands nearby, this would be an ecologically important connection.

Associated with the application is the request to change the zoning to permit the approximately 149 m<sup>2</sup> (1,600 sq. ft), three bay auto repair shop on the property. Home occupations are permitted, however the existing auto repair shop exceeds the size limit, the number of bays, and the number of employees for a home occupation. Typically, auto repair is a permitted use in Light Industrial zones. The OCP encourages infill of existing vacant industrial land prior to designating more land for industrial, and that these should be on properties within easy access of a major local road, and should not generate traffic through a residential area. The industrial activity should be compatible with the surrounding environment and land use.

The Commercial and Industrial objectives of the Official Community Plan are noted below:

- *Require that commercial uses are located in areas where they can be appropriately serviced and best serve the needs of the local community;*
- *Discourage small scale commercial uses in locations which are isolated from existing commercial areas or which reduce highway safety or impact on the rural character of the community or its natural environment;*
- *Sanction a clearly defined range of activities in residential areas which may be permitted as a home craft or home occupation;*
- *Discourage intensive industrial development that would erode the present rural residential, agricultural and recreational characteristics of the plan area;*
- *Recognize industrially zoned land uses and encourage small scale light industrial activities in locations which do not impact on the rural character of the community or natural environment, in particular ground water resources.*

Section 7.10 – Residential Development, Climate Change, Land and Energy Efficiency – suggests that in a future OCP review, the Board may consider an increase in cottage industry/home based business operations without negatively impacting the existing character of the Plan area.

#### **PLANNING ANALYSIS**

Spot zoning to enable a larger auto repair shop is not considered to be good planning practice. The CVRD is not aware of any complaints having been received with regards to the operation of the auto repair shop in the 17 years the shop has been operating. However, the Committee should be mindful that the zoning will apply to the property and not the operators, further there will be little ability to control neighbourhood impacts associated with the auto repair use if it is permitted by zoning. A restrictive covenant is one option that could be employed to add additional restrictions such as hours of operation, buffering, and limits to expansion.

If the home occupation regulations within the Zoning Bylaw are too restrictive, staff's recommendation would be to review these in the context of the entire plan area. If such a review were undertaken, it is expected that auto repair of the current scale would not be permissible as a home occupation because of its size, number of vehicles required to be parked out of doors, potential for noise and traffic impacts as well as environmental considerations.

The intention when limiting the size and scope of home occupations is to limit the potential for disturbance to adjacent properties and centralize commercial services to areas where this type of activity can reasonably be anticipated.

The applicants have amended their application to include the request to zone the subject

property in a manner that would permit the existing auto repair shop. If the Committee is inclined to approve the application, amendment bylaws would be drafted that specify a 1 ha minimum parcel size for subdivision and include a provision for the auto repair shop including buffering requirements. A survey will determine the exact areas to be dedicated to the CVRD, and this would be secured through a covenant.

For the reasons noted above, staff do not recommend including the auto repair as part of the rezoning approval. Option 3 is recommended.

**OPTIONS**

Option 1

1. That the referrals to Ministry of Transportation and Infrastructure, Island Health, School District 79, Cowichan Tribes, Sahtlam Fire Department be accepted.
2. That amendment bylaws for Rezoning Application No. 01-E-16RS be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> reading.
3. That a public hearing be scheduled with Directors from Electoral Areas E, F and D as delegates.
4. That covenant(s) be drafted prior to public hearing to secure the areas to be dedicated to the CVRD.


Option 2

That Rezoning Application No. 01-E-16RS be denied and a partial refund be provided to the applicant in accordance with the CVRD's Development Application Procedures and Fees Bylaw.

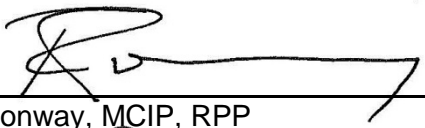
Option 3

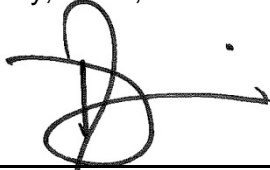
1. That the referrals to Ministry of Transportation and Infrastructure, Island Health, School District 79, Cowichan Tribes, Sahtlam Fire Department be accepted.
2. That amendment bylaws for Rezoning Application No. 01-E-16RS be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> reading.
3. That a public hearing be scheduled with Directors from Electoral Areas E, F and D as delegates.
4. That covenant(s) be drafted prior to public hearing to secure the areas to be dedicated to the CVRD.
5. That prior to adoption of amendment Bylaws, the auto-repair home-occupation be brought into conformity with Section 5.11 of Zoning Bylaw No. 1840.

Prepared by:

  
 \_\_\_\_\_  
 Rachelle Rondeau, MCIP, RPP  
 Planner II

Reviewed by:

  
 \_\_\_\_\_  
 Rob Conway, MCIP, RPP  
 Manager

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

**ATTACHMENTS:**

Attachment A – November 16, 2016 EASC staff 230 ppt





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** November 4, 2016

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of November 16, 2016

**FROM:** Development Services Division  
Planning & Development Department

**SUBJECT:** OCP and Rezoning Amendment Application for 4681 Sahtlam Estates Road

**FILE:** 01-E-16RS

## PURPOSE/INTRODUCTION

The purpose of this report is to consider an application to amend Official Community Plan Bylaw No. 1490 from Suburban Residential to Rural Residential/Forestry Conservation and Zoning Bylaw No. 1840 from R-2 (Suburban Residential) to RF-50/50 (Rural Residential/Forestry Conservation) Zone on the subject property in order to subdivide the property into two residential lots, to dedicate the area of the wetland to the CVRD, and establish a trail.

## RECOMMENDED RESOLUTION

That it be recommend to the Board:

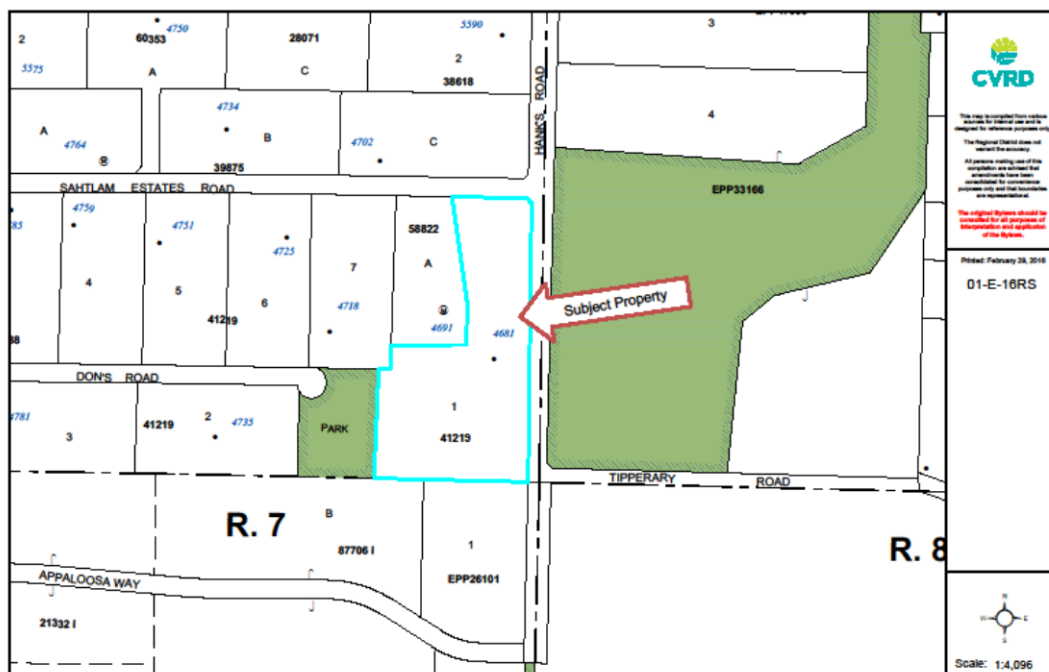
1. That the referrals to Ministry of Transportation and Infrastructure, Island Health, School District 79, Cowichan Tribes, Sahtlam Fire Department be accepted.
2. That amendment bylaws for Rezoning Application No. 01-E-16RS be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> reading.
3. That a public hearing be scheduled with Directors from Electoral Areas D, E and F as delegates.
4. That prior to adoption of amendment Bylaws, the auto-repair home-occupation be brought into conformity with Section 5.11 of Zoning Bylaw No. 1840.
5. That covenant(s) be drafted prior to public hearing to secure the areas to be dedicated to the CVRD.

## BACKGROUND

<u>Location:</u>	4681 Sahtlam Estates Road
<u>Legal Description:</u>	Lot 1, Section 8, Range 7, Sahtlam District, Plan 41219 Except Part in Plan VIP58822 (PID: 000-528-064)
<u>Owner:</u>	Albert and Juliska Hols
<u>Size of Land:</u>	3 ha (7.5 acres)
<u>Use of Property:</u>	Residential and Home-based business (auto repair)
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	Septic system
<u>Agricultural Land Reserve:</u>	N/A
<u>Fire Protection:</u>	Sahtlam Volunteer Fire Department
<u>Existing Plan Designation:</u>	Suburban Residential
<u>Proposed Plan Designation:</u>	Rural Residential/Forestry Conservation
<u>Existing Zoning:</u>	R-2 (Suburban Residential)

<u>Proposed Zoning:</u>	RF-50/50
<u>Environmentally Sensitive Areas:</u>	Wetland and stream
<u>Contaminated Sites:</u>	Site Profile completed due to auto repair business being located on the property – No Schedule 2 uses identified
<u>Archaeological Sites:</u>	None identified

**LOCATION MAP**



**APPLICATION SUMMARY**

The application is proposed to enable subdivision of the parcel into two lots with a minimum parcel size of 1 hectare, and to dedicate to the CVRD a wetland and trail corridor. The existing dwelling is a large family home of approximately 5,000 ft<sup>2</sup> and the applicants would like to construct a smaller home on the proposed new lot and continue the auto repair business.

The subject property currently has one dwelling, a boat storage shed, and an accessory building used for an auto repair business. The property is a mixture of forested, riparian and former pasture areas. The parking area for the auto repair business, as well as the existing driveway, is gravel-surfaced.

There is a wetland (classified as a swamp in the Sensitive Ecosystems Inventory) on the south western portion of the property, a second small wetland on the east side, and two streams. For reference, please see attached ecological assessment.

**Ecological Assessment**

An ecological assessment was prepared in support of the application and identified this area as being very important for amphibians, in particular the provincially blue-listed<sup>1</sup> northern red-legged frog and western toad. These species are also subject to the Federal *Species at Risk Act*.

Breeding sites for both the above-noted species, and winter hibernating areas for the western toad, have been confirmed in the vicinity of the subject property.

The wetland provides habitat for amphibians as well as habitat and foraging area for birds, bats and other animals. The wetland also provides an important ecological function in retaining and filtering water.

The subject property is the only parcel located between Dons Park and Hanks Road Park. Approximately half the wetland on the subject property is located on the subject property, with the other half located on the adjacent Dons Park.

The applicants propose to dedicate most or all of the area of the wetland on the west side to the CVRD. A 15 metre strip along the southern property boundary will also be dedicated in order to provide connectivity from Dons Park to Hanks Road Park. There is an informal trail at the rear of the lot that the public currently uses; this trail would be included in the proposed dedication.

Currently, the exact area and dimensions of the area encompassing the wetland is not known, and if the Committee is inclined to approve the application, the applicants will engage a surveyor to establish boundaries for the park dedication and proposed lots. A covenant will be required to secure the proposed amenities.

**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

The Electoral Area E Advisory Planning Commission recommended approval of the application subject to dedication and/or preservation of the wetlands and watercourses; and if possible, establishment of a low-impact trail along the southern property line.

The Parks Commission supports park dedication on the west side to encompass the wetland and to establish a corridor along the south side of the property for a trail connection from Dons Park to Tipperary Road and Hanks Road Park.

This application has been referred to the following agencies and CVRD Departments for comment, and their responses are included as Attachment E:

- Island Health, Ministry of Transportation and Infrastructure, School District 79, Cowichan Tribes, Sahtlam Volunteer Fire Department.
- CVRD Parks & Trails Division, Public Safety Division, Facilities & Transit Division, and Engineering Services Department.

**OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS**

The primary focus of the Rural Residential/Forestry Conservation designation is the protection of lands for wildlife habitat. In particular, lands within 1,000 metres of Wake Lake are recognized for their importance since they also provide migratory routes for the western toad and the red-legged frog. The OCP also strongly supports conservation of wetlands.

<sup>1</sup> Blue-listed refers to a provincial designation of plants, animals or ecological communities that are of special concern (vulnerable). Red-listed species are extirpated, endangered or threatened.



**Zoning**

In general, residential zones in Electoral Area E have a 2 ha (5 acre) minimum parcel size. However, by rezoning to the RF 50/50 Zone, the subject property would be eligible for a minimum parcel size of 1 ha (2.47 acres).

Should the rezoning be approved and the property become eligible for subdivision, the zoning bylaw requires that the area of the water features on the property be excluded from the calculation of lot size for the purposes of determining minimum parcel size. In this case, both lots would be required to be 1 ha, exclusive of the area(s) of the wetland and creeks. A survey will determine the exact amount of land for the two proposed residential parcels (minimum 1 ha), the proposed wetland conservation area, the trail and the remaining area of watercourses not included in the dedication.

There is an auto repair home occupation occurring on the property which employs two mechanics plus the property owner. Section 5.11 of the Zoning Bylaw limits home occupations involving auto repair to the following:

- One enclosed service bay with a total area not exceeding 25 m<sup>2</sup>;
- One vehicle may be parked outdoors (not including the owner's vehicles);
- Repair of vehicles must occur inside a building.

The general regulations governing home occupations also limit the size of home occupations to 100 m<sup>2</sup> and allow one non-resident employee. The current operation is significantly oversized, and is not consistent with the home occupation regulations.

**Riparian Areas Regulation**

Wetlands, streams, lakes and rivers that provide fish habitat or are connected to fish habitat, are subject to the Riparian Areas Regulation. Prior to any new development, including subdivision, within 30 metres of a stream, a report is required that identifies a Streamside Protection and Enhancement Area (SPEA) for the stream, which is required to remain natural<sup>2</sup>.

In this case, a SPEA of 15 metres has been established around the wetland and 10 metres around the other small wetland and each of the two streams.

**PLANNING ANALYSIS**

To be eligible for the Rural Residential/Forestry Conversion designation and the corresponding RF-50/50 Zone, dedication of land to the CVRD is required for preservation of habitat for threatened or protected species of mammals or amphibians, and secondly for conservation of land for parks and trails. Without dedication of a portion of the land for conservation purposes, there is no supportive policy within the Official Community Plan for the rezoning application.

The proposed lot sizes are consistent with those in the area, and the dedication of the wetland would be a significant gain in regards to protecting amphibian habitat. Staff supports the application provided that the matter of the oversized home occupation, which is non-compliant with the zoning, is adequately dealt with prior to adoption of the amendment bylaws. The applicants have prepared a letter requesting reprieve from bylaw enforcement, and have provided letters of support for the committee's consideration, included as Attachment G.

Option 1 is recommended.

<sup>2</sup> SPEA is the area adjacent to the water feature that is required to remain natural in order to protect the biological function of the water feature and its riparian area. 235

**OPTIONS**

Option 1

1. That the referrals to Ministry of Transportation and Infrastructure, Island Health, School District 79, Cowichan Tribes, Sahtlam Fire Department be accepted.
2. That amendment bylaws for Rezoning Application No. 01-E-16RS be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> reading.
3. That a public hearing be scheduled with Directors from Electoral Areas E, F and D as delegates.
4. That prior to adoption of amendment Bylaws, the auto-repair home-occupation be brought into conformity with Section 5.11 of Zoning Bylaw No. 1840.
5. That covenant(s) be drafted prior to public hearing to secure the areas to be dedicated to the CVRD.

Option 2

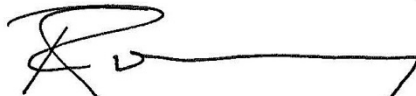
That Rezoning Application No. 1-I-15RS be denied and a partial refund be provided to the applicant in accordance with the CVRD's Development Application Procedures and Fees Bylaw.

Prepared by:

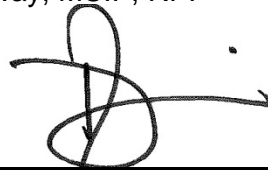
Reviewed by:



\_\_\_\_\_  
Rachelle Rondeau, MCIP, RPP  
Planner II



\_\_\_\_\_  
Rob Conway, MCIP, RPP  
Manager



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

**ATTACHMENTS:**

- Attachment A – OCP Map
- Attachment B - Zoning Map
- Attachment C – Orthophoto Map
- Attachment D – Wildfire Hazard Map
- Attachment E – Site Plan
- Attachment F- Ecological Assessment
- Attachment G – Referral Agency Comments
- Attachment H – Applicant Letter and Letters of Support

# ATTACHMENT A



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

The Cowichan Valley Regional District does not warrant the accuracy.

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

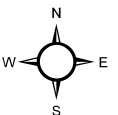
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-E-16RS

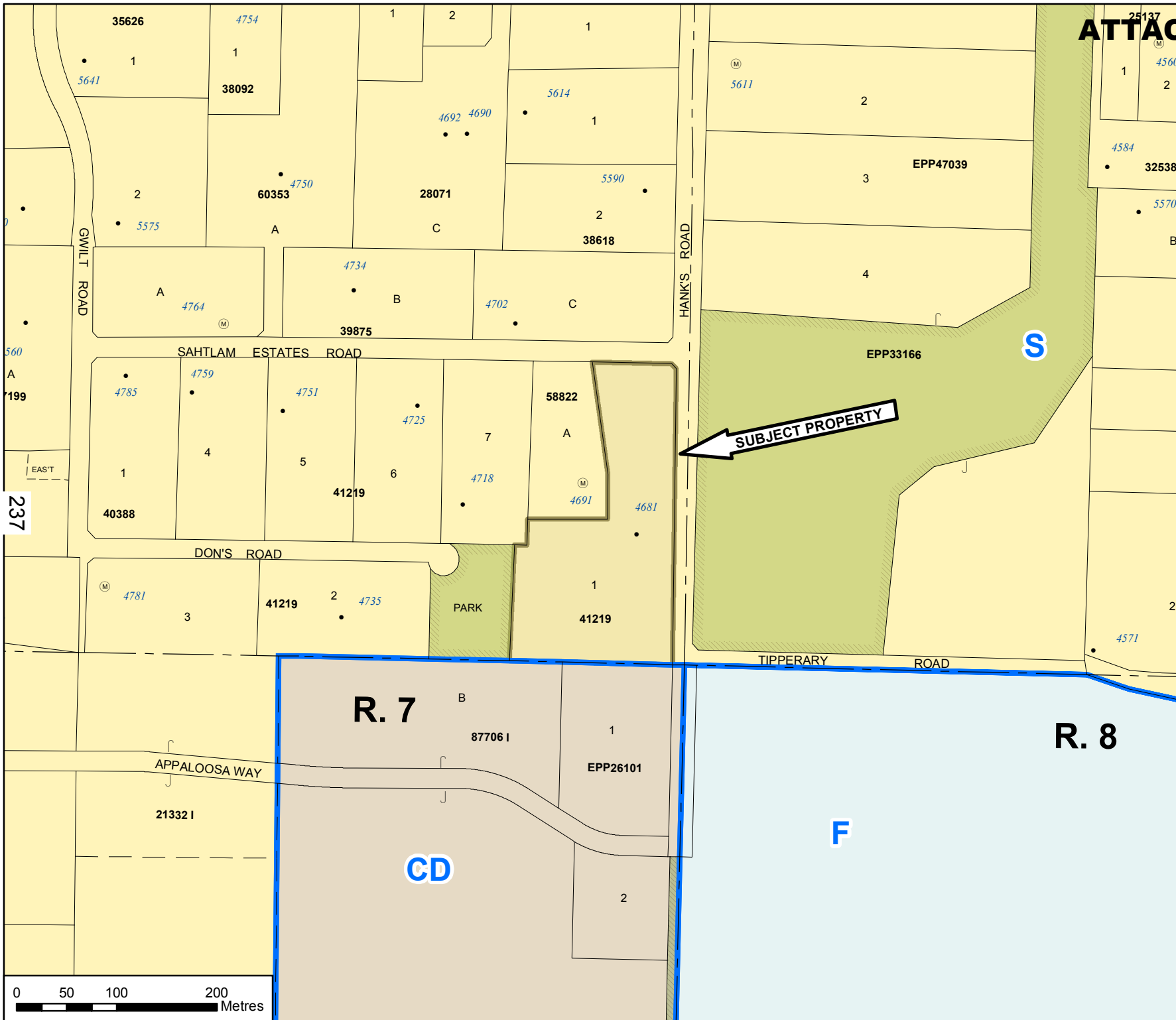
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### Legend

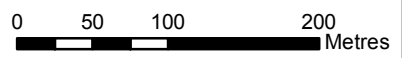
- Subject Property
- OCP E



# R6



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File: 01-E-16RS

Google Earth Photo (2015)

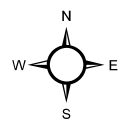
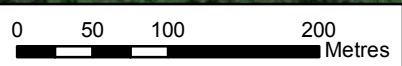


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SUBJECT PROPERTY

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Google earth



**R6**

# ATTACHMENT D



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File: 01-E-16RS

## Urban Wildfire Hazard Interface

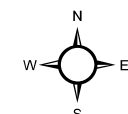
Legend

Subject Property

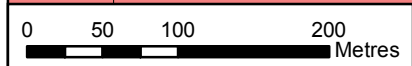
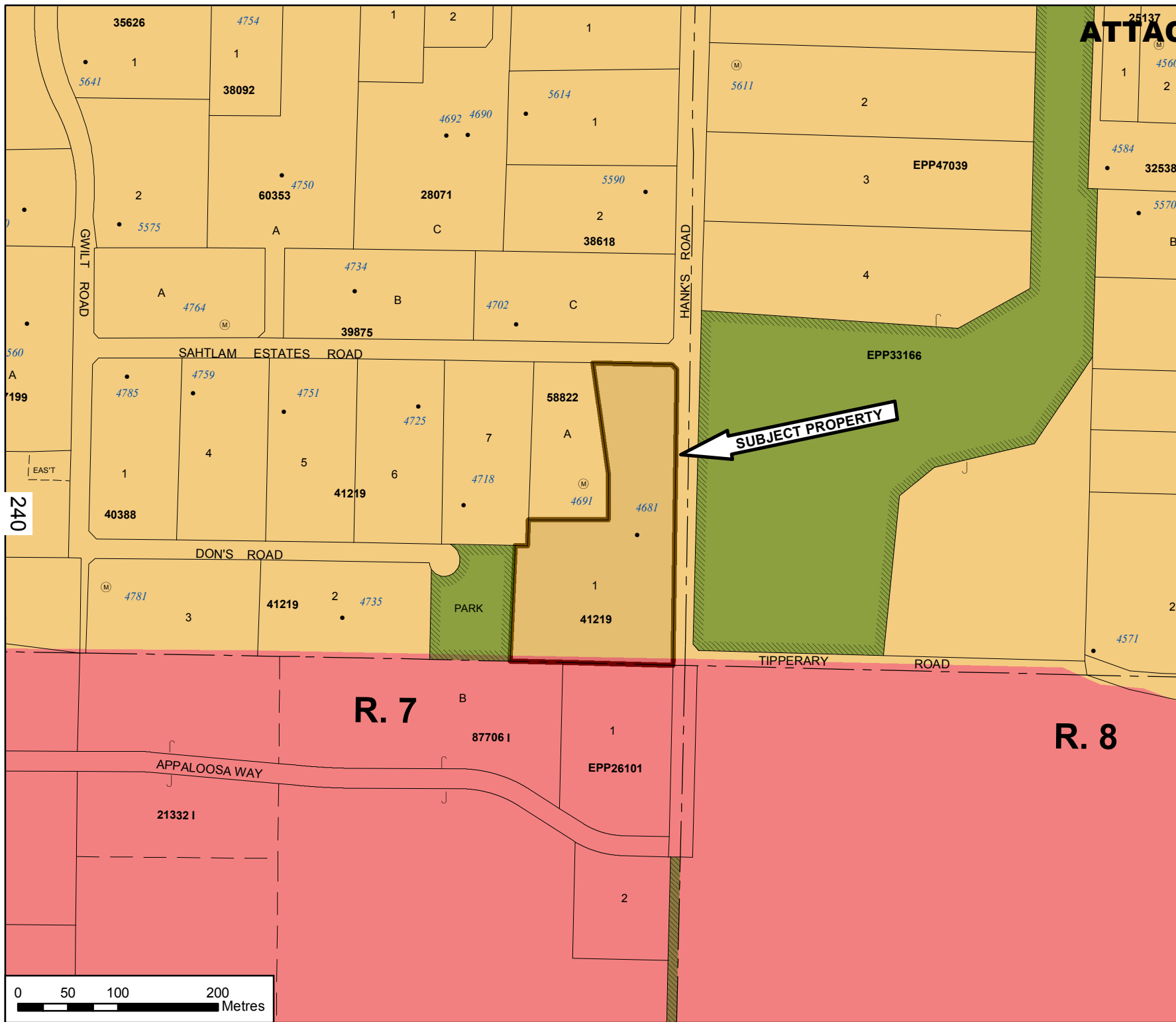
**Hazard Level**

High

Extreme



# R6



240

560  
A  
199

EAST

0

0



**Ecological Assessment related to proposed rezoning:  
4681 Sahtlam Estates Road, Duncan, BC**

**Mr. Albert Hols  
4681 Sahtlam Estates Rd  
Duncan BC V9L 6J3  
250 748 6786**

**Trystan Willmott, B.Sc., A.Sc.T.  
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**June 12<sup>th</sup>, 2015**



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## 1.0 Introduction

The proposal to subdivide the subject lot (located at 4681 Sahtlam Estates Road, Duncan, BC) into two smaller lots is not currently feasible under the existing zoning. Based on current zoning (Suburban-Residential – “R-2”), the minimum parcel size is 2 ha; as the lot is only 3.398 ha, it is clear that the minimum parcel size cannot be achieved. A change in the zoning designation from R-2 to Rural Residential/Forestry Conservation (RRFC) would allow for the creation of parcels with a minimum area of 1 ha. The RRFC designation aims to preserve the integrity of sensitive habitat features such as riparian corridors, wetlands, and other sensitive ecosystems, thereby enhancing and conserving ecological values that are important for focal wildlife and plant species (e.g. provincially and federally-listed species).

The landowner wishes to downsize, with the goal being to construct a cabin on one of the two created lots (the smaller proposed lot in the northern portion of the property). The landowner would continue to operate an automotive repair business located on the property. Rezoning and subsequent subdivision of the property are key requisites to the landowner’s objective, which is the reasoning in pursuing the designation of the land to RRFC.

## 2.0 Scope

The EA was conducted in an objective manner using science-based rationales and is neither in favour of, nor in opposition of, the proposed rezoning from the perspective of the landowner’s goal. Rather, the main scope of the EA was to determine how existing ecological attributes could be restored or enhanced as a result of a change to a RRFC designation (i.e. could the rezoning proposal meet the objectives of the RRFC designation).

The approach of the EA was to identify existing ecological attributes on the subject lot and surrounding habitat and to devise strategies, mainly through the provision of protective buffers and connected corridors, which would apply to the rezoning proposal. As the EA represents an assessment of the feasibility of the rezoning proposal, it does not include the completion of assessments required under specific legislation (e.g. the Riparian Area Regulation – RAR, or the completion of detailed restoration plans). The requirement for these assessments, should the rezoning proposal be accepted, has been highlighted. The EA does use the spatial extent of setback areas that would apply to appropriate legislation (e.g. RAR) to help determine the distribution of recommended protected areas as part of a RRFC designation.

## 3.0 Study Area

The subject lot is located in the Sahtlam area, approximately 10 km west of Duncan (Figure 1). Sahtlam represents a rural area, with relatively large lots supporting a low density population base.

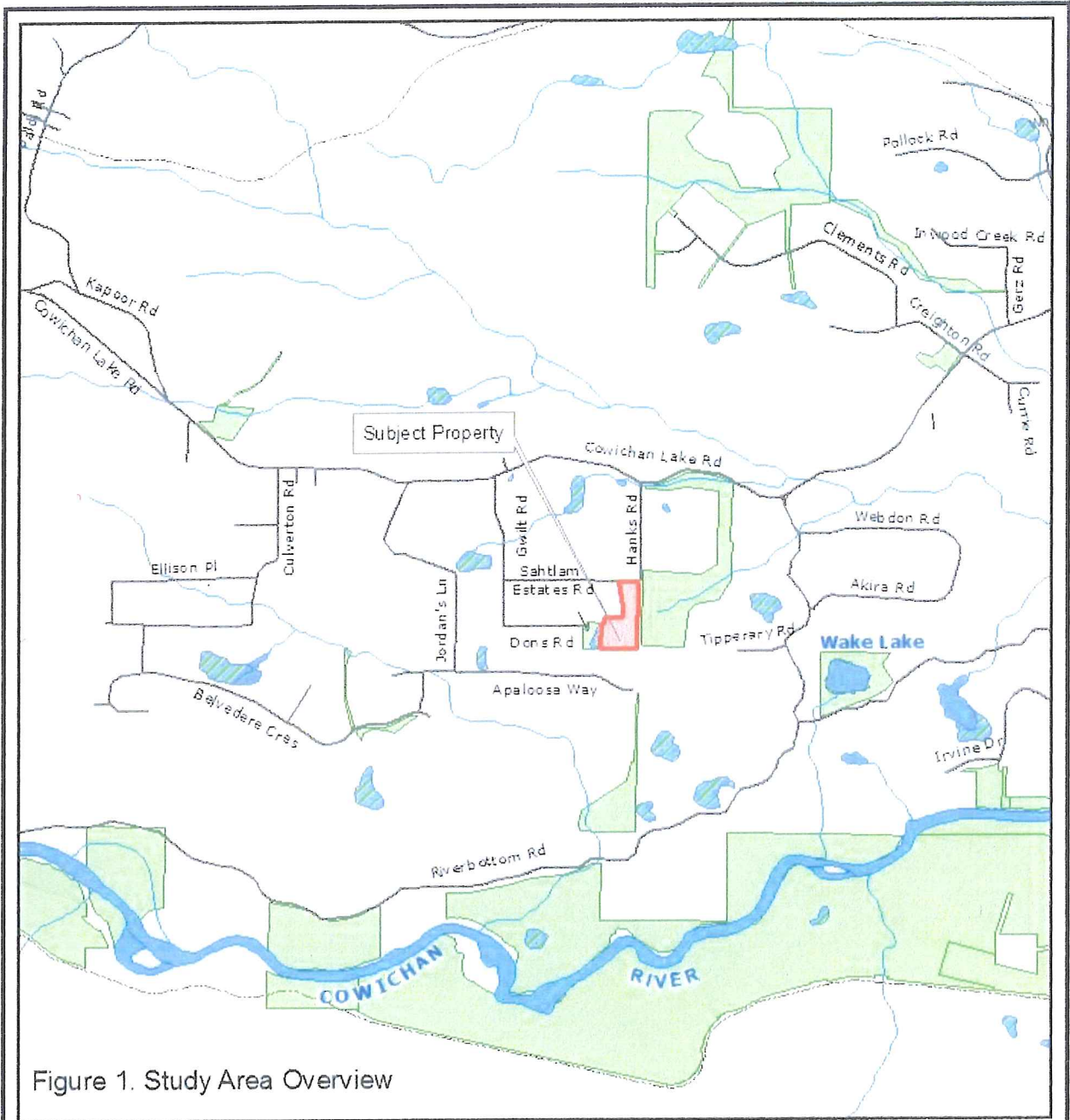



Figure 1. Study Area Overview

<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid red; background-color: white; margin-right: 5px;"></span> Subject Property</li> <li><span style="display: inline-block; width: 20px; border-bottom: 1px dashed black; margin-right: 5px;"></span> Trans Canada Trail</li> <li><span style="display: inline-block; width: 20px; border-bottom: 1px solid black; margin-right: 5px;"></span> Road</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; margin-right: 5px;"></span> Park</li> <li><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, blue 2px, blue 4px); border: 1px solid blue; margin-right: 5px;"></span> Wetland</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; margin-right: 5px;"></span> Lake</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px solid blue; margin-right: 5px;"></span> Stream</li> </ul>	 <p>NAD83 UTM ZONE 10 N</p> <p>0      500      1 000</p> <p>Metres</p>	<p><b>DATA SOURCES</b>          Park and Property Boundary Spatial Data is managed by the GIS Section/ Information Technology Division/ Corporate Services Department/ Cowichan Valley Regional District          Wetland, Lake and Stream Spatial Data is managed by the Fresh Water Atlas / GeoData BC          Road Data is managed by Digital Road Atlas / GeoData BC</p>
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## 6.0 General Site Conditions

The subject property has been previously developed, with a gravel driveway providing access from Sahtlam Estates Road. The driveway leads to an automotive repair shop and gravel parking area located in the narrow northern portion of the lot. The repair shop development footprint extends to the western property boundary, with an undisturbed treed area extending from the edge of the driveway and parking area to the eastern property boundary. The driveway continues to the south, leading up-slope to a residence situated in the wider southern segment of the property. To the south and west of the residence, the land slopes down and comprises of a lawn and vegetable garden. A boat storage shed occurs to the west of the lawn.

A poorly defined drainage runs from west to east at the bottom of the sloped lawn, with an open area consisting of tall grasses and regenerating deciduous trees (mainly red alder – *Alnus rubra*) occurring to the south of the drainage. A fringe of second growth forest, which surrounds a significant wetland complex, occurs to the west and south of the open area. The forested fringe widens to the east of the wetland, with a foot trail providing access through the forest towards the southern property boundary. To the west, the foot trail connects with an established trail (old road bed) that extends from the recently paved Apaloosa Way, which services several lots that are currently undeveloped. To the east, the foot trail parallels the southern property boundary, with approximately 20 metres of young coniferous forest occurring between the edge of the trail and the southern edge of the property. The foot trail terminates at the eastern property boundary, where it meets the Hanks Road right of way (currently undeveloped).

A protected park area occurs along the length of the eastern property boundary (separated by the narrow Hanks Road right of way), with park land also extending up to the western boundary of the wider southern portion of the lot. The northern edge of the property is bounded by Sahtlam Estates Road, and the southern edge lies adjacent to the currently undeveloped lots along the northern side of Apaloosa Way.

## 7.0 Ecological Attributes

### 7.1 Documented Ecologically-Sensitive Elements

The background research using the CDC's Mapped Known Locations of Species and Ecological Communities at Risk query revealed one element occurrence polygon that overlaps with the subject property. The occurrence listing is for Macoun's Groundsel (*Packera macounii*), which is a vascular plant found in grassland and herbaceous habitat types. The CDC occurrence record (number 14475) is associated with an extensive polygon, with no associated specific locality (the location reference is "Sahtlam"). The record is listed as "historical", as the occurrence dates back to 1952. While no detailed rare plant survey was completed as part of the EA, based on the date of the occurrence and lack of potential habitat on the subject property, it is extremely unlikely that Macoun's Groundsel occurs anywhere on the subject property.

The Habitat Wizard and FISS database research returned no documented streams or fish distribution data for the subject property. The Habitat Wizard mapping layer did indicate the presence of an unnamed, un-gazetted stream to the east of the subject property, which was shown to be part of the Currie Creek watershed (this stream is visible in the background drainage layer included in Figure 1).

The SEI map sheet covering the study area (092B.071) indicated the presence of sensitive ecosystem polygon "V0606D WN:sp", which extends into the south-western corner of the subject property. This polygon is associated with a wetland (classified as a swamp). The SEI map sheet also identified the occurrence of the stream to the east of the property, but did not associate the watercourse with any specific sensitive ecosystems.

Research completed using the Wildlife Tree Stewardship Atlas did not return any documented raptor nests on the subject property or in the immediate vicinity. Based on the distribution of raptor nests depicted in the Atlas, the closest documented nests are approximately 8 km to the east and are associated with bald eagles (*Haliaeetus leucocephalus*).

## 7.2 Ecologically-Sensitive Elements Specific to the Subject Property

### 7.2.1 Species at Risk

Based on recent research activities carried out by Shari Willmott, in association with Elke Wind, the Sahtlam area is known to be a "hotspot" for amphibians. Surveys conducted during the main spring and fall amphibian movement periods have confirmed the occurrence of the following species in the general area surrounding the subject property: western toad (*Anaxyrus boreas*), northern red-legged frog (*Rana aurora*), Pacific chorus frog (*Pseudacris regilla*), rough-skinned newt (*Taricha granulosa*), north-western salamander (*Ambystoma gracile*), ensatina (*Ensatina eschscholtzii*), long-toed salamander (*Ambystoma macrodactylum*) and western red-backed salamander (*Plethodon vehiculum*). Of these species, the northern red-legged frog and western toad are provincially blue-listed (species of special concern) and are also included on Schedule 1 of the federal Species at Risk Act. The special concern listing recognizes the loss of critical habitat features (wetlands) that these species depend upon within certain areas of their range (i.e. areas close to, or within developed areas).

Breeding sites for both northern red-legged frogs and western toads have been confirmed within 1 km of the subject property. Winter hibernating sites for western toads, as shown by telemetry studies carried out over the winter of 2014-2015, also occur within 400 m. Of particular relevance to the subject property, the landowner has confirmed the presence of adult western toads on the subject lot, and also dispersing juveniles. An adult northern red-legged frog was observed in the drainage flowing from west to east through the property during the field assessment.

### 7.2.2 Wetland Habitat

The wetland complex that occurs in the south-western portion of the subject property is a significant ecological feature. The significance of the ecosystem has been recognized in the SEI mapping, as the wetland is associated with SEI polygon V0606D WN:sp (swamp wetland). The majority of the wetland occurs on protected park land, known locally as "Don's Park", but the southern edge extends into the undeveloped lots to the south, and the eastern edge extends onto the subject property. The mapped

extent of the polygon on the SEI map-sheet is inaccurate, as the SEI polygon does not include the full spatial area covered by the wetland to the south or east. During the field assessment, the high water mark of the wetland was mapped with GPS on the subject property, to show its full extent (Figure 2).

The wetland consists of patches of dense hardhack (*Spirarea douglasii*), with other hydrophytic vegetation consisting mainly of skunk cabbage (*Lysichiton americanum*) and slough sedge (*Carex obnupta*). Wide pockets of open water also occur, especially on the subject property. The edges of the wetland support salmonberry (*Rubus spectabilis*), willow (*Salix* sp.), red alder and Pacific crab apple (*Malus fusca*), which blend into a treed fringe of western redcedar (*Thuja plicata*), western hemlock (*Tsuga heterophylla*) and Douglas fir (*Pseudotsuga menziesii*). The narrow fringe of trees widens considerably along the eastern side of the wetland, with mature western redcedar, Douglas-fir and western hemlock occurring. This forested area along the eastern wetland edge represents important habitat, based on the width of riparian vegetation and maturity of the trees.

The open water segments of the wetland provide potential breeding habitat (though not confirmed) for numerous species of amphibian, including the listed northern red-legged frog and western toad. The wetland contains good cover and security habitat for amphibians, due to the presence of Large Woody Debris (LWD) throughout the open water segments, which has originated from the treed riparian fringe. Woody debris and emergent vegetation provides suitable egg-attachment media for native amphibians, especially in areas of open water.

As is typical with this ecosystem type, the levels of the wetland will fluctuate significantly on a seasonal basis. By the end of summer, the majority of the water will have dissipated, but the moist, shaded conditions of the wetland and riparian area will continue to provide summer refuge habitat for amphibians. Native amphibians such as western toads and northern red-legged frogs can complete their life cycles in seasonal wetlands, as the tadpoles are able to metamorphose into terrestrial juveniles prior to the water drying up.

In addition to providing specific habitat attributes for amphibians, the wetland will provide a rich foraging area for birds and bats, with the interface habitat between the treed riparian fringe and the open wetland providing nesting habitat for birds. The mature trees associated with the riparian zone along the eastern side of the wetland likely contain natural cavities and crevices suitable for roosting bats. The wetland will also provide important ecosystem services in the form of water retention and water cleansing.

### 7.2.3 Watercourses and Associated Riparian Zones

The wetland described in the previous section drains via a historically constructed ditch extending from the eastern edge of the wetland by means of a culvert (Figure 2). The ditch is poorly defined, but it likely represents the approximate original route of a natural drainage course. The ditch contained flowing water during the field assessment. The ditch flows to the east at the bottom of the sloped lawn leading down from the residence, and supports a narrow fringe of dense shrub vegetation in the immediate riparian zone, which consists mainly of willows (*Salix* sp.) and young red alder. The drainage generally

flows over an organic substrate through the subject property, although segments of alluvium are also present.

The ditch flows off the property by means of a culvert under the undeveloped Hanks Road right of way and enters the mature forest that occurs in the park land to the east. The watercourse increases in magnitude and develops a defined channel with continuous alluvial deposits immediately downstream of the right of way crossing. The stream was followed for approximately 100 m through the park land, where it continued to increase in size. Based on the direction of flow, existing mapping and a local knowledge of the Sahtlam drainage systems, it became apparent that the stream connected to Currie Creek on the eastern side of Riverbottom Road close to the intersection of Riverbottom Road and Old Lake Cowichan Road.

Due to habitat limitations, the drainage will not support fish, which also applies to the wetland on the subject property. This is a benefit to amphibians, as wetlands that are effectively isolated from fish habitat generally offer improved habitat conditions, as fish will predate on all life cycles of amphibian. The fact that the wetland and drainage connect by surface flow to fish habitat (Currie Creek) is a significant factor, as the connectivity has implications regarding the applicability of the provincial Riparian Area Regulations (RAR), which is discussed in more detail in section 8.

Despite the fact that the wetland drainage has been historically modified (ditched), it still represents an important habitat feature. The drainage is shaded and will provide moist refuge habitat for amphibians during the summer. Slower-flowing segments of the drainage provide potential breeding habitat for amphibians, especially species such as the ubiquitous Pacific chorus frog, which is less selective in terms of breeding habitat requirements. The drainage contains confirmed security habitat for the northern red-legged frog, as an adult was observed in the drainage during the field assessment (refer to photos in the Appendix). Both the wetland and the drainage provide benefits to connected downstream fish habitat, in the form of water temperature regulation, water cleansing, water flow and nutrient input.

A second drainage enters the subject property via a culvert underneath Sahtlam Estates Road to the immediate east of the driveway (Figure 2). This watercourse drains an extensive open water wetland located to the north of Sahtlam Estates Road. The drainage is poorly defined, and consists of shallow water flowing over an organic substrate. The drainage flows through young moist forest, consisting mainly of western redcedar and western hemlock, prior to flowing off the property through a culvert underneath the Hanks Road right of way. The watercourse connects to the main drainage leading out of the wetland located on the subject property.

Despite the low magnitude of the drainage where it flows through the subject property, the moist, shaded riparian area will provide important habitat for numerous species of wildlife (including security, forage and summer refuge habitat for amphibians). The watercourse will also provide benefits to connected downstream fish habitat (Currie Creek) similar to the functions provided by the main wetland outflow drainage (i.e. a source of water, provision of nutrients and water temperature regulation). The surface flow connectivity to the wetland outlet drainage and subsequent connectivity to Currie Creek has implications to the RAR, as with the main wetland outflow drainage.

An open water wetland occurs on the subject property to the immediate east of the driveway opposite the automotive repair shop (Figure 2). This wetland is approximately circular in nature and is an isolated feature, as there is no outlet drainage. The wetland is surrounded by young forest, and is shaded as a result. The wetland likely dries completely in the summer months, but it offers seasonal breeding habitat for native amphibians. The moist, shaded conditions of the wetland and surrounding riparian area will provide important summer refuge habitat for amphibians.

## 8.0 Influence of Rezoning on the Conservation of Sensitive Ecological Features

### 8.1 Implementation of Local Government Legislation

Section 7.5.1 of the Cowichan-Koksilah CVRD Official Community Plan (OCP) describes the primary focus of the RRFC zoning as follows: *"...the protection of forestry lands for wildlife habitat and the inherent value of forest land and riparian area ecology for sustaining flora and resident and transient fauna. Provision of habitat for threatened, endangered and protected species of mammals, amphibians and other creatures is a particular emphasis of the designation"*. Based on the main goals of the RRFC designation, policy 3.1.18 of the OCP allows for density bonusing, if the change in zoning meets the conservation goals of the RRFC designation and if there is a permanent and irrevocable dedication or protection of a suitable area.

Work completed by Shari Willmott and Elke Wind has shown that Wake Lake is an important breeding area for amphibians, most notably the western toad and northern red-legged frog. Their work has also shown that surrounding areas offer terrestrial habitat for dispersing juveniles (e.g. wetlands and riparian corridors that are used as travel corridors and summer refugia). Policy 11.1.21 of the OCP recognizes the importance of Wake Lake and the surrounding area, and states that land within a 1km radius of Wake Lake may be eligible for rezoning, if it can be shown that the rezoning will benefit rare elements (i.e. the increased protection of suitable habitat). As the subject property is within 1 km of Wake Lake, policy 11.1.21 is worth considering. The subject property contains confirmed habitat for western toads, as the landowner has observed both adults and dispersing juveniles on his property. The subject property also contains confirmed habitat for northern red-legged frogs, as this species was observed in the wetland outlet drainage during the assessment. The property also contains riparian corridors that connect with undisturbed parkland to the east via the Currie Creek tributary stream draining the main wetland. This main riparian corridor passes through land to the west of Wake Lake, which is an area known to be on one of the main westerly migration routes of dispersing western toads.

Protecting and enhancing the integrity of the wetland (recognized as a Sensitive Ecosystem under the SEI) and outlet drainage and the drainage in the northern portion of the property (including the riparian areas) in perpetuity would be of benefit to amphibians, including western toads and northern red-legged frogs. Protection and enhancement of these areas would also benefit numerous other species of amphibian, bird, mammal and invertebrate.



## 8.2 Recommended Protected Areas

The standards of the Riparian Area Regulations were used to help determine candidate protected areas that would be created on the subject lot as a condition of the rezoning application (the RAR is usually a requirement of subdivision, anyway). Section 5.18 of the Electoral Area E Zoning bylaw (No. 1840) was also relevant to the determination of protected areas, as it relates to the implementation of riparian setbacks under the Riparian Area Regulation. Policy 14.12 of the Cowichan-Koksilah OCP, which is associated with the protection of wetlands, was also used as a standard. The riparian setbacks determined under the RAR, bylaw 1840 and policy 14.12 of the OCP are of direct relevance to the rezoning application, as the permanent protection of these areas will help meet the goals of the RRFC dedication, based on the fact that habitat for rare species will be protected (most notably western toads and northern red-legged frogs).

The RAR uses a science-based approach to determine the minimum riparian setbacks required to maintain the features, functions and conditions of riparian zones to maintain fish habitat. A watercourse does not have to support fish to qualify as a “stream” under the regulation. All identified watercourses on the subject property connect on a seasonal basis to fish habitat (Currie Creek), despite the fact that no fish occur on the subject property. This connectivity qualifies all watercourses as “streams” under RAR definitions. Under the Detailed Assessment methodology of the RAR, the wetland complex that occurs in the south-western corner of the property would be associated with a 15 m Streamside Protection and Enhancement Area (SPEA). The wetland outlet drainage would be associated with a 10 m SPEA and the drainage entering the northern portion of the property a 10 m SPEA (Figure 2).

Despite the fact that the RAR is based on the preservation of fish habitat, the riparian setbacks under the RAR can also be used as a basis for protecting habitat for wildlife and also protecting the biological functions provided by riparian zones. For these reasons, the RAR standards were employed to assist in establishing suitable protected areas to help meet the goals of the RRFC zoning dedication.

Wetlands that do not support fish or connect by surface flow to fish habitat (i.e. seasonally inundated isolated wetlands) are not subject to protection under the RAR. Policy 14.12 of the OCP establishes wetland protection guidelines, which recognizes the importance of isolated wetlands that do not receive protection under the RAR. The isolated wetland that occurs to the east of the driveway on the property does not support fish, or connect by surface flow to fish habitat. As such, it is not subject to protection under the RAR. Policy 14.12 of the OCP requires that a suitably qualified professional should establish riparian setbacks adjacent to isolated wetlands (typically at the subdivision phase) in order to ensure the maintenance of the biological integrity of wetlands and surrounding riparian areas. Based on the spatial extent of the wetland, a 10 m Riparian Protection Area (RPA) is recommended for the wetland to the east of the driveway (Figure 2). The riparian setback adjacent to the western side of the wetland extends as far as the existing footprints of the parking area and driveway, as these footprints are not serving any biological function.

In all cases, the riparian setbacks established under the RAR and policy 14.12 of the OCP (identified as “SPEAs” and “RPA” on Figure 2) represent no disturbance areas. Both policy 14.12 and bylaw 1840 have additional riparian area protection requirements. Under section 5.18 of the bylaw, there is a 20 m

setback associated with any “watercourse”, which applies to buildings, driveways, structures, lanes and highways. A 7.5 m “SPEA setback” is also relevant to watercourses where the RAR applies. Policy 14.12 of the OCP also specifies a 7.5 m setback between the edge of a wetland RPA and the proposed building envelope. The watercourse, RPA and SPEA setbacks are relevant to specific developments – i.e. buildings, driveways, structures, lanes and highways (referred to hereafter as “no building” setbacks), where-as the SPEAs and RPAs restrict all disturbance activities.

The SPEAs and RPA associated with the watercourses on the subject property incorporate the standards under the RAR and policy 14.12 of the OCP, and also consider the implementation of the additional 7.5 m RPA and SPEA setbacks. It is noted that section 5.18 of bylaw 1840 states that where the 20 m watercourse “no building” setback exceeds the SPEA setback, the larger of the setbacks should be applied. In combination, the SPEA and additional 7.5 m setback represent a 15 m no disturbance zone and total of 22.5 m no building zone adjacent to the wetland in the south western corner of the property, which exceeds the 20 m watercourse no building zone. The 10 m SPEA and additional 7.5 m no building SPEA setback do not exceed the 20 m watercourse no building zone on the isolated wetland or drainage in the northern portion of the property, or the main wetland outlet drainage. An additional 10 m no building zone, therefore, was applied to the edges of the 10 m SPEAs associated with these watercourses, where applicable.

As the majority of the 7.5 m no building zone associated with the SPEA on the western side of the drainage in the northern portion of the property consists of the existing access driveway, the no building setback extends to the eastern edge of the driveway. This is in recognition of the existing driveway footprint, which would continue to be used to provide access to the northern portion of the lot. The same applies to the additional 7.5 m no building setback adjacent to the western side of the isolated wetland, which is truncated by the edge of the existing parking area and driveway. The full extent of the 20 m watercourse no building zone applies to the eastern and southern sides of the drainage in the northern portion of the lot and also to the northern and southern sides of the isolated wetland (the eastern setback is cut off by the property line).

In summary, the recommended setbacks (using standards under the RAR and appropriate local government bylaws) to be employed in order to meet the requirements of the conservation goals of the RRFC are as follows:

- SEI wetland in the south western corner of the property: 15 m no disturbance zone (SPEA - based on the standards of the RAR) and additional 7.5 m “no building” zone (defined as buildings, structures, lanes, driveways and highways).
- SEI wetland outlet drainage: 10 m no disturbance SPEA and additional 10 m “no building” zone.
- Drainage in the northern portion of the property: 10 m no disturbance SPEA and additional 10 m “no building” zone (truncated by the existing driveway on the western side).
- Isolated wetland to the east of the driveway: 10 m Riparian Protection Area and additional 10 m “no building” zone (truncated by the existing driveway and parking area on the western side).

It should be noted that “disturbance” includes the following activities, none of which would be permitted within an area designated as a “SPEA” or “RPA” should the area be subdivided (assuming the rezoning is approved):

- a) removal, alteration, disruption or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of nonstructural impervious or semi-impervious surfaces;
- e) flood protection works;
- f) construction of roads, trails, docks, wharves and bridges;
- g) provision and maintenance of sewer and water services
- h) development of drainage systems
- i) development of utility corridors; and
- j) subdivision as defined in section 872 of the *Local Government Act*.

### 8.3 Land Dedication

The protection of the riparian setback areas indicated in Figure 2 (SPEAs, RPA and associated no building zones), determined using appropriate legislation, site specific features and an in depth knowledge of the distribution and requirements of rare species would be ecologically beneficial, in keeping with the main objectives of the RRFC zoning. These setbacks would be relevant at the subdivision stage, regardless of whether the landowner was pursuing a rezoning proposal, as both the RAR and watercourse protection bylaws are applied at subdivision. Nevertheless, the desire to subdivide has triggered the landowner to pursue the RRFC zoning status, as it is a necessary pre-requisite of the subdivision process. As a result, there is the opportunity to preserve and enhance significant habitat attributes, which is one of the main objectives of the RRFC zoning designation.

A clear requirement of the RRFC zoning designation is that relevant areas that help to meet the conservation goals of the zoning are permanently and irrevocably dedicated as protected areas. As a condition of the rezoning, therefore, the setback areas indicated in Figure 2 would need to be physically identified in the field. The no disturbance SPEAs and RPA would have to be surveyed and marked in the field permanently with fencing. A low split-rail fence would be sufficient for delineating the edges of the no disturbance areas. The additional no building zones would also need to be added to a site plan of the subject property. Prior to identifying the extent of riparian setback areas, a suitably qualified professional would need to identify the high water marks of the applicable watercourses in the field. The no disturbance SPEAs and RPA would then be measured as horizontal distances from the high water mark.

Legal covenants that clearly state the intent of the protected riparian areas and activities that are not permitted would also need to be registered as a condition of the RRFC zoning. The locations of the

various setbacks and associated restrictions would need to be clearly identified on the ground and on property plans. Specific requirements (as listed in the covenants) would also have to be clearly articulated to any future owners of the subdivided lot to the south. The current landowner would also be responsible for adhering to the covenant requirements when developing on the subdivided lot to the north.

It would be important that the wording in the covenants include the distinction between the restrictions associated with the “no building” zones in comparison with the “no disturbance” areas. Restrictions in the no building zones, which extend beyond the no disturbance areas, are related to buildings, structures, driveways, lanes and highways. Activities such as gardening, for example, would be permitted in the additional no building setback.

In recognition of the desire and value of maintaining foot access to the southern portion of the subdivided lot to the south, the existing trail that crosses the drainage, and connects with the trail that parallels the southern property boundary should be left in place. Keeping the existing crossing and trail surfaces in these areas would not reduce the biological function of the riparian corridor associated with the wetland outlet drainage. Apart from the existing trail access, no other disturbance would be permitted in the setback area along the drainage.

Another condition of the RRFC acquisition would be the enhancement of the no disturbance zones (SPEAs and RPA) shown in Figure 2. It is apparent that the landowner has been diligent in removing invasive species from the subject property over the years and maintaining native forest stands. Based on the current condition of the areas designated as SPEAs and the RPA, enhancement, as opposed to restoration, is recommended. The setbacks associated with the isolated wetland and drainage in the northern portion of the property are currently intact and providing important biological function and no enhancement is recommended in these areas. The current landowner would be required to enhance the no disturbance zones adjacent to the wetland outlet drainage and certain areas adjacent to the wetland (i.e. those areas that do not currently support intact forest for at least 15 m). Beyond the immediate riparian fringes of the wetland outlet drainage and the majority of the wetland, the existing vegetation consists mainly of grasses and is providing limited biological function.

No detailed enhancement plans have been provided at this stage, but the goal of the enhancement would be to increase the biological function of the no disturbance zones, with particular attention to focal rare species that would most benefit (i.e. western toads and northern red-legged frogs). Enhancement would include planting native shrubs and trees and perhaps placing Coarse Woody Debris (CWD) throughout the riparian corridors designated as no disturbance areas. CWD is an important feature for many species of wildlife (including amphibians), as it provides security and forage habitat. CWD also provides shade, maintains soil moisture and supplies nutrients to the soil as it decomposes. Detailed enhancement plans would be provided should the proposed rezoning be successful.

The subdivision phase generally requires the submission of a report under the Riparian Area Regulations, where applicable. While the standards of the RAR were used as a basis for determining appropriate setback areas, no report has been submitted at this phase, as the scope of the EA was to

determine whether the change in zoning would result in benefits to ecological integrity and whether the goals of the RRFC could be met. If the setback areas are registered as covenants, enhanced (where applicable) and identified clearly in the field as a condition of acquiring the RRFC designation, there may be no benefit in submitting a report under RAR. The implementation, identification and legal protection of the no disturbance setbacks (SPEAs and RPA) as a condition of rezoning, and recognition of the additional no building SPEA/RPA setbacks represents a significant measure of protection. Completion and submission of a RAR report, therefore, would not lead to any additional protection to the watercourses or associated setbacks on the subject property.

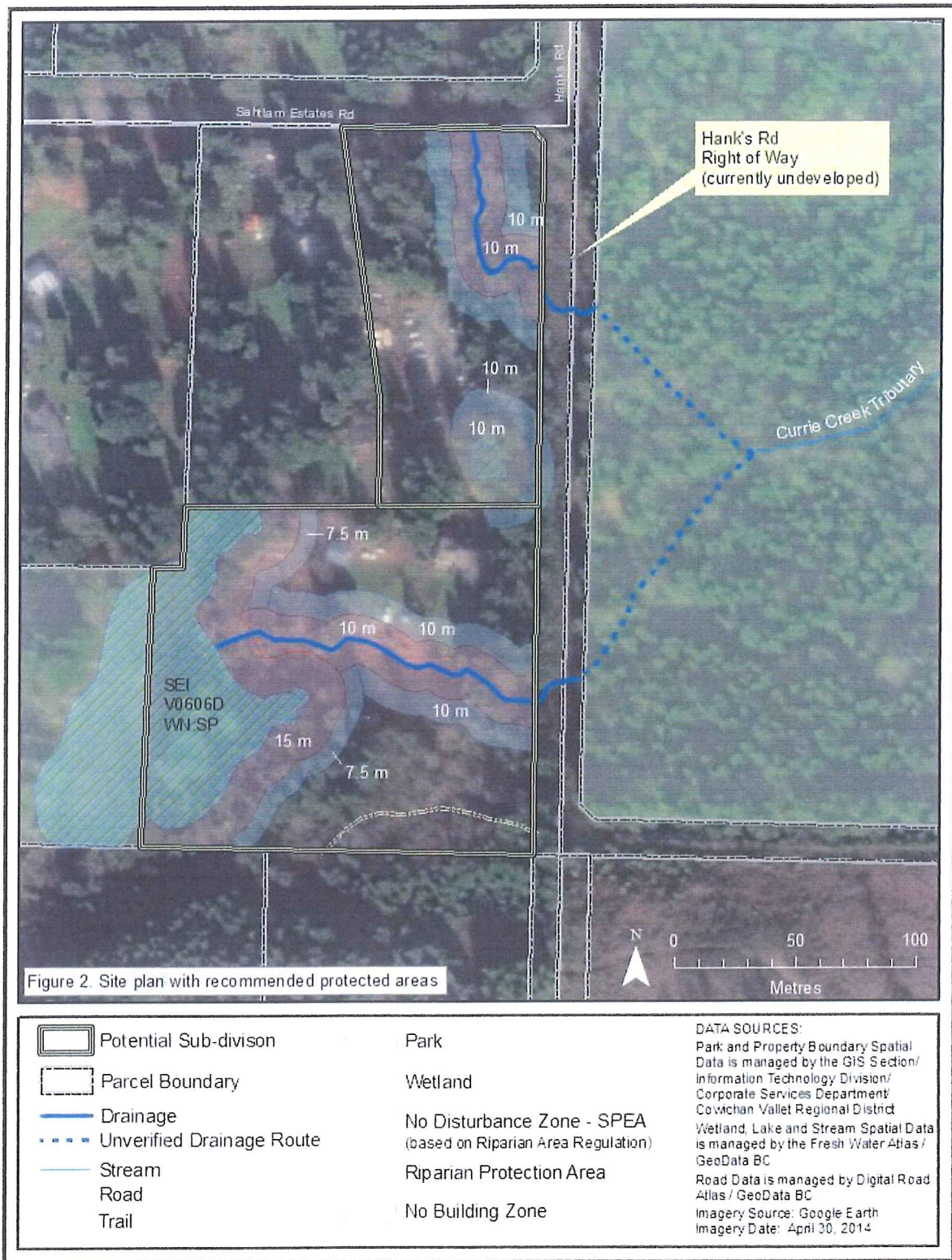


Figure 2. Site plan with recommended protected areas.

## 9.0 Discussion

The proposed subdivision boundary, as indicated in Figure 2, represents a logical and feasible location for the boundary between the two proposed lots. The proposal to subdivide the subject property into two lots requires that the RRFC zoning designation be in place, as opposed to the existing Suburban-Residential zoning. The completion of an Ecological Assessment on the subject property has shown that the rezoning and subsequent subdivision of the land, as per the proposed lot boundaries indicated in Figure 2, could be used as an opportunity to preserve and enhance habitat for focal rare species, as per the main goals of the RRFC zoning. The benefits of preserving the identified areas in perpetuity would exceed any impacts associated with constructing a cabin on the proposed northern lot and developing on the proposed southern lot, as long as future developments occur beyond the protected areas.

The permanent protection of the identified no disturbance and no building areas would be of most benefit to amphibians, especially western toads and northern red-legged frogs, which have both been confirmed on the subject property. The riparian corridors recommended for protection and enhancement would provide direct connectivity to protected park land both to the east and west of the subject property. Of specific importance is the fact that the riparian corridors will connect with riparian areas extending towards Wake Lake to the east, through the protected park land, providing permanently protected travel routes for dispersing juvenile amphibians and returning breeding adults.

It is important that as a condition of rezoning, the recommended protected areas are registered under covenants that clearly identify the reasoning for protection and also list activities that are not permitted. In addition, surveying and identifying the protected areas in the field and enhancement would also be required as a condition of the rezoning.

If you have any questions or concerns related to the EA, please do not hesitate in contacting the undersigned.



Shari Willmott, B.Sc., ADGIS.



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

## References

Conservation Data Centre: <http://maps.gov.bc.ca/ess/sv/cdc/>

Cowichan Valley Regional District Electoral Area E and Part of F – Cowichan-Koksilah. Official Community Plan. Bylaw No. 1490: <http://www.cvrld.bc.ca/DocumentCenter/Home/View/556>

Cowichan Valley Regional District Electoral Area E – Cowichan Station/Sahtlam/Glenora. Zoning bylaw No. 1840: <http://www.cvrld.bc.ca/DocumentCenter/Home/View/663>

Habitat Wizard: <http://maps.gov.bc.ca/ess/sv/habwiz/>

Riparian Area Regulations:

[http://www2.gov.bc.ca/gov/DownloadAsset?assetId=98EBCCCF71CD454E9AFED7A3A6EC6D5C&filename=assessment\\_methods.pdf](http://www2.gov.bc.ca/gov/DownloadAsset?assetId=98EBCCCF71CD454E9AFED7A3A6EC6D5C&filename=assessment_methods.pdf)

Sensitive Ecosystem Inventory:

[http://a100.gov.bc.ca/appsdata/acat/documents/r2124/sei\\_9914\\_map92B-071\\_1112900419641\\_254df925e1ff482d9354e77bf6f1f9fc.pdf](http://a100.gov.bc.ca/appsdata/acat/documents/r2124/sei_9914_map92B-071_1112900419641_254df925e1ff482d9354e77bf6f1f9fc.pdf)

Wildlife Tree Stewardship Atlas: <http://www.wildlifetree.ca/atlas.html>



## Appendix – Field Photos



Looking east over the residence located on the wider southern portion of the property, which would be located in the larger of the proposed lots. A lawn and vegetable garden extend to the south.



Looking south over the established automotive repair business located on the narrower northern portion of the property. The landowner intends to continue to operate this business, which would be located on the smaller of the proposed lots.



Looking west at the boat storage area located to the west of the residence. This structure is located beyond the "no building" setback associated with the SEI wetland.



Looking east along the riparian fringe surrounding the SEI wetland outlet drainage from the existing foot trail crossing.



Looking east through the open area to the south of the SEI wetland outlet drainage. A 10 m no disturbance zone on each side would be subject to enhancement as part of the rezoning acquisition.



Looking north over the riparian fringe along the SEI wetland outlet drainage towards the residence.



Looking upstream (west) along the SEI wetland outlet drainage from a location close to the eastern property boundary.



Looking east (downstream) along the SEI wetland outlet drainage approximately 50 m downstream of the subject property. Note well defined channel and alluvial deposits. This stream connects to Currie Creek.

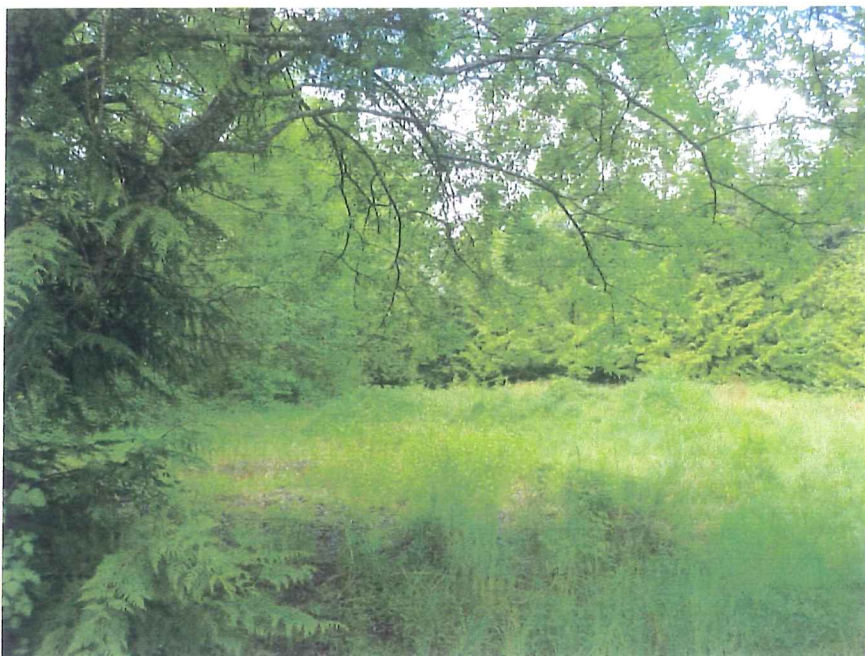


Northern red-legged frog observed during the field assessment in the SEI wetland outlet drainage where it flows through the subject property.

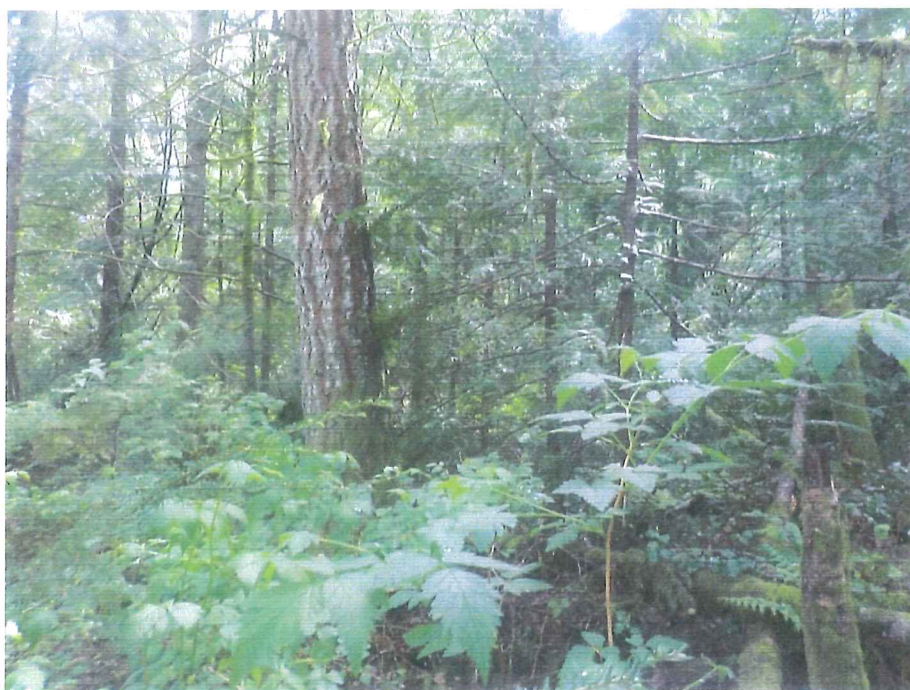


Above and subsequent two photographs: habitat diversity providing vital functions for amphibians in the SEI wetland located on the subject property.





Looking west towards the riparian fringe along the central portion of the eastern side of the SEI wetland. The open field would be subject to enhancement within 15 m of the wetland (the no disturbance zone) as a condition of the rezoning.



Mature riparian forest occurring along the south-eastern edge of the SEI wetland.



Looking north over the open water wetland located to the north of Sahtlam Estates Road (located beyond the subject property boundaries). This wetland feeds the drainage located in the northern portion of the property.



Outlet of the culvert carrying water from the wetland pictured above onto the subject property. Note organic substrate and relatively poorly defined nature of the drainage which flows through the northern portion of the property.





Looking east over the isolated wetland located on the narrower northern portion of the property.



Looking east over the trail that parallels the southern boundary of the subject property.

**Rachelle Rondeau**

---

**From:** Natalie Anderson <Natalie.Anderson@cowichantribes.com>  
**Sent:** Thursday, October 06, 2016 4:22 PM  
**To:** Rachelle Rondeau  
**Subject:** Re: Hols

Hi again Rachelle,

The Environment Committee moved (and seconded) a motion to support this project plan. The only caveat that was requested was to ensure that there is meaningful consideration of elk and elk habitat in the area, as this has been lacking in the past.

Overall, we are happy with the plans to conserve wetland habitat as it is so crucial for native amphibian species. Thank you again for the site visit.

Regards,

Natalie Anderson

Referrals Coordinator Assistant

Cowichan Tribes

5760 Allenby Rd.

Duncan, BC V9L 5J1

(250) 748-3196 ext. 420

[natalie.anderson@cowichantribes.com](mailto:natalie.anderson@cowichantribes.com)

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>>> Natalie Anderson 06/10/2016 3:12 PM >>>

Hi Rachelle,

It has been brought up at our most recent Environment Committee meeting. I have an urgent project to finish up this afternoon, but I will try to send you the comments this evening. I am starting vacation tomorrow so I will not be available again until October 17th.

Natalie

>>> Rachelle Rondeau <[rrondeau@cvrd.bc.ca](mailto:rrondeau@cvrd.bc.ca)> 06/10/2016 1:22 PM >>>



## MEMORANDUM

**DATE:** September 21, 2016 **FILE NO.** 01-E-16RS

**TO:** Rachelle Rondeau, Planner II, Development Services Division,  
Planning & Development Department

**FROM:** Tanya Soroka, Parks & Trails Planner, Parks & Trails Division  
Planning & Development Department

**SUBJECT:** Proposed Rezoning Application on Sahtlam Estates Road in Electoral  
Area E – Cowichan Station/Sahtlam/Glenora

Parks & Trails staff along with the Electoral Area E Parks Commission has reviewed this proposed rezoning application and the Parks Commission passed the following motion at their meeting of July 14, 2016:

***"That the Commission supports the dedication of a corridor along the south side of the property for use as a trail to connect Don's Road Park to Tipperary Road."***

On September 14, 2016, a site visit was conducted with the Parks Commission, the applicant, and CVRD Planning and Parks staff to walk the property. It was determined that a 15 metre trail corridor on the south side of the property is feasible for a trail connection from Dons Park to Hanks Road Park to the east, as well as a park dedication along the western side to encompass the wetland area and add it to Dons Park to the west of the subject property. The combined dedication will be approximately 0.4 hectares (1 acre).

The applicants are agreeable to the park dedication. A section 219 covenant will be prepared to secure the park dedication that occurs at the time of subdivision. Once a preliminary site plan is ready as part of the rezoning package, it can be attached to the covenant to identify the general location of the park. A draft of the park covenant will be prepared prior to public hearing.

As part of the subdivision, this parkland will be transferred in fee simple to the CVRD as a separately titled lot (not labelled PARK).

Sincerely,

Tanya Soroka, MCIP, RPP, Parks & Trails Planner  
Parks & Trails Division  
Planning & Development Department

TS/dsb

pc: Director A. Nicholson, Electoral Area E – Cowichan Station/Sahtlam/Glenora  
Albert and Juliska Hols, Applicant

\\cvsdgis3\homedirs\ds\2016 data\parks & trails\planners\sep 20-memo to planning re proposed rezoning application on sahtlam estates road.docx

**MEMORANDUM**

**DATE:** July 20, 2016  
**To:** Rachelle Rondeau, Planning and Development  
**FROM:** Kate Miller, Manager, Environmental Services  
**SUBJECT:** 2D-13 RS Hols

---

Thank you for giving me an opportunity to comment on the 2D-13 RS Hols rezoning application. The proposal as stated is not supported at this time due to the following two primary issues:

**1. Spot zoning**

The subject property is currently zoned R-2 which guides development density in the rural zone the property is located in, supporting a rural lifestyle and reduced overall impact on the natural environment. OCP policy 11.1.21 references the importance of amphibian habitat conservation and supports the use of lands within a kilometer radius of Wake Lake as *potentially eligible* for RF 50/50 designation *subject to the criteria* noted in policies 5.1.13 and 7.5.

The RF 50-50 zone was created as a mechanism in which to transition large forestry lots within the rural zone to residential use while allowing appropriate levels of infill and densification to support OCP objectives. This was intended to entrench and protect both ecological function and diversity as well as ensuring that that approximately 50% of the larger greenfield properties were maintained in the natural state under dedication to the public trust. It was not intended as a mechanism to subdivide existing residentially zoned properties regardless of their ecological significance.

This property and application does not meet the test under section 7.5 as it is not a transitional forestry zone, nor does it consider setting aside a minimum of 50% of the area for conservation purposes. This is not to say that the property does not include valued ecosystem components. The Electoral Area E Official Community plan is currently under review and a refined area plan for the Sahtlam is highly recommended to review and address the need for additional residential properties, a systematic overall conservation strategy and parks conservation planning. Substantial additional residential development has been approved in the area over the past few year which is currently not being utilized. The planning process will take this into consideration and this application can be reviewed at that time for consistency with the overall community objectives of planned densification, ecological protection and social policy structures to support aging in place. The use of this policy for non-forestry transformations should be reviewed in the OCP process as it may have unintended consequences for further spot zoning pressures.

**2. Environmental Impact**

It is clear the subject property contains valued ecological attributes. What is not clear is how these ecological values will be protected by further development on the property; rather it is clear that further development may impact these values negatively. In particular the requirement to dedicate the ecologically significant areas to a 3<sup>rd</sup> party for oversight has not been met by the existing application.

Submitted by,



Kate Miller,

Y:\Environmental Initiatives\Admin\Referrals\planning\Referral 01-E-16RS Hols.docx



COWICHAN VALLEY REGIONAL DISTRICT  
175 Ingram Street, Duncan, B.C. V9L 1N8  
Tel: (250) 746-2620 Fax: (250) 746-2621

**BYLAW AMENDMENT REFERRAL FORM**

Date: June 14, 2016

CVRD File No. 01-E-16RS (Hols)

We have received an application to rezone the 3.023 ha (7.5 acre) parcel from R-2 (Suburban Residential) to RF-50/50 (Rural Residential/Forestry Conservation) zone.

**General Property Location:** 4681 Sahtlam Estates Road

**Legal Description:** Lot 1, Section 8, Range 7, Sahtlam District, Plan 41219, Except Part in Plan VIP58822 (PID: 000-428-064)

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **FRIDAY, JULY 15, 2016**. If no response is received within that time, it will be assumed that your agency's interests are unaffected. **If you require more time to respond, please contact CVRD Planner Rachelle Rondeau by calling 250-746-2620 or e-mailing [rrondeau@cvrld.bc.ca](mailto:rrondeau@cvrld.bc.ca)**

Comments:


- |   |   |
|---|---|
| <input type="checkbox"/> Approval recommended for reasons outlined below  | <input checked="" type="checkbox"/> Interests unaffected                        |
| <input type="checkbox"/> Approval recommended subject to conditions below | <input type="checkbox"/> Approval not recommended due to reasons outlined below |

*Water Management has no utilities in this area, therefore have no comments.*

Signature *[Signature]* (sign and print) Title SR. Eng. Technology Contact Info: 250-746-2536

This referral has been sent to the following agencies:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Ministry of Transportation and Infrastructure (Victoria) | <input checked="" type="checkbox"/> CVRD Engineering Services Department |
| <input checked="" type="checkbox"/> Island Health (Duncan)                                   | <input checked="" type="checkbox"/> CVRD Facilities & Transit Division   |
| <input checked="" type="checkbox"/> School District 79                                       | <input checked="" type="checkbox"/> CVRD Public Safety Division          |
| <input checked="" type="checkbox"/> Cowichan Tribes  | <input checked="" type="checkbox"/> CVRD Parks & Trails Division         |
| <input checked="" type="checkbox"/> Sahtlam Volunteer Fire Department                        |  |

 <b>CVRD</b>	COWICHAN VALLEY REGIONAL DISTRICT 175 Ingram Street, Duncan, B.C. V9L 1N8 Tel: (250) 746-2620 Fax: (250) 746-2621
	<b>BYLAW AMENDMENT REFERRAL FORM</b>
	Date: <b>June 14, 2016</b> CVRD File No. <b>01-E-16RS (Hols)</b>

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Comments:

- |   |   |
|---|---|
| <input type="checkbox"/> Approval recommended for reasons outlined below  | <input checked="" type="checkbox"/> Interests unaffected                        |
| <input type="checkbox"/> Approval recommended subject to conditions below | <input type="checkbox"/> Approval not recommended due to reasons outlined below |

*See comments attached.*

Signature *Erin Annis* Title Transit Analyst Contact Info: 250-746-2637  
(sign and print)

This referral has been sent to the following agencies:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Ministry of Transportation and Infrastructure (Victoria) | <input checked="" type="checkbox"/> CVRD Engineering Services Department |
| <input checked="" type="checkbox"/> Island Health (Duncan)                                   | <input checked="" type="checkbox"/> CVRD Facilities & Transit Division   |
| <input checked="" type="checkbox"/> School District 79                                       | <input checked="" type="checkbox"/> CVRD Public Safety Division          |
| <input checked="" type="checkbox"/> Cowichan Tribes  | <input checked="" type="checkbox"/> CVRD Parks & Trails Division         |
| <input checked="" type="checkbox"/> Sahtlam Volunteer Fire Department                        |  |

## Bylaw Amendment Referral Response

**Development Location:** 4681 Sahtlam Estates Road  
**CVRD File No.** 01-E-16RS (Hols)

### Overall Transit Impact:

- Cowichan Valley transit route #7 (Cowichan Lake) operates along Cowichan Lake Road with existing bus stops located at the Hanks Road intersection that provides general transit access to the Sahtlam Estates area.
- The subject property area also falls within the custom transit service area so that residents with potential mobility needs requiring customized/handyDART services (door-to-door) can register if necessary.
- The subject property, if rezoned in order to subdivide the property into two residential lots and to protect the wetland on the property, would have very little impact on existing transit services.
- Transit interest are not materially affected by this proposal.





## MEMORANDUM

**DATE:** July 15, 2016 **FILE NO:** 01-E-16RS (Hols)

**TO:** Rachelle Rondeau, Planner II, Development Services Division

**FROM:** Jason deJong, Fire Rescue Services Coordinator, Public Safety Division

**SUBJECT:** Bylaw Amendment Referral Form No. **01-E-16RS (Hols)** – Public Safety Application Review

In review of the Bylaw Amendment Referral Form No. 01-E-16RS (Hols) the following comments are made regarding the proposed amendment:

- ✓ Proposal is within the North Cowichan Detachment area.
- ✓ Proposal is within the British Columbia Ambulance Station 152 (Duncan) response area.
- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.

Public Safety has the following concerns that may affect the delivery of emergency services to the proposed facility:

- ✓ Proposal is within Sahtlam Fire Protection boundaries area and their input may further affect Public Safety concerns/comments.
- ✓ The Community Wildfire Protection Plan has identified this area as **High risk for wildfire**.
- ✓ FireSmart principles must be adhered to and maintained (see attached information).
- ✓ All private roadways and driveways must be designed to support and allow access to the largest emergency vehicle likely to be operated on the driveway. This includes fire trucks and other emergency vehicles.
- ✓ As per Cowichan Valley Regional District House Numbering, Unsightly Premises and Graffiti Bylaw No. 1341, building numbers assigned are to be displayed in a conspicuous place on the property on which the building is located so that the number is visible from the roadway.

Sincerely,



Jason deJong



**Rachelle Rondeau**

---

**From:** RANDY BUSCH <chiefbusch@shaw.ca>  
**Sent:** Tuesday, July 19, 2016 10:28 AM  
**To:** Rachelle Rondeau  
**Cc:** Jason de Jong  
**Subject:** cvrd file no. 01-E-16RS (Hols)

Hi Rachelle,

I have just received a copy of the bylaw amendment referral form for the above file. I see by the notice that I am late in responding to this file, however I just received it in the mail last night.

I have spoken to Jason De Jong about this and am aware that he has made some comments regarding prominent address posting, adequate emergency fire access to the properties, Fire smarting the proposed buildings/sites, and driveways able to support fire apparatus. These are all items that I also hold in high importance and would state as necessary. Please include my endorsement of Jason's recommendations as Sahtlam Fires position also.

If you require anything else from me on this matter please contact me via this email or my cell phone number below.

Respectfully,

Randy Busch  
Fire Chief  
Sahtlam VFR  
250-710-8611

**Rachelle Rondeau**

---

**From:** Gardner, Jennifer (Alison) <Jennifer.Gardner@viha.ca>  
**Sent:** Thursday, July 14, 2016 4:22 PM  
**To:** Rachelle Rondeau  
**Cc:** Yehia, Jade  
**Subject:** RE: CVRD File NO. 01-E-16RS

Dear Ms. Rondeau,

Thank you for the opportunity to provide comment on the 4681 Sahtlam Estates Road Bylaw Amendment Referral. We would like to provide some insight into the regulatory framework associated with this application, as well as some linkages between Health and Built Environment associated with this proposal. The past few years have seen significant advances in linking land use planning with health outcomes; such as, preserving and protecting the natural environment enhances the ability to mitigate negative health impacts associated with development; clean air, clean water and access to greenspace.

**Regulatory considerations:***Drinking water*

It is unclear from the proposal if the applicant will be drilling another well to supply the newly created lot. Island Health encourages a new well to be installed. The rationale being is that under the Drinking Water Protection Act and Regulation two or more connections to a water source is defined as a water system and thus must meet with the full force of the legislation. Island Health does not encourage the proliferation of small water-systems as they can pose challenges from an operational perspective and compound cumulative impacts. When at all possible the preference would be to tie into an existing community water source, where possible, or access an additional drinking water supply source.

*Sewerage*

On page 13 of our Subdivision Standards (link: <http://www.viha.ca/NR/rdonlyres/67C5EDB3-9439-42B2-8E9D-E84965B62D31/0/VIHASubdivStandardsJuly172013.pdf>) **1 Ha** may or may not be sustainable for onsite septic system installation. Suitable soil depth, as it relates to percolation rate, and slope are factors in our onsite assessment process. We would therefore only be supportive of this referral if indeed the drainfield/reserve field parameters, setback distances, slope, meet our Standards. Also, it is advised the applicant contact this office to ensure timely response and avoid any delays.

In addition, Island Health would like to highlight that to date no referral and onsite visits have been carried out by this office to ensure compliance with our Subdivision Standards. The process, when subdivision applications are referred to this department, is for a district Environmental Health Officer to assess the application and provide comments back to the Approving Officer. This is in regards to the land parcels suitability for supporting onsite sewage disposal using our Subdivision Standards. For more information these Standards can be found at: [http://www.viha.ca/mho/Land\\_Use.htm](http://www.viha.ca/mho/Land_Use.htm).

*Other*

-While not included in this proposal, for future reference as it applies to the FR 50/50 zone regarding daycares and (possible) food premises as a home occupation. I would like to simply mention that both the Health Protection and Environmental Services (HPES) and the Community Care and Facilities Licensing (CCFL) departments within Island Health have a regulatory role in these facilities, from construction to operation. For more information, please refer to our website at <http://www.viha.ca/mho/> or do not hesitate to contact us.

-Along the same lines (under Sections 4.4 and 4.5) of the RF-50/50 zone secondary suites are (could be) permitted. We would like to bring to your attention that as per section 7 of the Health Hazard Regulation it is the duty of a landlord to provide potable water to his/her tenant for domestic purposes.

**From a Healthy Built Environment perspective:**

The aspect of land dedication to connect Dons Park to Hanks Road Park, is advantageous from a health perspective, enhancing connectivity can encourage people to walk or cycle for recreational or transportation purposes. Connectivity has the potential to increase total physical activity levels (source: HBE Linkages Toolkit [http://www.phsa.ca/Documents/linkagestoolkitrevisedoct16\\_2014\\_full.pdf](http://www.phsa.ca/Documents/linkagestoolkitrevisedoct16_2014_full.pdf)). Parks and trails are a key part of a healthy design because they encourage active transportation and exercise among all age groups. Both physical and mental health benefits are also gained by those who have access to greenspace.

In reference to providing better protection for environmentally sensitive areas, from a health perspective, the preservation of open space and environmentally sensitive areas protects biodiversity. Current evidence supports a relationship between biodiversity and measures of ecosystem functioning such as improved water quality, soil health, and pollination (source: HBE Linkages Toolkit [http://www.phsa.ca/Documents/linkagestoolkitrevisedoct16\\_2014\\_full.pdf](http://www.phsa.ca/Documents/linkagestoolkitrevisedoct16_2014_full.pdf)). Another document you may want to consider is the Ministry of Environments Develop with Care Guidelines [Section 4] as this reference provides supports from an ecosystem preservation/protection perspective (link: <http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/>).

Please contact me if you have any questions.

Thank you

**J. Alison Gardner CPHI(C)** | Environmental Health Officer | Island Health  
4th Floor - 238 Government Street | Duncan, British Columbia V9L 1A5 | Canada  
☎ 250.737.2010 | Email: [jennifer.gardner@viha.ca](mailto:jennifer.gardner@viha.ca)

October 19, 2016

Members of the Committee,

Having lived, and raised our family in this community for the last twenty-four years, we had hoped to downsize to a smaller home on the same parcel of land as our current home. We are at the stage in life where we would like to wind down a bit, but not quite ready to retire either. Having taken certain steps in that direction, we have now encountered a bylaw regulations issue.

We operate a home-based automotive repair business from a shop on our property. It has been in operation for seventeen years and many in this community use our services. It has been brought to our attention that the business is oversized according to the current home-based business regulations and therefore rezoning/subdivision will not receive a positive recommendation from the staff at CVRD.

We are willing to dedicate a portion of our property, which includes valuable wetlands and forested area, to the CVRD for park, trails and wildlife protection. This would be of benefit to the endangered amphibian species in our area, the community and of course ourselves.

We ask if you could possibly see some way to overlook this bylaw infraction at this time, as there are benefits to all parties involved.

Sincerely,

Albert and Juliska Hols

Attention: Alison Nicholson

Good Morning Alison.. It has come to my attention that Albert and his wife Juliska are attempting to navigate the complicated and somewhat puzzling re-zoning process. As you are aware I feel strongly that the system is vague.. and the same rules do not seem to apply for all.. The by-laws have been challenged on many levels. We have a number of businesses in our area that do not meet the guidelines. Leaving us the Home owners to live with the mess of an incompetent system.

All that said.. I am writing a much deserved .. note of support For the re-zoning of The Hols property. Albert and his wife have lived in this community for over thirty years.. raising a family, operating a much needed business and always looking out for there neighbours. So it is quite confusing that a family that chooses the CORRECT way to proceed with there plans of downsizing and building a smaller home on Property they own.. finds themselves in a position where they must dance to accommodate planners and a toxic CVRD. Its not enough that a land owner must give/provide land they paid for. Pay fees, provide numerous forms and studies. But they also must watch the Business they built be attacked. Albert Hols business employs members of our community.. a business that keeps many local folk.. from having to drive to town to have there vehicles serviced.. a much smaller carbon footprint.. in an area that can use all the help it can get in that area. I fail to understand how the size of his operation has now become a problem. A problem that only exists in the minds of individuals who do not live or work in our area. I can reference many operations that have CHOSEN to ignore the by-laws and instead ask for forgiveness and settled for Legal non-conforming status..

I am asking that you stand up.. Assist the hols in this process and show the area residents of Sahtlam that an attack on the Hols will not go unchallenged. A further note. Any one who has had the pleasure of spending time with the Hols and having them as a neighbour knows the great loss it would be to our community should they not be allowed to continue with the building of there new home. Juliska and Albert are the first to help anyone in need.. they exemplify the meaning of neighbour.

Please forward this note of support to any relevant parties.

Jeff Hunter

October 20, 2016

To the Directors.

I am writing in support of Albert and Juliska Hols with respect to their present conundrum. It is my understanding that the size of the current business is what stands in the way of the proposed rezoning. My letter is to address two issues.

The first is to address the value of the Hols with respect to their contribution to the community over the years. For nearly 2 decades, they have raised their large family while working hard and steadfastly to provide a valuable and reliable service to the community. They have provided steady employment for a number of people over the years and trained multiple apprentices during their tenure. Now that the time has come for them to downsize, it is sad, that for a relatively minor issue of non compliance, that was never an issue during their long residence there, and has only arisen in their efforts to downsize, they find themselves in this situation (while donating a sizeable area of their property to the community). Surely the CVRD can creatively address the situation such that a win win situation can be achieved?

My second issue is the question; can the Hols request a variance such that their business can remain as it is. This of course would require the agreement of the directors but it seems to me that this would satisfy both parties.

Thank you for your attention to this letter,

Isabel Rimmer  
4195 Sahtlam Rd



Ian Forman

October 17, 2016

4725 Sahtlam Estates Road

Duncan, BC V9L 6J3

To Whom it may concern:

Re: Subdivision Application - 4681 Sahtlam Estates Road (Hols Family)

I have lived at the above address for the past nine years and throughout that time Albert Hols Autocare has operated as a business in my neighbourhood.

I wish to confirm that during this entire period I have never once had any concerns with the manner in which the business was operated. There have never been any concerns over noise levels or activities connected with the business.

I must express my appreciation for the fact that Mr. Hols (and family) have operated their business in a very responsible and caring manner being very aware of the community in which they live.

As a result, I fully support the above subdivision application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian Forman', with a long horizontal flourish extending to the right.


Ian Forman

**From:** anneliesmassey@gmail.com  
**Sent:** October 17, 2016 11:52 AM  
**To:** anneliesmassey@gmail.com  
**Subject:**

Sent from Mail for Windows 10

To Whom it may concern

We have lived across the road from Albert Hols for the last twenty years, during which time Albert established and ran his automotive business. Albert and his family are good neighbours and the business has never been a problem. I'm sure cars are being dropped off and picked up, but the numbers are low and we barely notice it. There is no noise that we hear. Our cars have been serviced at Albert's garage and we recommend his services. We have absolutely no problem with having this business so close to us.



4702 SAUTHAM ESTATES RD.

October 19, 2016

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

Attn: Rob Conway, Manager of Development Services

We wish to make known our opinion of the subdivision of the property belonging to Albert & Juliska Hols on Sahtlam Estate Rd.

We have no issues with the property being divided as proposed and we also have no issues with Albert Hols continuing his vehicle repair business the way he is currently operating.

Albert's business is a great asset to our community with many local residents able to have vehicle repairs completed without having to take their vehicles to town and then having to arrange transportation back home. There have, to our knowledge, never been complaints about traffic or noise connected to his business.

The Hols family have proven many times to be very community minded and conscientious neighbours helping others in times of need.

Yours truly,



Robert and Laurel Menzies  
4750 Cowichan Lk Rd  
Duncan BC  
V9L 6J2



## **PUBLIC MEETING MINUTES**

**Applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora**

The following is a summary of the proceedings of a Public Meeting to discuss the following:

1. **Temporary Use Permit and Home Occupation policies in Electoral Area E** – Cowichan Station/Sahtlam/Glenora – as part of the current Official Community Plan review. **Bev Suderman**
2. **Official Community Plan and Rezoning application**, submitted by Albert and Juliska Hols, for property at 4681 Sahtlam Estates Road. The application proposes to subdivide the property into two lots of greater than 1 ha (2.47 acres) and dedicate wetland and a trail corridor to CVRD for park. **Rachelle Rondeau**

Rezoning Application No. 01-E-16RS, would create a new zone that would permit the subdivision of the subject property into two parcels with a minimum permissible lot size of 1 ha, and to permit an auto repair shop.

This meeting was held on Thursday, March 16, 2017, at Sahtlam Fire Hall, 4384 Cowichan Lake Road, Duncan, BC, at 7:00 p.m.

### **CALL TO ORDER**

Director Allison Nicholson, Electoral Area E – Cowichan Station/Sahtlam/Glenora, explained that

The first part of this meeting is to provide community input on the Official Community Plan, which is currently under review. Since two of the policy issues (Temporary Use Permits and Home-based Business) are relevant to the application being considered, it was determined that it would be expeditious to have a dual-purpose meeting.

The second part of this meeting is with regards to a rezoning application of property owned by Albert and Juliska Hols.

The Public Meeting was called to order.

Director Nicholson introduced the following who were present at the meeting:

Director K. Davis, Electoral Area A – Mill Bay/Malahat

Director I. Morrison, Electoral Area F – Cowichan Lake South/Skutz Falls

Area E Advisory Planning Commission Members: Susan Kaufmann, Chair, Patrick Jackson and Julia Rylands.

### **CVRD STAFF PRESENT**

Mike Tippett, Manager, Planning & Development Department

Rachelle Rondeau, Planner II, Planning & Development Department

Bev Suderman, Planner III, Planning & Development Department

Mary Anne McAdam, Recording Secretary, Planning & Development Department

### **Members of the Public:**

There were approximately 50 members of the public present.

- Bev Suderman** The current OCP is 23 years old, in that time there have been 30 modifications to the bylaw. This OCP review process began in 2014; with the goal for adoption being the Spring of 2018. Also planning to do a local area plan for Sahtlam to deal with issues specific to this area.  
Currently, Temporary Use Permits (TUPs) are only issued for special events. Two of the permits issued in area E so far are for Rock of the Woods Music Festival and Cowichan Valley Trap & Skeet Club.  
TUPs vary throughout the CVRD Electoral Areas. As an example, in South Cowichan (Areas A, B & C) a TUP is permitted for industrial uses, and in Area H they are permitted for forestry camp or other forestry-related, value-added activities.  
One of the key concerns is for the protection of the environment and residential neighbourhoods from undue disturbance related to TUPs.  
Provided examples of instances where a TUP may be useful. Fees for a TUP are less than rezoning, and a permanent decision is not rendered.  
There is the potential to expand the potential types of TUPs within the Area E OCP for various types of business opportunities, yet strengthen the policy framework. As well, certain criteria would need to be met prior to renewal of an expanded TUP.
- Speaker** Understands the possible need for limiting a certain type of TUP but not necessarily the number per parcel
- Bev Suderman** The Advisory Planning Commission (APC) did not intend the TUP process to be used to make something that was intended to be temporary into something permanent.  
The *Local Government Act* only allows for a TUP to be issued for a period of 3 years and only to be reviewed.
- Speaker** Would seem to make sense to have the ability to be revisited every year or two for renewal. As long as there aren't complaints, the number of renewals shouldn't be an issue. Concerned about the extremes of 6 years maximum for a TUP or a permanent change brought about by rezoning.
- Speaker** Will this conversation be taken to other parts of Area E, besides Sahtlam?
- Bev Suderman** Not sure. This is the second review meeting in the process. The entire community will have an opportunity to comment on the entire community plan and its policies. This would be considered to be a major change and will be highlighted in the plan.
- Speaker** Concerned about the community representation. Does one need to attend these meetings to have a say?
- Bev Suderman** Always a struggle. More representation brings about more points of view for discussion.  
The CVRD has invested in PlaceSpeak and will set up a topic for Electoral Area E using this tool. This can be very useful for those who aren't able to attend meetings.  
Reminded that the appointed APC representatives from all reaches of Electoral Area E, and also part of Area F, which is part of the plan area, come together with different perspectives from different parts of the plan area. There will be future consultation as well.
- Joe Allan** Concerning the plan review process, will the TUPs pertain to the whole of the plan area regardless of other communities within the plan that may have a different point of view?
- Bev Suderman** Local TUPs could be specific to Sahtlam and different for the rest of Area E. Thought it would be for the entire plan area.
- Speaker** Has TUP served its purpose to date? If it has worked until now, why fix it?

- Bev Suderman** TUPs that have been issued are still controversial within the community.
- Speaker** The community is entitled to their form of recreation. For those not desiring permanent designation, temporary TUPs can be issued.
- Rachelle Rondeau** The TUPs that have been issued so far have only been for special events. We could entertain looking at issuing TUPs for non-special events as well.
- Speaker** What about the Trap and Skeet Club. Are these special events?
- Mike Tippett** The rezoning process that the gun club went through allowed for a certain number of fixed dates for regular activities to take place. Special events that occasionally took place were dealt with through TUP.
- Mike Lees** On-line comments allow people to be faceless.
- Bev Suderman** PlaceSpeak requires identification to prove you are a valid resident.  
PowerPoint Presentation (**EXHIBIT 1**). Voting clickers handed out to audience for feedback.
- TUP Question 1** Should TUPs be permitted? 70% yes; 12% no; 18% open-minded.
- TUP Question 2** Flexibility for TUPs: 77% yes; 13% no; 11% not allowed at all.
- TUP Question 3** Clarification of the question led to the following:  
How many would agree with all, except item (e): 27  
No consensus on the following (much verbal banter)
- Anyone object to TUPs for Commercial
  - Anyone object to Industrial (sawmills/manufacturing)
  - Anyone object to auto repair – more discussion to take place later this evening with regards to the Hols rezoning application (01-E-16RS).
- Speaker – regarding Question 3** You could specify things that are noisy, dangerous or environmentally damaging.
- TUP Question 4** Majority in favour of item (e) All of the above  
All of these should be taken into account.
- Loren Duncan** Question regarding policy with regards to community support for TUPs
- Bev Suderman** Didn't specify how it would be done. Details of the policy haven't been written yet.
- Speaker** TUPs need to be more flexible and should extend more than 6 years so neighbours aren't faced with a permanent decision brought about by rezoning. Concerned about the outcome of rezoning once the applicant moves from the property. Would the business have the support of the community.  
6 year limit is Provincially regulated. (Bev)
- Bev** The 6 year limit is set by the Province not the CVRD.
- Home-based Businesses (HBBs)** Bev: When is a home-based business (HBB) too big for the neighbourhood?
- Home-based Business Policy – Bev Suderman** Clarified that a HBB is not Agriculture. HBB is something subordinate to the residential use of the property, i.e. pottery, home office, garden produce for farm market etc. With the advent of technology there is a lot more variety of HBBs. The current zoning bylaw permits a range of things which makes it difficult to describe. This is primarily intended for residential areas, not commercial or industrial zones. It is contained primarily within the residence or in another building on the residential property.  
Proceeded to PowerPoint pages on Policy Direction.
- Speaker** What about a landscaping company?
- Speaker** Would the size of the parcel affect the use?

- Mike Tippett** Zoning rules were developed in Electoral Area F based on differential size and scale of the HBB in relation to the size of the parcel.
- Speaker** Why only 2 employees? If other requirements are met what is the problem with more employees.
- Joe Allan** Based on the items in the Policy Direction screen it would appear that a process would need to be followed.
- Bev Suderman** It can be carried through in the zoning bylaw in accordance with the zoning. Bylaw enforcement is a tool that can be used.
- Speaker** Concerned about limiting the number of employees to 2.
- Bev Suderman** Would mean 2 people other than family that came onto the property for work purposes.
- Mike Lees** Concerned about the exterior storage limit. Many residents have exterior storage for motor homes and outdoor equipment. How can you dictate what people need or require for storage?
- Rachelle Rondeau** Exterior storage would apply to the business, not the residential uses.
- Speaker** Has a neighbour with 15 pieces of decaying equipment. Some of these people store heavy duty equipment on their property but don't operate a home-based business on the property. How does that fit within the HBB policy?
- Speaker** Exterior storage can lead to unsightly premises, which can have a detrimental effect on the quality of the neighbourhood. This is why you see differences in the zones. Industrially zoned land would allow storage such as this.
- Bev Suderman** The CVRD has a complaint driven process to deal with things such as unsightly premises. It is generally good policy to have regulation. Is the policy too restrictive?
- Speaker** Do we have to regulate everything?
- Bev Suderman** We do regulate, but in the absence of policy. It's important to have policy that supports regulation. The question right now is, Is the regulation too restrictive?
- Mike Tippett** By creating policy in Sahtlam, you may end up with a less invasive set of regulations. This doesn't necessarily mean that regulations will be stricter, they can be developed based on the wish of the community.
- Speaker** Does this lead to business licences?
- Bev Suderman** The CVRD is currently looking into the possibility of business licencing. Noted that we receive calls on a daily basis from not only HBB owners but also commercial owners wanting confirmation that they are operating legally. Business owners require compliance for insurance purposes.
- Speaker** Concerned about the terms "vegetative screening" and "very little traffic". What defines very little traffic
- Joe Allan** Is this for [all of] Area E? This community may wish more of a local area plan and the onus should be on that.
- Bev Suderman** A summer student will be working on the Sahtlam Local Area Plan. There is a plan to have more local meetings to gather data prior to her starting in June.
- Susan Kaufmann** Have had visioning workshops encompassing Eagle Heights & Koksilah Industrial Park. Recognizes special pocket communities within the plan area.
- Joe Allan** This will be a legal local area plan that may affect the people of Sahtlam.
- HBB Question 1** Do you operate a HBB? 44 respondents. 40% yes; 60% no.
- HBB Question 2** Do you do business at a HBB in the area? 46 responded. YES.

- HBB Question 3** What appeals to you about HBB that you patronize? (item (e) meaning “All of the Above”  
Other items of interest:
- Lowers impact on the environment
  - Barter system
  - Lower taxes
  - Social network
  - Employing locals (not relying on global employment)
  - Quality service
  - Supporting neighbours who may be experiencing difficulties
  - Strengthening the community
  - Honesty
- HBB Question 4** *Bev: Agriculture does not apply.*
- Should be tolerant to some degree
  - What if the HBB has a negative impact
  - Should be scale driven. Circumstances can differ
  - Unregulated growth
  - Could say “other” based on over-regulation
  - Difficult to answer these questions when the situations can be so varied.
- Bev: Are you concerned that HBB may be over-regulated, or that there is unregulated growth?*
- HBB Question 5** Should there be limits on the types of HBB?  
44 reported. No, the more options the better
- HBB Question 6** Should there be size limits? Currently there are no restrictions, except the restrictions that apply to houses and accessory buildings.
- Loren Duncan** One of the issues of concern is the fact that when the owner of a successful HBB retires or leaves the business, he/she cannot sell the business and employees are laid off (lose their jobs). Would like to see a successful business remain so.
- Speaker** Businesses that are successful at this point can't be transferred to a new property owner. Would like to see succession planning for successful businesses. So many factors to respond with just a yes or no response.
- Bev Suderman** Based on the limited regulations for HBBs, if they are allowed to grow too large then there is no incentive for the business to move to a commercially zoned area. Saltspring Island is an example of the down side of allowing 4 or more employees on a HBB site; the commercial and industrial sites have suffered as a result of this.  
The down side of HBBs being spread throughout the entire community, rather than in designated commercial/industrial zones could result in people driving all over the place for services.
- Ian Morrison** There can be negative impact in a neighbourhood if the business becomes too successful.
- Bev Suderman** By not putting limits on HBB we could be doing a disservice to the successful business owner. The HBB may expand to the extreme limit of what constitutes a HBB, and possibly beyond, then it can be very expensive to move the business to a commercial site.
- Speaker** Succession planning can be an issue. If it interferes with the neighbourhood, then action can be taken.
- Bev Suderman** This already exists. Protective measures need to be in place to ensure there is less argument with bylaw enforcement.  
We all need to take ownership of this, even though we may not have personally invested in the business, if that business fails because of the lack of succession planning, then the whole community suffers. A business that outgrows its site can have a negative impact on the neighbourhood and the



overall community. It is very important to have balance. Do not want slack regulations, or to be over-regulatory which may discourage business opportunities.

**Speaker**

Difficult for a group to provide input at this time.

If a business becomes successful, there should be a certain point at which a business either expands and moves or cuts back to conform.

Things can be sorted out based on complaints.

**Bev Suderman**

The question is, When do you start the process?

Thanked all for the valuable input. Meeting turned over to Rachelle Rondeau for the Public Meeting with regards to CVRD File No. 01-E-16RS (4681 Sahtlam Estates Road).

2. **Official Community Plan and Rezoning application**, submitted by Albert and Juliska Hols, for property at 4681 Sahtlam Estates Road. The application proposes to subdivide the property into two lots of greater than 1 ha (2.47 acres) and dedicate wetland and a trail corridor to CVRD for park.

## Rachelle Rondeau

### Ortho

The second part of the meeting tonight is to discuss a rezoning application for a property in Sahtlam.

It is currently 3 ha (about 7.5 acres) and the applicants have applied to rezone the property so they can subdivide the property.

Their plan is to downsize out of their current house and build a new home on the new proposed lot.

### Rezoning

The applicants are proposing a zone that allows a parcel size of a minimum 1 ha (2.5 acres) each. As well, they are proposing:

- To dedicate to the CVRD the portion of land where there is wetland;
- To dedicate a corridor for a trail along the south of the property;

Meanwhile, on the property is an auto repair shop that is not compliant with the home-based business regulations of the zoning bylaw. The applicants are seeking permission, through the rezoning process, to continue operating this business for several more years.

This has posed a challenge to the rezoning application, as the Board does not normally receive a request to approve something while non-compliant activity is occurring.

### OCP

The Official Community Plan has supportive policy about protection of wetlands and amphibian habitat around Wake Lake. Proposed dedication of the wetland is a positive point.

### Rezoning process

In general, when rezoning and OCP amendment applications are made, staff:

- Review the application and any supporting material;
- Conduct a site visit, and meet with the applicants and any other agencies;
- Prepare a report that is referred to the APC for the area – these are volunteers appointed by the director to provide advice and community input on applications;
- Refer the application to different agencies, including the BC Ministry of Transportation, Island Health, First Nations and other interested parties.

All information received is incorporated into a report for the Electoral Area Services Committee (EASC), which is comprised of Directors representing the nine unincorporated Electoral Areas of the Regional District. From there, a recommendation is forwarded to the Board for a final decision on land use applications. In this case, the Committee directed that a public meeting be held.

The intent is to discuss the rezoning application in general, and also discuss potential options that could address the non-compliant home-based business.

**File review**

As noted, the two main issues to date are:

- Preservation of the wetland; this is seen as a positive move.
- What to do with the auto repair.

Within the home-based business regulations, it is over the size limit and has more than the permitted one auto repair bay.

**Options**

The CVRD can consider a number of options; each of these has pros and cons associated with it.

For example, a site-specific zone would allow the current auto repair, but would also allow **ANY** auto repair there in the future.

Bev has touched on some of the policy options for temporary use permits and home-based business.

**CORRESPONDENCE**

The following items are attached to the Minutes as Exhibits:

- Correspondence from Rik Dinham (**EXHIBIT 2**)
- Correspondence from Lynn Ellison (**EXHIBIT 3**)

**Alicia**

Have there been any complaints about the auto business or has this only come up because of the rezoning application?

**Rachelle Rondeau**

There were no complaints. This has only come forward because of the rezoning application.

**Speaker**

He would likely be the neighbour most affected by this business, but has never had an issue with it. Considers the applicant to be responsible neighbours. We should encourage people like the Hols who provide employment.

Supports this business.

**Loren Duncan**

As a former director for this area (15 years), had never heard any negative comments regarding this business.

**Speaker**

Albert needs 2 bays to operate efficiently.

**Rachelle Rondeau**

Would people like to see more favourable home-based business regulations?

**John Steven**

Where does the precedent lay with the decision on this property?

**Rachelle Rondeau**

Everything is considered on a site-specific basis. Policies differ for each electoral area, and each property may differ within that electoral area as well. Once zoning is established on a parcel, it stays with the property, no matter who the owner is, until it is changed through a process such as this.

**Speaker**

Government should find a more flexible system that would allow the operation of a business to continue without creating something permanent. If there are no complaints then supports the application.

**Rachelle Rondeau**

Should the Board support decisions to rezone properties yet ignore existing uses that are clearly not permitted?

**Speaker**

Flexibility allows for strength. TUP's should be permitted for longer time frames.

**Rachelle Rondeau**

Concerns regarding changes to the time frame for a valid Temporary Use Permit (TUP) would need to be brought up with an MLA, as this is set out through provincial legislation.

- Paul Slade** Should be able to expand the use of TUPs. If the applicant's business cannot be expanded, there would be many unhappy folks. Supports the preservation of Wetlands and the rezoning of the property into 2 lots,
- Rachelle Rondeau** The reason we are discussing the two topics presented tonight (TUPs and Rezoning of Hols property) is because this is a real life situation. Since we are working on a new OCP for the area, we would like to get feedback on TUPs and home-based business policies.
- Loren Duncan** The applicant has been operating for a length of time. The *Local Government Act* says that the local authority does not have to enforce its bylaws. So far, there hasn't been a problem. The CVRD seems to be acting very rigidly even though the people here desire more flexibility. Leave the business alone and move on with the subdivision. If the business becomes a problem down the road, then deal with it.
- Rachelle Rondeau** We do have to be fair to other people who operate consistently with the zoning.
- Bev Suderman** The difference here is that Mr. Hols has operated for a length of time and there has been no enforcement; however, he is now asking the local government (CVRD) for a change in the zoning, which will be permanent change, so this should be carefully assessed. If the zoning goes through then the decision remains with the land. This is about procedure and fairness.
- Speaker** Asked what the minimum parcel size for R-2 zoning is.
- Rachelle Rondeau** Confirmed that the current zoning is R-2, which has a 5 acre minimum. The applicant has applied to rezone the subject property for subdivision into two 2 ½ acre lots.
- Speaker** Said that there has already been two instances where this was done (Wake Lake and the Gun Club). If the rezoning is successful for this property, then it should apply to everyone in the R-2 zone.
- Rachelle Rondeau** This would only apply to the applicant for this rezoning. Anyone can apply for rezoning to accommodate, for example, a change of land use or lot size.
- Speaker** Mr. Hols is well liked and provides a service to the community. What kind of message are we sending out if the applicant were viewed differently in the community? The precedent set by this process could lead to future processes that are unfair. If the current property is non-compliant and this is not resolved, and other exceptions are made, whether complaint driven or not, it could create a culture of unfair treatment depending on your popularity.
- Speaker** If the applicant weren't liked there would most likely have been complaints. If they wish to continue with their business, there needs to be respect for the neighbours.
- Speaker** At what point does the CVRD step in to manage risk. At what point can the CVRD step in with or without complaint.
- Mike Tippett** The zoning bylaw may state that a home-based business is allowed, however, because the CVRD does not have the authority to issue business licences, we do not necessarily know what businesses exist in an area. If business licencing were in place, it would be easier to check and regulate.

- Susan Kaufmann** Zoning is based on land use; it is not about the people. The applicants are well liked and provide a valuable service to the community; however, the CVRD must look at the land use and what is appropriate. There are clear definitions, and these center around keeping areas for residential use and commercial use separate. How do you make that distinction? How do we make sure we have the zones that we want protecting the areas in question? What are some of the concerns about a garage? Under the definition of home-based business, it does limit the size to one auto repair bay and one employee. You may ask, "Why were those restrictions put in place?"
- Mike Tippett** The bylaw in question was adopted in 1998. The idea at that time was most likely to keep the scale fairly low. Admits that it is logistically difficult to run a mechanical business with 1 bay. Other areas, such as Area F, has a slightly more relaxed rule on this type of business. Bev Suderman is trying to address these issues through the OCP review process. In this instance, Rachelle is looking for feedback on this site-specific application.
- Rachelle Rondeau** Would like to address the component of subdivision of this property into two 2½ acre minimum lots, and to address protection of the wetland.
- Clayton Frost** Supports the Hols application for rezoning and subdivision.
- Rachelle Rondeau** Reminded that this a Public Meeting and that input from this will be brought before the Electoral Area Directors for a decision on the next step to take concerning this application. If they decide to move forward with this application, then there will be another opportunity for the public to voice an opinion on this application.
- Speaker** If this rezoning is successful, and in the event that either this business is sold or the applicants decided to retire, would the business still be allowed to operate? Is concerned that future owners may not be as ethical in their practices as the Hols have been. Would the citizens have any recourse?
- Rachelle Rondeau** When there are no complaints, the CVRD will not enforce the activity in question. If the property is subdivided and the zoning stays the same with respect to auto repair as a home-based business, and rezoning of the property does not take place to allow outright auto repair, then the status quo prevails with the same size restrictions. If the business is too large to be classified as a home-based business, then a complaint could arise to precipitate enforcement action. If the property is rezoned to clearly allow auto repair, then it should be noted that there could be a certain level of discomfort associated with this as a permitted use. Bylaw enforcement action would not be considered if the complaint fell within the parameters of the permitted use.
- Mike Tippett** If site-specific zoning is approved to allow the business to continue, we could ask the owners to enter into a covenant with respect to hours of operation. Covenants remain with the property, therefore, certain aspects, i.e. hours of operation, might help with certain scenarios. There could also be general regulations with respect to the increased scope of this particular home-based business, such as increased noise and increased traffic. This may enable us to be aware and sensitive to the needs of the community in the event that issues arise with future owners of the property. We could review some of these details further into the process.
- Susan Kaufmann** If it were to be rezoned, what would the rezoning be?


- Rachelle** Since there is no existing residential zone that allows auto repair, a new zone would need to be created.
- Speaker** Concerned about the protection of frogs? If he were to apply for rezoning would the CVRD request some land for this type of wildlife protection?
- Bev Suderman** As part of the OCP review, the CVRD will be doing hydrogeological mapping and field ground truthing in Electoral Area E. We will have some wetlands and aquifer recharge areas mapped before going forward with and Environmental Policy for the OCP. There may be some help from the volunteers associated with the toad migration.
- Speaker** Concerned that he may have to donate a portion of his wetland should he wish to proceed with a rezoning.
- Speaker** Did the applicant have to donate the land?
- Rachelle Rondeau** No one is compelled to do so. The OCP has supportive policy for protecting amphibian habitat within 1000 metres of Wake Lake.  
The Hols have wetland that is in proximity to Wake Lake and policies in the plan enable the subdivision upon dedication of the wetland.
- Speaker** Are there other pieces of land in the area that are of the same size?
- Rachelle Rondeau** The lots sizes they are proposing are consistent with the neighbourhood.
- Speaker** The Hols' property would be larger if they were not donating the wetland.
- Rachelle Rondeau** Yes. There are regulations in the zoning bylaw that state that when you are subdividing your property that you must remove from the calculation of the lot sizes all streams and wetlands so that you are talking about 2½ acres of useable land, not stream.
- Loren Duncan** The policy of 1000 metres around Wake Lake states that lands may be considered for rezoning to RF-50/50 (Rural Residential/Forestry Conservation). We should be looking at that particular policy (RF 50/50) which would provide the justification for the subdivision and dedication of permanent wetlands.  
It is more important to deal with the subdivision under the RF-50/50 policy and not worry so much about the automotive/auto repair portion of this application.
- Randy Busch** Has known the applicant for 20 years and has had no issues with the automotive repair business. Considers this to be a small business. Supports the applicant.
- Mike Lees** Supports the application.
- Speaker** Nice to have a good mechanic in the room
- Speaker** Nice to have the convenience of a local repair shop in the neighbourhood.
- Speaker** Alberts request is reasonable. CVRD was flexible with division of 5 acre properties in Inwood Creek down to 2½ acres.
- Bev Suderman** Noted that the Inwood Creek properties are in the RF-50/50 zone that supports this type of subdivision.
- Speaker** Is this only about the rezoning?
- Rachelle Rondeau** The application being proposed was only for the rezoning to allow for subdivision.
- Speaker** Question about Temporary Use (TUP).
- Rachelle Rondeau** There is no Temporary Use Permit option.

- Speaker** There haven't been any complaints about the home-based business so there is no reason to deal with this.
- Rachelle Rondeau** Feedback from this meeting will be presented to the Electoral Area Directors.
- Speaker** Who, by show of hands [present in the room], is in favour of the rezoning?
- Rachelle Rondeau** Reminded that this application would also be brought forward to Public Hearing if it proceeds. This direction is decided at a meeting attended by the Electoral Area Directors.
- Rachelle Rondeau** The applicant has not been able to provide a solution to his dilemma. They would like to keep the automotive business. What they propose in their application is up to them. They could rezone the property to allow auto repair business as an allowable use, or have this use remain as a home-based business.  
Invited the applicant to speak.
- Albert Hols** Would like to keep business going for the community. Likes operating his own business but is also concerned, at his age, about his investment. His business is buffered from the road by a green barrier. Conscious about what goes into the ground. Doesn't want to impact the groundwater, so is careful to remove and clean up automotive fluids that could possibly contaminate his own or anyone else's well. Now that his family has left, there is no need for a large home. Would like to build something smaller and more suitable to his needs, yet still be able to employ his family in the shop.
- Speaker** Do you want it to keep it as a home-based business or do you want to rezone to commercial?
- Albert Hols** Hadn't thought about it becoming commercial for sale in the future. The plan, concerning the business, is to keep himself employed. Wants to keep it as a home business.
- Speaker** What about when you retire?
- Albert Hols** Will most likely back off on the workload as his son-in-law and Jordan, and part-time worker, Oliver. Will still own the business. When does one really retire?
- Speaker** How do you imagine the business when you are gone?
- Albert Hols** Had initially thought one of his sons would take over the business but that didn't happen.
- Speaker** If a new owner ran the business and created a problem, then it could be shut down.
- Albert Hols** If he did sell and the property remained the same (home-based business) then if there were any issues with the business that generated complaints, then it could be shut down.
- Speaker** It would appear that there is no neighbourhood objection to the application.
- Speaker** Since the applicant applied to rezone, does he now have to rezone to continue with the auto repair shop?
- Rachelle Rondeau** Reviewed the options. They don't have to rezone for the auto repair.
- Speaker** Realistically. Expand the use (bays) but not replace as commercial.

- Rachelle Rondeau** Option of expanding home-based business regulations will be through Bev Suderman's process of the broader OCP. If we had the option of Temporary Use Permits (TUPs) within the Plan, then the applicant could apply for a TUP, which would enable them to operate legally within the existing zoning on a temporary basis. Another option is to approve this application by approving the change in zoning to allow the smaller minimum lot size and ignore the business activity.  
A Public Hearing will be scheduled if direction is received from the Board to proceed with this application.
- Jim O'Donnell** Support Hols business. Doesn't necessarily agree with spot-zoning for auto repair in a residential neighbourhood, supports the status quo.
- Speaker** Is there a grandfather clause that could be revisited at time the Hols decide to sell their property?
- Rachelle Rondeau** Because this is tied to change of ownership, we have no control over this. We can't discriminate against people.
- Bev Suderman** Local Government authority relates to land use, but not landowners.
- Rachelle Rondeau** If Temporary Use were an option, the permit would be valid for a period of three years but could also be re-applied for upon expiry.
- Juliska Hols** What would the process be to apply for a TUP?
- Rachelle Rondeau** The existing OCP would need to be amended to enable Temporary Use Permits to permit businesses and special events.  
This is the reason for the first portion of this meeting which provided CVRD staff (Bev Suderman) with a case study to determine the possibility of Temporary Use Permits and Home Occupation policies for Area E.
- Speaker** Question about the business.
- Rachelle Rondeau** Home Occupation is a permitted use. Under Industrial or Commercial zone use it would include auto repair and body work etc.
- Allison Nicholson** Reminded all that you have one week to submit your written comments by email to [ds@cvrd.bc.ca](mailto:ds@cvrd.bc.ca)
- Adjournment** The meeting was adjourned at 9:20 p.m.



EXHIBIT 1



Cowichan Valley Regional District | 2017

Cowichan Koksilah Official Community Plan Review and Updating  
Policy regarding Temporary Use Permits and Home-Based Businesses  
Rezoning Application: 4681 Sahtlam Estates Road (Albert & Juliska Hols)

### Using the Clickers: Warm Up

2. OCP stands for:

- a. Official Community Plan
- b. Obsessive Compulsive Planning
- c. Oranges Carrots and Pumpkins

### Meeting Agenda

- Welcome and Introductions – Director Nicholson
- OCP Review Process – Planner Suderman
  - Temporary Use Permit Policy discussion
  - Home-Based Business Policy discussion
- Hols Application Discussion – Planner Rondeau
- Any other business?
- Adjournment

### Using the Clickers: Warm Up

3. Where do you live?

- a) Sahtlam
- b) Glenora
- c) Cowichan Station
- d) Elsewhere in Area E
- e) Elsewhere

### Using the Clickers: Warm Up

1. Did we have a lot of snow this winter?

- a) Yes
- b) No
- c) Just right

### Using the Clickers: Warm Up

4. Where do you fit?

- a) Less than 21 years of age
- b) Between 21 and 44 years of age
- c) Between 45 and 65 years of age
- d) Over 65 years of age
- e) Choose not to answer

## Using the Clickers: Warm Up

5. Are you on the OCP email notification list?

- Yes
- No
- Didn't know there was one

## OCP Review and Update

- Area E Official Community Plan, Bylaw 1490, adopted 1994 (23 years old) – 30 modifications
- OCP review began in 2014:
  - Plan Area Boundaries established
  - Technical background report
  - Community consultations
  - Agency and First Nations consultation
  - Policy research
- Project transition – 2016
- Goal for adoption – Spring 2018

## CVRD's Notify Me Service

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

## Sahtlam Local Area Plan

- Part of the OCP review/update process
- Sahtlam split between Electoral Areas E & F
- Issues:
  - Growth management and protecting rural character
  - Servicing
  - Noise and traffic
  - Aging in place
  - Need for community centre place
    - Local serving commercial area – similar to Glenora?
    - Multi-unit housing to permit aging in place?
- Stay tuned for more information soon!

METHOD	LIST NAME	DESCRIPTION
<input checked="" type="checkbox"/>	Agendas	Notify subscribers when a new meeting agenda is published
<input checked="" type="checkbox"/>	Area D - Community Conversation	The purpose of this list is to contact residents of upcoming meeting districts.
<input checked="" type="checkbox"/>	Area E OCP	Area E - Cowichan Kwikwiltzi OCP
<input checked="" type="checkbox"/>	Area F OCP	Subscribe to receive information about the Area F - Cowichan Local Community Plan review
<input checked="" type="checkbox"/>	Community Safety Advisory Commission	
<input checked="" type="checkbox"/>	Electoral Area E Community Parks & Trails	The CVRD is currently undertaking a Community Parks and Trails

## Temporary Use Permits

- Authorized by Local Government Act, Section 921
- Area E OCP Policy 15.1.2 – TUPs for special events only
  - Cowichan Valley Trap and Skeet Club
  - Rock of the Woods Music Festival
- Lots of variation within the CVRD:
  - Industrial uses (South Cowichan)
  - Forestry camps or value added activities (Area H)
  - Protection of environment and residential neighbourhoods from undue disturbance

### TUP – New policy direction

- Expand potential types of temporary uses (special events and various business opportunities)
- Strengthen policy framework (similar to TUP policy in Area D OCP)
  - Stronger environmental protection
  - Evaluation of impacts prior to renewal of permit
  - Limit number of TUP applications per parcel
  - Reversibility of impacts

### TUP Question 2

Should there be more flexibility in the types of Temporary Use Permits that can be issued?

- Yes
- No – they should stay the same – only for special events
- Don't believe TUPs should be permitted

### Pros and Cons

<p><b>Pros</b></p> <ul style="list-style-type: none"> <li>• Allow for special events</li> <li>• Testing new business opportunities</li> <li>• Flexibility for opportunities that cannot yet be imagined</li> </ul>	<p><b>Cons</b></p> <ul style="list-style-type: none"> <li>• Different uses than permitted by zoning</li> <li>• Can be divisive within communities</li> </ul>
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### TUP Question 3

For what purposes should TUPs be issued?

- Special events
- Commercial uses such as pet grooming, day care, retail, food service, camp grounds, offices
- Industrial uses such as sawmills, manufacturing
- Auto repair
- I don't believe TUPs should be issued

### TUP Question 1

Should Temporary Use Permits be enabled by the OCP?

- Yes
- No
- Maybe

### TUP Question 4

If the OCP will have a more flexible Temporary Use Permit policy, what do you think is the most important part of the decision-making process?

- Community/neighbourhood support
- Environmental protection
- Economic benefit
- Public interest
- All of the above

## TUP

- Any questions? Discussion?

## HBB – New Policy Direction

<p><b>Environmental Protection</b></p> <ul style="list-style-type: none"> <li>• No pollution impacts:             <ul style="list-style-type: none"> <li>• Dust or other air pollution</li> <li>• Noise</li> <li>• Light</li> <li>• Ground</li> <li>• Water</li> </ul> </li> <li>• Effective waste management</li> <li>• Vegetation screening</li> </ul>	<p><b>Community Character</b></p> <ul style="list-style-type: none"> <li>• Contained entirely within the home or an accessory building on the property</li> <li>• No exterior storage</li> <li>• Not more than 2 employees</li> <li>• All parking on the property</li> <li>• Very little traffic</li> <li>• Limited signage</li> </ul>
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## Home-Based Businesses (HBB)

- Also known as Home Occupations
- Lots of home-based businesses within Area E
- No OCP policy for Area E at this time
  - Regulated through zoning
- Key benefits: neighbourhood vibrancy; promote interactions by neighbours; “eyes on the street!”
- Key issue: When is a HBB too big for the residential neighbourhood? When should it move to a commercial or industrial area?

## HBB Question 1

Do you operate a home-based businesses in Area E?

- a) Yes
- b) No

## HBB – New Policy Direction

- Provide a policy framework (similar to HBB policy in Area D OCP)
- Objectives:
  - Support HBBs in residential areas, including B&Bs
  - Protect community/neighbourhood character
  - Environmental protection
- Definition: *A business use which is carried out on property which is primarily intended for residential use, either in the main residence or other buildings located on the property.*

## HBB Question 2

Do you personally do business at any home-based businesses in Area E?

- a) Yes
- b) No

### HBB Question 3

What appeals to you most about home-based businesses that you patronize?

- a) Can walk to them
- b) Offer cheaper or unique products
- c) Supporting my neighbours
- d) Keep my neighbours at home
- e) Other

### HBB Question 6

Do you think there should be size limits on HBBs?

- a) They should be small
- b) There should be no limit
- c) They should have increased setbacks from parcel lines
- d) They should not be permitted

### HBB Question 4

What are your greatest concerns about HBBs?

- a) Noise, especially evenings and weekends
- b) Smell
- c) Traffic
- d) Dust
- e) Other

### HBB

- Any questions? Discussion?

### HBB Question 5

Do you think there should be limits on the types of HBBs?

- a) Yes, the types of HBBs should be limited
- b) No, the more options the better
- c) They should not be permitted

### Thank you!

CHECKLIST

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- 



## 4681 Sahtlam Estates Road

## Rezoning Process

Submit application	
Planner File Review	• Policy Review, Site Visit, Property history, Limitations
APC and agency referrals	• Provides advice
EASC	• Proceed - Refer back to staff - Deny - Public Meeting
Regional Board	• Directs next steps
Bylaw Readings	• Draft bylaws are considered by Board
Public Hearing	• Formal public input process on application
Board – 3 <sup>rd</sup> reading, conditions	
Fourth reading/Adoption/Denial	• Board makes final decision

## Rezoning/OCP amendment

**Proposed Zone:**                      **Current Zone: R-2**

- 1 ha minimum lot size proposed
- Dedicate area of wetland on south/west adjacent to Dons Park
- Dedicate trail at south of property
- Remove area of streams/smaller wetland from area calculation
- Allow auto repair as a permitted use.

## File Review

- Ecological assessment report recommends protection of wetland;
- Size and number of auto repair bays exceeds home-based business regulations

## OCP – Suburban Residential

- Proposed Rural Residential/Forest Conversion
- Primary focus of the Rural Residential/Forest Conversion is protection of forestry lands for wildlife habitat and riparian ecology
- Land is not designated Forestry but is within 1000 km of Wake Lake
- Recognized for high quality amphibian habitat

## Options

- Allow auto repair through site specific zone;
- Deny application until auto repair use stops;
- Deny application altogether;
- Approve application;
- Expand home-based business regulations;
- Amend OCP to allow temporary use permits for auto repair or similar uses;

## Next Steps

- Consider community input (from this meeting);
- Report back to the Electoral Area Services Committee (Directors);
- Board determines course of action

## Questions?

Bev Suderman  
Planner III  
Community and Regional Planning Division  
[bsuderman@cprd.bc.ca](mailto:bsuderman@cprd.bc.ca)

Rachelle Rondeau  
Planner II  
Development Services Division  
[rrondeau@cprd.bc.ca](mailto:rrondeau@cprd.bc.ca)

## EXHIBIT 2

MARCH 13 2017

FOR:

ROB CONWAY  
C.V.R.D. PLANNING MANAGER

DEAR SIR

AS A THIRTY YEAR RESIDENT AND OWNER OF A PROPERTY IN THE NEIGHBORHOOD TO BE MOST AFFECTED BY THE HOLS FAMILY RE-ZONING APPLICATION (# 01-E-16R2) I WOULD LIKE TO EXPRESS MY UNRESERVED SUPPORT FOR THEIR APPLICATION.

VIRTUALLY ALL TRAFFIC TO AND FROM THEIR FAMILY BUSINESS MUST PASS ADJACENT TO MY PROPERTY AND IT HAS HAD NO ADVERSE AFFECT ON THE NEIGHBORHOOD. I HAVE NEVER BEEN INCONVENIENCED OR DISRUPTED BY ANY OTHER FACET OF THEIR OPERATION.

THEY HAVE BEEN RESPONSIBLE, CONSIDERATE NEIGHBORS WHO VISIBLY CONTRIBUTE BY PROVIDING A NEEDED SERVICE. IT BEHOOVES US ALL TO SUPPORT SUCH EXCELLENT CITIZEN SHIP.

THANK-YOU FOR CONSIDERING MY HEARTFELT SUPPORT FOR THEIR APPLICATION.

SINCERELY

R. Duncan (Rik Duncan)  
4680 COWICHAN LK RD.  
DUNCAN, B.C.  
V9L 6J2



## EXHIBIT 3

Mar. 13<sup>th</sup> 2014

FOR:

ROB CONROY.

C.V.R.D. PLANNING MANAGER,

DEAR SIR,

I AM A RESIDENT + NEIGHBOUR + HAVE BEEN FOR TEN YEARS. I AM IN FAVOR + IN SUPPORT OF THEIR ZONING APPLICATION (#01-E-16R2).

SINCERELY

Lynn Ellison  
4680 Cowichan Lk. Rd.

Duncan, BC.

V9L 6J2





# STAFF REPORT TO COMMITTEE

<b>DATE OF REPORT</b>	May 29, 2017
<b>MEETING TYPE &amp; DATE</b>	Electoral Area Services Committee Meeting of June 7, 2017
<b>FROM:</b>	Community & Regional Planning Division Land Use Services Department
<b>SUBJECT:</b>	Cowichan Lake Road End Water Zoning
<b>FILE:</b>	Cowichan Lake General

## PURPOSE/INTRODUCTION

The purpose of this report is to introduce two bylaws that would facilitate rezoning 30 metres of water surface into the Lake at every public road end from W-1 or W-4 to Water Conservancy (W-6) to prevent floating structures from being erected legally in such locations.

## RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That Zoning Amendment Bylaw Nos. 4059 and 4060 (Road End Water Zone) be considered for first and second readings;
2. That the proposed Amendment Bylaws, along with this staff report, be referred to Cowichan Tribes, Lake Cowichan First Nation, Ditidaht First Nation and the Town of Lake Cowichan for information only;
3. That a public hearing be waived in favour of public notice.

## BACKGROUND

A few years ago, the zoning of the water surface at Shawnigan Lake was altered in the vicinity of all public road ends, in order to render illegal any docks that people may construct and place there. This assists with bylaw enforcement and protects these public access points to the Lake.

In the course of discussing a bylaw enforcement matter in closed session late in 2016, the idea of making a similar amendment for Cowichan Lake was proposed. This report and the attached bylaws is the result.

The alterations to water surface zoning are advisable because the general zoning that applies to the entire lake surface permits docks (with very few exceptions). To render what is colloquially termed "squatter structures" illegal, the extension of the road end into the lake – in this case, 30 metres out from the high water mark – should be zoned such that docks are not permitted.

In both Electoral Areas F and I, the amendment bylaw does that by proposing Water Conservancy (W-6) for the 30 metres beyond HWM, only at the extension of road ends perpendicularly from the shoreline. The maps attached to each bylaw show the specific areas that would be in the W-6 Zone.

## ANALYSIS

Implementing this change would give bylaw enforcement staff additional ability to manage what can occasionally flare up as hot points in lakefront communities. This was mainly a problem previously at Shawnigan Lake, so enacting these bylaws would be a good preventative measure.

## Options:

1. 1. That Zoning Amendment Bylaw Nos. 4059 and 4060 (Road End Water Zone) be considered for first and second readings;
  2. That the proposed Amendment Bylaws, along with this staff report, be referred to Cowichan Tribes, Lake Cowichan First Nation, Ditidaht First Nation and the Town of Lake Cowichan for information only; and
  3. That a public hearing be waived in favour of public notice.
2. 1. That Zoning Amendment Bylaw Nos. 4059 and 4060 (Road End Water Zone) be considered for first and second readings;
  2. That the proposed bylaws be referred to Cowichan Tribes, Lake Cowichan First Nation, Ditidaht First Nation and the Town of Lake Cowichan for comment, and
  3. That a public hearing be held at least 45 days after the referral notices are sent out.

**FINANCIAL CONSIDERATIONS**

N/A

**COMMUNICATION CONSIDERATIONS**

Because the initiative is a conservation measure, staff is of the opinion that a public hearing is not required, and further, that the four referral agencies should simply be notified rather than consulted.

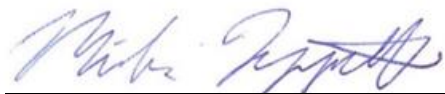
**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

“Responsive OCPs” – incremental improvement in implementing bylaws.

## 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*)
- Land Use Services (*Community & Regional Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

Prepared by:



Mike Tippett, MCIP, RPP  
Manager

Reviewed by:

Not Applicable  
Not Applicable



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

**ATTACHMENTS:**

Attachment A – Bylaw 4059 and Maps  
Attachment B – Bylaw 4060 and Maps



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. 4059**

**A Bylaw for the Purpose of Amending Electoral Area F Zoning Bylaw No. 2600  
Applicable to Electoral Area F – Cowichan Lake South/Skutz Falls**

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 4059 – Electoral Area F Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Road End Water Zone), 2017**".

2. **AMENDMENTS**

Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 is hereby amended in the following manner:

- a) Schedule A is amended by rezoning the surfaces of water shown outlined in a thick black line and labelled "W-1 to W-6" on the attached Schedules 1, 2 and 3 from Water Conservation 1 (W-1) Zone, to the Riparian Conservancy 6 (W-6) Zone.

3. **FORCE AND EFFECT**

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

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.

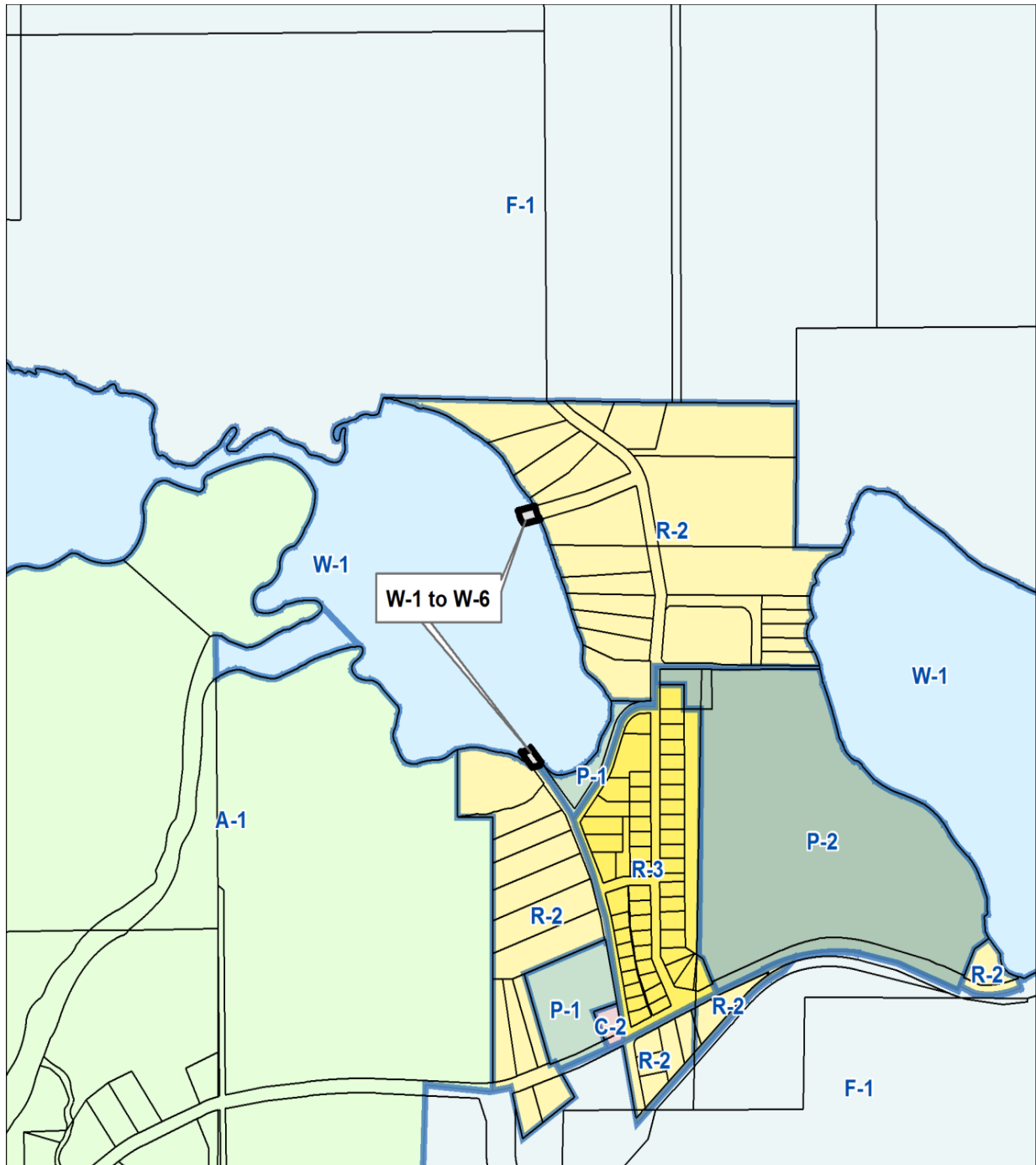
Chairperson

311 Corporate Secretary

PLAN NO.           Z-4059-1          

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. OF THE COWICHAN VALLEY REGIONAL DISTRICT**

          4059-1          



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

**Water Conservation 1 (W-1)** \_\_\_\_\_ **TO**

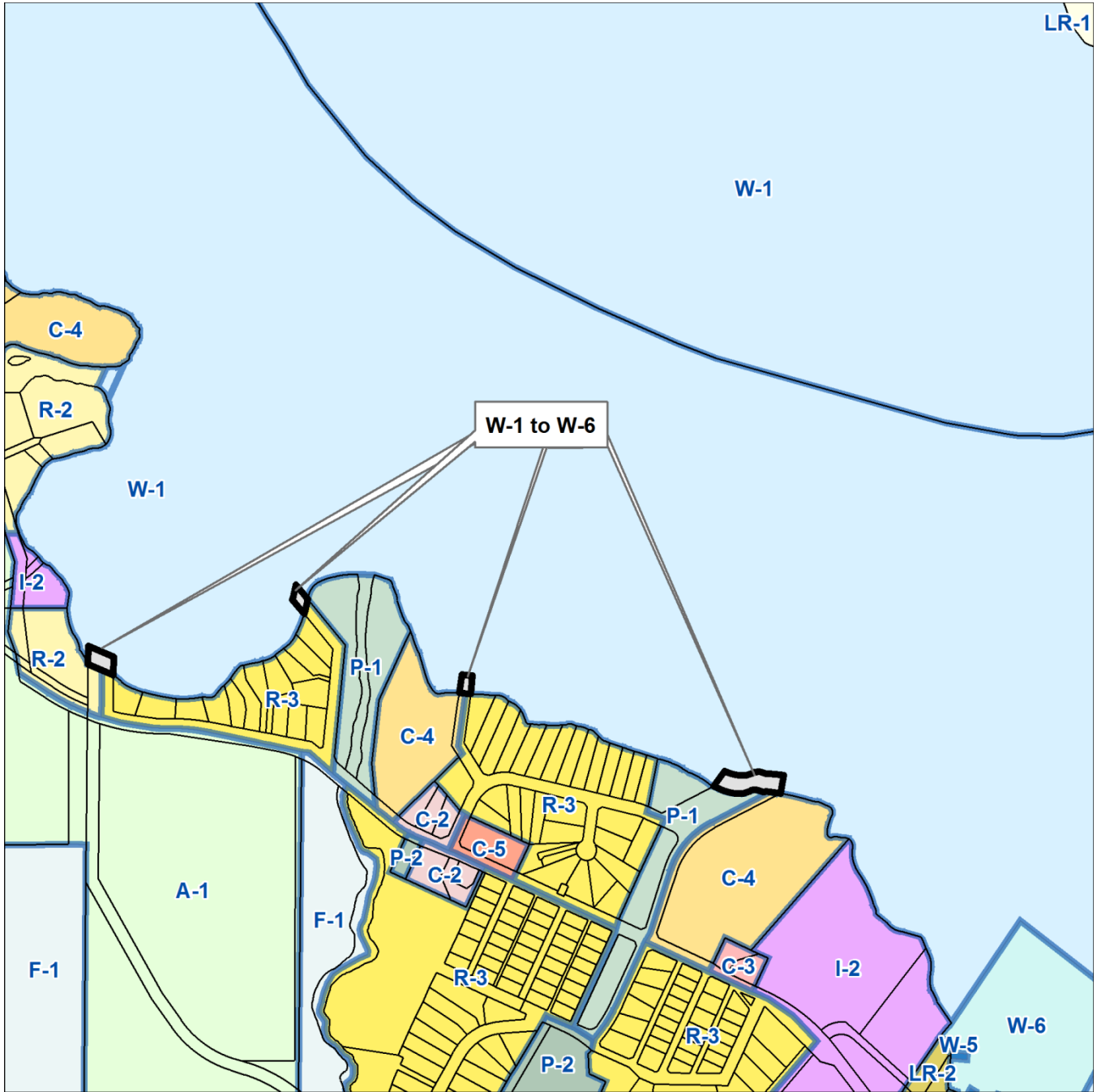
**Riparian Conservancy 6 (W-6)** \_\_\_\_\_ **APPLICABLE**

**TO ELECTORAL AREA   F**

PLAN NO.           Z-4059-2          

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. OF THE COWICHAN VALLEY REGIONAL DISTRICT**

          4059-2          



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

**Water Conservation 1 (W-1) TO**

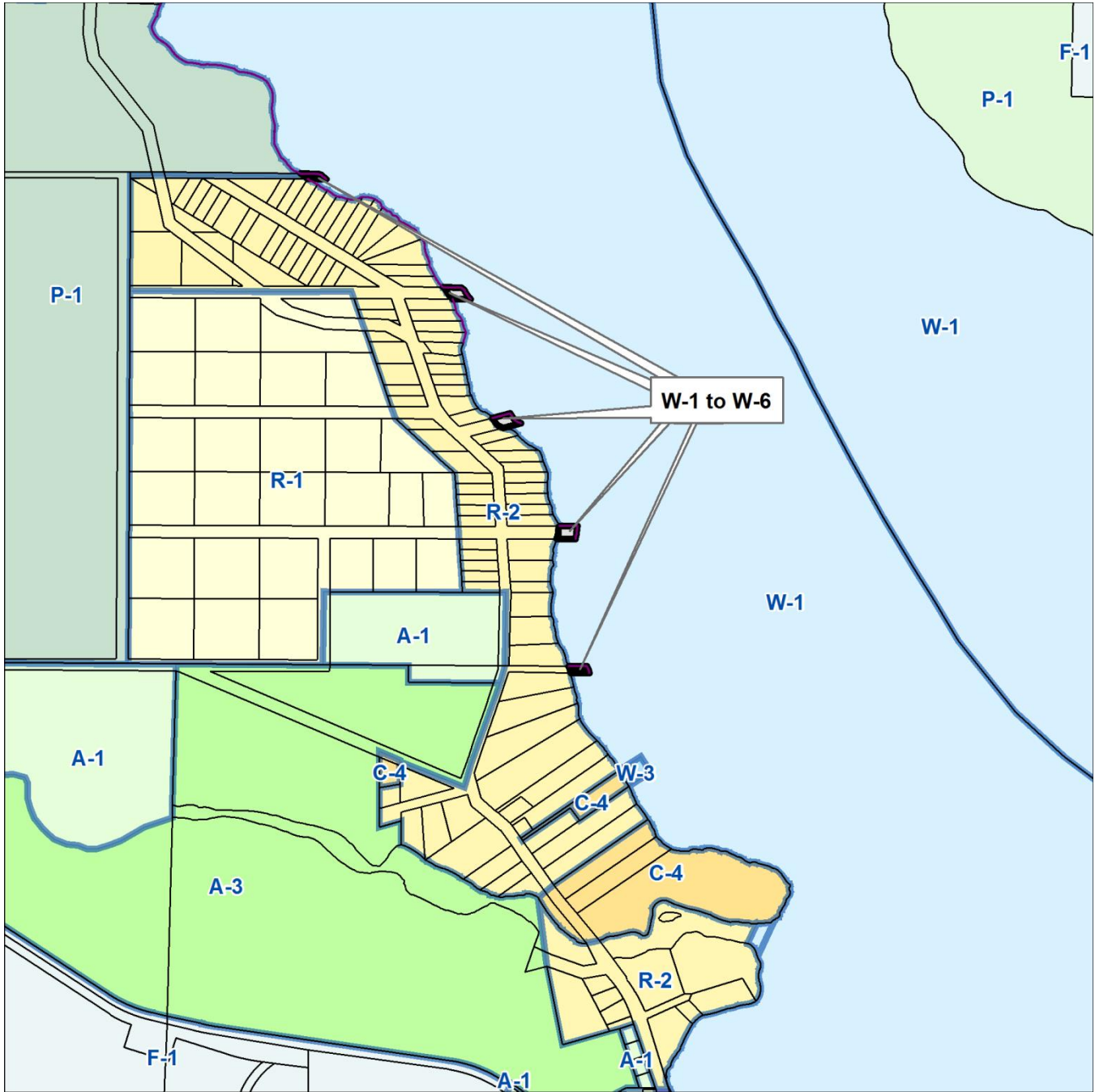
**Riparian Conservancy 6 (W-6) APPLICABLE**

**TO ELECTORAL AREA   F**

PLAN NO.           Z-4059-3          

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. OF THE COWICHAN VALLEY REGIONAL DISTRICT**

          4059-3          



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

**Water Conservation 1 (W-1) TO**

**Riparian Conservancy 6 (W-6) APPLICABLE**

**TO ELECTORAL AREA   F**





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4060

A Bylaw for the Purpose of Amending Electoral Area I Zoning Bylaw No. 2465
Applicable to Electoral Area I – Youbou/Meade Creek

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

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

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

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

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

1. CITATION

This bylaw shall be cited for all purposes as "CVRD Bylaw No. 4060 – Electoral Area I – Youbou/Meade Creek Zoning Amendment Bylaw (Road End Water Zone), 2017".

2. AMENDMENTS

Electoral Area I – Youbou/Meade Creek Zoning Bylaw No. 2465 is hereby amended in the following manner:

- a) Schedule A is amended by rezoning the surfaces of water shown outlined in a thick black line and labelled "W-1 to W-6" and "W-4 to W-6" on the attached Schedules 1, 2 and 3 from Water Conservation 1 (W-1) Zone and the Lakefront Recreational 4 (W-4) Zone, to the Riparian Conservancy 6 (W-6) Zone.

3. FORCE AND EFFECT

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

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.

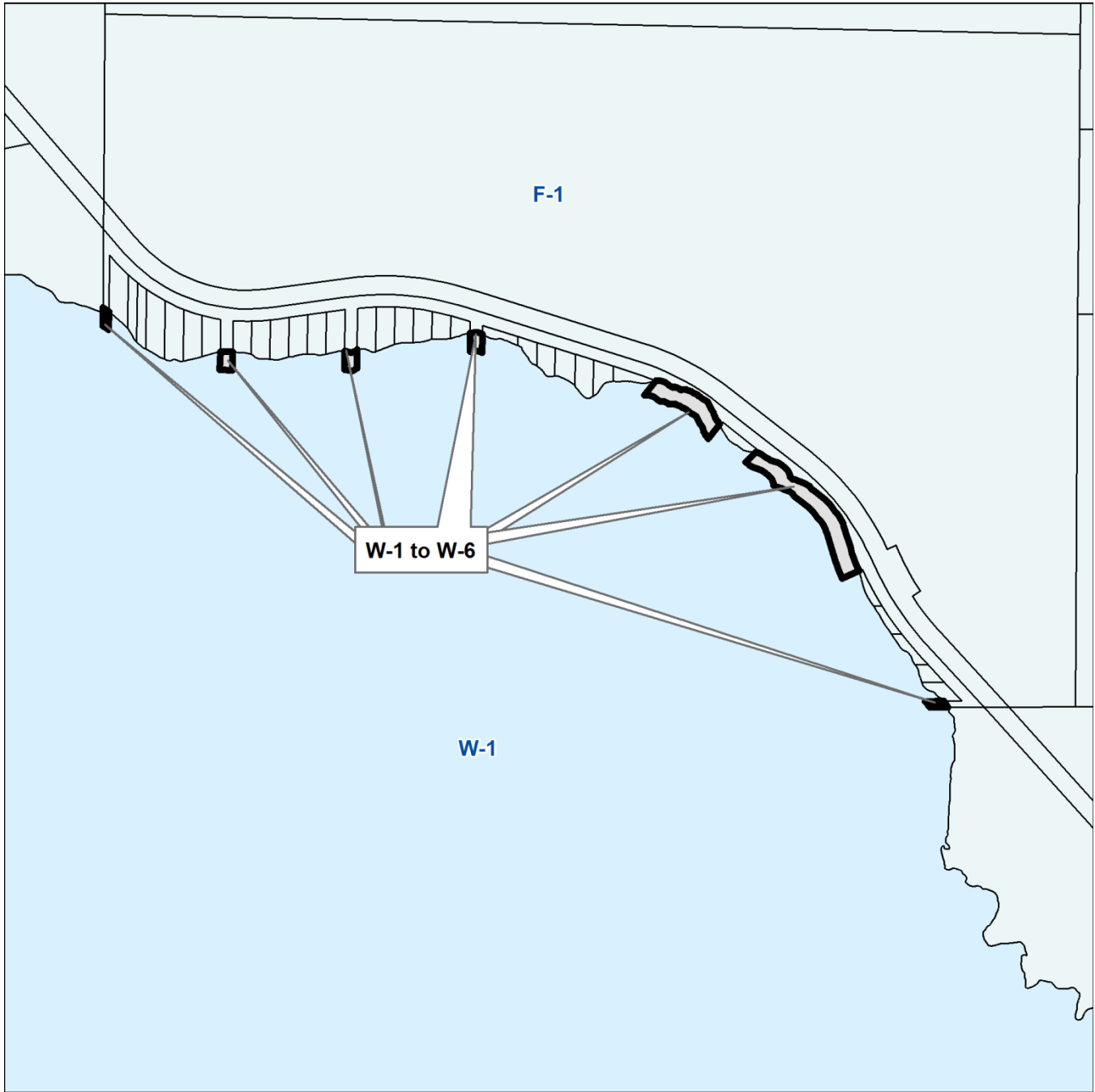
Chairperson

315 Corporate Secretary

PLAN NO.           Z-4060-1          

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO.  
OF THE COWICHAN VALLEY REGIONAL DISTRICT**

          4060-1          



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

          Water Conservation 1 (W-1)           TO

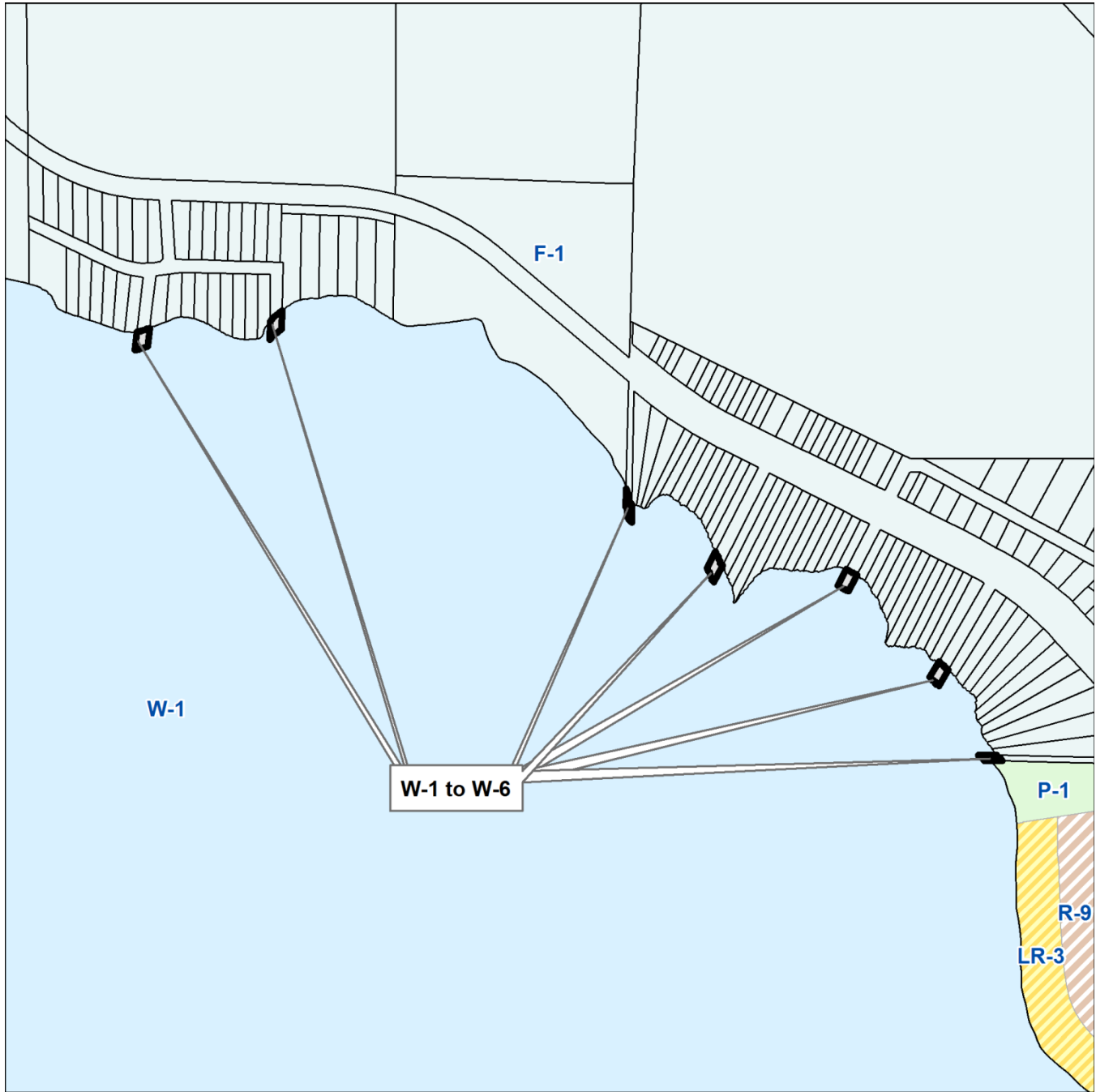
          Riparian Conservancy 6 (W-6)           APPLICABLE

TO ELECTORAL AREA   I

PLAN NO.           Z-4060-2          

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. OF THE COWICHAN VALLEY REGIONAL DISTRICT**

          4060-2          



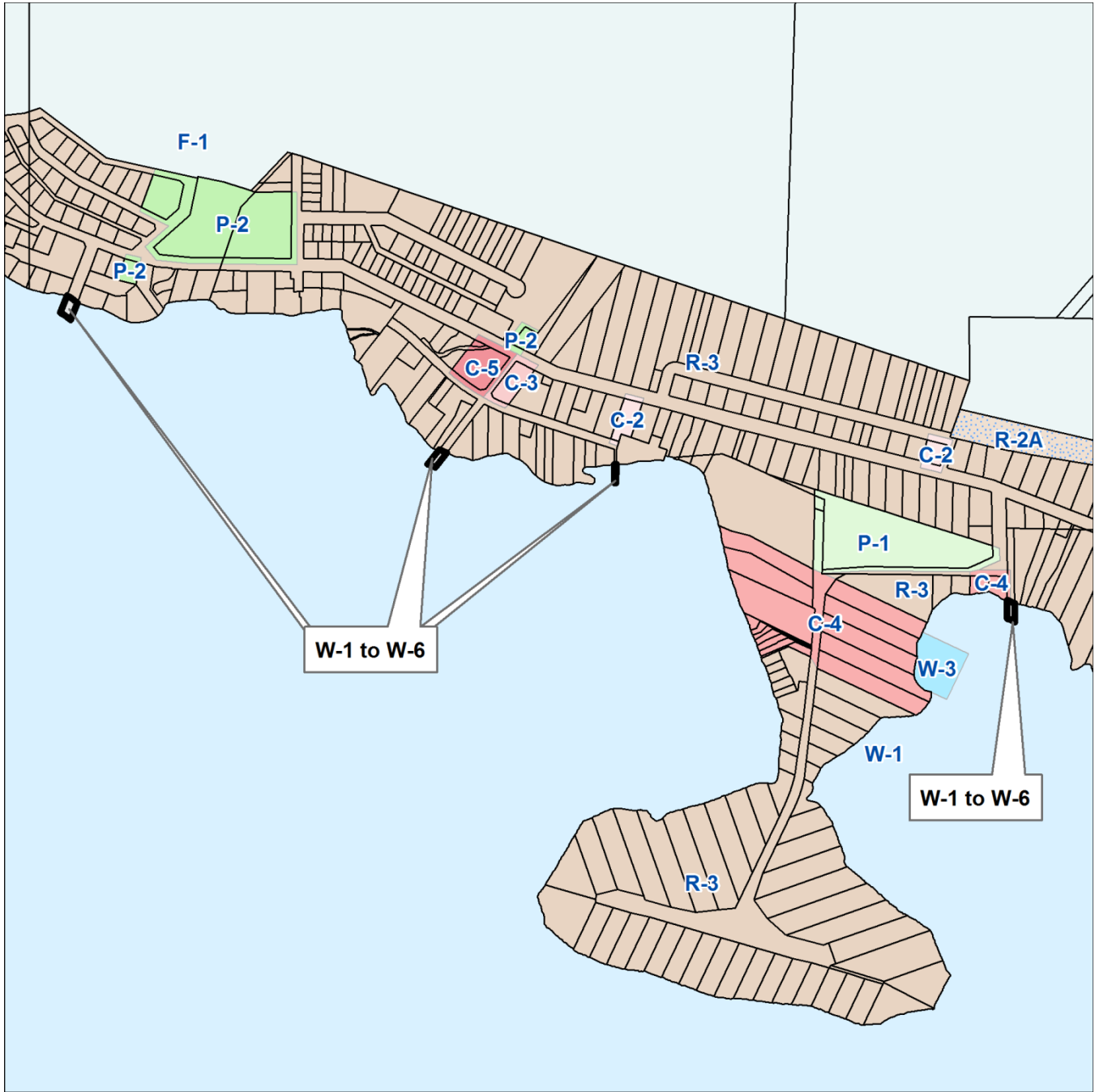
**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

          Water Conservation 1 (W-1)           **TO**  
          Riparian Conservancy 6 (W-6)           **APPLICABLE**  
**TO ELECTORAL AREA   I**

PLAN NO.           Z-4060-3          

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. OF THE COWICHAN VALLEY REGIONAL DISTRICT**

          4060-3          



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

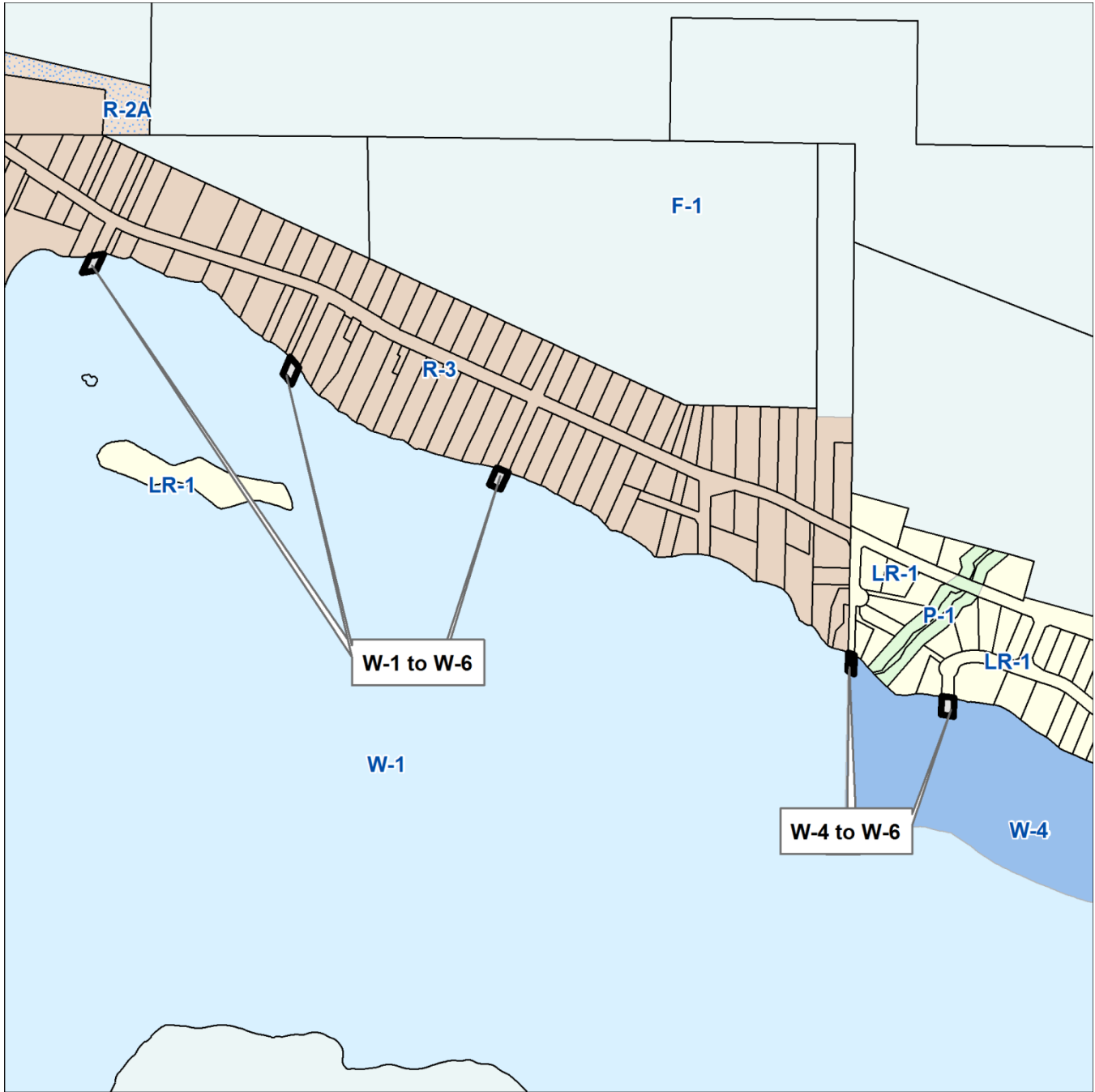
          Water Conservation 1 (W-1)           **TO**  
          Riparian Conservancy 6 (W-6)           **APPLICABLE**

**TO ELECTORAL AREA   I**

PLAN NO.           Z-4060-4          

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO.  
OF THE COWICHAN VALLEY REGIONAL DISTRICT**

          4060-4          



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

          Water Conservation 1 (W-1) and Lakefront Recreational 4 (W-4)           TO

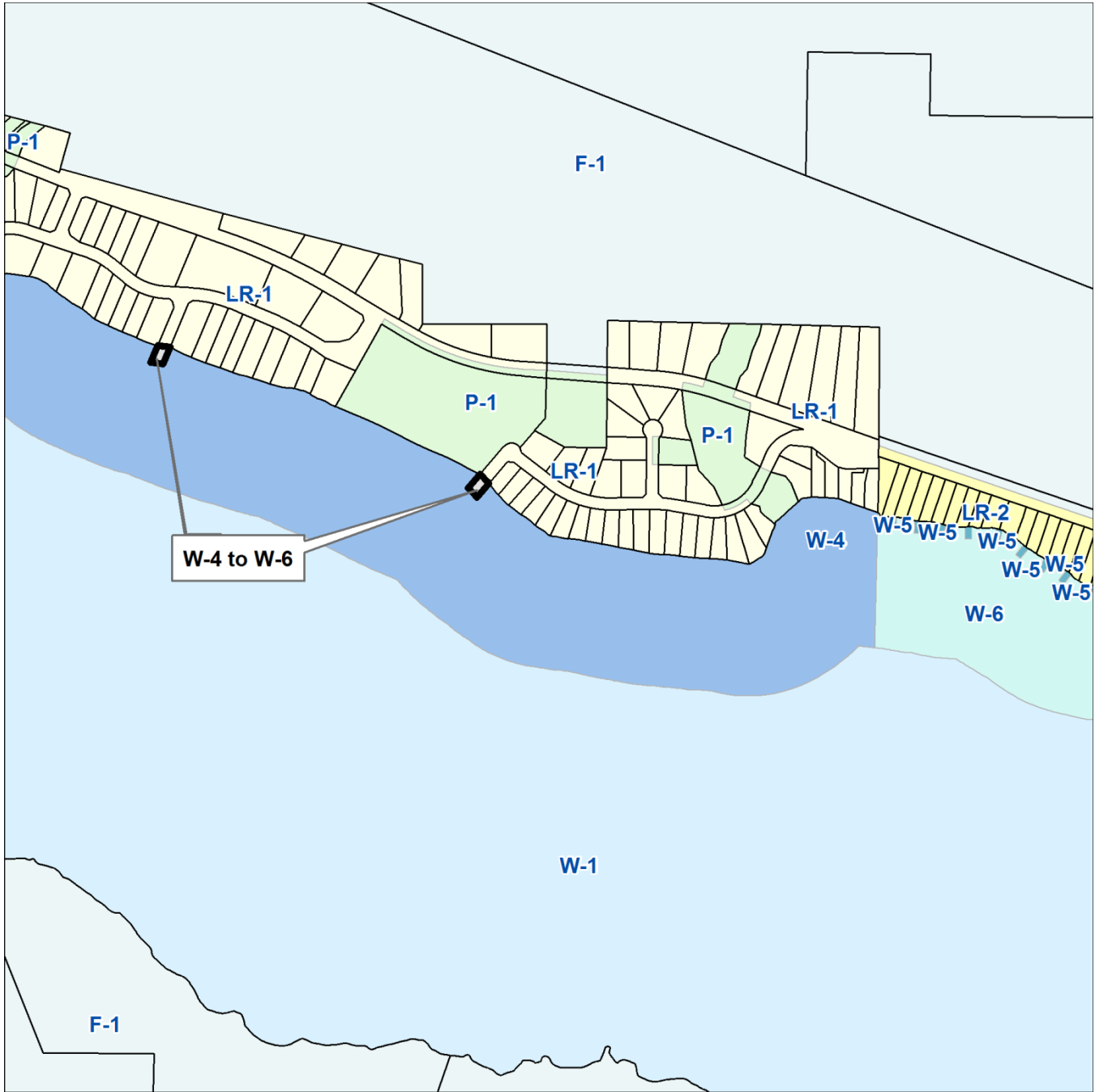
          Riparian Conservancy 6 (W-6)           APPLICABLE

TO ELECTORAL AREA   I

PLAN NO.           Z-4060-5          

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. OF THE COWICHAN VALLEY REGIONAL DISTRICT**

          4060-5          



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

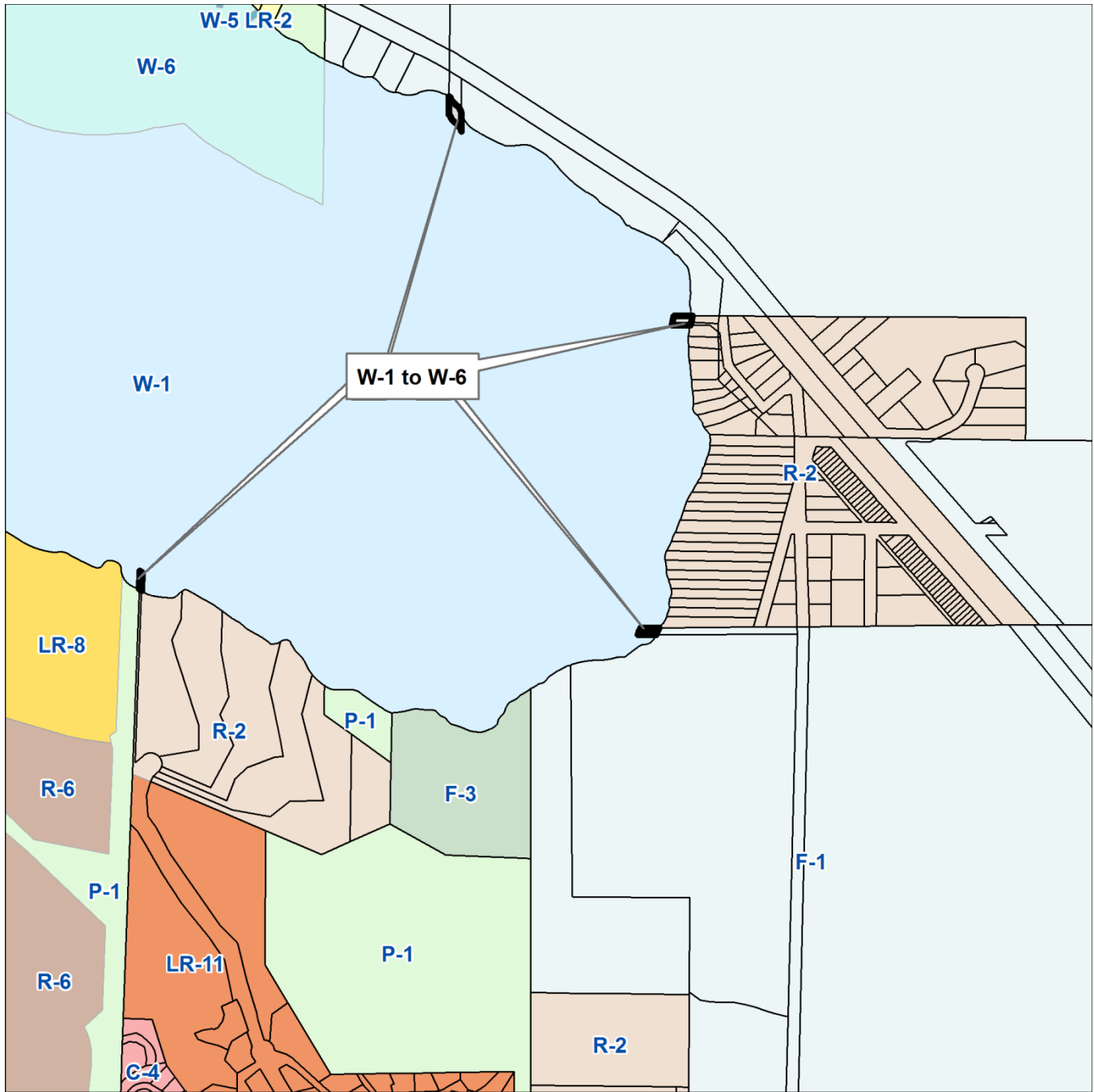
          Lakefront Recreational 4 (W-4)           **TO**  
          Riparian Conservancy 6 (W-6)           **APPLICABLE**

**TO ELECTORAL AREA   I**

PLAN NO.           Z-4060-6          

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. OF THE COWICHAN VALLEY REGIONAL DISTRICT**

          4060-6          



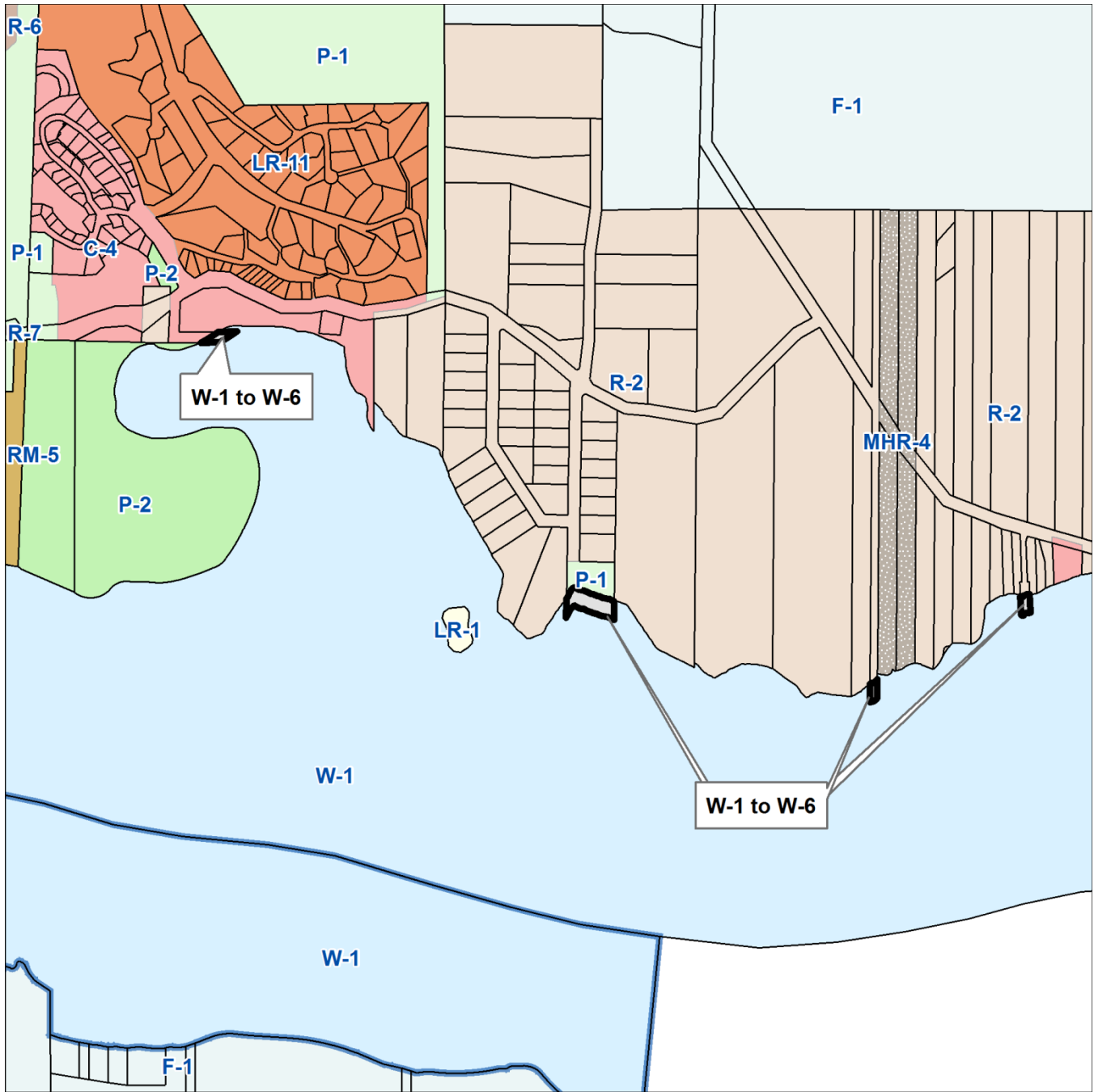
**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

          Water Conservation 1 (W-1)           **TO**  
          Riparian Conservancy 6 (W-6)           **APPLICABLE**  
**TO ELECTORAL AREA   I**

PLAN NO.           Z-4060-7          

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. OF THE COWICHAN VALLEY REGIONAL DISTRICT**

          4060-7          



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

          Water Conservation 1 (W-1)           **TO**  
          Riparian Conservancy 6 (W-6)           **APPLICABLE**

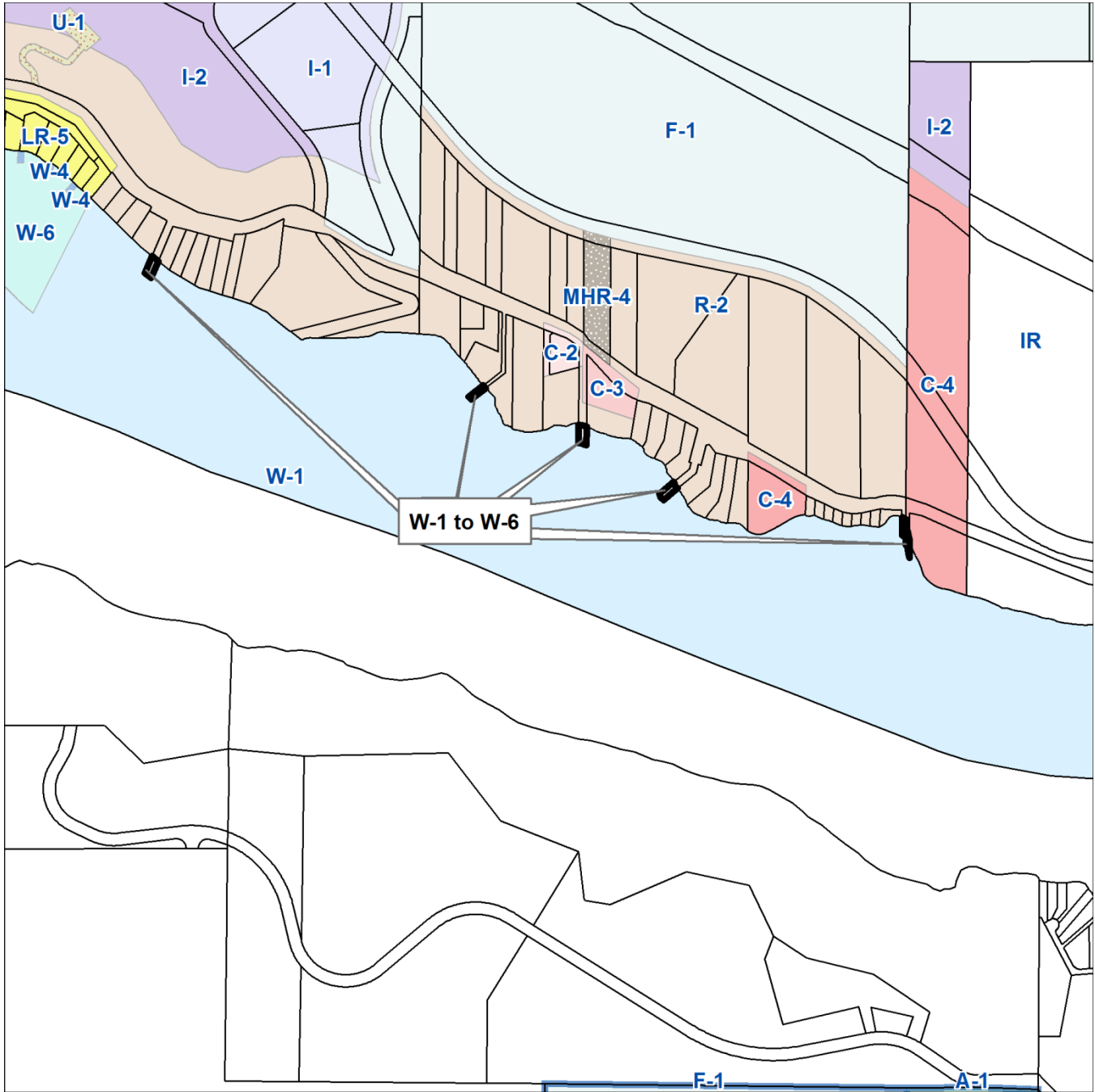
**TO ELECTORAL AREA   I**



PLAN NO.           Z-4060-8          

**SCHEDULE "A"    TO ZONING AMENDMENT BYLAW NO.  
                         OF THE COWICHAN VALLEY REGIONAL DISTRICT**

          4060-8          



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

          Water Conservation 1 (W-1)           **TO**  
          Riparian Conservancy 6 (W-6)           **APPLICABLE**  
**TO ELECTORAL AREA   I**





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** May 26, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 7, 2017

**FROM:** Community & Regional Planning Division  
Land Use Services Department

**SUBJECT:** Cowichan Valley Regional District Cannabis Bylaw Amendments

**FILE:** Zoning General

## PURPOSE/INTRODUCTION

The purpose of this report is to present to Committee for its consideration a series of zoning amendment bylaws intended to address the possibility of non-medical cannabis production, sales and related activities.

## RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That Zoning Amendment Bylaw Nos. 4118 through 4125 inclusive be considered for 1<sup>st</sup> and 2<sup>nd</sup> Readings;
2. That Zoning Amendment Bylaw Nos. 4118 through 4125 not be referred to any agencies; and
3. That a single Public Hearing be held in Duncan at the CVRD Board Room for Amendment Bylaw Nos. 4118 through 4125, with the Directors from Electoral Areas H, F and A delegated to attend on behalf of the Board.

## BACKGROUND

At the Committee meeting of March 15, 2017, a staff report was received by Committee with respect to the preparation of cannabis bylaws in anticipation of the legalization of this product at the Federal Government level. Staff proposed to prepare a series of zoning amendment bylaws that collectively would address this upcoming change in a fashion that would be respectful of communities. This approach would leave maximum flexibility in determining where cannabis related uses should be permitted in the future, by way of zoning amendment applications from those wanting to embark on a cannabis-related enterprise.

The language for the proposed bylaws was developed in conjunction with CVRD legal counsel.

This report also presents the amendment bylaws.

## ANALYSIS

The Government of Canada announcing that non-medical cannabis products would become legal before July 1, 2018. Local Governments in BC have received advice from legal counsel that if they wish to have any say in how this change will affect their communities, reviewing zoning rules is appropriate. The matters that could be regulated are whether or where the cannabis can be grown, sold and consumed on commercial premises.

When “medical marihuana” was introduced by federal regulation some years ago, CVRD zoning bylaws were amended to regulate where it can be grown. However, these special regulations only apply to “medical marihuana” and not to legalized cannabis. So upon the legalization of cannabis for non-medical use, none of these regulations will apply.

As it stands now, any zone that permits retail store would be permitted to have a cannabis retail

outlet. Further, no local government regulations deal with the prospect of “cannabis cafés”.

The terms and conditions under which cannabis sales, possession and consumption will be permitted are not clear at this time, however it is certain that the federal regulation will contain a role for each province to have some regulatory function. As this regime evolves over the coming year, it is prudent to propose a very conservative series of bylaw amendments to interdict cannabis-related activities in the electoral areas. This would remain in effect until such time as the new federal/provincial regime becomes clear, and then the Board could consider amending the bylaws again as each community decides what level and type of cannabis-related commercial activity is appropriate.

It is conceivable – but unlikely – that senior government rules will foreclose on local governments’ ability to regulate cannabis commercial activities. Unlike the “medical marihuana” file, there is no Charter of Rights and Freedoms argument that would over-rule local government authority in the case of commercial (non-medical) cannabis.

In the attached draft bylaws, staff and legal counsel aimed to continue to separate “medical marihuana” and “commercial cannabis” regulations. Although the nature of each electoral area bylaw amendment is somewhat different, the regulatory effect of each will be the same. Growing, selling and consuming cannabis on commercial premises would not be permitted anywhere in the applicable areas of the affected bylaws.

Since this is a matter of local interest only, staff opinion is that these amendments need not be referred to any agencies or partner municipalities.

With eight bylaws to be amended, and with the intended effect of each bylaw being identical, staff would recommend that a single public hearing be held in the CVRD Board Room for all these amendments.

#### Options:

1. 1. That Zoning Amendment Bylaw Nos. 4118 through 4125 inclusive be considered for 1<sup>st</sup> and 2<sup>nd</sup> Readings;
  2. That Zoning Amendment Bylaw Nos. 4118 through 4125 not be referred to any agencies; and
  3. That a single Public Hearing be held in Duncan at the CVRD Board Room for Amendment Bylaw Nos. 4118 through 4125, with the Directors from Electoral Areas H, F and A delegated to attend on behalf of the Board.
2. 1. That Zoning Amendment Bylaw Nos. 4118 through 4125 inclusive be considered for 1<sup>st</sup> and 2<sup>nd</sup> Readings;
  2. That Zoning Amendment Bylaw Nos. 4118 through 4125 not be referred to any agencies; and
  3. That a separate Public Hearing be held in each community, with the Directors of the affected Electoral Areas plus two others to be named at this time be delegated to attend on behalf of the Board.
3. 1. That Zoning Amendment Bylaw Nos. 4118 through 4125 inclusive be considered for 1<sup>st</sup> and 2<sup>nd</sup> Readings;
  2. That Zoning Amendment Bylaw Nos. 4118 through 4125 be referred to CVRD Municipal partners, all local First Nations, and adjacent Regional Districts; and
  3. That a single Public Hearing be held in Duncan at the CVRD Board Room at least 45 days after referral notices are sent out for all these Bylaws, with the Directors for Electoral Areas H, F and A to attend on behalf of the Board.

**FINANCIAL CONSIDERATIONS**

N/A

**COMMUNICATION CONSIDERATIONS**

Usual protocols to be followed.

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

Responsive Official Community Planning.

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*)
- Land Use Services (*Community & Regional Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

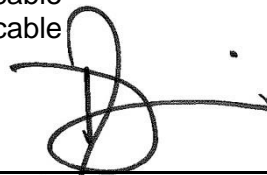
Prepared by:



Mike Tippett, MCIP, RPP  
Manager

Reviewed by:

Not Applicable  
Not Applicable



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

**ATTACHMENTS:**

- Attachment A – Bylaw 4118 - South Cowichan Zoning
- Attachment B – Bylaw 4119 - Area B Zoning
- Attachment C – Bylaw 4120 - Area D (Uplands) Zoning
- Attachment D – Bylaw 4121 - Area E Zoning
- Attachment E – Bylaw 4122 - Area F Zoning
- Attachment F – Bylaw 4123 - Area G Zoning
- Attachment G – Bylaw 4124 - Area H Zoning
- Attachment H – Bylaw 4125 - Area I Zoning



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. 4118**

**A Bylaw for the Purpose of Amending South Cowichan Zoning Bylaw No. 3520  
Applicable to Electoral Area A – Mill Bay/Malahat and Electoral Area C – Cobble Hill**

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

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area A – Mill Bay/Malahat and Electoral Area C – Cobble Hill, that being South Cowichan Zoning Bylaw No. 3520;

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 3520;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 4118 – South Cowichan Zoning Amendment Bylaw (Cannabis Regulations), 2017**".

2. **AMENDMENTS**

South Cowichan Zoning Bylaw No. 3520 is hereby amended in the following manner:

a) Section 3.1 is amended by deleting the definition of agriculture and replacing it with the following:

**“Agriculture”** means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis (commercial – non-medical) growing and processing;

b) Section 3.1 is amended by adding the following definitions in alphabetical order:

**“Cannabis”** means any plant of the genus *Cannabis*;

**“Cannabis products”** means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption;

**“Cannabis (commercial – non-medical) growing and processing”** means the commercial cultivation, harvesting, processing, packaging, storage or distribution of cannabis or cannabis products, but excludes:

- a. medical marihuana growing and processing, and
  - b. the growing of cannabis by an individual for their personal use and consumption;
- c) The following prohibited uses are added to Section 4.2.2:
- k. cannabis (commercial - non-medical) growing and processing;
  - l. retail or wholesale sale or distribution of cannabis or cannabis products;
  - m. the use of a building for the service to customers of cannabis or cannabis products for their on-site consumption.
- d) Section 4.23 is amended by deleting the clause:
- “except for Bamberton Light Industrial 1A and Light Industrial 1B;”
- and replacing it with the following:
- “except for lands that lie within the ALR;”
- e) Section 4.23 is further amended by replacing “*Marihuana for Medical Purposes Regulation*” with “*Access to Cannabis for Medical Purposes Regulations*”;
- f) The following is added after Section 4.24:

#### **4.25 Commercial Cannabis Regulations**

Where cannabis (commercial – non-medical) growing and processing is permitted in a zone, the use is subject to the following regulations:

- a. the commercial cannabis grower must be in possession of a valid cannabis growing license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
  - b. if the cannabis is grown out of doors, no part of the crop shall be located less than 30 metres from a parcel line;
  - c. if the cannabis is grown indoors, all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
  - d. no parcel used for cannabis (commercial – non-medical) growing and processing shall be located within 300 metres of a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone.
- g) Section 13.2.1 (I-1A Zone) is amended by adding the following as a permitted use, and relabeling all alphabetically subsequent permitted uses as appropriate:
- j. medical marihuana growing and processing.
- h) Section 13.3.1 (I-1B Zone) is amended by adding the following as a permitted use, and relabeling all alphabetically subsequent permitted uses as appropriate:
- j. medical marihuana growing and processing.

3. **FORCE AND EFFECT**

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





**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. 4119**

**A Bylaw for the Purpose of Amending Electoral Area B Zoning Bylaw No. 985  
Applicable to Electoral Area B – Shawnigan Lake**

---

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

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area B – Shawnigan Lake, that being Zoning Bylaw No. 985;

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 985;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 4119 – Electoral Area B – Shawnigan Lake Zoning Amendment Bylaw (Cannabis Regulations), 2017**".

2. **AMENDMENTS**

Electoral Area B Zoning Bylaw No. 985 is hereby amended in the following manner:

- a) Section 3.1 is amended by deleting the definition of agriculture and replacing it with the following:

**"Agriculture"** means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis (commercial – non-medical) growing and processing;

- b) Section 3.1 is further amended by adding the following definitions in alphabetical order:

**"Cannabis"** means any plant of the genus *Cannabis*;

**"Cannabis products"** means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption;

“**Cannabis (commercial – non-medical) growing and processing**” means the commercial cultivation, harvesting, processing, packaging, storage or distribution of cannabis or cannabis products, but excludes:

- a. medical marijuana growing and processing, and
  - b. the growing of cannabis by an individual for their personal use and consumption.
- c) The following is added after Section 4.6:  
The following uses are prohibited in all zones under this Bylaw, unless explicitly permitted elsewhere in this Bylaw:
- a. cannabis (commercial - non-medical) growing and processing;
  - b. retail or wholesale sale or distribution of cannabis or cannabis products;
  - c. the use of a building for the service to customers of cannabis or cannabis products for their on-site consumption.
- d) Section 5.21(a) is amended by adding the following to the end of the regulation:  
“and on lands that lie within the ALR;”
- e) Section 5.21(a) is further amended by replacing “*Medical for Medical Purposes Regulation*” with “*Access to Cannabis for Medical Purposes Regulations*”;
- f) The following is added after Section 5.25:

### **5.26 Commercial Cannabis Regulations**

Where cannabis (commercial – non-medical) growing and processing is permitted in a zone, the use is subject to the following regulations:

- a. the commercial cannabis grower must be in possession of a valid cannabis growing license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
- b. if the cannabis is grown out of doors, no part of the crop shall be located less than 30 metres from a parcel line;
- c. if the cannabis is grown indoors, all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
- d. no parcel used for cannabis (commercial – non-medical) growing and processing shall be located within 300 metres of a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone.

3. **FORCE AND EFFECT**

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

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



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. 4120**

**A Bylaw for the Purpose of Amending Electoral Area D Upland Zoning Bylaw No. 3705  
Applicable to a Specified Portion of Electoral Area D – Cowichan Bay**

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

**AND WHEREAS** the Regional District has adopted a zoning bylaw for non-marine areas of Electoral Area D – Cowichan Bay, that being Zoning Bylaw No. 3705;

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 3705;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 4120 – Electoral Area D – Cowichan Bay Upland Zoning Amendment Bylaw (Cannabis Regulations), 2017**".

2. **AMENDMENTS**

Electoral Area D – Cowichan Bay Upland Zoning Bylaw No. 3705 is hereby amended in the following manner:

a) Section 1.4 is amended by deleting the definition of agriculture and replacing it with the following:

**“Agriculture”** means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis (commercial – non-medical) growing and processing;

b) Section 1.4 is further amended by adding the following definitions in alphabetical order:

**“Cannabis”** means any plant of the genus *Cannabis*;

**“Cannabis products”** means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption;

.../2

**“Cannabis (commercial – non-medical) growing and processing”** means the commercial cultivation, harvesting, processing, packaging, storage or distribution of cannabis or cannabis products, but excludes:

- a. medical marihuana growing and processing, and
  - b. the growing of cannabis by an individual for their personal use and consumption.
- c) The following uses are added to Section 2.1.2 in alphabetical order, relabeling as required all other uses:
- q. Cannabis (commercial - non-medical) growing and processing;
  - r. Retail or wholesale sale or distribution of cannabis or cannabis products;
  - s. Use of a building for the service to customers of cannabis or cannabis products for their on-site consumption.
- d) Section 2.1.2 is further amended by deleting:

*“Medical marihuana processing pursuant to the Government of Canada’s Marihuana for Medical Purposes Regulation;*

and replacing it with the following:

*“Medical marihuana processing pursuant to the Government of Canada’s Access to Cannabis for Medical Purposes Regulations, except for lands that lie within the ALR;”*

- e) The following is added after Section 2.1.23:

#### **24. Commercial Cannabis Regulations**

Where cannabis (commercial – non-medical) growing and processing is permitted in a zone, the use is subject to the following regulations:

- a. the commercial cannabis grower must be in possession of a valid cannabis growing license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
- b. if the cannabis is grown out of doors, no part of the crop shall be located less than 30 metres from a parcel line;
- c. if the cannabis is grown indoors, all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
- d. no parcel used for cannabis (commercial – non-medical) growing and processing shall be located within 300 metres of a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone.

3. **FORCE AND EFFECT**

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

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



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. 4121**

**A Bylaw for the Purpose of Amending Electoral Area E Zoning Bylaw No. 1840  
Applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora**

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

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Zoning Bylaw No. 1840;

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 1840;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 4121 – Electoral Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Cannabis Regulations), 2017**".

2. **AMENDMENTS**

Electoral Area E - Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is hereby amended in the following manner:

a) Section 3.1 is amended by deleting the definition of agriculture and replacing it with the following:

**"Agriculture"** means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis (commercial – non-medical) growing and processing;

b) Section 3.1 is further amended by adding the following definitions in alphabetical order:

**"Cannabis"** means any plant of the genus *Cannabis*;

**"Cannabis products"** means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption;

.../2

**“Cannabis (commercial – non-medical) growing and processing”** means the commercial cultivation, harvesting, processing, packaging, storage or distribution of cannabis or cannabis products, but excludes:

- a. medical marijuana growing and processing, and
- b. the growing of cannabis by an individual for their personal use and consumption.

- c) Section 4.9 is amended by adding the following sentence at the end:

For additional clarity, among the prohibited uses are: cannabis (commercial - non-medical) growing and processing; retail or wholesale sale or distribution of cannabis or cannabis products; and use of a building for the service to customers of cannabis or cannabis products for their on-site consumption.

- d) Section 5.31(a) is amended by deleting:

“Medical marijuana processing pursuant to the Government of Canada’s *Marihuana for Medical Purposes Regulation* is prohibited on all parcels except for those parcels that are located in a zone where it is explicitly permitted;”

and replacing it with the following:

“Medical marijuana processing pursuant to the Government of Canada’s *Access to Cannabis for Medical Purposes Regulations* is prohibited on all parcels, except for those parcels that are located in a zone where it is explicitly permitted and parcels that lie within the ALR;”

- e) The following is added after Section 5.32:

#### 5.32. Commercial Cannabis Regulations

Where cannabis (commercial – non-medical) growing and processing is permitted in a zone, the use is subject to the following regulations:

- a. the commercial cannabis grower must be in possession of a valid cannabis growing license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
- b. if the cannabis is grown out of doors, no part of the crop shall be located less than 30 metres from a parcel line;
- c. if the cannabis is grown indoors, all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
- d. no parcel used for cannabis (commercial – non-medical) growing and processing shall be located within 300 metres of a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone.



3. **FORCE AND EFFECT**

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

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



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. 4122**

**A Bylaw for the Purpose of Amending Electoral Area F Zoning Bylaw No. 2600  
Applicable to Electoral Area F – Cowichan Lake South/Skutz Falls**

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 4122 – Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Cannabis Regulations), 2017**".

2. **AMENDMENTS**

Electoral Area F Zoning Bylaw No. 2600 is hereby amended in the following manner:

- a) Section 1.3 is amended by deleting the definition of agriculture and replacing it with the following:

**"Agriculture"** means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis (commercial – non-medical) growing and processing;

- b) Section 1.3 is further amended by adding the following definitions in alphabetical order:

**"Cannabis"** means any plant of the genus *Cannabis*;

**"Cannabis products"** means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption;

.../2

**“Cannabis (commercial – non-medical) growing and processing”** means the commercial cultivation, harvesting, processing, packaging, storage or distribution of cannabis or cannabis products, but excludes:

- a. medical marihuana growing and processing, and
  - b. the growing of cannabis by an individual for their personal use and consumption.
- c) Section 2.3.1 is amended by adding the following sentence at the end:

For additional clarity, among the prohibited uses are: cannabis (commercial - non-medical) growing and processing; retail or wholesale sale or distribution of cannabis or cannabis products; and use of a building for the service to customers of cannabis or cannabis products for their on-site consumption.

- d) Section 3.29(a) is amended by deleting:

“Medical marihuana processing pursuant to the Government of Canada’s *Marihuana for Medical Purposes Regulation* is prohibited on all parcels except for those parcels that are located in a zone where it is explicitly permitted;”

and replacing it with the following:

“Medical marihuana processing pursuant to the Government of Canada’s *Access to Cannabis for Medical Purposes Regulations* is prohibited on all parcels, except for those parcels that are located in a zone where it is explicitly permitted and parcels that lie within the ALR;”

- e) The following is added after Section 3.30:

### **3.31 Commercial Cannabis Regulations**

Where cannabis (commercial – non-medical) growing and processing is permitted in a zone, the use is subject to the following regulations:

- a. the commercial cannabis grower must be in possession of a valid cannabis growing license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
- b. if the cannabis is grown out of doors, no part of the crop shall be located less than 30 metres from a parcel line;
- c. if the cannabis is grown indoors, all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
- d. no parcel used for cannabis (commercial – non-medical) growing and processing shall be located within 300 metres of a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone.

3. **FORCE AND EFFECT**

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

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



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. 4123**

**A Bylaw for the Purpose of Amending Electoral Area G Zoning Bylaw No. 2524  
Applicable to Electoral Area G – Saltair/Gulf Islands**

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

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area G – Saltair/Gulf Islands, that being Zoning Bylaw No. 2524;

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 2524;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 4123 – Electoral Area G – Saltair/Gulf Islands Zoning Amendment Bylaw (Cannabis Regulations), 2017**".

2. **AMENDMENTS**

Electoral Area G – Saltair/Gulf Islands Zoning Bylaw No. 2524 is hereby amended in the following manner:

- a) Section 1.3 is amended by deleting the definition of agriculture and replacing it with the following:

**“Agriculture”** means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis (commercial – non-medical) growing and processing;

- b) Section 1.3 is further amended by adding the following definitions in alphabetical order:

**“Cannabis”** means any plant of the genus *Cannabis*;

**“Cannabis products”** means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption;

.../2

“**Cannabis (commercial – non-medical) growing and processing**” means the commercial cultivation, harvesting, processing, packaging, storage or distribution of cannabis or cannabis products, but excludes:

- a. medical marihuana growing and processing, and
- b. the growing of cannabis by an individual for their personal use and consumption;

c) The following is added after Section 3.31:

### **3.32 Prohibitions**

1. Any use not expressly permitted in this Bylaw is prohibited. For additional clarity, among the prohibited uses are: cannabis (commercial - non-medical) growing and processing; retail or wholesale sale or distribution of cannabis or cannabis products; and use of a building for the service to customers of cannabis or cannabis products for their on-site consumption.
2. Non-conforming uses of land, buildings and structures, as well as siting, size or dimensions of buildings and structures are governed by the provisions of the *Local Government Act*.

d) Section 3.30(a) is amended by deleting:

“Medical marihuana processing pursuant to the Government of Canada’s *Marihuana for Medical Purposes Regulation* is prohibited on all parcels except for those parcels that are located in a zone where it is explicitly permitted;”

and replacing it with the following:

“Medical marihuana processing pursuant to the Government of Canada’s *Access to Cannabis for Medical Purposes Regulations* is prohibited on all parcels, except for those parcels that are located in a zone where it is explicitly permitted and parcels that lie within the ALR;”

e) The following is added after Section 3.32:

### **3.33 Commercial Cannabis Regulations**

Where cannabis (commercial – non-medical) growing and processing is permitted in a zone, the use is subject to the following regulations:

- a. the commercial cannabis grower must be in possession of a valid cannabis growing license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
- b. if the cannabis is grown out of doors, no part of the crop shall be located less than 30 metres from a parcel line;
- c. if the cannabis is grown indoors, all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
- d. no parcel used for cannabis (commercial – non-medical) growing and processing shall be located within 300 metres of a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone.

3. **FORCE AND EFFECT**

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

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

\_\_\_\_\_  
Secretary



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4124

#### A Bylaw for the Purpose of Amending Electoral Area H Zoning Bylaw No. 1020 Applicable to Electoral Area H – North Oyster/Diamond

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

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area H – North Oyster/Diamond, that being Zoning Bylaw No. 1020;

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 1020;

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

#### 1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 4124 – Electoral Area H – North Oyster/Diamond Zoning Amendment Bylaw (Cannabis Regulations), 2017**".

#### 2. AMENDMENTS

Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020 is hereby amended in the following manner:

- a) Section 3.1 is amended by deleting the definition of agriculture and replacing it with the following:

**"Agriculture"** means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis (commercial – non-medical) growing and processing;

- b) Section 3.1 is further amended by adding the following definitions in alphabetical order:

**"Cannabis"** means any plant of the genus *Cannabis*;

**"Cannabis products"** means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption;

...2/



“**Cannabis (commercial – non-medical) growing and processing**” means the commercial cultivation, harvesting, processing, packaging, storage or distribution of cannabis or cannabis products, but excludes:

- a. medical marihuana growing and processing, and
  - b. the growing of cannabis by an individual for their personal use and consumption.
- c) The following is added after Section 4.6:

#### **4.7 Prohibitions**

1. Any use not expressly permitted in this Bylaw is prohibited. For additional clarity, among the prohibited uses are: cannabis (commercial - non-medical) growing and processing; retail or wholesale sale or distribution of cannabis or cannabis products; and use of a building for the service to customers of cannabis or cannabis products for their on-site consumption.
2. Non-conforming uses of land, buildings and structures, as well as siting, size or dimensions of buildings and structures are governed by the provisions of the *Local Government Act*.

- d) Section 5.23(a) is amended by deleting:

“Medical marihuana processing pursuant to the Government of Canada’s *Marihuana for Medical Purposes Regulation* is prohibited on all parcels except for those parcels that are located in a zone where it is explicitly permitted;”

and replacing it with the following:

“Medical marihuana processing pursuant to the Government of Canada’s *Access to Cannabis for Medical Purposes Regulations* is prohibited on all parcels, except for those parcels that are located in a zone where it is explicitly permitted and parcels that lie within the ALR;”

- e) The following is added after Section 5.25:

#### **5.26 Commercial Cannabis Regulations**

Where cannabis (commercial – non-medical) growing and processing is permitted in a zone, the use is subject to the following regulations:

- a. the commercial cannabis grower must be in possession of a valid cannabis growing license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
- b. if the cannabis is grown out of doors, no part of the crop shall be located less than 30 metres from a parcel line;
- c. if the cannabis is grown indoors, all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
- d. no parcel used for cannabis (commercial – non-medical) growing and processing shall be located within 300 metres of a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone.

.../3

3. **FORCE AND EFFECT**

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

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



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. 4125**

**A Bylaw for the Purpose of Amending Electoral Area I Zoning Bylaw No. 2465  
Applicable to Electoral Area I – Youbou/Meade Creek**

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 4125 – Electoral Area I – Youbou/Meade Creek Zoning Amendment Bylaw (Cannabis Regulations), 2017**".

2. **AMENDMENTS**

Electoral Area I – Youbou/Meade Creek Zoning Bylaw No. 2465 is hereby amended in the following manner:

a) Section 1.3 is amended by deleting the definition of agriculture and replacing it with the following:

**“Agriculture”** means growing, rearing, producing or harvesting agricultural crops or livestock and includes the processing on a parcel of the primary agricultural products harvested, reared or produced on that parcel and the use and storage of associated farm machinery, implements and agricultural supplies, but excludes cannabis (commercial – non-medical) growing and processing;

b) Section 1.3 is further amended by adding the following definitions in alphabetical order:

**“Cannabis”** means any plant of the genus *Cannabis*;

**“Cannabis products”** means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption;

**“Cannabis (commercial – non-medical) growing and processing”** means the commercial cultivation, harvesting, processing, packaging, storage or distribution of cannabis or cannabis products, but excludes:

- a. medical marihuana growing and processing, and
  - b. the growing of cannabis by an individual for their personal use and consumption;
- c) Section 2.3.1 is amended by adding the following at the end:

For additional clarity, among the prohibited uses are: cannabis (commercial - non-medical) growing and processing; retail or wholesale sale or distribution of cannabis or cannabis products; and use of a building for the service to customers of cannabis or cannabis products for their on-site consumption.

- d) Section 3.27(a) is amended by deleting:

“Medical marihuana processing pursuant to the Government of Canada’s *Marihuana for Medical Purposes Regulation* is prohibited on all parcels except for those parcels that are located in a zone where it is explicitly permitted;”

and replacing it with the following:

“Medical marihuana processing pursuant to the Government of Canada’s *Access to Cannabis for Medical Purposes Regulations* is prohibited on all parcels, except for those parcels that are located in a zone where it is explicitly permitted;”

- e) The following is added after Section 3.28:

### **3.29 Commercial Cannabis Regulations**

Where cannabis (commercial – non-medical) growing and processing is permitted in a zone, the use is subject to the following regulations:

- a. the commercial cannabis grower must be in possession of a valid cannabis growing license from the Government of Canada and be consistently operating in full conformity with all of the conditions of that license;
- b. if the cannabis is grown out of doors, no part of the crop shall be located less than 30 metres from a parcel line;
- c. if the cannabis is grown indoors, all buildings, structures or greenhouses used for that purpose shall be located not less than 30 metres from all parcel lines;
- d. no parcel used for cannabis (commercial – non-medical) growing and processing shall be located within 300 metres of a park, school, daycare, residential or rural residential zone, park zone, institutional zone, comprehensive zone or mixed use zone.

3. **FORCE AND EFFECT**

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

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





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** May 17, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 7, 2017

**FROM:** Water Management Division  
Engineering Services Department

**SUBJECT:** Twin Cedars Sewer System – 3541 Cobble Hill Road Request for Inclusion

**FILE:** 0540-20-EAS/05

## PURPOSE/INTRODUCTION

The purpose of this report is to bring forward a request for inclusion of a property into the Twin Cedars 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 Twin Cedars System service area be received.
2. That CVRD Bylaw No. 2871 – Twin Cedars Sewer System Service Establishment Bylaw, 2006 be amended to include the property described as PID 017-996-783, Lot 1, Section 12, Range 5, VIP 55417, Shawnigan District.
3. That the amendment bylaw be forwarded to the Board for consideration of three readings and upon payment of the connection fees, adoption.

## BACKGROUND

On March 27, 2017, the owners of the above noted property requested inclusion to the Twin Cedars Sewer Service Area and connection to this sewer system. The inclusion request includes a small fitness facility, clothing store, computer services shop and two offices. The intent is to hook up the existing property.

## ANALYSIS

The Planning and Development Department advises that every parcel of land within the Cobble Hill village area is eligible under the Official Community Plan for connection to the community sewer system. This property falls in this category.

The pressure sewer system fronts this property on Garland Avenue. To join this property to the Twin Cedars Sewer System the owner will be required to pay for the construction of a sewer connection from the property frontage to the pressure main and complete all onsite works required to disconnect their septic system and connect to the pressure system.

## FINANCIAL CONSIDERATIONS

For properties located outside of the Twin Cedars Sewer 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. All costs for a sewer service connection are the responsibility of the property owners.

For properties inside the service area, development or subdivision includes a \$10,000 capital

connection fee, a \$3,500 connection fee, and all costs to physically connect to the sewer system. Staff recommend that these fees be levied. Estimated sewage flows from this facility can be considered equivalent to a single-family dwelling, including 5-7 staff. This would equate to one sewer unit.

Each new user brought into the water service area will generate annual user fees and a parcel tax. For 3541 Cobble Hill Road, based on the schedule in the management bylaw, the user fees have been calculated to be \$392 gravity sewer connection or (\$333.20 STEP - Septic Tank Effluent Pumped) per year with a parcel tax of \$657 per year. This lot will connect via STEP.

#### 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:

- 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:



Vanessa Thomson, EIT  
Engineering Technologist II

Reviewed by:



Brian Dennison, P. Eng.  
Manager



Hamid Hatami, P. Eng.  
General Manager

#### ATTACHMENTS:

- Attachment A – Certificate of Sufficiency
- Attachment B – Map of Area
- Attachment C – Inclusion Request





BYLAW TRACKING FORM - SERVICES

Name: Vanessa Thomson Division: Engineering Contact No.: 2535

SECTION 1 - Subject Bylaw(s)

- Service Establishment Name: Twin Cedars Sewer System Est. Bylaw
- Service Amendment Establishment Bylaw No.: 2871
- Parcel Tax Roll Service Establishment Bylaw No. \_\_\_\_\_
- Capital Reserve Fund Service Establishment Bylaw No. \_\_\_\_\_
- Management (Fees & Charges) Service Establishment Bylaw No. \_\_\_\_\_
- Security Issuing (Short Term) Loan Authorization Bylaw No. \_\_\_\_\_
- Other \_\_\_\_\_

SECTION 2 - Required Approval(s)

- |  |  |  |
|--|--|--|
| Finance (Budget & 5-Year Financial copy attached): | <input type="checkbox"/> Not required            | <input type="checkbox"/> Approved - Date: _____                      |
| Board (Pre-approval):                              | <input type="checkbox"/> Not required            | <input type="checkbox"/> Approved - Date: _____                      |
| Province (Minister or Inspector):                  | <input type="checkbox"/> Not required            | <input type="checkbox"/> Approved - Date: _____                      |
| Elector Approval: (By Petition)                    | <input type="checkbox"/> Not required            | <input checked="" type="checkbox"/> Approved - Date: <u>May 3/17</u> |
| Elector Approval: (By AAP)                         | <input checked="" type="checkbox"/> Not required | <input type="checkbox"/> Approved - Date: _____                      |
| Elector Approval: (EA Director)                    | <input type="checkbox"/> Not required            | <input type="checkbox"/> Approved - Date: _____                      |
| Other: _____                                       | <input type="checkbox"/> Not required            | <input type="checkbox"/> Approved - Date: _____                      |

SECTION 3 - Condition(s)

Describe or attach list of conditions prior to consideration of Adoption: \_\_\_\_\_

Connection fees required prior to adoption

Conditions fulfilled:  Yes  No Date: \_\_\_\_\_

SECTION 4 - Action Requested

- Staff Report: Meeting Type: Committee / Board Meeting Date: May 17, 2017
- First Reading  Second Reading  Third Reading Date: \_\_\_\_\_
- Adoption Meeting Date: \_\_\_\_\_  Mapping Approved  Attached

SECTION 5 - Comments

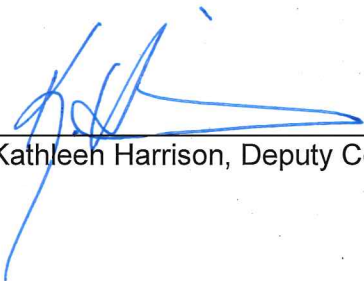
Provincial approval not required  
-Certificate attached - May 3rd



**CERTIFICATE OF SUFFICIENCY**

I hereby certify that the petition for inclusion in the *Twin Cedars Sewer System Service Area* within a portion of Electoral Area C – Cobble Hill is sufficient, pursuant to section 797.4 of the *Local Government Act*.

DATED at Duncan, British Columbia )  
this 3<sup>rd</sup> day of May 2017 )  
)  
)

  
\_\_\_\_\_  
Kathleen Harrison, Deputy Corporate Secretary

Twin Cedars Sewer System Service Area

Total Number of Parcels requesting inclusion in Service Area: (PID: 017-996-783)	1
Net Taxable Value of All Land and Improvements of Parcels requesting inclusion in the Service Area:	\$414,800
Number of Petitions received:	1
Net Taxable Value of Petitions received (Land and Improvements):	\$414,800



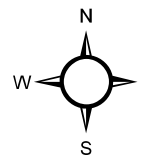
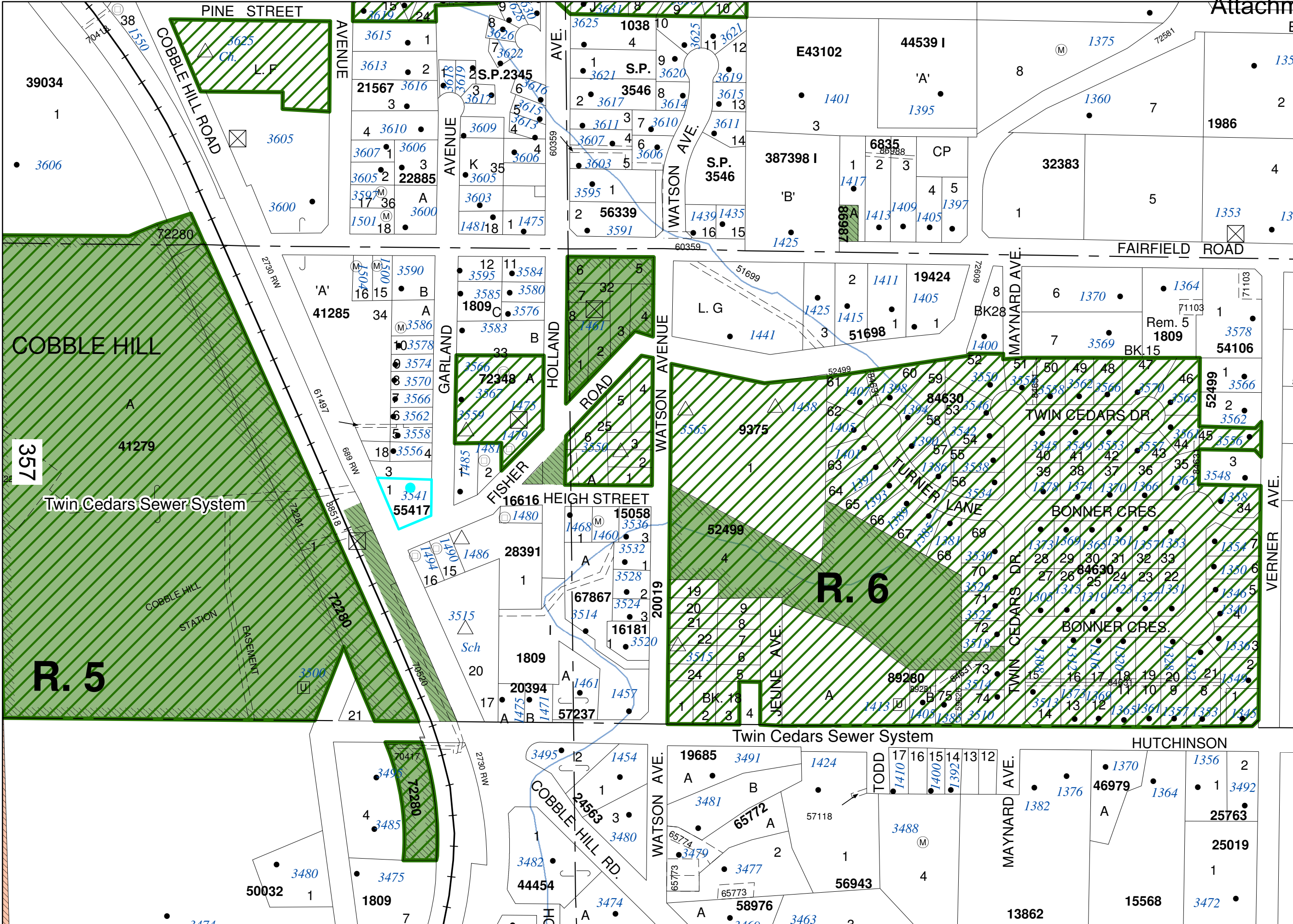
This map is compiled from various sources for internal use and is designed for reference purposes only.

The Regional District does not warrant the accuracy.

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

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

Printed: May 15, 2017



R9

Scale: 1:3,000

**Vanessa Thomson**

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**From:** Nick Yaremchuk <nick@islandcomputerservices.ca>  
**Sent:** Monday, March 27, 2017 8:45 AM  
**To:** Brian Dennison  
**Cc:** Vanessa Thomson  
**Subject:** Request for Inclusion in Twin Cedars Sewer System

Attn:  
Mr. Brian Dennison,  
Manager of Water Management,  
Water Management Division  
Cowichan Valley Regional District,  
Duncan, BC

With Regards to the property:  
Admin Area: C  
Lot: 1 Plan: VIP VIP55417  
Blk: Sec: 12 Rng: 5 District Lot:  
SHAWNIGAN DISTRICT  
Street Address: 3541 Cobble Hill Road

Mr. Dennison,

Thank you for your attention to my earlier enquiry, through Ms. Vanessa Thomson, about my property at 3541 Cobble Hill Road.

I am writing to request inclusion in the Twin Cedars Sewer System. I am requesting a petition to the board for my property to be connected to the sewer system.

I am aware of the responsibilities and approximate costs that this project will require, and I am willing and able to make those investments in the property, including the construction deposit.

If you require any further information from me, please let me know and I will reply promptly.

Thank you,  
Nicholas Yaremchuk  
250-701-1067



## **DIRECTORS REPORT**

**DATE OF MEMORANDUM:** 5/29/2017

**To:** Electoral Area Services Committee  
of June 7, 2017

**FROM:** Matteus Clement, Director, Electoral Area C, Cobble Hill

**SUBJECT:** Balme Ayr Gravel Pit – Cobble Hill

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### **PURPOSE / INTRODUCTION**

Upon the final decision by the courts that the Agricultural Land Reserve (ALR) and Cowichan Valley Regional District (CVRD) were sound in their decision around the Balme farm gravel proposal, surrounding residents are concerned about their health from dust, their businesses and their water supply with the mine activities moving forward.

### **RECOMMENDATION**

1. That a report be prepared detailing the regional district's regulatory authority regarding gravel mines, the Agricultural Land Reserve and industrial activities; and
2. That Ministry Staff be invited to attend an Electoral Area Services Committee meeting to provide an overview of health regulations and protection of farmland in areas adjacent to gravel mines.

### **ANALYSIS**

Many gravel mines exist in the valley but the Balme Ayr Mine is in close proximity to residents, small farms and is also near the main well for the Cowichan Bay Water Improvement District, which provides water for hundreds of people.

### **FINANCIAL CONSIDERATIONS**

N/A

### **COMMUNICATION CONSIDERATIONS**

N/A

### **STRATEGIC PLAN CONSIDERATIONS**

Section 2.3 - Identify gaps in current enforcement powers.





## **DIRECTORS REPORT**

**DATE OF MEMORANDUM:** 5/31/2017

**To:** Electoral Area Services Committee  
of June 7, 2017

**FROM:** Matteus Clement, Director, Electoral Area C, Cobble Hill

**SUBJECT:** Accessory Dwelling Units as a Permitted Use in the A-1 Zone

### **PURPOSE/INTRODUCTION**

To consider a CVRD initiated amendment to South Cowichan Zoning Bylaw No. 3520 to include Accessory Dwelling Units as a permitted use in the A-1 Zone.

### **RECOMMENDED RESOLUTION**

That bylaws to amend South Cowichan Zoning Bylaw No. 3520 to include Accessory Dwelling Units as a permitted use in the A-1 Zone be drafted and forwarded to the Board for first and second reading.

### **BACKGROUND**

The South Cowichan Official Community Plan generally allows “accessory dwelling units” in un-serviced rural areas on parcels one hectare or larger. An accessory dwelling unit is a detached second dwelling with a maximum floor area of 85 square metres. The exception to this is the A-1 Zone, where a “secondary suite” (attached suite) is permitted but not an accessory dwelling unit.

Accessory dwelling units were removed from the A-1 Zone when the South Cowichan Zoning Bylaw was adopted in 2013. The preceding zoning bylaws for Electoral Areas A and C had allowed them, subject to Agricultural Land Commission approval.

Several property owners have contacted me asking about the ability to have secondary suites on their farmland.

### **ANALYSIS**

The removal of Accessory Dwelling Units from the A-1 Zone was most likely an effort to protect farmland. While this is understandable, most impacts associated with accessory dwelling units could be addressed by limiting the dwelling footprint and by siting the second dwelling appropriately. There are agricultural protection development permit guidelines in the South Cowichan Official Community Plan and the development permit process can be used to protect productive farm land.

### **FINANCIAL CONSIDERATIONS**

N/A

### **COMMUNICATIONS CONSIDERATIONS**

The public would have an opportunity to comment on the amendment bylaws at a public hearing.

### **STRATEGIC PLAN CONSIDERATIONS**

N/A







DATE: Tuesday, May 23, 2017

TIME: 19:00-21:00

**MINUTES** of the Electoral Area E Advisory Planning Commission held on the above noted date and time at 175 Ingram Street, Duncan, BC CVRD Meeting Room 2

**PRESENT:**

Chairperson: Susan Kaufmann  
Vice-Chairperson: John Salmen  
Members:  
Julia Rylands  
Stafford Reid  
Marianna Teraudes  
Celina Gold  
Bruce Fraser  
Michelle Geneau  
David Coulson  
Sarah Davies-Long  
Patrick Jackson

**ALSO PRESENT:**

Director: Alison Nicholson  
Guests: CVRD Planner Rachelle Rondeau  
Applicants: Albert and Juliska Hols

**ABSENT:** Justin Straker, Parker Jefferson, Antonio Mendenhall

**ACCEPTANCE OF THE AGENDA:**

It was moved and Seconded that the agenda be accepted. MOTION CARRIED.

**ACCEPTANCE OF MINUTES:**

It was Moved and Seconded that the minutes of the Area E APC meeting of April 11, 2017 be accepted. MOTION CARRIED

**AGENDA ITEMS:**

1. Updated report from Planner Rachelle Rondeau re: Rezoning and OCP amendment application **1-E-16RS(Hols)** to include a request to rezone the subject property in a manner that would permit the existing auto repair shop.
  - Review of May 4, 2017 memorandum to the APC
  - Current Auto Repair Business on the subject property is non-compliant with HBB regulations
  - Chronological history of the application
  - Application summary: to subdivide property, rezone to allow current business. Property is within 1km radius of Wake Lake. (which is noted in the OCP as the largest breeding ground within the CVRD for the western toad, a species of concern and the provincially blued listed red legged frog)
  - Official Community Plan Policy Context was reviewed. R/F 50/50, HBB regulations, commercial and light industrial objectives within the OCP and spot zoning.
  
2. Albert Hols presented the following in response to the updated rezoning request
  - They hope to downsize and build a smaller home
  - Referred to March 16, 2017 public meeting
  - Would like to age in place
  - Began business in 1999 with 2 bays and currently operating 3 bays employing 2 mechanics
  - No or little commercial land available in Sahtlam
  - Offer a valued service to the community
  - Respectful of the land and their neighbours, no complaints
  - With R/F 50/50 would be donating land for toad habitat and trail
  - Not ready to retire yet but would like to move on with subdivision
  
3. APC members engaged in questions and discussion:
  - OCP amendment process
  - R2-R/F 50/50 definition, purpose of
  - R/F 50/50 second residence allowed
  - What are the current zoning regulations for R2
  - Light industrial/commercial zoning regulations
  - Typically, an auto repair business of this size would require light industrial or commercial designation
  - Smaller lots densify the use
  - Zoning applies to the land not a person, land ownership could change, next owner may not be as respectful of the land, eco system
  - Variances cannot vary the use or density and cannot vary number of bays
  - Covenants cannot be tied to a person but can establish a time limit.
  - R/F 50/50 allows for HBB
  - HBB policy limits number of bays and employees
  - Auto Repair business does not meet the current zoning bylaw or proposed HBB policy in the OCP review currently underway

- General discussion around when HBBs get too large, how to encourage businesses to move
- Auto Repair business does not meet the current TUP policy or proposed TUP policy in the OCP review currently underway
- Clarify rezoning request
- Would business continue after Mr. Hols retirement
- Urban/rural residential/agricultural boundaries and buffers

#### 4. Recommendations:

Request number one: The overall proposal to rezone the property to enable subdivision to two 1 ha parcels and dedicate land to the CVRD for wetland conservation and a trail corridor.

- The APC recommends approval of the application. Unanimous decision.

Request number two: options to address the existing auto repair business.

- The APC does not support auto repair as a principal permitted use on the subject property. Unanimous decision.
- The APC does not support subdivision of the property that would include site specific zoning that permits auto repair business as a principal permitted use. Unanimous decision.

The APC recommends that the auto repair business be brought into compliance with current zoning regulations. The APC voted on the following motions to arrive at a decision.

- The APC supports the auto repair business at its current capacity until Mr. Hols retires. 5 in favour and 6 opposed. Motion defeated.
- Upon subdivision of the property both properties to be brought into compliance with current zoning. 6 in favour and 5 opposed. Motion carried.

#### **OTHER BUSINESS**

None

#### **ADJOURNMENT**

It was Moved and Seconded that the meeting be adjourned at 8:52 pm.  
MOTION CARRIED.

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Chairperson

