



## ELECTORAL AREA SERVICES COMMITTEE MEETING AGENDA

WEDNESDAY, JUNE 21, 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 June 7, 2017	1
<b>Recommendation</b> That the minutes of the regular Electoral Area Services Committee meeting of June 7, 2017, be adopted.	
<b>3. <u>BUSINESS ARISING FROM THE MINUTES</u></b>	
<b>4. <u>DELEGATIONS</u></b>	
D1 Sherry Durnford, Re: Development Variance Application, Lot 10, Skye Road, Saltair	7
D2 Joanne Allin, Re: File No. 01-G17DVP - Lot 10, Skye Road	9
<b>5. <u>CORRESPONDENCE</u></b>	
C1 Grant-in-Aid Request, Electoral Area D - Cowichan Bay Re: Cittaslow Cowichan	11
<b>Recommendation</b> That it be recommended to the Board that a Grant-in-Aid, Electoral Area D - Cowichan Bay, in the amount of \$2,000 be provided to Cittaslow Cowichan to support their 2017 planned events.	
C2 Grant-in-Aid Request, Electoral Area D - Cowichan Bay Re: Kaatza Historical Society	15
<b>Recommendation</b> That it be recommended to the Board that a Grant-in-Aid, Electoral Area D - Cowichan Bay, in the amount of \$1,000 be provided to Kaatza Historical Society to support continued fundraising costs to the addition of Kaatza Station Museum.	

- C3 Grant-in-Aid Request, Electoral Area D - Cowichan Bay Re: Cowichan Bay Improvement Association 19

**Recommendation** 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 the upcoming Boat Festival.

**6. INFORMATION**

- IN1 1. Area B Advisory Planning Commission Minutes - June 1, 2017; and 21  
2. Area C Parks Commission Minutes - May 1, 2017.

**Recommendation** For information.

**7. REPORTS**

- R1 Application No. 02-C-17DVP - Report from Development Services Division 25

**Recommendation** That it be recommended to the Board that Application No. 02-C-17DVP (3582 Pechanga Close) to vary Section 10.3.4 of Zoning Bylaw No. 3520 to reduce the rear parcel line setback for an accessory building from 4.5 metres to 1.0 metre, be approved.

- R2 Application No. 01-G-17DVP - Report from Development Services Division 35

**Recommendation** That it be recommended to the Board that Application No. 01-G-17DVP (Lot 10, Skye Road) to vary Section 5.7.7 of Zoning Bylaw No. 2524 to reduce the landscape buffer for Lot 10 Skye Road from 7.5 m to 4.5 m, be denied.

- R3 Application No. 09-B-16DP - Report from Development Services Division 61

**Recommendation** That is be recommended to the Board:  
1. That Development Permit Application No. 09-B-16DP (2786 Meadowview Road) be approved subject to 1) the applicant providing written confirmation from the Ministry of Transportation and Infrastructure accepting the recommendations of the Hydrology Report prepared by J.E. Anderson & Associates dated February 27, 2017 and 2) the applicant provide written confirmation from Ministry of Transportation & Infrastructure accepting to the Right-of-Way for the proposed



drainage ditch; and

2. That the General Manager of Land Use Services 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. 3510.

R4 Application No. 01-G-16ALR - Report from Development Services Division 97

**Recommendation** That it be recommended to the Board that Application No. 01-G-16ALR (4001 Saltair Road/Residence for Relative) to permit the subdivision of 4001 Saltair Road **be denied** and **not forwarded** to the Agricultural Land Commission.

R5 Application No. 01-D-16DP/S/VAR - Report from Development Services Division 119

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

1. That Signage Development Permit with Variance Application No. 01-D-16DP/S/VAR (1681 Botwood Lane) be approved;
2. That Section 7.1(c) of CVRD Sign Bylaw No. 1095 be varied to permit a rooftop sign; 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. 3605.

R6 Application No. 01-I-16RS - Report from Development Services Division 133

**Recommendation** That it be recommended to the Board that Application No. 01-I-16RS (PID: 000-222-348) be denied, and a partial refund of fees be given in accordance with CVRD Fees and Procedures Bylaw No. 3275.

R7 Application No. 02-F-08RS - Report from Development Services Division 213

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

1. That Official Community Plan and Zoning Amendment Bylaws for Application No. 2-F-08RS (9931 South Shore Road) be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> Readings;
2. That the referrals to the Ministry of Transportation and Infrastructure, Island Health, School District 79, Lake

Cowichan RCMP, Town of Lake Cowichan, Honeymoon Bay Volunteer Fire Department, Ditidaht First Nation, Lake Cowichan First Nation and Cowichan Tribes be accepted; and

3. That a public hearing be scheduled with Directors from Electoral Areas F, I and D as delegates.

R8 Development Application Procedures & Fees Amendment Bylaw & Sign Amendment Bylaw - Report from Development Services Division 337

**Recommendation** That Development Application Procedures & Fees Amendment Bylaw No. 4131 and Sign Amendment Bylaw No. 4132 be forwarded to the Board for consideration of three readings and adoption.

R9 Request for Proposal No. 2017-PRK-001 - Playground Design/Build - Report from Parks & Trails Division 407

**Recommendation** That it be recommended to the Board that a non-low bid award in the amount of \$113,666 plus GST be awarded to Habitat Systems Inc. based on their proposal dated April 19, 2017, submitted in response to Request for Proposals No. 2017-PRK-001 for replacement of park playgrounds in Electoral Areas B, C, and E.

R10 Saddlevue Estates 5 Lot Subdivision: Lot Transfer to CVRD - Report from Parks & Trails Division 409

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

1. That Lot 5 from Subdivision Application No. 01-E-10SA (Saddlevue Estates) be selected as the parcel to be transferred to the Regional District as per the terms and conditions outlined in "CVRD Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840, 1998"; and
2. That, following transfer of ownership to the Regional District, Lot 5 from Subdivision Application No. 01-E-10SA (Saddlevue Estates) be listed for public sale and the proceeds of the sale be deposited equally into the Electoral Area E and Electoral Area F community parks statutory reserve funds.

R11 Update on the Empress Park Subdivision and Disposal Process - Electoral Area B, Shawnigan Lake - Report from Parks & Trails Division 417

**Recommendation** For direction.

R12 May 2017 Building Inspections Report - Verbal Report from Robert Blackmore, Manager, Inspections & Enforcement Division 425

**Recommendation** For information.

R13 May 2017 Bylaw Enforcement Report - Verbal Report from Robert Blackmore, Manager, Inspections & Enforcement Division 431

**Recommendation** For information.

R14 Ticketing Bylaw Amendments - Report from Inspections & Enforcement Division 435

**Recommendation** That it be recommended to the Board that Schedule 2 of CVRD Ticketing Bylaw No. 3209 be amended as set out in the May 29, 2017, Staff Report from the Inspections & Enforcement Division to reflect recent amendments to CVRD Building Regulation Bylaw No. 3422.

**8. UNFINISHED BUSINESS**

UB1 Directors Report from Matteus Clement, Director, Electoral Area C - Cobble Hill, Re: Accessory Dwelling Units as a Permitted Use in the A-1 Zone 439

**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.

**9. NEW BUSINESS**

NB1 Grant-in-Aid Request, Electoral Area A - Mill Bay/Malahat Re: Mill Bay Community League 441

**Recommendation** That a Grant-in-Aid, Electoral Area A - Mill Bay/Malahat, in the amount of \$1,000 be provided to Mill Bay Community League to support their Canada 150 Dance.

**10. QUESTION PERIOD**

**11. CLOSED SESSION**

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

CS M1 - Closed Session Electoral Area Services Committee Minutes of May 17, 2017

CS M2 - Closed Session Electoral Area Services Committee Minutes of June 7, 2017

CS R1 - Report from Parks & Trails Division, Re: Land Acquisition {Sub (1)(e)}

CS R2 - Report from Water Management Division, Re: Potential Litigation {Sub (1)(g)}

CS R3 - Verbal Report from the Manager, Development Services Division, Re: Law Enforcement {Sub (1)(f)}

**12. ADJOURNMENT**

The next Electoral Area Services Committee Meeting will be held Wednesday, July 5, 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. Iannidinardo  
Director K. Kuhn  
Director A. Nicholson

Minutes of the Electoral Area Services Committee Meeting held on Wednesday, June 7, 2017 in the Board Room, 175 Ingram Street, Duncan BC at 1:32 PM.

**PRESENT:** Director I. Morrison, Chair  
Director S. Acton  
Director L. Iannidinaro <until 4:12 PM>  
Director M. Marcotte  
Director A. Nicholson  
Alternate Director S. Jonas  
Alternate Director C. Morris <until 5:37 PM>  
Alternate Director J. Tatham

**ALSO PRESENT:** B. Carruthers, Chief Administrative Officer  
M. Tippett, A/Manager, Land Use Services Department  
R. Conway, Manager, Development Services  
B. Farquhar, Manager, Parks & Trails  
B. Dennison, Manager, Water Management  
L. Knodel-Joy, Senior Engineering Technologist  
G. Breckenridge, Chief Building Inspector  
S. Herrera, Planner II  
R. Rondeau, Planner II  
K. Biegun, Planner I  
J. Hughes, Recording Secretary

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

**APPROVAL OF AGENDA**

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

**NB1 Area E – Advisory Planning Commission Minutes – May 23, 2017;**

**CSNB1 Verbal Report from Director Morrison, Re: Law Enforcement {Sub (1)(e); and**

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

**MOTION CARRIED**

**ADOPTION OF MINUTES**

**M1 Regular Electoral Area Services Committee meeting of May 17, 2017**

**It was moved and seconded that the minutes of the Regular Electoral Area Services Committee meeting of May 17, 2017 be adopted.**

**MOTION CARRIED**

**DELEGATIONS**

- D1** Brendan Hessels, Vancouver Island Windsport Society, provided a PowerPoint presentation that outlining Windfest's kiteboarding sport on Nitinat Lake, their history, vision and request for support.

**INFORMATION**

- IN1** The following Items 1 through 7 were received for information:
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.

**MOTION CARRIED****REPORTS**

- R1** Presentation by Transport Canada - Report from Inspection & Enforcement Division
- Ryan Greville, Manager, Navigable Waters Protection, Transport Canada, provided a PowerPoint presentation outlining Transport Canada's Abandoned Boats Program which introduced the two main components of the Program (Assessments and Removals & Education, Awareness and Research), for information.
- 2:45 PM** The Committee took a recess at 2:45 PM.
- 2:52 PM** The meeting resumed at 2:52 PM.
- R4 & R5** The Committee agreed by consensus that Item R4 (Application No. 04-F-16DP-VAR) and Item R5 (Application No. 03-H-16RS) be moved after Item R1.
- R4** Application No. 04-F-16DP - 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. 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.**

**MOTION CARRIED**

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

**It was moved and seconded:**

1. That staff and the Area Director 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.

**MOTION CARRIED**

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

**It was moved and seconded 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.**

**MOTION CARRIED**

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

**It was moved and seconded 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.**

**MOTION CARRIED**

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

**It was moved and seconded 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 1st and 2nd Reading;
3. That a public hearing be scheduled with Directors from Electoral Areas E, F and D as delegates; and
4. That covenant(s) be drafted prior to public hearing to secure the areas to be dedicated to the CVRD and to require compliance of the auto-repair/home-occupation use upon retirement, sale or transfer of property.

**It was moved and seconded to amend the motion by placing a period following the word "CVRD" in point number "4".**

**MOTION CARRIED**

*Voting resumed on the main motion, as amended, and it was restated for clarity:*

**It was moved and seconded 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 1st and 2nd Reading;**
- 3. That a public hearing be scheduled with Directors from Electoral Areas E, F and D as delegates; and**
- 4. That covenant(s) be drafted prior to public hearing to secure the areas to be dedicated to the CVRD.**

**MOTION CARRIED**

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

**It was moved and seconded 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.**

**MOTION CARRIED**

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

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

- 1. That Zoning Amendment Bylaw Nos. 4118 through 4125 inclusive be considered for 1st and 2nd 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 Office in the Board Room for Amendment Bylaw Nos. 4118 through 4125; and that the Directors from all nine Electoral Areas be delegated to attend.**

**MOTION CARRIED**

**4:22 PM** The Committee took a recess at 4:22 PM.

**4:29 PM** The meeting resumed at 4:29 PM.



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

**It was moved and seconded 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.**

Director Acton was absent during the vote.

**MOTION CARRIED**

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

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

- 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.**

**MOTION CARRIED**

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

**It was moved and seconded that the Directors Report from Matteus Clement, Director, Electoral Area C, Cobble Hill, Re: Accessory Dwelling Units as a Permitted Use in the A-1 Zone, be referred back to Director Clement for further clarification.**

**MOTION CARRIED**

## **NEW BUSINESS**

- NB1** Area E – Advisory Planning Commission Minutes - May 23, 2017, was received for information.

**CLOSED SESSION**

**4:11 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)(e) Land Acquisition.

**MOTION CARRIED**

**RISE FROM CLOSED SESSION**

**5:51 PM** It was moved and seconded that the Committee rise without report, and return to the Open portion of the meeting.

**MOTION CARRIED**

**ADJOURNMENT**

**5:51 PM** It was moved and seconded that the meeting be adjourned.

**MOTION CARRIED**

The meeting adjourned at 5:51 PM.

\_\_\_\_\_  
Chair

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

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

**Jennifer Hughes**

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**From:** noreply@civicplus.com  
**Sent:** Wednesday, May 31, 2017 9:47 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	6/21/2017
Contact Information	
Contact Name	Sherry Durnford
Representing	self
Number Attending	3
Address	4211 Solmie Road
City	Ladysmith
Province	BC
Postal Code	V9G 1Y4
Telephone Number	2502450471
Reply Email	<a href="mailto:peterandsherry@gmail.com">peterandsherry@gmail.com</a>
Presentation Topic and Nature of Request	Development Variance Application Lot 10, Skye Road, Saltair
Do you have a PowerPoint presentation?	No

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



## Jennifer Hughes

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**From:** noreply@civicplus.com  
**Sent:** Wednesday, June 14, 2017 10:31 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.

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Meeting Date 6/21/2017

#### Contact Information

Contact Name Joanne Allin

Representing Joanne Allin and Raymond Moschuk

Number Attending 2

Address 5679 - 47A Avenue

City Delta

Province BC

Postal Code V4K 4B5

Telephone Number 778-838-3634

Reply Email [joallin82@gmail.com](mailto:joallin82@gmail.com)

Presentation Topic and Nature of Request File No. 01-G-17DVP - Lot 10 Skye Road - Variance application hearing

Do you have a PowerPoint presentation? No

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





COWICHAN VALLEY REGIONAL DISTRICT

Finance Division

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

Submitted by Director IANNIDINARDO Area D

Grantee: \_\_\_\_\_ Grant Amount \$ 2,000<sup>00</sup>/<sub>100</sub>

NAME: Cittaslow Cowichan

ADDRESS: 6024 Chippewa Road  
Duncan BC. V9L 5P5

Contact Phone No: Sarah Nelles.

PURPOSE OF GRANT: Support for the 2017 Plan  
of events for Cittaslow.

REQUESTED BY: Lois L. Iannidinaro  
Director's Signature

ACCOUNT NO.	AMOUNT
<u>01-2-1950-0366-114</u>	<u>2000.00</u>

**FOR FINANCE USE ONLY**

BUDGET APPROVAL A

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

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

June 5, 2017

Ms. Lori Iannidinardo  
Regional Director, Area D  
Cowichan Valley Regional District  
175 Ingram Street  
Duncan, BC V9L 1N8

Dear Lori,

On behalf of the Cittaslow Cowichan Bay Society, I would like to thank you for your generous support of our organization since our inception in 2009. The support we receive each year through the Grant-in-Aid program enables our society to continue work started in the year prior and move forward with plans we have laid out for the year ahead. For this reason, we ask for your consideration of a \$2,000 Grant-in-Aid in support of our plans for 2017.

In addition to covering the cost of the international membership fee, a \$2,000 Grant-in-Aid will allow the Cittaslow Cowichan Bay Society to work towards the following goals:

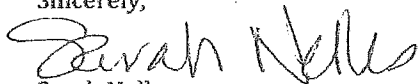
- 1) Participating with VIU in developing community awareness and understanding of the history, and culture embedded within the Cowichan Valley as a whole and Cowichan Bay in particular,
- 2) Contributing where appropriate to the CVRD's initiative "Places from the Heart" to assist in building relationships with community members and groups,
- 3) Hosting a community pancake breakfast in celebration of the Cowichan Bay Maritime Society,
- 4) Launching "the Festival of Fairy Tales" contest on our website asking the community to contribute stories that exemplify Cittaslow Cowichan's values
- 5) Providing a representative of Cittaslow to the CVRD booth at Duncan Farmers Market on a monthly basis to 'get the word out' to curious visitors and community members about Cittaslow Cowichan's vision, mission and values, membership opportunities and upcoming events,
- 6) Hosting the 6th Annual Cittaslow Cowichan Bay Dinner in White,
- 7) Helping celebrate International Cittaslow day in September
- 8) Showcasing the talent of local chefs and the incredible food produced in our region with a fundraising dinner in November 2017,



We intend to continue to grow our membership base to the point that we are self-sufficient. Until that time, the Grant-in-Aid program allows our society to bring much value to the community through initiatives like those outlined above.

We appreciate your consideration of our request and look forward to hearing from you.

Sincerely,



Sarah Nelles

Chair, Board of Directors

Website: [Cittaslowcowichan.org](http://Cittaslowcowichan.org)  
6024 Chippewa Road, Duncan, BC V9L 5P5





COWICHAN VALLEY REGIONAL DISTRICT

Finance Division

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

Submitted by Director IANNIDINARDO

Area D

Grantee:

Grant Amount \$ 1,000.00

NAME:

Kaatza Historical Society

ADDRESS:

P.O. BOX 135

125 SOUTH SPIRE ROAD.

LAKE COWICHAN BC. VOR 2G0

Contact Phone No:

Pat Foster kaatzamuseum@shaw.ca

PURPOSE OF GRANT:

FOR CONTINUED FUNDRAISING COST.

TO THE ADDITION OF KAATZA STATION MUSEUM

REQUESTED BY:

Lou L Iannidinaro  
Director's Signature

ACCOUNT NO.	AMOUNT
<u>01-2-1950-0414 - 114</u>	<u>1000.00</u>

**FOR FINANCE USE ONLY**

BUDGET APPROVAL

[Signature]

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

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



# Kaatza Historical Society

CVRD  
**RECEIVED**  
MAY - 9 2017

May 1, 2017

Director Lori Iannidinardo  
Cowichan Valley Regional District  
175 Ingram Street  
Duncan, BC V9L 1N8

Dear Lori:

Re: Update re: Addition to Kaatza Station Museum, Lake Cowichan, BC

Please find attached an update report on the addition to the Kaatza Station Museum in Lake Cowichan.

We are continuing to do fundraising as costs have escalated due to the Geo Tech survey done by the Town of Lake Cowichan. We have to dig an 8' deep hole the size of the addition and refill with gravel.

We are honoured and grateful for the support shown to us throughout this campaign and we hope to start to build later this year.

Again thank you for your kind support.

Sincerely,

Patricia E. Foster, President

*Gold Sponsor*



*Gold Sponsor*



*Gold Sponsor*

*Mid Island Co-op*

**Kaatza Historical Society, PO Box 135, Lake Cowichan, BC V0R 2G0**  
**Kaatzamuseum@shaw.ca**

**Update on IWA Addition to the museum**

Back in early 2015 the members of the Kaatza Historical Society decided to embark on a fundraising campaign for the museum. For many years space has been a concern for storing the archives and artifacts that come into the museum on an ongoing basis.

We had received a collection of the history of the International Woodworkers' of America, (IWA) featuring local history, provincial history and some of the national history. This was in 300 bankers boxes with additional artifacts as well.

We originally started with the idea of building an addition to the Bell Tower School but once we had the Ministry of Environment check the placement they turned us down because it would have encroached on the wetlands behind the School.

Then we looked at the site to add onto the museum between the Community Services Building and the main museum building. Glen Calihoo did up the drafted drawings of the addition and Barbara Simkins, our Curator at the time, built a model.

We wrote letters to all of the major companies, smaller companies and advertised for individual donors for the campaign. We are so grateful for the many donations we have received for this project. We held a 40th Anniversary Gala, hosted a play about Tommy Douglas, sold a Calendar for 2016; a future calendar is in the works; had information booths at Country Grocer, Lake Days and applied for numerous grants. Thank you to Carol Patrick and Sue Lindstrom for their help in the fundraising.

To date we have raised a total of \$48,379.96 in cash in the bank with a further \$15,000 committed by the Cowichan Lake Community Forest Co-operative which will be given to us at the time the addition is built to the lock up stage. This will help us finish the inside of the addition. The United SteelWorkers' have committed another \$7500 to assist with the sorting, cataloguing and accessioning of the collection. We are honoured to receive this support from everybody that has contributed to our wonderful museum.

It took almost a year to get through the WorkSafe inspections to get permission to attach the addition to the Museum.

The Town has issued a building permit and Richard Friday has been hired to build the addition.

A Geo Tech survey was required by the building inspector. Richard arranged the Geo Tech Survey and now we have to dig a hole the size of the addition to a depth of 8 feet and refill with compacted gravel before we can proceed. With the cost of the Engineer, the digging, refilling, and compacting of the material the cost of the addition has increased by approximately \$20,000.

Fundraising continues to raise the required \$20,000 so we can start the building. Our members have decided they did not want to proceed until the monies were in place. This will protect us from having an unfinished addition next to the museum.

Respectfully submitted by Pat Foster, President





COWICHAN VALLEY REGIONAL DISTRICT Finance Division

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

Submitted by Director IANNIDINARDO. Area D.

Grantee: \_\_\_\_\_ Grant Amount \$ \$500.00

NAME: COWICHAN BAY IMPROVEMENT ASSOCIATION

ADDRESS: PO. BOX 2326  
COWICHAN BAY  
BC. VORINO.

Contact Phone No: Colleen Underwood 250-710-7329

PURPOSE OF GRANT: SUPPORT FOR THE UPCOMING  
BOAT FESTIVAL

REQUESTED BY: Lou L. Iannidnardo  
 Director's Signature

ACCOUNT NO.	AMOUNT
<u>01-2-1950-0108-114</u>	<u>500.00</u>

**FOR FINANCE USE ONLY**

BUDGET APPROVAL   A  

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

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

From: The Mud Room colleen@cowbaymudroom.com  
Subject: Grant in aid request from the CBIA  
Date: Jun 6, 2017, 9:13:02 PM  
To: Lori Iannidinardo liannidinardo@cvrd.bc.ca

Date: June 6, 2017

To: Director Lori Iannidinardo, Area D - Cowichan Bay

From: Colleen Underwood

Representing: Cowichan Bay Improvement Association

**Re: Grant-in-aid request for sponsoring the Maritime Centre Boat Festival.**

Dear Lori,

On behalf of the CBIA I would like to apply for an Area D (Cowichan Bay) grant-in-aid of \$500 to sponsor the Boat Festival that the Maritime Centre is organizing for June 17 & 18. Lou Penney just reminded me last week that this is something we have done in the past. They would use the funds towards a certain part of the day such as boat racing.

With thanks,  
Colleen Underwood  
PO Box 2326  
Cowichan Bay, BC  
V0R 1N0  
250-710-7329





## ELECTORAL AREA B APC MEETING

**Date:** Thursday, June 1, 2017 - 7 p.m.  
**Place:** Shawnigan Lake Community Centre  
**Address:** 2804 Shawnigan Lake Rd., Shawnigan Lake, BC

### MINUTES

**Present:**

Bruce Stevens, Chair  
 Dave Hutchinson, Vice-Chair  
 Kelly Musselwhite, Secretary  
 Pieter Devries, APC  
 Mike Hennessey, APC  
 Steve McLeod, APC  
 Sarah Malerby, APC

**Absent :**

Grant Treloar, APC

**Guests:**

Sierra Acton, Area Director  
 Susan Kaufmann, Chair, Area E APC  
 Linda O'Connor, Citizen  
 Cliff Evans, Citizen  
 Robert Arndt, 09-B-16DP Applicant

1. **INTRODUCTIONS – round table**
2. **ADOPTION OF Minutes of the meeting of May 8, 2017 – moved and carried**
3. **REPORTS AND UPDATES - none**
4. **BUSINESS ARISING FROM MINUTES**
5. **DELEGATIONS - none**
6. **CORRESPONDENCE - none**
7. **INFORMATION - none**
8. **NEW BUSINESS**

**a) 09-B-16DP Robert Arndt - Cowichan Valley Kitchens –**

**Motion is recommended to accept the application as per the Hydrology Report and the three recommendations outlined in it:**

1. The low-lying area be backfilled and the water redirected to a CVRD park to the north via a 2.0 meter ditch;
2. That the ditch be located within a Statutory Right-of-Way that is in favor of the BC MoT; and,
3. That the fill area be landscaped with a minimum of 150 mm of absorbent topsoil to not increase downstream flows into the park.

**AND**

4. Conditional upon the BC MoT acceptance of the Hydrology Report.  
 Moved and carried.

---

**AND we recommended that:**

The CVRD take the necessary steps to remedy the impaired drainage infrastructure on

Lot 68 (as listed on page 1, Attachment D, of JEA Hydrology Report) and make sure that the party responsible maintains it accordingly into the future.

**b) APC Protocol - Discussion**

**9. UNFINISHED BUSINESS - none**

**10. OTHER - none**

**11. PUBLIC QUESTIONS - none**

**12. ADJOURNMENT – 8:40 p.m.**



**Minutes**  
**Cobble Hill Parks Commission**  
**Meeting Monday, May 1, 2017**  
**Youth Hall, 3665 Watson Avenue, Cobble Hill, BC**

Present: John Krug - Chair, Jennifer Symons, Annie Ingraham, Gord Dickenson, Alan Seal, Ruth Koehn, Shelley Balme, Lynn Wilson

Regrets: Matteus Clement, Regional Director, Cobble Hill, Bill Turner, Dennis Cage

John Krug Called the meeting to order at 7:08 p.m.

Moved/seconded *that the agenda is approved as amended to include the Trail from Shawnigan Lake to Cobble Hill and Elk on Cobble Hill Mountain under New Business, and Debris on the right-of-way north of the Cobble Hill Common under Business Arising From the Minutes.* Carried

Moved/seconded *that the minutes of the April 3, 2017 general meeting are adopted as circulated.* Carried Volunteer Hours: 8

Reports: The Invasive Species Draft is being circulated amongst Commission members.

Business arising From the Minutes:

- QNP Parking Study: Form to be completed and forwarded to Staff
- Cobble Hill Common: Staff has requested layout details for the infrastructure installation.
- Debris on right of way north of Cobble Hill Common: This will be removed by volunteers.

New Business:

- Trail from Shawnigan Lake to Cobble Hill: This will be investigated in consultation with the Shawnigan Lake Parks Commission.
- Design Charette: Moved/seconded *that the Cobble Hill Parks Commission objects to the Parks budget being used to pay for a Village Core Design Charette.* Carried
- Small Park Fisher Road: BC MoT placed no stopping signs along the south side of Fisher Road to deter Ecole Cobble Hill parents from dropping off their children in this location.
- Elk on Cobble Hill Mountain: There have been reports of elk sited on Cobble Hill Mountain.

Director's Report: None

Adjournment: 8:30 p.m.

The next meeting of the Cobble Hill Parks Commission will be Monday, June 5, 2017 at 7:00 p.m. in the Youth Hall.

Submitted by John Krug





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** June 13, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 21, 2017

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

**SUBJECT:** Development Variance Permit Application No. 02-C-17DVP  
Electoral Area C (3582 Pechanga Close)

**FILE:** 02-C-17DVP

## PURPOSE/INTRODUCTION

The purpose of this report is to set out a request to vary the setbacks for an accessory building to be located at 3582 Pechanga Close.

## RECOMMENDED RESOLUTION

That it be recommended to the Board that Application No. 02-C-17DVP (3582 Pechanga Close) to vary Section 10.3.4 of Zoning Bylaw No. 3520 to reduce the rear parcel line setback for an accessory building from 4.5 metres to 1.0 metre, be approved.

## BACKGROUND

<u>Location of Subject Property:</u>	3582 Pechanga Close (PID: 018-850-201)
<u>Legal Description:</u>	Strata Lot 55, Section 12, Range 7, Shawnigan District, Strata Plan VIS3335, Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1
<u>Size of Parcel:</u>	977 m <sup>2</sup> (0.24 acres)
<u>OCP Designation:</u>	Rural Residential (RR)
<u>Zoning:</u>	Rural Residential 3 Zone (RR-3 )
<u>Use of Property:</u>	Single Family Residential
<u>Use of Surrounding Properties:</u>	
	North Residential (RR-3)
	East Residential (RR-3)
	South Residential (RR-3)
	West Residential (RR-3)
<u>Water:</u>	Braithwaite Estates Improvement District
<u>Sewage Disposal:</u>	Maple Hills Sewer System
<u>Drainage:</u>	No community service
<u>Fire Protection:</u>	Mill Bay Volunteer Fire Department



## APPLICATION SUMMARY

The subject property is occupied by a single family residential dwelling. The applicant would like to construct a small shed (accessory building) with a 1.0 metre setback from the rear parcel lines. The rear property boundary consists of two angled property lines, both considered to be rear parcel lines. A Site Plan showing the proposed siting of the accessory building is attached as Attachment A.

The shed building does not require a Building Permit as it is only 10 ft x 10 ft (or 9.3 m<sup>2</sup>). A building must be over 10 m<sup>2</sup> to trigger the requirements of the *BC Building Code*. The subject property is part of the Arbutus Ridge Strata and the applicant has provided proof that the Strata has approved the siting of the accessory building.

The applicant has stated the following reasons for requesting the variance:

- Complying with the bylaw would result in the structure being in the middle of the backyard where children play;
- Dwelling to the north is a considerable distance away;
- Other property bordering the yard is a wooded area with no dwellings;
- Proposed building would not encroach on any creeks or streams;
- No trees will be removed; and
- Permission has been obtained from the Strata Council.

## COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

### Surrounding Property Owner Notification and Response:

A total of 17 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 South Cowichan Rural Official Community Plan No. 3510 and is located within the Rural Residential (RR) designation.

### Zoning Bylaw No.3520

The subject property is zoned Rural Residential (RR-3). Section 10.3.4 requires residential accessory buildings to be setback 4.5 metres from rear parcel lines. The applicant has requested the following variance:

- To vary Section 10.3.4 in order to reduce the rear parcel line setback for an accessory building from 4.5 metres to 1.0 metre.

## PLANNING ANALYSIS

The proposed accessory building, or shed, is 9.3 m<sup>2</sup> (100 ft<sup>2</sup>) and does not require a building permit. The applicant has submitted photos of the site to demonstrate where the building will be located, see Attachment B. The proposed building is small and will be screened from adjacent properties. In addition, the Strata Council has approved the siting of the shed. It is Staff's opinion that the shed will have a minimal impact to surrounding neighbours. As such, Staff is supportive of the application. The draft Development Permit is attached as Attachment C.

**OPTIONS**

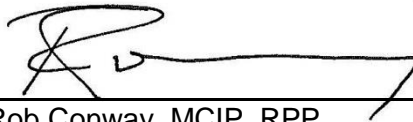
1. That it be recommended to the Board that Application No. 02-C-17DVP (3582 Pechanga Close) to vary Section 10.3.4 of Zoning Bylaw No. 3520 to reduce the rear parcel line setback for an accessory building from 4.5 metres to 1.0 metre, be approved.
2. That it be recommended to the Board that Application No. 02-C-17DVP (3582 Pechanga Close) to vary Section 10.3.4 of Zoning Bylaw No. 3520 to reduce the rear parcel line setback for an accessory building from 4.5 metres to 1.0 metre, be denied.

Prepared by:




Sheila Herrera, MCIP, RPP  
Planner II

Reviewed by:



Rob Conway, MCIP, RPP  
Manager



Mike Tippett, MCIP, RPP  
A/General Manager

**ATTACHMENTS:**

- Attachment A – Site Plan
- Attachment B – Site Photos
- Attachment C – Draft Development Permit





**3582 Pechanga Close  
Cobble Hill, BC  
March 9, 2017**

**Scale: 5mm = 1m**

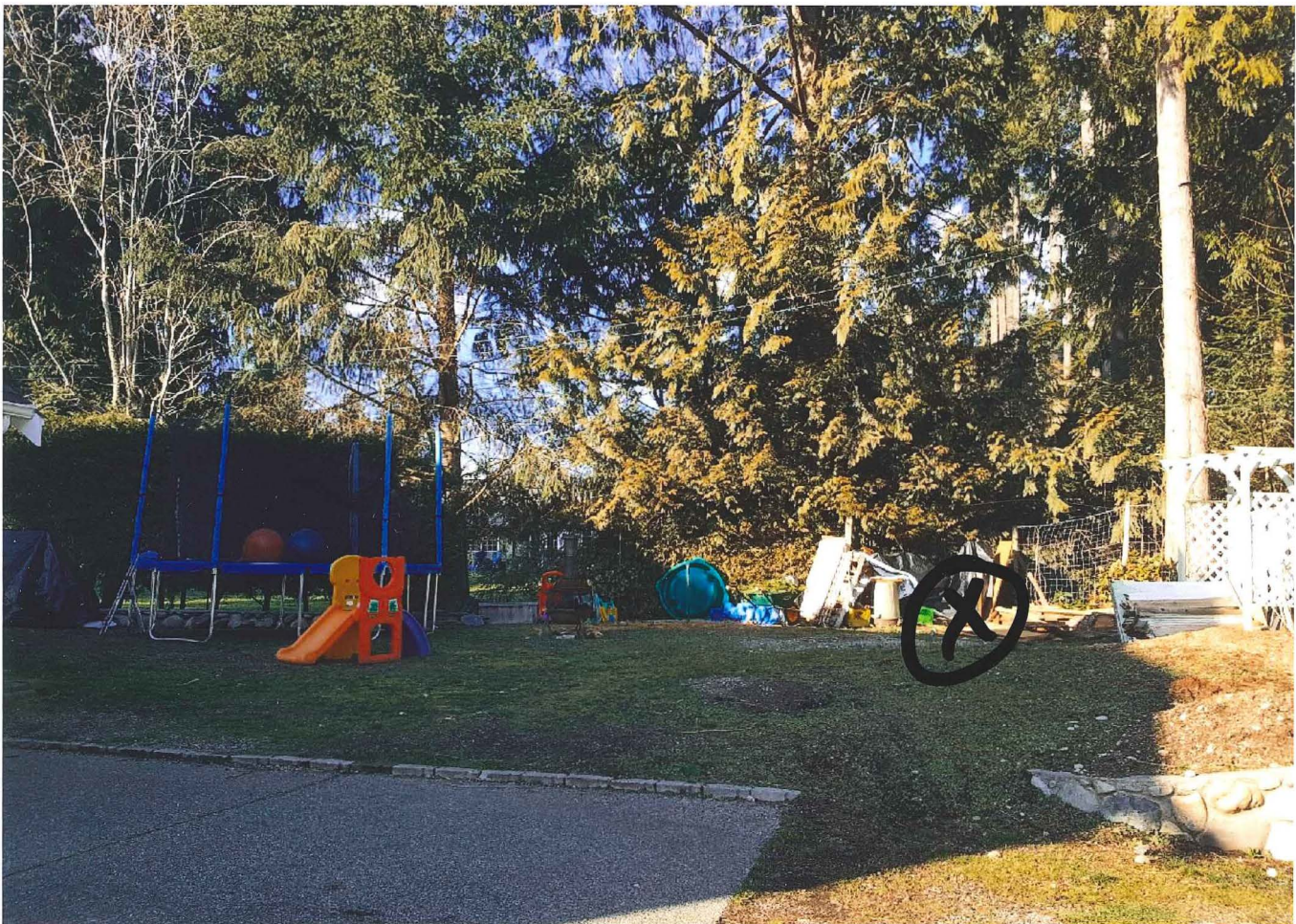
5HH57 < A 9BH'6



30

R1





31

R1



**COWICHAN VALLEY REGIONAL DISTRICT**

**DEVELOPMENT VARIANCE PERMIT**

FILE NO: 02-C-17DVP

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

**REGISTERED PROPERTY OWNER(S):**

MICHAEL JEFFERY LYDIATT

CHRISTINE MARY LYDIATT

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:

***STRATA LOT 55, SECTION 12, RANGE 7, SHAWNIGAN DISTRICT, STRATA PLAN VIS3335, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 (PID: 018-850-201)***

3. Authorization is hereby given to vary Section 10.3.4 of Zoning Bylaw No. 3520 to reduce the rear parcel line setback for an accessory building from 4.5 metres to 1.0 metre.

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 MICHAEL JEFFERY LYDIATT AND CHRISTINE MARY LYDIATT 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** June 13, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 21, 2017

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

**SUBJECT:** Development Variance Permit Application No. 01-G-17DVP  
(Lot 10, Skye Road)

**FILE:** 01-G-17DVP

## PURPOSE/INTRODUCTION

The purpose of this report is to set out a request to vary the landscape buffer requirements of the MP-1 Zone for Lot 10, Skye Road.

## RECOMMENDED RESOLUTION

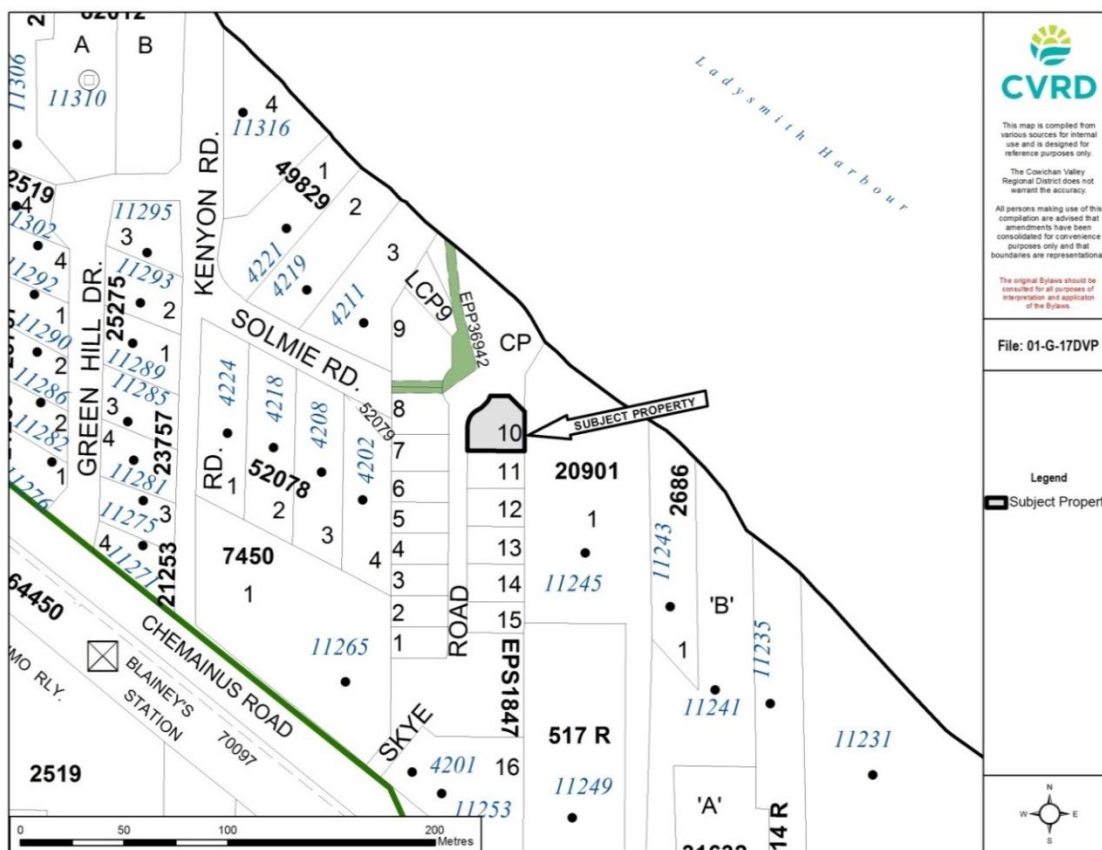
That it be recommended to the Board that Application No. 01-G-17DVP (Lot 10, Skye Road) to vary Section 5.7.7 of Zoning Bylaw No. 2524 to reduce the landscape buffer for Lot 10 Skye Road from 7.5 m to 4.5 m, be denied.

## BACKGROUND

<u>Location of Subject Property:</u>	Lot 10, Skye Road (PID: 029-445-990)
<u>Legal Description:</u>	Strata Lot 10, District Lot 41, Oyster District, Strata Plan EPS1847 Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V
<u>Size of Parcel:</u>	634 sq m (0.15 acres)
<u>OCP Designation:</u>	Manufactured Home Park Residential
<u>Zoning:</u>	Manufactured Home Zone 1 (MP-1)
<u>Use of Property:</u>	Vacant lot
<u>Use of Surrounding Properties:</u>	
	North Strata Common Property
	East Residential (R-3)
	South Strata Lot 11 (MP-1)
	West Strata Lots 7 & 8 (MP-1)
<u>Water:</u>	Saltair Water System
<u>Sewage Disposal:</u>	Private Strata Septic System
<u>Fire Protection:</u>	Ladysmith Fire Rescue
<u>Agricultural Land Reserve:</u>	N/A
<u>Archaeological Sites:</u>	None identified
<u>Environmentally Sensitive Areas:</u>	None identified



## LOCATION MAP



## APPLICATION SUMMARY

Subject Property

The subject property is located at the end of Skye Road, a private strata road, with the north side of the lot facing the ocean. The site is currently a vacant lot, and has an area of 634 sq. (0.15 acres). The property is serviced with community water (Saltair Water System) and has private sewer and drainage. The property is part of a 16-lot bare land strata subdivision that was recently created. All of the lots are currently vacant, with the exception of Lot 16 (4201 Chemainus Road).

Proposed Development

The owners of Lot 10 are planning to build a single family dwelling on the lot, however, are requesting a variance in order to reduce the landscape buffer requirements that apply along the rear property line (eastern boundary). The MP-1 Zone requires a 7.5 m landscape buffer and a building must also be setback 1.5 m from the landscape buffer, resulting in a 9 m setback between the property line and the building. The applicant is requesting a reduction of the landscape buffer from 7.5 m to 4.5 m, which results in a building setback of 6 m from the rear property line.

The applicant anticipates building a home of approximately 1700-2000 square feet, plus a garage, and has submitted a Site Plan showing the proposed footprint of the dwelling. The applicant has stated in their rationale that they intend to construct their new dwelling in compliance with the additional restrictions of the strata's septic system permit.

The Plan of Subdivision is attached for reference as Attachment A. The proposed Site Plan is attached as Attachment B, and shows the existing zone requirements resulting in a 9 m building setback and the proposed variance resulting in a 6 m building setback. The applicant's rationale for the variance request is attached as Attachment C.



**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

**Surrounding Property Owner Notification and Response:**

A total of 12 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 6 submissions have been received, which are included in Attachment D.

**OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS / ZONING**

Official Community Plan (OCP) No.2500

The subject property falls within the Saltair Official Community Plan (OCP) No. 2500 and is located within the Manufactured Home Park Residential (MHP) designation. The designation is specific to the use of a manufactured home park.

Zoning Bylaw No.2524

The subject property is zoned Manufactured Home Zone 1 (MP-1), which allows for single family dwellings to be constructed as well as the installation of manufactured homes. The applicant intends to construct a new single family dwelling on the lot. The MP-1 Zone contains the following regulations:

5.7.4. Setbacks

<b>Type of Parcel Line</b>	<b>Principal and Accessory Use</b>
Front	6.0 m
Interior Side	1.5 m on one side; 3.0 metres opposite side
Exterior Side	6.0 m
Rear	6.0 m
Setback from Required Landscaped Buffer	1.5 m

5.7.7 Landscape Buffers

*A landscaped buffer of 7.5 metres shall be maintained from any public road and property boundary where the adjacent parcel is zoned other than MP-1. No building or structure is permitted in the required buffer area. Where land is subdivided in the MP-1 Zone, a covenant is required to define and secure the required landscaped buffer.*

The bylaw currently requires a 7.5 m landscape buffer, plus a 1.5 m setback from the buffer, therefore a 9 m setback from the rear property line is required for any building or dwelling.

Proposed Variance

The applicant has requested the following:

To vary Section 5.7.7 of Zoning Bylaw No. 2524 to reduce to landscape buffer from 7.5 m to 4.5 m

The proposed variance results in the following rear parcel line setback:

4.5 m landscape buffer + 1.5 m setback from buffer = 6 m rear parcel line setback

Landscape Covenant

The landscaping covenant registered on title to the subject property requires the following:

*Within the Buffer Zone:*

- (a) *No building or structure is permitted, and*
- (b) *Landscaping, consisting of the following, must be provided:*
  - i. *Solid fencing, grass coverage, and two trees per lot (each tree having a minimum caliper size of 5 cm upon installation); or*
  - ii. *A combination of trees and shrubs that will grow to a height of at least 1.8 metres (within 3 years of planting) and visually screen adjacent property.*

Previous Amendment to MP-1 Zone

An amendment to the MP-1 Zone was adopted in April of 2014 with the purpose of allowing for the construction of “stick-built” single family dwellings (prior to the amendment the zone only allowed for manufactured homes to be installed on the land). While the amendment was occurring the property was also under redevelopment from a mobile home park to a bare-land strata subdivision, which did not require any special amendments or relaxations. However, there was considerable concern expressed within the community about the displacement of the residents that used to live in the mobile home park. The strata subdivision has been completed and includes 16 strata titled lots. All lots are vacant with the exception of Lot 16 which contains a dwelling and suite that were existing at the time of subdivision. To-date no building permits have been issued for the new lots.

Building Scheme

Building schemes are private agreements between all the owners of the lots affected by the building scheme and as such they are enforced by the owners themselves. It is worth noting that all the new property owners within the Skye Road strata subdivision have a building scheme registered on their land title that prohibits mobile or manufactured homes from being placed on any strata lot. In effect, the developer has created a single family subdivision despite the OCP and zoning. Building schemes do not inhibit local bylaws, therefore the CVRD could still issue a building permit for the siting of a manufactured home on any of the MP-1 zoned lots. However, owners are in essence contractually obligated to follow the Building Scheme registered on their title, and it is unlikely that the CVRD will receive any application for siting a manufactured home on any of the Skye Road lots.

Sewage Disposal

A new private sewage disposal system was required through the subdivision of the property. The strata lots share a sewerage system and will operate and maintain the system. The septic permit issued by Vancouver Island Health Authority (now called Island Health) contains details relating to the capacity of the system, and generally allocates a maximum dwelling size and number of bedrooms per lot. As such, the permit indicates that the subject property should contain a dwelling no larger than 3013 ft<sup>2</sup> (plus garage) with 3 bedrooms. The applicants have confirmed that they intend to comply with this requirement.

**PLANNING ANALYSIS**

The applicant has requested a reduction to the landscape buffer requirements. The landscape buffer requirements are trigger for any property line that abuts another parcel where the zoning of the adjacent parcel is different from MP-1, which means there is a landscape buffer requirement for the rear (eastern) parcel line of the subject property.

Although the zone states the rear parcel line setback is 6.0 m, there is a 7.5 m landscape buffer, and an additional setback of 1.5 m from the buffer, therefore the requirements of the zone result in a building that has to be setback 9.0 m from the rear parcel line.

The landscape buffer requirements did originate from the mobile home park bylaw. However, the developer who applied for the previous zoning amendment was agreeable to respecting the landscape buffer requirement due to the lots being smaller, often considered intensive residential development, and due to concerns from neighbours. As a result, the zoning amendment that was approved, carried over the requirement for the landscape buffer, and all the lots now have a covenant registered on title that prescribes what is required for the landscaping and screening. The current MP-1 Zone and registered covenant do not state that these requirements relate only to manufactured homes. Any proposal to modify the zoning requirements should be accompanied by a strong rationale and proposal to mitigate any impacts resulting from a reduced setback/lack of landscaping.

The owner's rationale for the variance includes the belief that the landscape buffer was intended for mobile homes; that they have had difficulty finding a house plan that takes into account the views and lot shape; that after front and rear setbacks/buffers the result is only 12.69 m of depth; and included the comparison of the MP-1 Zone to the R-3 Zone, which allows for a 4.5 m rear parcel line setback. The applicant has stated that they wish to maintain the covenant on title and meet the requirements of the landscaping and screening.

A site visit confirmed that trees have already been planted along much of the eastern boundary of the strata, which abuts the property at 11245 and 11249 Chemainus Road. The trees would have been planted through the subdivision process and at the original developer's expense. However, the requirement for a solid fence has been left for individual owners to provide and must be in place prior to issuance of a building permit.

The landscape buffer requirements were negotiated through the previous amendment to the MP-1 Zone, and the amendment was to allow for "stick-built" homes specifically. Construction of "stick-built" homes should allow for more flexibility than manufactured homes which are limited to specific designs only. Stick-built homes can be designed to fit the lots where they are intended to be built, and there is space within the current setbacks of the lot for the dwelling to occupy more space on the north facing side (ocean view side). The subject property is one of the larger properties in the Skye Road development with an area of 634 m<sup>2</sup>, and is generally wider than most of the other properties on the street.

The subject property (Lot 10) is the lot closest to the ocean on the east side of Skye Road and will benefit from a non-obstructed ocean view. The 9 m rear parcel setback resulting from the landscape buffer will actually help to provide a view corridor for all those properties south of the subject property. As the road grade is sloped down towards the ocean, it should be possible for many of the up-slope lots to have ocean views from side and rear windows and balconies. The proposed variance may result in the building obstructing those potential views from other properties on the same side of the street. However, there is no guarantee that any view will be unobstructed from trees or other vegetation over time.

Although, no other zones in this Electoral Area have requirements for residential buildings that would result in a 9 m setback, these setbacks were negotiated and put in place for any development on the lots, not just mobile homes. At the same time, the landscaping that was prescribed through the covenant can be easily met within a smaller buffer area, and trees have already been planted along the east property line of the development. In general, a 6 m building setback is fairly standard in residential settings throughout the CVRD. There have been several responses from neighbouring property owners/occupants with concerns over the proposed variance application, including a recently submitted petition.

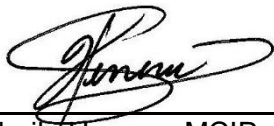
It is staff's opinion that a home could be designed to fit on the lot with the current landscape buffer requirements, and therefore recommends that the application be denied.

Option 1 is recommended.

**OPTIONS**


1. That it be recommended to the Board that Application No. 01-G-17DVP (Lot 10, Skye Road) to vary Section 5.7.7 of Zoning Bylaw No. 2524 to reduce to landscape buffer from 7.5 m to 4.5 m be denied.
2. That it be recommended to the Board that Application No. 01-G-17DVP (Lot 10, Skye Road) to vary Section 5.7.7 of Zoning Bylaw No. 2524 to reduce to landscape buffer from 7.5 m to 4.5 m be approved.

Prepared by:

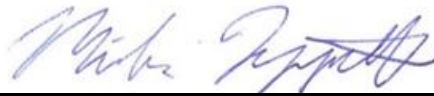


Sheila Herrera, MCIP, RPP  
Planner I

Reviewed by:



Rob Conway, MCIP, RPP  
Manager



Mike Tippett, MCIP, RPP  
A/General Manager

**ATTACHMENTS:**

- Attachment A – Plan of Subdivision
- Attachment B – Site Plan
- Attachment C – Applicant’s Variance Rationale
- Attachment D – Public Submissions

**BARE LAND STRATA PLAN OF LOT A, DISTRICT LOT 41  
OYSTER DISTRICT, PLAN EPP36941.**

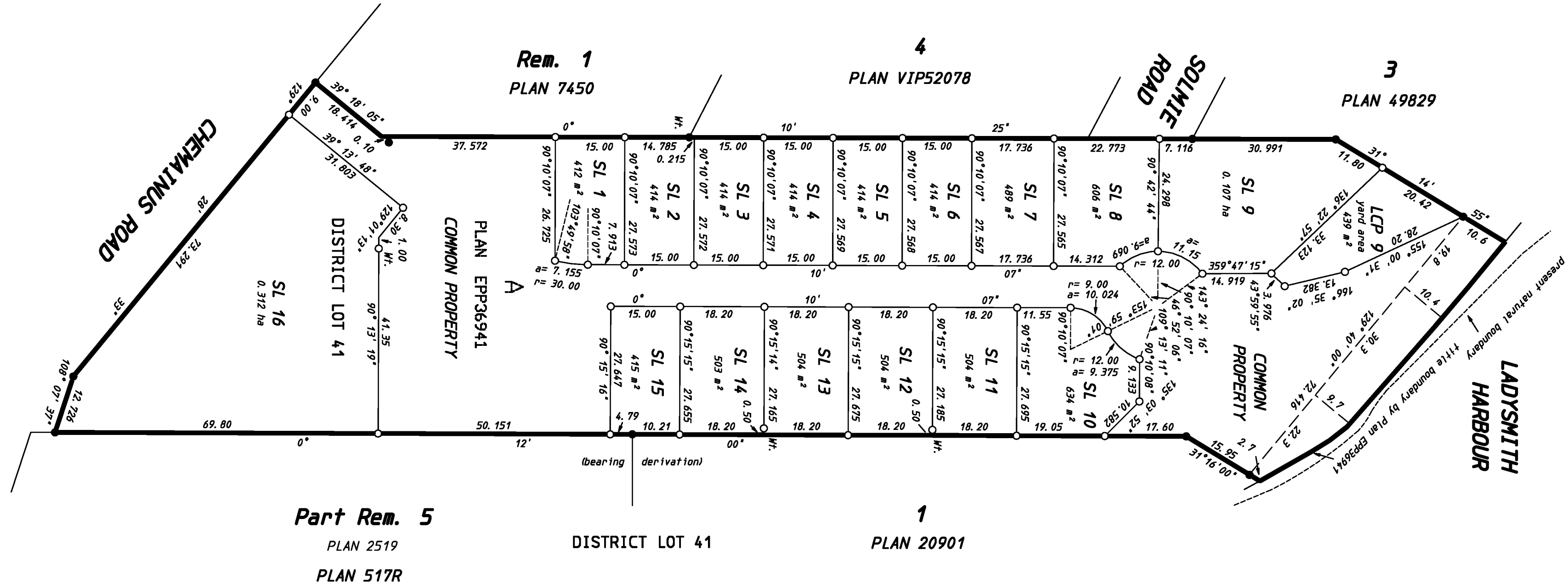
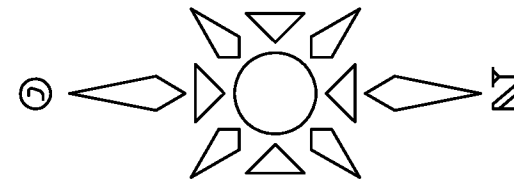
SHEET ONE OF ONE  
**PLAN EPS1847**

**ATTACHMENT A**

BCGS 92B.082



The intended plot size of this plan is 560mm in width by 432mm in height (C size) when plotted at a scale of 1:750.



41

**LEGEND**

Astronomic bearings were derived from Plan EPP36941.

- standard iron post found.
- standard iron post placed.

All distances are in metres and decimals thereof.

Note:  
This plan shows one or more witness posts which are not set on the true corner. Unless otherwise shown, witness posts are set on the property line or the production thereof.

Civic address:  
11255 Chemainus Road  
Ladysmith, BC  
V9G 1X9

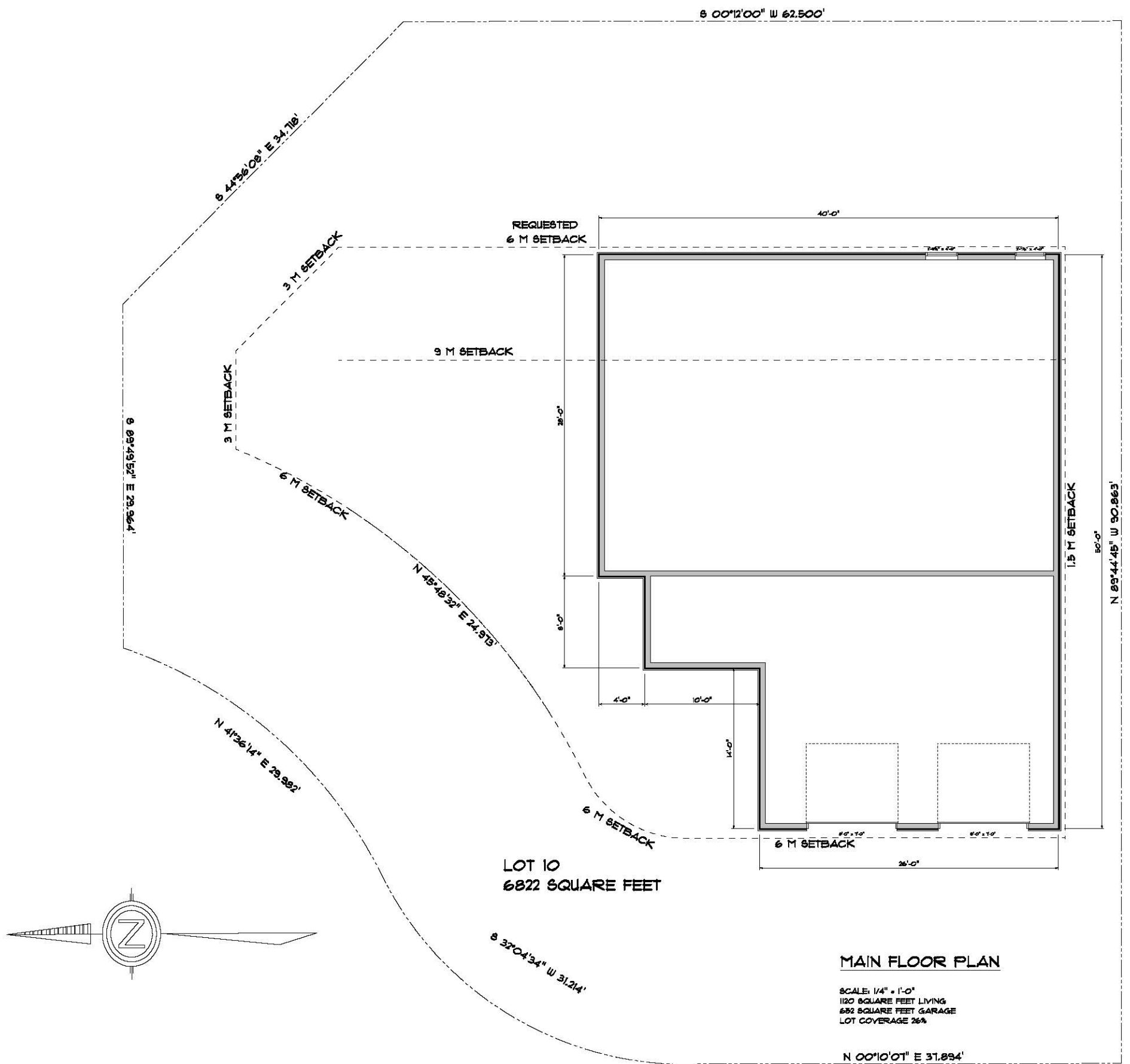
**BOWERS & ASSOCIATES**  
2856 CASWELL STREET,  
CHEMAINUS, B. C., V0R 1K3  
PHONE/FAX: 250-246-4928  
File: 4770-163581

This plan lies within the Cowichan Valley Regional District.

This bare land strata plan lies within the jurisdiction of the Approving Officer for the Ministry of Transportation and Infrastructure.

The field survey represented by this plan was completed on the 18th day of July, 2014.  
Philip J. Bowers, BCLS 698

R2



**SITE PLAN**

SCALE: 1" = 10'-0"

15.

Section 4 – Setback from required buffer – 1.5 meters;

Section 7 – A landscaped buffer of 7.5 meters shall be maintained from any public road and property boundary where the adjacent parcel is zoned other than MP-1. No building or structure is permitted in the required buffer area. Where land is subdivided in the MP-1 Zone, a covenant is required to define and secure the required landscaped buffer.

16.

ORIGINAL REQUEST: We are requesting that the buffer (7.5 m) and setback from buffer (1.5m) be removed, leaving a 6 meter setback from the rear property line.

REVISED REQUEST: We are requesting that the buffer 7.5 meters be reduced to a 4.5 meter buffer zone. Within the buffer zone:

1. No building or structure will be erected; and

2. Landscaping consisting of the following will be provided:

- a. Solid fencing, grass coverage, and two trees (each tree having a minimum caliper size of 5 cm upon installation) or
- b. a combination of trees and shrubs that will grow to a height of at least 1.8 meters (within 3 years of planting) and visually screen adjacent property.

JUSTIFICATION: Our justification for this variance is that, while the strata development is zoned MP1, there is a statutory building scheme attached to the strata development (see attached), prohibiting at 4.2, mobile homes or manufactured homes from being placed on the strata lots. Given that a single family home is the only option for the property, it stands to reason that setbacks intended for mobile homes should not apply.

From a design perspective we have encountered a big challenge trying to find a suitable plan, capitalizing on the view and taking into account the lot shape. With setbacks, the lot depth is only 12.69 meters (41.63 feet). Our desire is to build our dream home for retirement, which is a rather modest size home, capitalizing on the view from each room and having an in-ground pool (pending appropriate approvals). We have worked on some preliminary house plans and determined the footprint submitted with the application. Our final house plans will fall within this footprint – our home will likely be about 1700 square feet (+garage), and in any event will not exceed 2000 sqft (+ garage).

In addition, the zoning for residential lots R3 in CVRD requires a 7.5 meter front setback and 4.5 meter rear setback (for a total of 12 meters of lost land usage). By removing the buffer and setback to buffer, the lost land usage for our lot (6 meters in front and 6 meters in back for a total of 12 meters) will be equal to that of R3 zoning, putting us in a position equal to, and not better or worse than, any other single family home owner in the district.

Only following our purchase of the lot did we discover the sensitive history of the development, which did not involve us nor was it disclosed to us. As newcomers to Saltair and the CVRD, it would be unfortunate for us to have a disadvantage in building our home as a result of past events outside of our knowledge or control.

ADDITIONAL NOTES TO ADDRESS POTENTIAL CONCERNS:

1. House will be too big for the septic system

Without Variance	With Variance
We are entitled, under the septic permit, to build a 3013 sqft, 3 bedroom home + garage	We are entitled, under the septic permit, to build a 3013 sqft, 3 bedroom home + garage
Size of our house does not change with the granting of the requested variance permit	
Reasons we will not build in excess of the septic permit requirement: <ol style="list-style-type: none"> <li>We are financially responsible for the septic system on our lot and we are financially responsible as a strata owner for the septic system as a whole. If we were to exceed the size allotted in the septic permit we would be invalidating any warranty, and putting ourselves at risk for costly septic problems.</li> <li>We have no desire to have 3013 sqft (+ garage) home.</li> <li>We would not be issued a building permit by CVRD if our building plans exceed the allowable building size.</li> </ol>	
Conclusion: This concern simply cannot ever come to fruition and is therefore moot.	

2. That, given the additional building space, the house will be bigger than otherwise

Without Variance	With Variance
Our lot is 6824 sqft and we are entitled to cover 35% impermeable with max height of 24.5 feet. 6824 x 35% = 2388.4 sqft footprint	Our lot is 6824 sqft and we are entitled to cover 35% impermeable with max height of 24.5 feet. 6824 x 35% = 2388.4 sqft footprint
The size of the footprint of our home and/or impermeable accessories (garage, pool) does not change with the granting of the requested variance permit	
Reasons that we will not build in excess of the 2388.4 sqft permit: <ol style="list-style-type: none"> <li>Our planned home is a 2 story west coast contemporary home with a maximum square footage of 2000 sqft + garage.</li> <li>We would not be issued a building permit by CVRD if our building plans exceed the allowable building size.</li> </ol>	
Conclusion: This concern simply cannot ever come to fruition and is therefore moot.	

3. That the landscape buffer we install will not be adequate

Without Variance	With Variance
Landscaping buffer shall consist of the following and must be provided: <ul style="list-style-type: none"> <li>Solid fencing, grass coverage &amp; 2 trees with minimum 5 cm caliper upon installation or</li> <li>A combination of trees or shrubs that will grow to a height of at least 1.8 meters within 3 years of planting and visually screen adjacent property</li> </ul>	Landscaping buffer shall consist of the following and must be provided: <ul style="list-style-type: none"> <li>Solid fencing, grass coverage &amp; 2 trees with minimum 5 cm caliper upon installation or</li> <li>A combination of trees or shrubs that will grow to a height of at least 1.8 meters within 3 years of planting and visually screen adjacent property</li> </ul>
Reasons that we will not install an inadequate buffer: <ol style="list-style-type: none"> <li>We are building our own home for the first time in our lives, and can assure you both the home and landscaping will be aesthetically pleasing.</li> <li>As much as the buffer will visually screen our property from the adjacent property of the Graham's, the buffer will also visually screen their property from our view. It is mutually beneficial to have an adequate buffer.</li> <li>We would not be issued a building permit by CVRD if our landscape architectural submissions render the buffer inadequate.</li> </ol>	



WHY have we not submitted our floorplan and our landscape architectural plans with the variance application:

It has been suggested to us that, if we really want the variance application to be successful, we would hire a landscape architect to provide renderings of the landscape buffer, so everyone can visually see what we intend.

While we have chosen not to proceed in this manner, make no mistake that this choice has no correlation to how much we want this application to be successful. Being successful in this application is of great importance to us, this is the last home we expect live in – and God willing, that will be for decades.

Simple logic tells me that building plans are done before landscape plans. Landscaping my property is more than just the buffer – it is the entire property outside of our building, and the building comes first. Once we have our building plans complete, we can then have the landscape architectural plans drawn up, to not only meet the requirements outlined, but to complement our home. Additionally, we have already had discussions with neighbors within the strata about constructing one fence along the perimeter – to promote consistency and an aesthetically pleasing outcome. So as you can see, building plans and landscape plans require the investment of both time and money, significant time and significant money. I believe it is unreasonable to expect such costly investments when the outcome is not guaranteed. And while I might be able to manage the financial investment, I simply cannot manage the emotional investment in designing our home with the prospect of having the variance denied and having to start all over again.

Before being granted a building permit by the CVRD, we are required to submit our building plans and landscape architecture plans. We will not be granted a permit if our home exceeds 3013 sqft + garage, if it exceeds 3 bedrooms, if it exceeds the 35% coverage allowed, if it is over 24.5 feet high, or if our landscape buffer does not meet the landscape buffer requirements.

Ultimately, we are asking for an equitable decision - to be treated like every other resident building a single family dwelling in Saltair – 12 meters of total front and rear setbacks.

We are happy to address any further concerns that parties impacted by our application bring forward.

June 1, 2017

4211 Solmie Road,  
Ladysmith, B.C.  
V9G 1Y4

Cowichan Valley Regional District  
Electoral Area Service Committee  
Delivered by email

Dear Sirs,

Subject: lot 10, Skye Road, Saltair Oceanfront Estates, VARIANCE APPLICATION  
File 01-G-17DVP

**This letter is to advise you that, as an adjoining property owner of the development, we consider that any relaxation of the covenant to maintain a rear property boundary setback from 7.5 meters on the MHP zoned properties is a significant intrusion of our rights as adjoining property owners to our quiet enjoyment of our property.** When this property was a Manufactured Home Park, there were a maximum allowable 11 units. At that time, it was busy but not unduly so. Now, you are allowing 15 units on slightly less property area with more than 3 times the living area per unit of what was previously allowed. Throughout the process of converting this undersized property (2 hectare minimum per MHP bylaw) to strata MHP lots, then to modular homes, then to standard construction homes (still using MHP zoning to allow the greatest density), your staff assured us that the property setbacks and buffers would be maintained. This area is semirural and people have purchased their property with the understanding that there would be some privacy between homes on the properties. Reducing the setback by 9 feet or almost 50% is not respecting that privacy. If you are unaware, there was a recent case in Ladysmith in which it was upheld by the Supreme Court that a covenant that protects the rights of neighbours was to be upheld. I believe that you should obtain a legal opinion before you make a decision to allow this covenant relaxation.

I also am at a loss to understand how a sewer system that was approved by the Vancouver Island Health Authority (that I was told was the maximum flow that would be allowed by a private sewer system without Provincial Authorization) became so flexible, was replaced by a much looser definition of # of bedrooms, and living space and a revised permit. It seems that sewer capacity is a very fluid concept and that increased capacity can be accommodated without changing the system's size. I understand that 14 of 35 of the private utility systems in the CVRD are in failure. I think that I understand why.

In the justifications provided by the applicant for the variance, they say that they won't build bigger than the allowable square footage or occupy more foot print. My question is then why are they applying for this variance? When they say that they are building their "dream home" that they will live in for the rest of their lives, I hope that this commonly used phrase does not influence your decision. Many pledges are made by people that are almost immediately reversed when they gain approvals. If the

applicant is truly interested in a longer term home, they should consider the clay nature of the soil and the sloughing that has already occurred directly adjacent to their property. They show significant sophistication in understanding various zoning and setback terms and should have been well aware of the restrictive covenants on the property due to its substantially greater density than if it were zoned residential. Due diligence is required when purchasing a property and they should think about how they can work within the framework, not try to change it. I don't believe that municipal authorities should change their requirements because someone did not do their homework. Past history of the property is irrelevant to the application other than that it remains MHP zoned to allow for the densification that has been approved. The fact that WCY Rentals does not allow manufactured homes on MHP zoned property is an irony from their step by step manipulation of the redevelopment process. We find it offensive that the proponent is trying to use past history as an excuse to get more lot coverage.

Most importantly, the reason that I implore you not to approve this covenant relaxation is that it sets a precedent for 14 other lots on the property so the whole development can become a densely packed subdivision backing unsuitably close to neighbours' properties. The purpose of the restrictive covenant is neighbours' only protection against this. Please keep in mind that the City of Vancouver's greatest allowable density in a residential area is total liveable square footage equal to 75% of the lot size. This development allows total livable square footage of 105% of the lot size for most of the houses. Our community hasn't the infrastructure, the soil composition, or the desire to have such closely packed homes. We have a right to quiet enjoyment of our property and not have to live with the noise and bother of neighbours too close. The Official Community Plan and Saltair zoning bylaws are supposed to protect us from over densification. This development variance application is not at all suitable to our community's needs or wishes. Please adhere to the covenant as provided in the Zoning bylaw. Thank you.

Yours truly,

Peter and Sherry Durnford

**From:** Randy Martin  
**To:** [Sheila Herrera](#)  
**Subject:** File No. 01-G-17DVP  
**Date:** June-06-17 2:48:11 PM

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Hi Sheila,

I would like to respond to the application for variance at LOT 10 Skye Road. I live at 4202 Solmie Road. Six lots of this sub division border on my property. My main interest in this, is the preservation of my view. Lots 7,8 and 9 have height restrictions attached. The enforcement of this, is much more important to me, and it is my expectation that the CVRD will strictly enforce these height restrictions. Once construction begins on lots 7,8 or 9, I will be keeping a very close eye on this. My concern, is that if the district demonstrates a willingness to grant variances, the flood gates will be open. While I can sympathize with the applicant, regarding maximizing their view, I am already living in my dream home, and want to keep my view. In response to their justification, I would like to point out that the MP1 zoning was used to obtain higher density. MP1 allows 9 units per hectare, whereas R3, with community water and sewer allows minimum lot size of 0.2 hectare or 5 units per hectare. Originally, the developer was going purchase modular homes. Later he requested that he be allowed to build conventional houses, on the basis of keeping the money local, and providing construction jobs etc. This seemed like a great idea, and was allowed as a concession within the existing MP1 zoning. It is disturbing that the applicant now, would like to use that as an argument for changing setbacks. The allowance of the stick frame construction, was granted as a positive step, not for someone to use as justification for skirting around the MP1 zoning. Even though this particular lot does not impact my property, I am concerned about lots bordering on my property requesting the same variance. Thank you for your time Sheila.

Randy Martin.  
4202 Solmie Road  
Ladysmith BC. V9G-1Y4

CVRD staff – Planning and Development &  
EASC Directors,

Re: File 01-G-17DVP - Lot 10, Skye Rd. Saltair Oceanfront Estates, Development  
Variance Permit

I ask the EASC Directors and CVRD Planning and Development staff to deny the application for the above Development Variance Permit File 01-G-17DVP based on the 7.5M Landscaped Buffer - CVRD Covenant CA4059564 is a “relevant requirement of the Mobile Home Park Bylaw that is proposed to be included in the MP-1 Zone” (per Rob Conway 6 Mar 2014 Public Hearing). **“Covenant no. CA4059564 in favour of the Cowichan Valley Regional District, creating a buffer zone and setting restrictions within this buffer zone.”** The MP-1 Manufactured Home Zone 1 adopted by the CVRD Board on the 9 Apr 2014 (only 3 years ago) allows either a single family dwelling (on site built dwelling) or a manufactured home as a permitted use.

The CVRD Board approved the Area G – MP-1 Manufactured Home zone only 3 years ago with covenant no. CA4059564 to protect the adjacent R3 property owners property values, views, etc. These 2014 zoning changes to the MP1 Manufactured Home Zone were contingent upon the developer WCY Rentals Ltd encumbering the property with the covenant for the protection of the adjacent R3 property owners. This covenant is specific to this property only.

**Attachment D shows clearly that the applicant has an issue with the Saltair Oceanfront Estates Strata – Encumbrances and not the CVRD Area G MP1 Zone Bylaw as the MP1 Zone does not have restrictions on home designs or on site built dwellings. The MP1 zone “allows either a single family dwelling or a manufactured home as a permitted use” per CVRD staff Rob Conway. Many of the applicants statements indicate they may have not been totally informed of the Area G MP1 regulations, covenants and encumbrances when the applicants were making their purchase from the seller or when reading their purchase documents. These issues are between the applicant, the seller and the Saltair Oceanfront Estate Strata. Not the CVRD EASC/Board and the Area G – MP1 Zoning Bylaw.**

**The CVRD restrictions on the parcel coverage of 35% is normal in the CVRD Electoral Areas. VIHA approved the Sewage System and has also placed restriction on the development and building permits.**

**The applicant is only wanting to pick the one setback from the R3 Zone for the rear parcel from the R3 General Residential 3 Zone Parcel Setback and not all the R3 Setbacks such as the Front Parcel line 7.5M, Interior side 3M, Exterior side 4.5M.**

**R3 Zone only allows 1 dwelling on Min Parcel of 0.4 hectares and the MP1 allows 9 dwellings per 1 hectare and this development is 16 strata lots with 17 dwellings on 1.8Hectare.**

9 Apr, 2014 the CVRD Board adopted Bylaw 3782 and the CVRD Mobile Home Bylaw 275 was removed from this MP1 Manufactured Home Zone “relevant requirement of the Mobile Home Park Bylaw that is proposed to be included in the MP-1 Zone” per CVRD Staff Rob Conway.

The CVRD Mobile Home Bylaw 275 ( included in Electoral Area Manufactured Home Parks) would have required the following;

“Section Eleven – Buffer Area”

“11.1 Every mobile home park shall have immediately within all its boundaries a buffer area a minimum of 7.5M in depth with which

(b) no mobile home area nor an owner’s residential plot may be located

(c) no building or structure may be erected or placed”

“Section Twelve – Placement of Mobile Homes”

12.1 Within a mobile home site, no part of any mobile home or any permissible addition shall be:

(b) closer than 6 M to another mobile home;

(c) within 3 M of any buffer area.

Let’s compare the CVRD Mobile Home Bylaw 275 and the Area B – RR5 Rural Manufactured Home Zone with the “relevant requirement of the Mobile Home Park Bylaw that is proposed to be included in the MP-1 Zone” per CVRD staff for Area G.

CVRD Mobile Home Bylaw 275

- No owners residential plot may be located in the 7.5M buffer area
- 6M from another mobile home
- 3 M setback from Buffer Area

Area G RR5 – Rural Manufactured Home Zone

- exterior boundaries throughout the RR5 Zone shall be buffered by a continuous 7.5M wide vegetated screen within which no buildings or structures may be constructed and a covenant .... preserving this buffering function shall be entered into with the CVRD”
- 4.5M from another home
- 3M setback from rear parcel line (from 7.5M continuous buffered area)

CVRD Area G – MP1 – Manufactured Home Zone 1

- strata lot owners lots include 7.5M landscape buffer with covenant
- 4.5M from another home
- 1.5M setback from Landscaped Buffer

The CVRD staff/Board did not include the 7.5M buffer area in the Area B RR5 lots or in the CVRD Mobile Home Bylaw 275 lots. But allowed the Area G MP1 Zone lots to include the 7.5M buffer area under a covenant in the strata lots. Should the CVRD have not followed the precedent of the Area B RR5 Special Regulations and the CVRD Mobile(Manufactured) Home Bylaw 275 not allowing lots in the buffer areas?

The Saltair Oceanfront Estates Strata Encumbrances restricts the owners of the lots from placing a manufactured home on their lot and has a “Statutory Building Scheme No. CAS4059561 regulating the development and the use of the Strata Lots”. **The CVRD Area G – MP1 Zone does not have any restrictions on the Permitted Use of a single family dwelling (on site built) or a manufactured home.**

Area G – Zoning Bylaw 2524 - 5.7 MP1- Manufactured Home Zone 1  
7. Landscaped Buffer

***“A landscaped buffer of 7.5M shall be maintained from any public road and property boundary where the adjacent parcel is zoned other than MP-1. No building or structure is permitted in the required buffer area. Where land is subdivided in the MP-1 Zone, a covenant is required to define and secure the required landscaped buffer.”***

*“Covenant no. CA4059564 in favour of the Cowichan Valley Regional District, creating a buffer zone and setting restrictions within this buffer zone.”*

The Area G – MP1 Zone and the Covenant created by the CVRD Staff and approved by the CVRD Board only 3 years ago.

- The covenant is specific to this property as it is the only MP1 zone in Area G – Saltair.
- The concerns by the CVRD staff which led to the covenant have not diminished or extinguished in the 3 intervening years.
- The covenant speaks very clearly about ensuring the property is used consistently with community needs and the public good.
- The 2014 changes to the MP1 Manufactured Home Zone 1 were contingent upon the developer WCY Rentals Ltd encumbering the property with the covenant.

Adjacent neighbours in R3 zoning derive a practical benefit from the covenant. This MP1 development is high density housing strata lots when compared with the adjacent neighbours R3 lots Minimum Parcel Size – 0.4 hectare with only 1 single family dwelling permitted. The MP-1 has 16 lots with 17 dwellings on 1.8Hectare

A variance on the covenant injures 3<sup>rd</sup> parties adjacent R3 zoned property owners, home values, views, increased noise, a wall of large and 2 story homes towering over their private property (with 17 homes on 1.8Hectare), etc. The Variance Development Permit to allow a wall of 27ft high homes and higher to go from the current 7.5M buffer area plus 1.5M setback from the landscaped buffer area = 9M from the adjacent R3 zoned property lines to only 4.5M is against the Covenant that the CVRD Board

adopted on 9 Apr 2014 to protect the adjacent R3 zone property owners from having a row of two story homes only 4.5M apart towering over their properties.

The history is the Saltair Trailer Park (now known as Saltair Oceanfront Estates) was the only affordable low cost housing in Area G – Saltair and was purchased by WCY Rentals Ltd in 2007. The manufactured home owners were given notice of closure of the Manufactured Home Park and due to the majority of their manufactured homes not meeting the current Manufactured home standards the homes and their investments were destroyed leaving many in debt and without a home. Some of the residents passed away during this time frame. The end result was in 2014 a gated community with strata lots, home design scheme, high density housing, high end home plans, and the loss of the only affordable low cost housing zone in Area G – Saltair.

It appears that the Variance Development Permit applicant has issues with the Saltair Oceanfront Estates – Encumbrances placed on the strata lots by the Saltair Oceanfront Estates Strata and the seller to them of their lot. These are not CVRD Area G- MP1 issues.

Adjacent property owners should not be injured as 3<sup>rd</sup> parties by a variance on the CVRD Covenant CA4059564 that was adopted only 3 years ago by the CVRD Board on the 9 Apr 2014. The concerns that led to the covenant have not diminished or extinguished in the 3 intervening years. The changes to the MP1 Zone was contingent upon WCY Rentals Ltd encumbering the property with the “Landscape Buffer 7.5M” with the “Covenant CA4059564 in favour of the CVRD, creating a buffer zone and setting out restrictions within this buffer zone”. This covenant is specific to this property only.

The applicant might consider applying for a Development Variance Permit to move the home the required distance into the 6M Front Parcel Line instead of moving the house into the 1.5M setback from the Required Landscape Buffer Covenanted “Landscape Buffer 7.5M” and the 7.5M Landscape Buffer. This would not impact the adjacent R3 property owners and gives the applicant the square footage home they are looking to build.

I ask that the EASC Directors and CVRD Staff to deny this application File 01-G-17DVP.

Regards,  
Lynne Smith  
Saltair taxpayer  
10860 Olsen Rd.  
Ladysmith BC



# Philip Landick Developments Ltd

6116 Garside Road

Nanaimo, B.C.

V9T 6H9

Phone#: 250-390-2939



**Date:** June 7, 2017.

**File #:** No.01-G-17DVP

**Re:** Lot 10 Skye Road (PID: 029-445-990), Strata Lot 10, District Lot 41, Oyster District, Strata Plan EPS1847 together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form V.

**Dear Sheila Herrera**

We have received the letter regarding the variance request for Strata Lot 10 Skye Road. Our concern pertains to the additional 3 meters encroachment into the back yard setback that is being requested on a two storey home. A two storey high wall will then obstruct the view and line of sight in the rear yard to the ocean for all the lots we own on that side of the street. The lots we own on that side of the street are Strata Lot 12, 13 14 and 15. If this variance is proposed then we will require the same variance for the lots to attempt to get the view back with the line of site to the Ocean instead of looking at a 2 storey high wall.

Thank you for your Consideration and review,

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip Landick", is written over a horizontal line.

Philip Landick

Philip Landick Developments Ltd.

Richard and Evelia Graham  
11245 Chemainus Road  
Ladysmith BC V9G 1Y5

June 2, 2017

Cowichan Valley Regional District  
Electoral Area Service Committee  
Delivered by email

Dear Sirs and Madams,

Subject: Lot 10, Skye Road, Saltair Oceanfront Estates, Development Variance Permit application.

**File No. 01-G-17DVP**

Thank you for the information regarding the variance application. We are opposed to this variance application which is requesting reducing the MP-1 Zone Landscape Buffer requirements (Section 5.7.7) of Zoning Bylaw No. 2524 that apply to the rear property boundary from 7.5 m to 4.5 m. This is one of 6 lots where the landscape buffer will border on our property line.

All along the process of this development our understanding was and is that there is a 7.5 metre buffer zone between our property line and the point at which someone can build their home.

We do not agree with the justification the applicant is making to reduce that buffer zone from 7.5 metres to 4.5 metres. The MP-1 zoning bylaw shows the permitted uses as being:

- a) Single family dwelling
- b) Manufactured home.

Therefore, where the applicant says "given that a single family home is the only option for the property, it stands to reason that setbacks intended for mobile homes should not apply" is not correct given that we are talking about an MP-1 manufactured home zone (or what is left of it) not an R3 zone. Where the applicant refers to R3 zoning and putting their lot in the same position as an R3 zoned lot is unreasonable because the applicant did not buy a lot in an R3 zone, the applicant bought a lot in a MP-1 zone. The strata plan requirements are not related to the restrictive covenant.

The applicant also wants an in-ground pool which given the proximity to the bank could cause additional sloughing and other erosion problems due to the additional weight this would add to the lot.

We have been told as this development proceeded that it would be in an MP-1 zone and therefore restrictions would be part of that zoning. We were assured that through that process the buffer zone would be maintained. So far, the restrictions seem to be falling apart like a stick built home in an earthquake. We think the point has been reached where if the 7.5 metre buffer zone is altered by variance then we effectively have an R3 zone with density that would never be allowed in an R3 zone.

The questions we are dealing with here are:

- 1) Does the covenant impede the reasonable use of the property without benefit to others?
- 2) Would altering the covenant injure the persons entitled to its benefit?

The answer to question 1 is that the covenant does not impede the reasonable use of the property because it was put in place to ensure the property was build according to the requirements of an MP-1 zone which requires a 7.5 metre buffer zone.

The answer to question 2 is that altering the covenant from 7.5 metres to 4.5 metres would injure the persons entitled to its benefit because the practical benefit to the neighbours comes in the form of decreased density, increased privacy and controlled development of the property, which are factors properly considered when a party applies to alter or cancel a covenant. There is recent case law to support the above questions and answers.

Enclosed is an article with a picture of a home and a pool close to a bank and some of the potential problems associated with that. (Attachment 1)

Also enclosed is a picture of a ravine carved out beside our property line at one point as the result of the developer's negligence. (Attachment 2)

Our property is on the downward side of the slope created by the developer and we expect that the CVRD will enforce the 7.5 metre covenant that is now in place for the development. The CVRD has already allowed an electrical kiosk to be built right beside our property line even though we contested it being built there.

Yours truly,

Richard and Evelia Graham

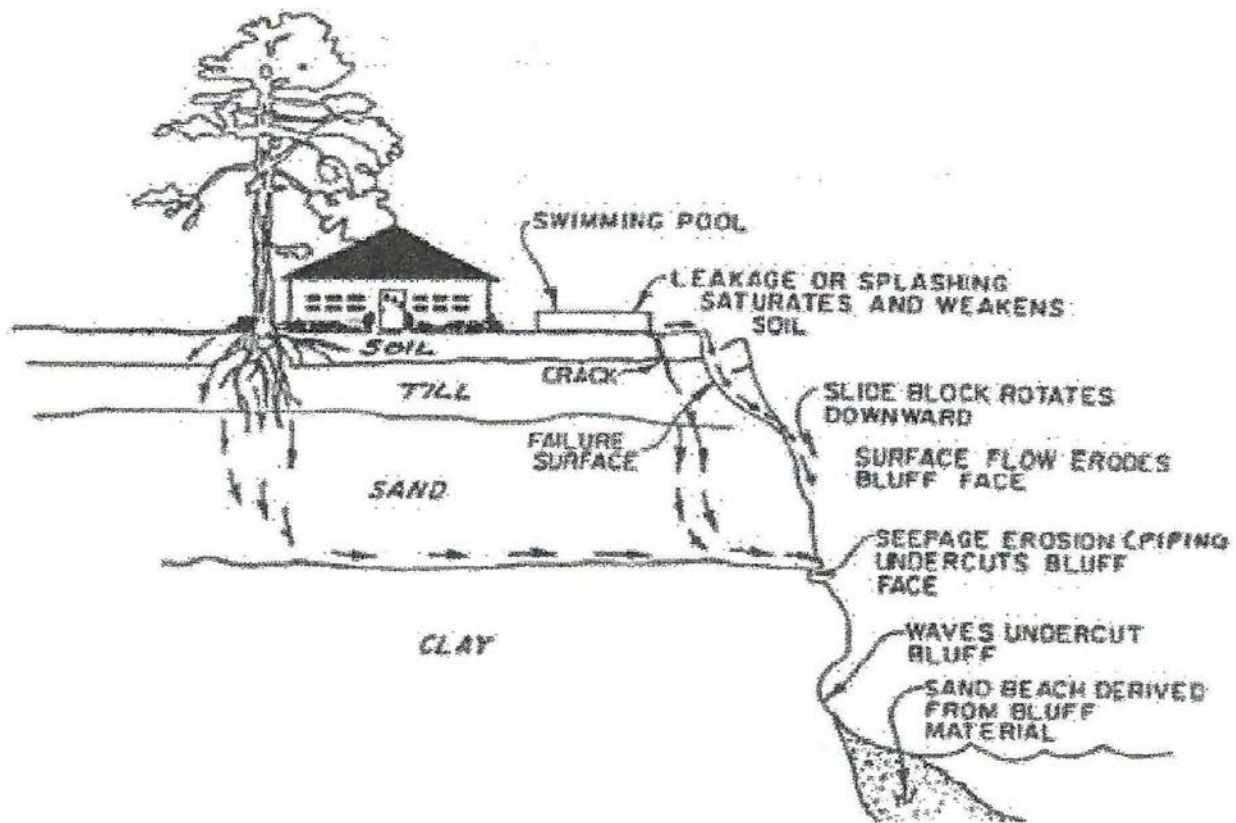
Encl: Photo (Attachment 1)  
Photo (Attachment 2)

## Erosion

Erosion is the process of gradual washing away of soil by water movement or seepage.

There are many factors which can cause erosion and slope instability such as soil type, stratigraphy, topography, steepness of slope, erosive action from waves and rivers, groundwater, surface water, and weathering. The main threat to ravine and bluff property is water erosion.

Erosion is a natural force that can be slowed, but cannot be stopped entirely and can be accelerated by human activity.





ATTACHMENT 2



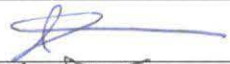







RE: CVRD FILE # 01-G-17DVP

We the undersigned neighbours of Saltair Oceanfront Estates object to the relaxation of the covenant to reduce the buffer setback per the properties' zoning from the required 7.5 meters.

Name	Address	Signature
Patricia Blightt	11241 Chemainus Rd.	<i>Patricia Blightt</i>
TED BLIGHTT	" "	<i>Ted Blightt</i>
JOHN OLSEN	10770 CHEM RD	<i>John Olsen</i>
M. Quigley	11235 Chemainus Rd.	<i>M. Quigley</i>
L. Vermorel	11249 Chemainus	<i>L. Vermorel</i>
Eva Rempel	11249 Chemainus Rd.	<i>Eva Rempel</i>
LEANNE BRYSKI	11243 CHEMAINUS	<i>Leanne Bryski</i>
RICK BRYSKI	11243 CHEMAINUS	<i>Rick Bryski</i>
Stuart Rempel	11249 Chemainus	<i>Stuart Rempel</i>
Karen Couling	11239 Chemainus	<i>Karen Couling</i>
WALLY COULING	11239 CHEMAINUS	<i>Wally Couling</i>
EVELIA GRAHAM	11245 CHEMAINUS RD.	<i>Evelia Graham</i>
RICHARD GRAHAM	11245 CHEMAINUS RD.	<i>Richard Graham</i>

We the undersigned neighbours of Saltair Oceanfront Estates object to the relaxation of the covenant to reduce the buffer setback per the properties' zoning from the required 7.5 meters.

Name	Address	Signature
Jill Molnar	11285 Greenhill Dr.	
William Molnar	11285 Greenhill Dr.	W Molnar
JUDITH MIDDLETON	11289 GREENHILL DR	J Middleton
ROB MIDDLETON	" " "	R Middleton
PAUL COWDEN	11293 " "	Paul
VALERIE COWDEN	" " "	Valerie Cowden
CAREY HAUBRICK	11292 GREEN HILL DR	
JACKIE HAUBRICK	11292 GREEN HILL DR	
JANE SANDRA BRUINWOOD	11275 GREENHILL DR	
KEN BOSMA	11316 GREENHILL DR	
Marie Gagne	4202 Solmie	M. Gagne
ALAN R. MARTIN	4202 SOLMIE	

We the undersigned neighbours of Saltair Oceanfront Estates object to the relaxation of the covenant to reduce the buffer setback per the properties' zoning from the required 7.5 meters.

Name	Address	Signature
Kimberley O'Donnell	11282 Greenhill Dr. <sup>to 4.5m</sup>	Kimberley O'Donnell
ROBERT VIAHA	11290 GREENHILL DR	Robert Viaha
LORRAINE VIAHA	11290 GREENHILL DR	Lorraine Viaha
MARTIN BARNET	11286 GREEN HILL	Martin Barnet
ERNEST DOLLING	11306 GREENHILL	Ernest Dolling
PETER PARDEE	11310 GREENHILL D	Peter Pardee
SIRKA PARDEE	11310 Greenhill	Sirka Pardee
TERRY BOOT	11295 Greenhill D	Terry Boot
PEER DURNFORD	4211 SOLMIE	Peer Durnford
Sherry Durnford	4211 Solmie Rd	Sherry Durnford
Lynne Smith	10860-OLSEN RD.	Lynne Smith
Neal Smith	10860-OLSEN RD	Neal Smith





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** June 13, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 21, 2017

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

**SUBJECT:** Development Permit Application No. 09-B-16DP  
(2786 Meadowview Road)

**FILE:** 09-B-16DP

## PURPOSE/INTRODUCTION

The purpose of this report is to present a development permit application for a subdivision that would create five new lots pursuant to the Shawnigan Village Development Permit Area (DPA) guidelines and Shawnigan Lake Zoning Bylaw No. 985.

## RECOMMENDED RESOLUTION

That is be recommended to the Board:

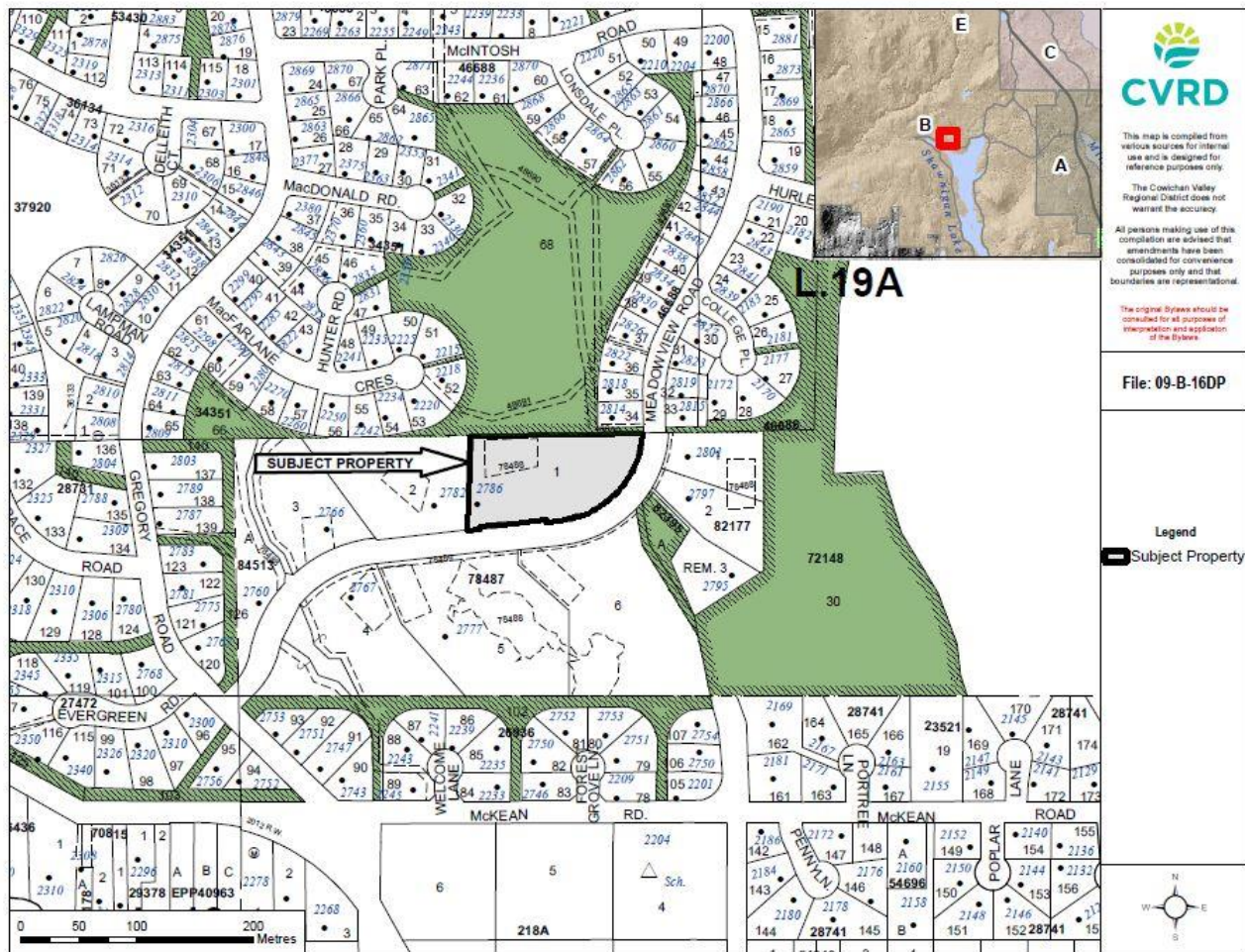
1. That Development Permit Application No. 09-B-16DP (2786 Meadowview Road) be approved subject to 1) the applicant providing written confirmation from the Ministry of Transportation and Infrastructure accepting the recommendations of the Hydrology Report prepared by J.E. Anderson & Associates dated February 27, 2017 and 2) the applicant provide written confirmation from Ministry of Transportation & Infrastructure accepting to the Right-of-Way for the proposed drainage ditch; and
2. That the General Manager of Land Use Services 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. 3510.

## BACKGROUND

<u>Location:</u>	2786 Meadowview Road
<u>Owner:</u>	Cowichan Valley Kitchens
<u>Size of Land Parcel:</u>	1 hectare (2.5 acres)
<u>OCP Designation:</u>	Village Residential
<u>Existing Zoning:</u>	R-3 – Residential
<u>Use of Existing Property:</u>	Vacant
<u>Use of Surrounding Properties:</u>	
	North: Park & Residential
	South: Residential
	East: Residential
	West: Residential
<u>Road Access:</u>	Meadowview Road
<u>Water:</u>	Shawnigan Lake North Water System
<u>Sewage Disposal:</u>	Within Shawnigan Beach Estate Sewer System
	Proposed: Septic Fields
<u>Environmentally Sensitive Areas:</u>	Possible wetland
<u>Fire Protection:</u>	Shawnigan Lake Fire Service

Wildfire Hazard Rating: Moderate

**LOCATION MAP**



**APPLICATION SUMMARY**

The purpose of this application is to consider a Development Permit for the subdivision of 2786 Meadowview Road (see Attachment A). The applicant is proposing to subdivide the 1 hectare parent parcel into five 0.2 hectare lots. Each parcel is proposed to be serviced by the CVRD, managed Shawnigan Lake North Water System and individual septic fields.

The property is currently vacant, partially forested, and includes a low lying area that seasonally floods on proposed Lot E (see Attachment B). Based on a hydrology report prepared in support of the application, the proposal is to backfill the low lying area and construct a ditch to direct the stormwater runoff to an existing drainage route within a CVRD park.

**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

The application was referred to the Area B Advisory Planning Commission which passed the following motion (see Attachment C):

***"Motion is recommended to accept the application as per the Hydrology Report and the three recommendations outlined in it:***

1. The low-lying area be backfilled and the water redirected to a CVRD park to the north via a 2.0 meter ditch;
2. That the ditch be located within a Statutory Right-of-Way that is in favor of the BC MoT;

and,

3. That the fill area be landscaped with a minimum of 150 mm of absorbent topsoil to not increase downstream flows into the park.

**AND**

4. Conditional upon the BC MoT acceptance of the Hydrology Report.

Moved and carried.

**AND we recommended that:**

The CVRD take the necessary steps to remedy the impaired drainage infrastructure on Lot 68 (as listed on page 1, Attachment D, of JEA Hydrology Report) and make sure that the party responsible maintains it accordingly into the future."

## OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

### **Official Community Plan**

The proposed development is subject to the Shawnigan Village Development Permit Area Guidelines. Applicable guidelines include:

#### General Guidelines:

- Removal of invasive species
- Reducing the risk of flooding

#### Rainwater Management, and Environmental Protection:

- Stormwater runoff should be managed onsite using natural solutions such as rain gardens and bio-swales to prevent damage to roads, surrounding properties and sensitive watershed features.
- Pervious surfaces should predominate, to encourage infiltration of water.

#### Subdivision:

- The removal of trees should only be allowed when necessary and where alternative vegetation and water retention measures can be achieved.

### **Zoning**

As per Shawnigan Lake Zoning Bylaw No. 985, the subject property is zoned R-3 (Residential). Permitted uses include: single family residential dwelling; horticulture; home based businesses; bed and breakfast accommodation; daycare nursery school accessory to a residence; and, small suite or secondary suite. Maximum parcel coverage is 30% for all buildings and structures, and minimum parcel size for a parcel serviced by community water system is 0.2 hectares (0.49 acres).

## PLANNING ANALYSIS

### **Official Community Plan – Development Permit Area Guidelines**

It is the responsibility of the applicant to demonstrate how their application meets the applicable guidelines of the Shawnigan Village DPA. The following section explains how the applicant intends to meet the DPA guidelines.

#### General Guidelines

**Removal of Invasive Species:** As invasive species, primarily scotch broom, were found on the subject property, the applicant is proposing to remove all invasive species as a condition of the Development Permit.

**Flooding Risk:** When the CVRD and Ministry of Transportation and Infrastructure (BC MoT) staff conducted a joint site visit of the subject property, a low lying area approximately 10 m wide and 30 m long was identified with standing water on proposed Lot E. During the visit, the applicant explained that stormwater runoff was being directed onto his property via a BC MoT culvert located under Meadowview Road (see Attachment D). 63 large piece of plywood and bags of cement were

found blocking the culvert opening on the west side of Meadowview Road. According to the applicant, these measures were taken to stop the flow of stormwater onto the subject property, changes not authorized by BC MoT.

Given the standing water found on proposed Lot E, and the flooding that currently occurs onto the service road and neighbouring properties (Lot 34 & 35) during heavy rain events, the CVRD and BC MoT jointly expressed concerns about the potential flooding risk that could result from developing the subject property. As a result, the CVRD in partnership with BC MoT requested the applicant provide a report certified by a Professional Engineer addressing the following: 1) that the development will not result in property damage or the loss of life on the site or in the surrounding areas; 2) the classification of low lying area (i.e. is it considered a wetland); and, 3) the source of the water pooling onto the property.

A hydrology report was prepared by a Registered Professional Engineer at JE Anderson & Associates (see Attachment E) and an Environmental Assessment was conducted by a Registered Professional Biologist at Madrone Environmental Services (see Attachment F). Based on the findings of the Madrone report, the low lying area is classified as a 'seasonally wetted area', and is not connected to fish habitat and thus not subject to the Riparian Areas Regulation. It also does not represent a typical wetland habitat; however, the area does contain vegetation that is adapted to higher levels of moisture. As for the source of the pooling water, the Biologist believes the source is rain and snow melt that is conveyed onto the property via the BC MoT ditch and culvert located under Meadowview Road.

Based on the results of the hydrology assessment, the Engineer believes the source of the pooling water is the BC MoT culvert, which directs uphill drainage onto the subject property and then the CVRD park. Given these findings, the Engineer recommends the following:

1. The low lying area be backfilled and the water directed to a CVRD park to the north via a 2.0 metre ditch;
2. That the ditch be located within a Statutory Right-of-Way that is in favor of the BC MoT;
3. That the fill area be landscaped with a minimum of 150 mm of absorbent topsoil; and
4. That a Geotechnical Engineer will be required to certify any walls or fill that will be supporting future buildings.

The report states that the filling of the low lying area will not increase downstream flows into the CVRD park, and that there will be no downstream concerns related to the proposed Lot E changes.

BC MoT has expressed concern to the CVRD regarding the findings of the Hydrology Report, specifically related to the classification of the seasonally wetted area and the recommendation to backfill. Staff have yet to receive a verbal or written confirmation from BC MoT accepting the recommendations of the report. As BC MoT is the jurisdiction responsible for managing drainage, Staff informed the applicant that it would be advisable to work out the concerns raised by BC MoT in advance of the Development Permit being considered by the Electoral Area Services Committee. That way, should BC MoT insist that changes be made to the proposed site drainage solution, the applicant will not be required to resubmit a Development Permit application and/or hold a Development Permit that is inconsistent with the conditions of the Preliminary Layout Approval (PLA).

As the applicant has expressed a desire to move the Development Permit forward without a resolution from BC MoT, Staff recommend approval of the Development Permit subject the applicant submitting a written confirmation to the CVRD from BC MoT 1) accepting the recommendations of the Hydrology Report and 2) accepting to hold the Statutory Right-of-Way for the proposed drainage ditch, prior to issuance of the Development Permit.

### Rainwater Management

Rock pit infiltration systems for each lot are proposed to be constructed to managed rainwater onsite, as per a covenant registered on title. Should the systems exceed capacity for managing rainwater, overflow will be directed to the roadside ditch at the front of the parcels (see Attachment G).

### Subdivision Guidelines:

Tree removal is only proposed for the building site for this subdivision.

### **Zoning**

Based on the Zoning Bylaw requirements, the application meets the minimum lot size requirements of 0.2 hectares. Use and parcel coverage are unknown as this time, and thus will be assessed at the building permit stage.

### **Parkland Dedication**

Parkland dedication pursuant to Section 510 of the *Local Government Act* is not required, as parkland was provided during the subdivision of Lots 1-7 of Plan No. 78487 (see Attachment I).

### **Recommendation**

As this application complies with applicable Development Permit guidelines, approval of the permit is recommended.

## **OPTIONS**

### Option 1

1. That Development Permit Application No. 09-B-16DP (2786 Meadowview Road) be approved subject to 1) the applicant providing written confirmation from the Ministry of Transportation and Infrastructure accepting the recommendations of the Hydrology Report prepared by J.E. Anderson & Associates dated February 27, 2017 and 2) the applicant provide written confirmation from Ministry of Transportation & Infrastructure accepting to the Right-of-Way for the proposed drainage ditch; and,
2. That the General Manager of Land Use Services 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. 3510.

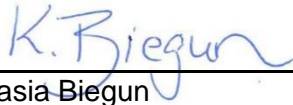
### Option 2

That it be recommended to the Board that Development Permit No. 09-B-16DP (2786 Meadowview Road) be denied due to the stated inconsistencies with applicable development permit guidelines.

## **RECOMMENDATION**

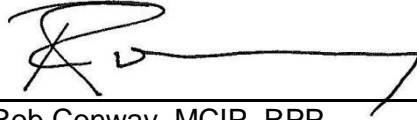
Staff recommends Option 1.

Prepared by:




Kasia Biegun  
Planner I

Reviewed by:



Rob Conway, MCIP, RPP  
Manager



Mike Tippett, MCIP, RPP  
A/General Manager

**ATTACHMENTS:**

- Attachment A – Subject Property Map
- Attachment B – Proposed Subdivision Plan
- Attachment C – APC Minutes
- Attachment D – Existing Drainage
- Attachment E – Hydrology Report
- Attachment F – RAR Assessment Letter
- Attachment G – Rainwater Management Plan
- Attachment H – Park Dedication
- Attachment I – Draft Development Permit





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.

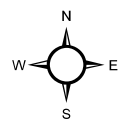
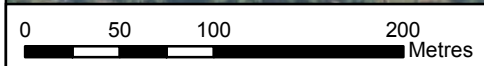
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 09-B-16DP

**TRIM  
Orthophoto  
(2014)**



67



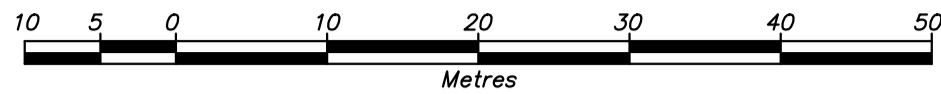
**R3**

**ATTACHMENT B**

*DRAFT PLAN JULY 25 2016*

BCGS 92B. 062

Scale = 1:500



The Intended plot size of this plan is 560 mm in width by 432 mm in height (C size) when plotted at a scale of 1:500

LEGEND

Bearings are NAD 83 (CSRS) 3.0.0.BC.1.NVI grid bearings derived from carrier phase GPS observations and are referred to the central meridian of Zone 10 (123° West). To obtain local astronomic bearings referred to the meridian through the traverse hub control point GPS TH 1101 subtract 0° 29' 32" from grid bearings.

This plan shows horizontal ground-level distances based on an ellipsoidal elevation of 131.5 metres.

To compute grid distances, multiply ground-level distances by the combined factor 0.99960785

The UTM coordinates and estimated network horizontal accuracy are derived from GPS single frequencies ties to PGC5 WCDA-PGC Situated at North Saanich BC NRCan Station No. 987003

and ALBH WCDA-PGC, Situated at Albert Head, Victoria BC, NRCan Station No. 927000

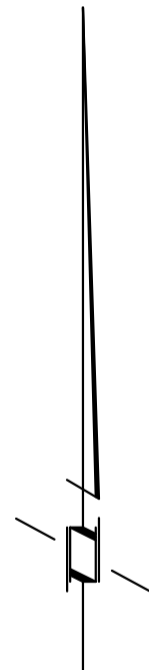
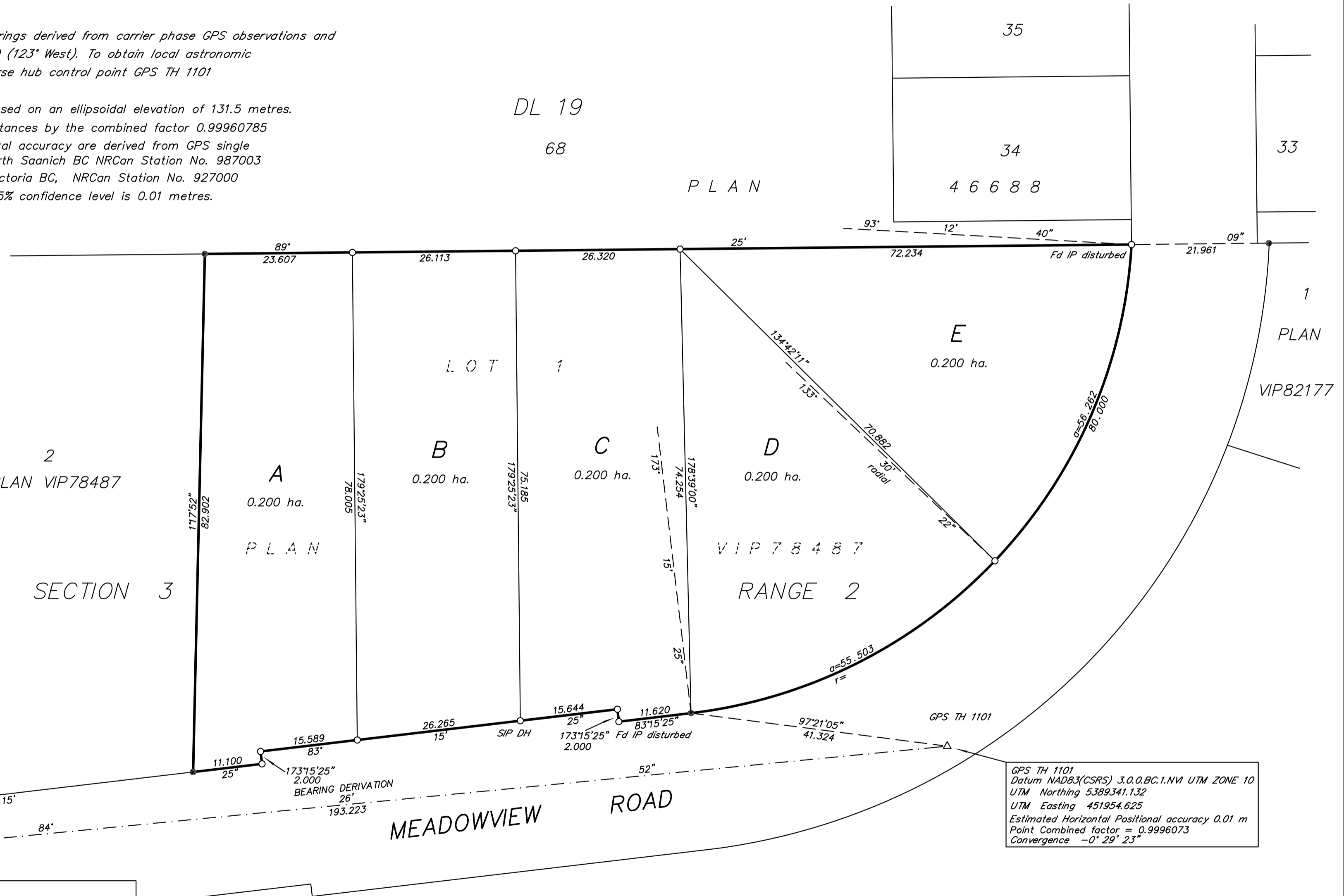
The estimated network horizontal accuracy at the 95% confidence level is 0.01 metres.

All distances are in metres and decimals thereof.

All distances are in metres and decimals thereof.

- denotes standard iron post found.
- denotes standard iron post placed.
- △ denotes traverse hub placed.
- ha. denotes hectares.
- SIP denotes short iron pin.
- DH denotes Drillhole in rock

68



GPS TH 1101  
Datum NAD83(CSRS) 3.0.0.BC.1.NVI UTM ZONE 10  
UTM Northing 5389324.132  
UTM Easting 451954.625  
Estimated Horizontal Positional accuracy 0.01 m  
Point Combined factor = 0.9996073  
Convergence -0° 29' 23"

GPS TH 1108  
Datum NAD83(CSRS) 3.0.0.BC.1.NVI UTM ZONE 10  
UTM Northing 5389322.444  
UTM Easting 451762.384  
Estimated Horizontal Positional accuracy 0.01 m  
Point Combined factor = 0.9996084

G.W. LINDBERG LAND SURVEYING INC.  
Professional Land Surveyor  
Surveying & Geomatics Services  
9261 Chemainus Road Tel. (250) 246-9393  
Chemainus, B.C. V0R 1K5

This plan lies within the jurisdiction of the Approving Officer for the Ministry of Transportation and Infrastructure

This plan lies within the Cowichan Valley Regional District.

The field survey represented by this plan was completed on the 15th day of June, 2016  
Gerald W. Lindberg, BCLS 730

**R3**





## SOUTH COWICHAN/ELECTORAL AREA B APC MEETING

**Date:** Thursday, June 1, 2017 - 7 PM  
**Place:** Shawnigan Lake Community Centre  
**Address:** 2804 Shawnigan Lake Rd., Shawnigan Lake, BC

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### MINUTES

**Present:**

Bruce Stevens, Chair  
Dave Hutchinson, Vice-Chair  
Kelly Musselwhite, Secretary  
Pieter Devries, APC  
Mike Hennessey, APC  
Steve McLeod, APC  
Sarah Malerby, APC

**Absent :**

Grant Treloar, APC

**Guests:**

Sierra Acton, Area Director  
Susan Kaufmann, Chair, Area E APC  
Linda O'Connor, Citizen  
Cliff Evans, Citizen  
Robert Arndt, 09-B-16DP Applicant

1. **INTRODUCTIONS – round table**
2. **ADOPTION OF Minutes of the meeting of May 8, 2017 – moved and carried**
3. **REPORTS AND UPDATES - none**
4. **BUSINESS ARISING FROM MINUTES**
5. **DELEGATIONS - none**
6. **CORRESPONDENCE - none**
7. **INFORMATION - none**
8. **NEW BUSINESS**

a) **09-B-16DP Robert Arndt - Cowichan Valley Kitchens –**

**Motion is recommended to accept the application as per the Hydrology Report and the three recommendations outlined in it:**

1. The low-lying area be backfilled and the water redirected to a CVRD park to the north via a 2.0 meter ditch;
2. That the ditch be located within a Statutory Right-of-Way that is in favor of the BC MoT; and,
3. That the fill area be landscaped with a minimum of 150 mm of absorbent topsoil to not increase downstream flows into the park.

**AND**

4. Conditional upon the BC MoT acceptance of the Hydrology Report.  
Moved and carried.

---

**AND we recommended that:**

The CVRD take the necessary steps to remedy the impaired drainage infrastructure on

Lot 68 (as listed on page 1, Attachment D, of JEA Hydrology Report) and make sure that the party responsible maintains it accordingly into the future.

**b) APC Protocol - Discussion**

**9. UNFINISHED BUSINESS - none**

**10. OTHER - none**

**11. PUBLIC QUESTIONS - none**

**12. ADJOURNMENT – 8:40 pm**



**CVRD PARK**

All water from this ditch drainage flows into the park land and north across McIntosh Road.

High point in land cuts of northern drainage to McIntosh from southern drainage to Shawnigan Lake.

**Approx. Lot for Proposed Development**

Low lying depression with seasonal water

All water from this drainage flows south into Shawnigan Lake. There are cross culverts to bring water from the north side into these drainages, however I can't confirm locations at this time.

Meadowview Rd

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Google **PR3**



LEGAL SURVEYS  
 MUNICIPAL ENGINEERING  
 LAND DEVELOPMENT AND MANAGEMENT



April 18, 2017

File No. 30054

Robert Arndt  
 2797 Meadowview Road  
 Shawnigan Lake, BC V0R 2W1

**RE: 2786 Meadowview Road Drainage – Proposed 5-Lot Subdivision**

Robert Arndt is planning a five-lot subdivision at 2786 Meadowview Road in Shawnigan Beach Estates in the Cowichan Valley Regional District (CVRD).

As part of the subdivision Development Permit submission, a hydrology study of the site is required to resolve the existing road culvert drainage and the proposed fill on Lot E.

The MoTI requested clarification of the drainage report submitted in late 2016. Since that time, we have visited the site several times, and a Qualified Environmental Professional has been retained.

**1.0 Existing Drainage**

**1.1 General Drainage**

Existing drainage from the proposed lots flows in two directions.

The west side of Lot D and Lot A, B, and C generally drain toward the ditch on Meadowview Road, with drainage flowing down the ditch to the west.

The east side of Lot D and Lot E flow to the north towards a large, flat, vegetated Lot 68. Lot 68 is very flat, and water tends to pond in the area during very wet weather. Beyond the Lot 68, drainage flows through a storm drain by Park Place, and then across McIntosh Road and into the forest. CVRD mapping indicates a watercourse on the north side of McIntosh Road.

Existing drainage generally includes:

- A ditch along Meadowview Road;
- A culvert crossing Meadowview Road directing drainage into proposed Lot E;
- Ditches and low lying land through Lot 68;
- A plugged 600mm CSP culvert;
- A 200mm PVC;
- An 1100mm culvert at the downstream end of Lot 68; and
- A network of drainage right of ways through Lot 68 and Lot 34 (1989).

1A – 3411 Shenton Road  
 Nanaimo, BC V9T 2H1  
 Phone 250-758-4631  
 Fax 250-758-4660

4212 Glanford Avenue  
 Victoria, BC V8Z 4B7  
 Phone 250-727-2214  
 Fax 250-727-3395

170 Morison Ave, PO Box 247  
 Parksville, BC V9P 2G4  
 Phone 250-248-5755  
 Fax 250-248-6199

30054  
2786 Meadowview Road Drainage  
April 18, 2017

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## 1.2 MoTI 600mm Culvert and Lot 68 Access

The existing 600mm culvert crossing Meadowview Road directs uphill drainage onto Lot E and then to Lot 68. This culvert is generally dry. The outlet invert is approximately JEA 132.0m, which is approximately 0.1m above the downstream water ponding elevations. Flow from the approximately 4.2 ha upstream drainage area probably flows under the road, with the culvert flowing only during and a few days after wet weather.

On the north side of proposed Lot E, there is an access road to Lot 68, generally on Lot 68 property. This is also a drainage right of way. At low flows, this access road restricts the eastward flow of the drainage from the MoTI culvert.

During higher flows, drainage from the existing culvert generally flows through proposed Lot E, to a low point in the Lot 68 access road, and then spreads out over a wide area, continuing through proposed Lot E, across the Lot 68 access, and down the access road. Because of the width of flow, water levels won't rise much.

On the north side of the Lot 68 access road, back yards are low, and owners of Lots 34 and 35 have concerns about additional water flowing in their direction, particularly related to their low backyards. There is an existing drainage right-of-way on Lot 34 and Lot 68 but these rights-of-way don't get much flow as they have been filled in. Lots 34 and 35 generally drain to the west toward Lot 68.

## 1.3 Historical Drainage

Prior to construction of roads in the area, drainage probably flowed down from the uphill area above Meadowview Road and into the low portions of Lot 68. The uphill area length of travel is under 150m, and is short enough that the drainage probably did not concentrate. In particular, it would not all have concentrated at the 600mm culvert.

When Meadowview Road and the related subdivision was constructed, drainage was directed to the end of the road via ditching, and allowed to flow into the adjacent low area on adjacent property. The existing drainage right of way on Lot 34 was probably set up to take this drainage, but a road crossing culvert was not installed to match into this right of way.

MoTI has advised that they have a 2004 drainage report for the subdivision that created Robert Arndt's lot. MoTI indicates that the report indicates "that Meadowview Road used to terminate just to the north of the existing culvert, where this natural depression existed before the land rises up again just to the south, blocking water flow from the catchment areas to the south. These catchment areas are detailed on a drainage report dating to 2004 when Mr. Arndt's property was subdivided off the larger parcel."

There was no SRW over Robert Arndt's land created for the drainage from the culvert, perhaps because at the 2004 subdivision stage, the drainage was considered a natural drainage route. However, when the property was subdivided, and the drainage was shown flowing through the new lot, the new owner of the new lot became responsible for maintaining the drainage through his lot, even though there is no SRW. We have not seen this drainage plan.

The above is a best guess at the drainage history given our limited research. We expect that further research could be done to confirm that our best guesses are correct.



30054  
2786 Meadowview Road Drainage  
April 18, 2017

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Robert Arndt presently has a concern with the MoTI drainage flowing onto his property as it is limiting subdivision potential, and there are significant costs involved in resolving this issue. In late 2016, JE Anderson and Associates prepared a report that proposed a ditch in a 2m wide MoTI Right of Way. This right of way would direct the MoTI ditch drainage onto Lot 68 where it was directed decades ago as part of a previous subdivision. Subsequently, JEA has advised that the ditch does not have to be located in an SRW – maintenance could be the responsibility of the future Lot E owner but this is not a good idea given the existing right of way on the Lot 68 access.

## 2.0 Proposed Drainage

### 2.1 Lot E Drainage and Fill

It may be too late to direct drainage onto the existing 2m wide drainage right of way over Lot 34 and the right of way on Lot 68. Digging out the Lot 34 right of way would have a significant negative impact on Lot 34.

Instead, we propose to generally follow the present drainage route on proposed Lot E, while trying to reduce drainage flow toward Lot 34. We propose a protected drainage route for the drainage downstream of the culvert, with a ditch in a new 2.0m right-of-way on the north side of proposed Lot E. The right of way will be in favor of the BC Ministry of Transportation and Infrastructure (MoTI), although Cowichan Valley Regional District may also want to access the ditch for maintenance. Access for ditch maintenance will have to be via the existing Lot 68 access road with drainage right of way. In order to provide sufficient capacity with some freeboard, the ditch should be minimum 0.5m deep relative to the access road. The ditch invert will be lower than the existing ground, so drainage toward Lot 34 will not be increased. The capacity of the ditch will be controlled more by the Lot 68 elevations to the north than by the proposed ditch size.

To reduce the flows onto the road, the ditch will extend past the high point on the north side of proposed Lot E to a point where drainage can flow onto lower ground on Lot 68 over a significant length (minimum 3 metres).

The proposed fill will have a negligible effect on downstream drainage due to the size of the Lot 68 area where ponding of water can take place. In addition, the new fill on Lot E will be placed above the water table, so the fill will absorb water when it rains. Rainfall in ponding / saturated areas flows away quickly whereas rainfall on unsaturated ground is partially infiltrated. The placement of fill in this case will not increase downstream flows, particularly if the surface is permeable / absorbent topsoil. We recommend that the landscaped fill areas on Lot E be covered with minimum 150mm of absorbent topsoil on ground scarified to a depth of 150mm. Topsoil could be select native topsoil.

Calculations regarding 600mm culvert flows and capacities and ditch capacities are provided in Appendix A. Comments on the downstream 1100mm culvert are also provided.

A Geotechnical Engineer will be required to certify any walls or fills that will be supporting future buildings.

We understand that the site has been reviewed by an Environmental Professional, and Riparian Area Regulations are not triggered by filling Lot E and constructing a roadside ditch.

A drainage area plan, proposed ditch section at the access road, a grading plan for the site, and the SRW plan are attached.

30054  
2786 Meadowview Road Drainage  
April 18, 2017

## 2.2 Lot A to Lot E Soaker Wells

There is a covenant on the existing one hectare lot requiring soaker wells. A drainage report was prepared by Cowichan Engineering Services Ltd. dated May 31, 2016 commenting on rock pit infiltration systems.

## 3.0 Summary

Lot E will be filled and a ditch in a new statutory right of way will be constructed to direct the drainage from the 600mm MoTI culvert toward the west side of Lot E, well north of the Lot 68 access.

- The flows from the 600mm culvert will flow to Lot 68 as existing, and as constructed as part of the subdivision that included Lot 68.
- The ditch will be deeper than existing ground, and will reduce the extent of flow toward Lot 34. Drainage during high flows will continue to overtop the road.
- The ditch will be extended well past the high point on the north side of Lot E (minimum 3m).
- The filling will not increase downstream flows, and there are no downstream concerns related to the proposed Lot E changes.
- The proposed work does not trigger Riparian Areas Regulations.
- The new ditch in an SRW will be maintained by MoTI or by CVRD.
- The MoTI may request that there not be an SRW, with maintenance by the lot owner.
- A Lot E MBFE of JEA 132.5m is suitable based on what is presently happening with drainage in the area. However, if the MoTI plans to re-establish a drainage route along the existing right of way, a higher MBFE (JEA 133m) would be preferable for this lot.

Please call if you have any questions.

Yours truly,  
**JE Anderson & Associates**



Jim Buchanan, P. Eng.  
JB/dlk



Attachments



## APPENDIX A

### DRAINAGE CALCULATIONS

#### 600mm Culvert Flows and Capacity:

Flows based on Rational Formula with  $Q = \text{RAIN}$

Where:

$R$  = Rational Formula Coefficient (0.5 for fairly large lots). MMCD indicates  $R = 0.55$  for low density residential, 0.4 for suburban residential for the 100 year storm. Based on one third suburban and two thirds low density residential, average is 0.5)

$A$  = Drainage Area (4.2 ha)

$I$  = Rainfall Intensity ( $T_c = 20$  min,  $I_{100}$  is +/- 40mm/hr – from MNC IDF Curves). The  $T_c = 20$  minutes included 15 minutes for lot time of concentration plus 5 minutes for ditch flow. To confirm the rainfall intensity, we can assume Victoria International Airport 20 minute rainfall, 33mm/hr x 1.05 for elevation x 1.15 for increase in future intensity = 40mm/hr. We then confirmed that this was reasonable against Shawnigan Lake rainfall information.

$N$  = Rational Formula Constant 2.78

$$Q = \text{RAIN} = 0.5 \times 4.2 \times 40 \times 2.78 = 233 \text{ L/s}$$

For a 15 minute time of concentration and (rainfall 44mm/hr) and  $R = 0.55$ , the flow would be 280 L/s.

Capacity of 600mm culvert with  $HW/D = 1$  is approximately 300 L/s. (based on inlet control as at the 20 minute intensity storm).

Based on a 60 minute time of concentration with rainfall 25mm/hr, 100 year flow will be 150 L/s to 180 L/s.

The above calculations are based on a 100 year return period. This is very conservative as Supplement to TAC 1010.A indicates that local road culverts can be designed for the 50 to 100 year return storm, ditches for the 10 to 25 year return storm.

#### Ditch Capacity:

Capacity of 0.5m deep ditch (0.4m depth of water assuming 100mm freeboard) with 1.0m wide base and 2:1 side slope one side, vertical other side, 0.3% slope, Mannings  $n = 0.043$  based on excavated ditch with some weeds:

Capacity 235 L/s

The actual ditch flows will be restricted by downstream ground elevations that will be above the ditch invert. During high flows, drainage will still cross / pond on the Lot 68 access road.



30054  
2786 Meadowview Road Drainage  
May 2, 2017

---

### **Drainage Velocities**

The above ditch velocity at 233 L/s is 0.47 m/s. Actual velocities will be less due to the downstream flow restrictions. No erosion protection is required on the Lot 68 access or on the wall.

Velocity exiting the culvert will be approximately 1.0m/s. Provide 150mm minus riprap erosion control pad at the outlet of the culvert.

### **Influence of downstream ground levels on ditch capacities:**

Assume:

8m channel width with 2:1 side slopes at JEA elevation 131.80m at the end of the proposed ditch.

8m channel width with 2:1 side slopes at JEA elevation 131.75m at 100m from the end of the proposed ditch.

Mannings n = 0.05 based on flood plain with grass, some bush

Flow 233 L/s

From Hydrocad, flow depth is approximately 150mm.

Water depth at the end of the proposed Lot E ditch will be approximately 131.95m

Water depth at 50m from end of Lot E ditch (at culvert outlet) at 0.2% slope will be approximately 132.05m (0.05m above the culvert outlet, not significant for outlet control).

Drainage will vary to 200mm deep on Lot 68 access and 100mm above the top of bank of the 500mm deep ditch.

### **Downstream 1100mm Culvert Backup:**

$Q_{100} = \text{RAIN (Tc = 40 minutes due to ponding)}$

$Q_{100} = 0.5 \times 20 \text{ ha assumed} \times 30\text{mm/hr} \times 2.78 = 830 \text{ L/s.}$

Backup at 830 L/s will be  $\text{HW/D} = 0.65 \times 1.1 = 0.7\text{m.}$

Capacity of 1100mm CSP drain at 0.2% and  $n = 0.021$  is 856 L/s. The slope of the pipe may govern.

To be conservative, the 100 year return flow may reach 1.0m above the culvert inlet.

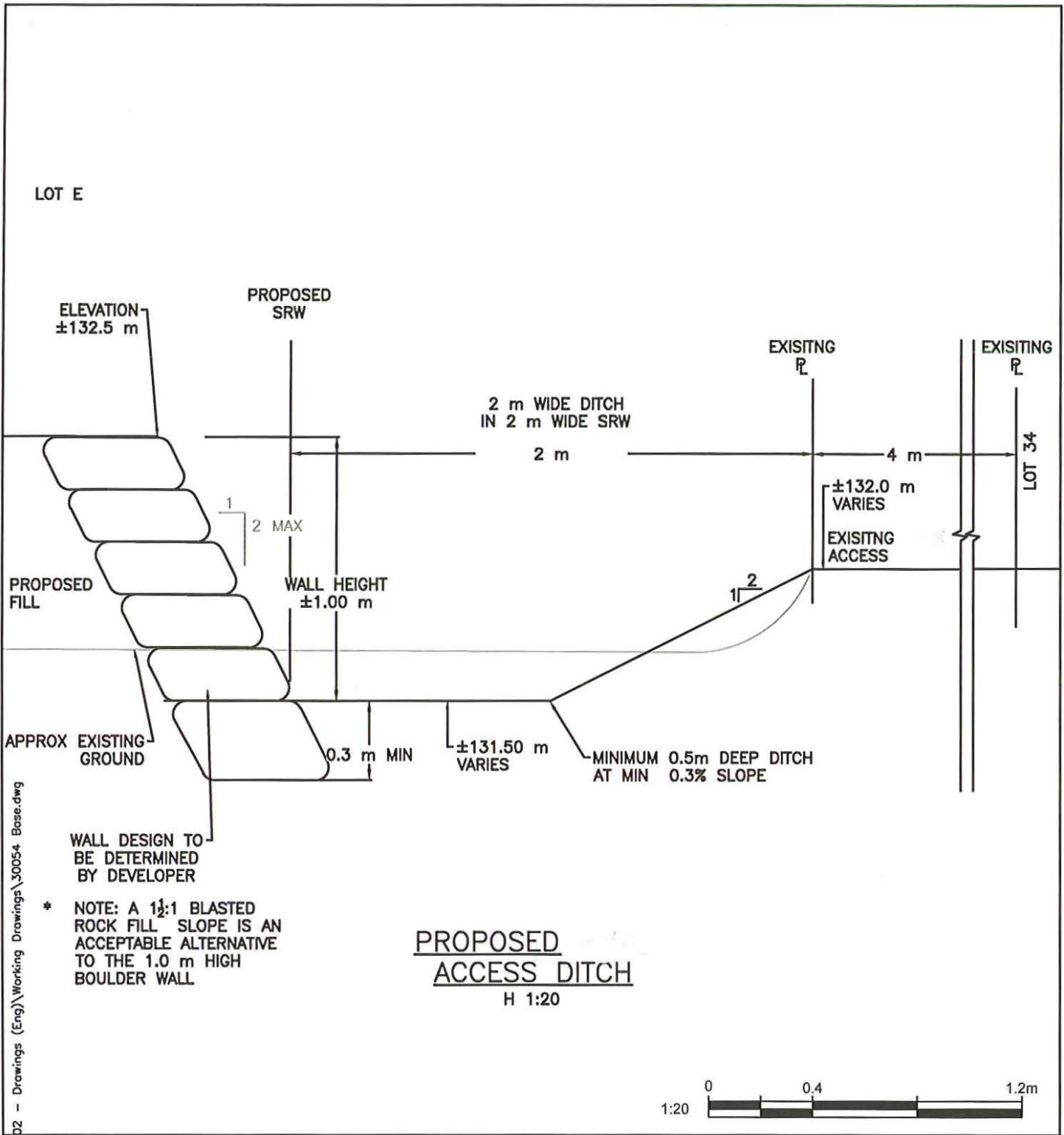
We expect that the existing 1100mm culvert invert is well over 1.0m below the level of water presently ponding on proposed Lot E. Therefore, the backup of drainage at the 1100mm culvert will not create more ponding depth on proposed Lot E.

The above calculations are sufficient for their purpose, which is to show that backup of water from the 1100mm culvert will not reach above the present ponding on proposed Lot E.




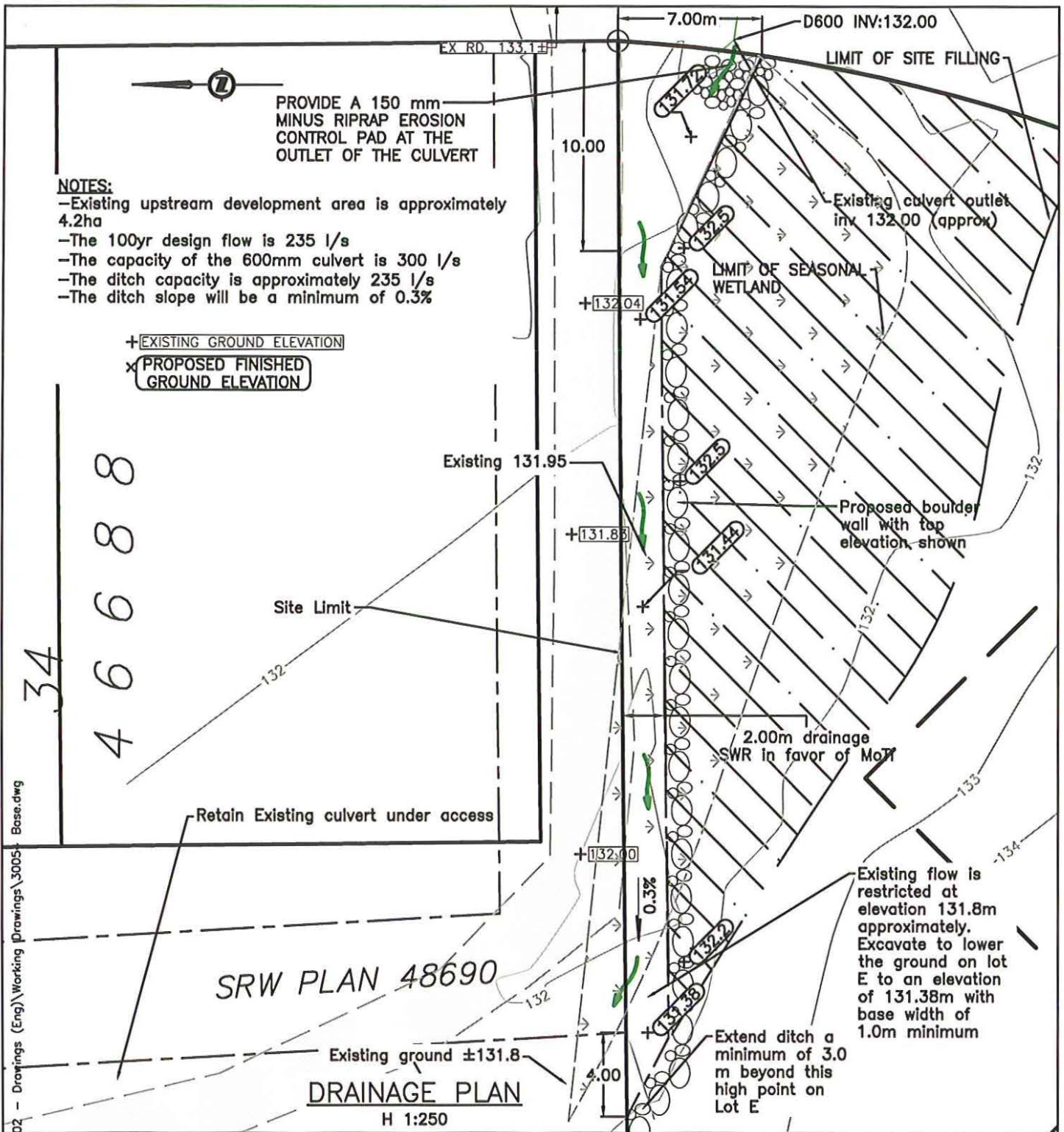






V:\\_Engineering\30054 Bob Arndt\B2 - Drawings (Eng)\Working Drawings\30054 Base.dwg

 <p><b>J.E. ANDERSON &amp; ASSOCIATES</b> SURVEYORS -- ENGINEERS 4212 GLANFORD AVE. VICTORIA, BC, V8Z 4B7 TEL: 250 - 727 - 2214 FAX: 250 - 727 - 3395 E-MAIL : info@jeanderson.com</p>	<p>CLIENT</p> <p><b>ROBERT ARNDT</b></p>
	<p>PROJECT</p> <p><b>2786 MEADOWVIEW ROAD PROPOSED ACCESS DITCH</b></p>
<p>DRAWN: NM</p> <p>SCALE: 1:20</p>	
<p>MAY 02 2017</p>	<p>30054 - 01 - SK1</p>
<p>SHEET 1 OF 1</p>	<p>ENG: PROJECT NO 30054</p>



V:\\_Engineering\30054 Bob Arndt\02 - Drawings (Eng)\Working Drawings\30054-Base.dwg

 <b>J.E. ANDERSON &amp; ASSOCIATES</b> SURVEYORS -- ENGINEERS 4212 GLANFORD AVE, VICTORIA, BC, V8Z 4B7 TEL: 250 - 727 - 2214 FAX: 250 - 727 - 3395 E-MAIL : info@jeanderson.com	CLIENT	<b>ROBERT ARNDT</b>
	PROJECT	<b>2786 MEADOWVIEW ROAD SITE GRADING PLAN</b>
DRAWN: NM	SCALE: 1:250	PROJECT NO - 30054 - D1
MAY 02 2017		ENG: PROJECT NO 30054
SHEET 1 OF 1		

**PLAN OF STATUTORY RIGHT OF WAY THROUGH  
LOTS 34, 56, 57 AND 68, DISTRICT LOT 19,  
SHAWNIGAN DISTRICT, PLAN 46688.**

01

This plan lies within the Cowichan  
Valley Regional District

**PLAN 48690**

PURSUANT TO SECTION 113 LAND TITLE ACT.  
B.C.G.S. 92B-062

SCALE 1:750



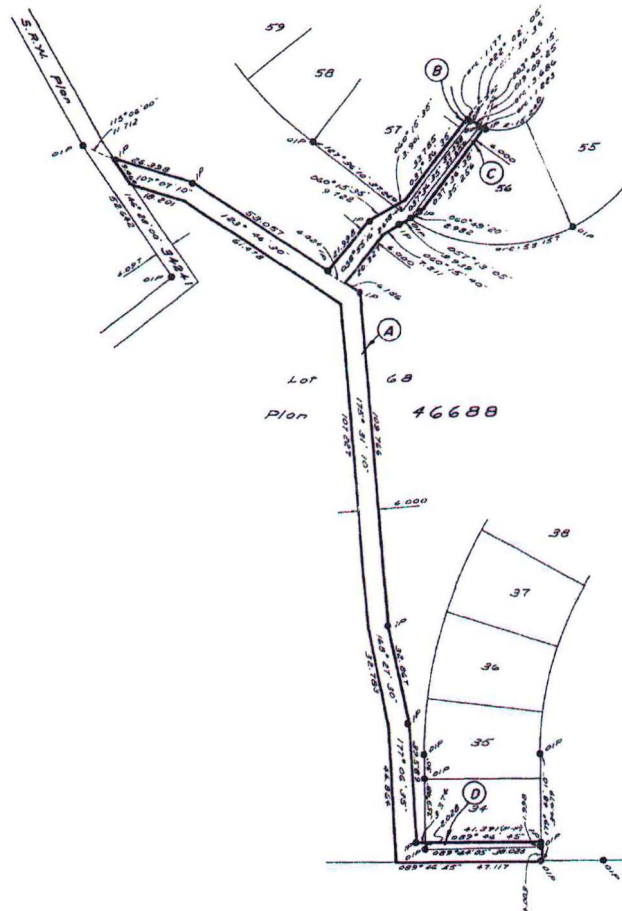
**LEGEND**

⊙ IIP denotes standard iron post found.  
⊙ IP denotes standard iron post set.  
R denotes radius.  
A denotes arc.  
m<sup>2</sup> denotes square metres.  
Bearings are Astronomic and are derived  
from plan 46688.  
All distances are in metres.

**Book of Reference**

District Lot 19, Shawnigan  
District, Plan 46688

Area Designation	Lot No.	Area
A	68	0.2130 ha
B	57	46.60 m <sup>2</sup>
C	56	48.8 m <sup>2</sup>
D	34	76.54 m <sup>2</sup>



ELPHIN

Deposited in the Land Title Office of Victoria, B.C.  
this 22 day of June, 1989.

Deputy Registrar

*Michael H. Hanson*

81

Registered Owners:

278507 British Columbia Ltd.  
(Inc. No. 273,307)

*H.L. [Signature]*  
Authorized Signatory

*[Signature]*  
Authorized Signatory

ANSON AND HANSON, B.C. LAND SURVEYORS  
#104 35 QUEEN'S ROAD  
DUNCAN, B.C. V9L 6W1 TEL: 4745  
FAX: 68-3155

I, Michael H. Hanson, a British Columbia Land  
surveyor, of the city of Duncan, in British Columbia,  
certify that I was present of and personally  
superintended the survey represented by this plan  
and that the survey and plan are correct. The survey  
was completed on the 31st day of January, 1989.

*Michael H. Hanson*

B.C.L.S.

R3



April 5, 2017

Robert Arndt  
2797 Meadowview Road  
Shawnigan Lake, BC V9T 5W5

Dear Mr. Arndt,

It is my understanding that you are submitting an application for subdivision of Lot 1 (PID: 026-225-956), Meadowview Road, Shawnigan Lake, BC. In this particular case, the proposal involves subdividing the 2.5 acre parcel in to five 0.5 acre lots. You have enlisted my assistance in order to determine the applicability of the provincial Riparian Areas Regulation (RAR) process to a portion of your property that becomes seasonally inundated with stormwater runoff.

In most cases, any development activities within the Riparian Assessment Area (RAA) - 30 m from the edge of a "stream" - including lakes, wetlands, ponds, creeks, rivers and ditches, are subject to a RAR assessment by a Qualified Environmental Professional (QEP). The regulation applies to "development" along streams, as governed by local government regulation, or the approval of residential, commercial, industrial or ancillary activities under Part 26 of the *Local Government Act*.

There are some instances where development inside the 30 m RAA does not require the completion of an assessment under the RAR. For example, water-bodies that do not support salmonids, game fish or regionally significant fish species and do not connect by surface flow to fish habitat are not considered "streams" under the RAR methodology. In addition, a QEP can use professional judgment when classifying watercourses that are poorly defined and connectivity to fish habitat by surface flow is not obvious. These types of watercourses are also exempt from the RAR process, as per Section 1.4.2 of the RAR guidelines.

At your request, I visited the subject property on March 31, 2017 and noted that the property has been altered through anthropogenic influences resulting from construction of Meadowview Road and land clearing activities that have taken place on the subject property and adjacent properties. There are no construction footprints on the subject property, which is bordered to the north and south by residential properties, the east by

Meadowview Road and the west by parkland. Overall, the topography of the property is relatively subdued with slopes onsite ranging between 2% and 8%.

At the time of the assessment, it was noted that most of the property is void of vegetation and is composed of exposed soil. Vegetation growth is confined to the central portion of the property, including the northern boundary and immediately adjacent to the seasonally wetted area. For the purposes of this assessment, the property was divided into upland terrestrial habitat and the seasonally wetted area. At the time of the assessment it was noted that Douglas-fir (*Pseudotsuga menziesii*) represented the dominant tree species throughout the upland habitat. Understorey vegetation consists mainly of oceanspray (*Holodiscus discolor*), salal (*Gaultheria shallon*), dull Oregon grape (*Mahonia nervosa*), trailing blackberry (*Rubus ursinus*) and sword fern (*Polystichum munitum*).

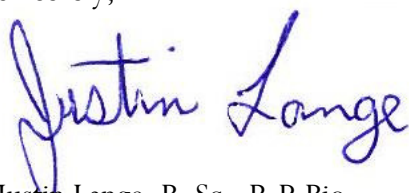
The seasonally wetted area, which is approximately 10 m wide and 30 m long, is located along the northern boundary of the property. Stormwater runoff is directed from the roadside ditch that runs parallel to Meadowview Road, under the road and onto the property via a 400 mm closed metal pipe (CMP). Water that flows onto the property is not contained and during periods of high runoff, flows over the existing service road that was constructed immediately north of the property. Although the wetted area does not represent typical wetland habitat, it does contain vegetation that is adapted to higher levels of moisture. Red-osier dogwood (*Cornus stolonifera*), reed canary grass (*Phalaris arundinacea*) and red alder (*Alnus rubra*) were noted in the seasonally wetted area at the time of the assessment.

Based on field observations, the seasonally wetted area does not provide suitable habitat for fish. The wetted area also does not appear to connect to known fish habitat. The wetted area is runoff sourced by rain and snow melt that is conveyed on to the property via a CMP and road ditch network. There is no potential for this wetted area to support resident fish, nor is there any potential for fish to enter the wetted area on a seasonal basis due to the lack of connectivity to downstream habitat. A limited amount of water was observed at the time of the assessment.

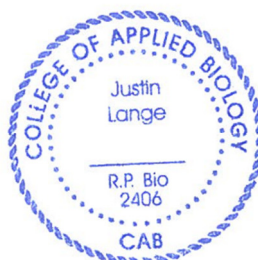
In my professional opinion, the subject property (Lot 1 Meadowview Road) does not require the completion of an assessment under the RAR; due to the fact the seasonally wetted area does not meet the definition of a stream outlined in the RAR assessment methodology. There are two factors that support this conclusion: firstly, there is no connectivity by surface flowing water to known fish habitat; secondly, the drainage does not support salmonids, game fish or regionally significant fish species. As a result, the RAR process does not apply.

I appreciate your diligence in contacting me regarding this matter. If you have any questions, please do not hesitate in contacting the undersigned.

Sincerely,



Justin Lange, B. Sc., R.P.Bio.  
Aquatic/Terrestrial Biologist.







**APPENDIX A**

**SITE PHOTOS**



Looking northwest at the assessment area from Meadowview Road. It should be noted that the assessment area represents the northern-most section of the property.



Looking north along the roadside ditch that runs parallel to Meadowview Road. Water is directed onto the subject property, from the roadside ditch via a CMP.



A representative photo of the outlet of the CMP that directs stormwater runoff onto the subject property.



Looking northwest at the area that becomes seasonally inundated with stormwater runoff (marked with red arrows). Note the wetted area also marks the lowest point of the property.

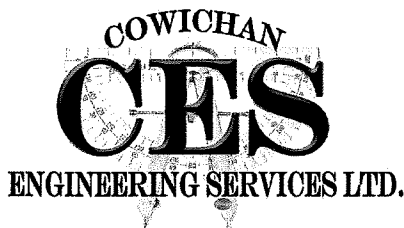


The western terminus of the area that becomes inundated on a seasonal basis with stormwater runoff. Note the vegetation in the photo is representative of species that are not tolerant of high moisture levels.



Looking west along the existing service road, which borders the northern boundary of the property. This road appears to flood during events containing high amounts of precipitation.





715 Canada Avenue  
 Duncan BC  
 V9L 1V1  
 Phone 250-737-1440  
 Fax 250-737-1551  
 cowichanengineering@shaw.ca

May 31, 2016

File No: 1269-C

Cowichan Valley Regional District  
 175 Ingram Street  
 Duncan, BC  
 V9L 1N8

Attention: Alison Garnett - Planner

**Re: Meadowview – Lot 1, Section 3, Range 2, Shawnigan District, Plan VIP78487**

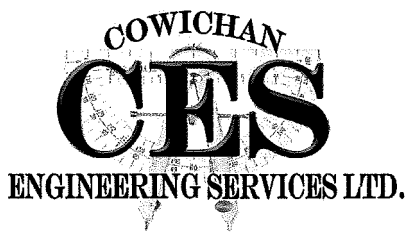
A drainage report has been completed to support the Development Permit application for the above subject property. The development area consists of 1.0 hectares divided into five (5) lots of approximately 0.20 hectares per lot.

The site is covered with a few trees and has a large broom presence which will be removed as part of the development with stormwater runoff flowing overland in both the north and south direction. The subject property has a ridge extending through the middle property which creates this pattern with the southern areas of the lots going to the roadside ditch along Meadowview, while the northern area flow to a low lying area on the adjacent property. In both cases they ultimately drain to an unnamed water course approximately 100m west of the site.

Rock pit infiltration systems with 50% voids are proposed for each lot; roof and driveway runoff will be directed to the infiltration pit. The pits are to be located along the frontage of the lots (see attached sketch) as the proposed sewage disposal fields are located in the rear of the lots. This infiltration system will have a 200mm overflow pipe that connects to the road side ditch should the system exceed its capacity; while perimeter drains will be connected directly to the rock pit overflow pipe. Peak flow is computed via HydroCAD computer model, input parameters and results are summarized in the below table. The infiltration system is designed to attenuate post development to pre-development flow up to 5-year storm events. We have modelled the system at various building or impervious coverage areas ranging from 10% to 30% conforming to the maximum R3 zoning.

**Table 1: Summary of 5-year Pre, Post, and Post Development Release Rates**

R3 Zone Lot Building Coverage		Pre-Development		Post Development		Stormwater Management	
-	Area	CN	Flow (L/s)	CN	Flow (L/s)	Rock pit Facility 50% Voids	Release Rate (L/s)
10%	200m <sup>2</sup>	76	2.8	79	3.7	2mx1.5mx1m	2.7
20%	400m <sup>2</sup>	76	2.8	81	4.4	4mx2.3mx1m	2.5



R3

715 Canada Avenue  
Duncan BC  
V9L 1V1  
Phone 250-737-1440  
Fax 250-737-1551  
cowichanengineering@shaw.ca

30%	600m <sup>2</sup>	76	2.8	83	5.1	5mx3mx1m	2.6
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The proposed drainage design conformed to the CVRD and MoTI design parameters; however, if you have any questions or concerns, please contact us at the above contacts.

We hope this satisfies the permit requirements, please contact me with any questions or comments.

Sincerely,

**Cowichan Engineering Services Ltd**

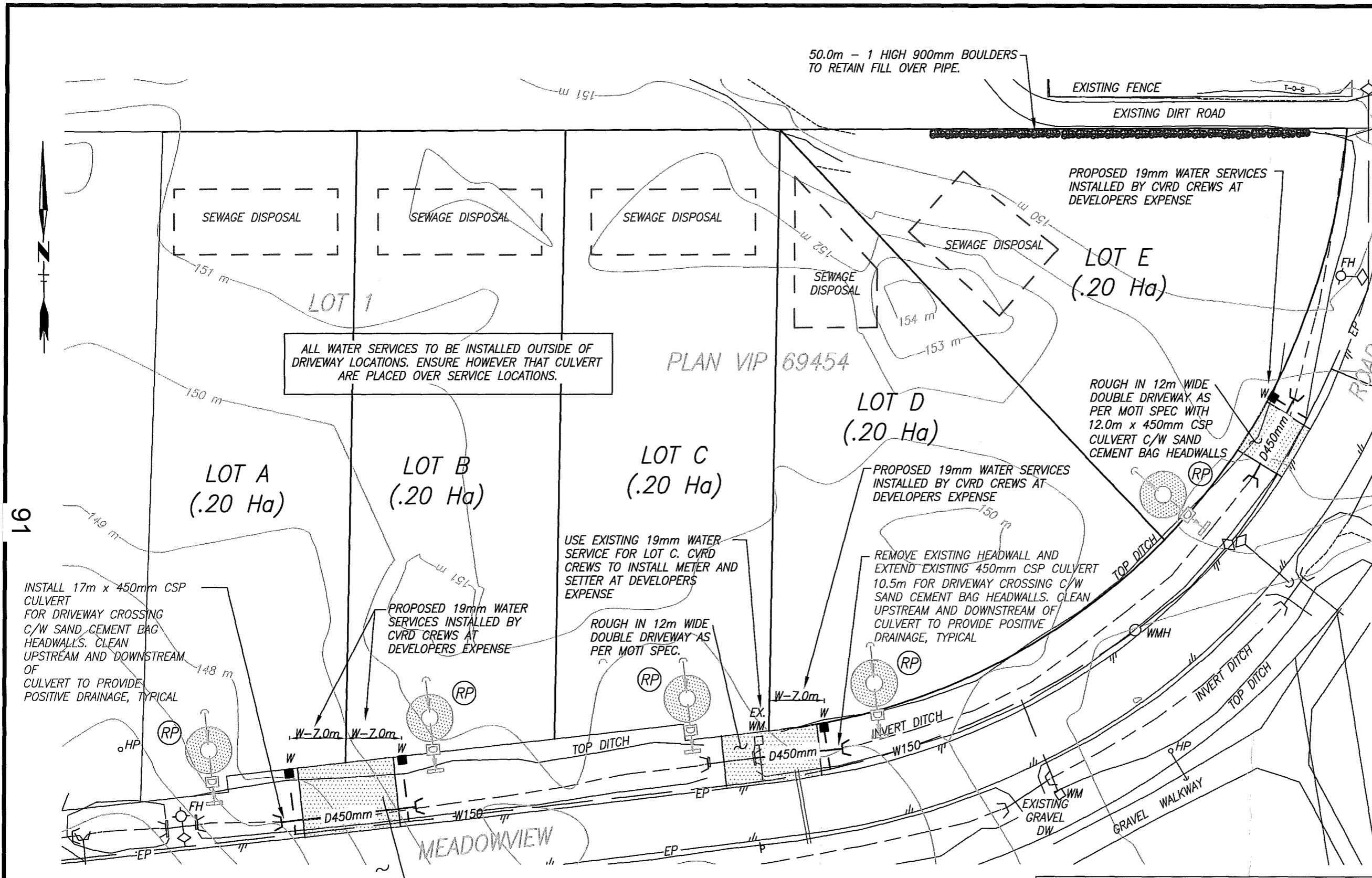
A handwritten signature in black ink, appearing to read "Cam Williams", is written over a light blue horizontal line.

Cam Williams, ASCT.

encl.

GENERAL NOTES:


1. REFER TO LEGAL SURVEY PLAN FOR TRUE LOT DIMENSIONS AND AREAS.
2. ALL DIMENSIONS AND ELEVATIONS ARE IN METRIC.
3. CONSTRUCT ALL WORKS IN ACCORDANCE WITH THE RELEVANT MINISTRY OF TRANSPORTATION INFRASTRUCTURE (MOTI), COWICHAN VALLEY REGIONAL DISTRICT, B.C BUILDING CODE, AND MMCD SPECIFICATIONS AND STANDARD DRAWINGS, EXCEPT AS MAY BE INDICATED ON THE DRAWINGS.
4. CONTACT BC ONE CALL & UTILITY COMPANIES FOR LOCATIONS OF ALL UNDERGROUND SERVICE IN AND AROUND THE WORK SITE.
5. CONTACT THE CONSULTANT AT LEAST 24 HOURS IN ADVANCE OF TESTS.
6. REPLACE ALL UTILITIES AND INFRASTRUCTURE DAMAGED DURING CONSTRUCTION TO THE SATISFACTION OF THE OWNER AT CONTRACTOR EXPENSE.
7. CONTRACTOR TO PREVENT THE RELEASE OF ANY ON SITE SEDIMENT OR DELETERIOUS SUBSTANCES TO ANY EXISTING STORM SYSTEMS.
8. PROPERTY OWNER IS TO REMOVE ALL EVASIVE VEGETATION FROM THE PROPERTY



ALL WATER SERVICES TO BE INSTALLED OUTSIDE OF DRIVEWAY LOCATIONS. ENSURE HOWEVER THAT CULVERT ARE PLACED OVER SERVICE LOCATIONS.

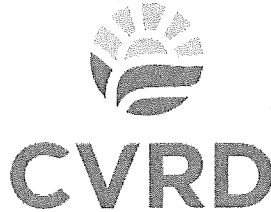
PLAN VIP 69454

PLAN: MEADOWVIEW RD  
SCALE: 1:500(HZ)

CLIENT:	COWICHAN VALLEY KITCHENS		
SHEET TITLE:	DRAINAGE PLAN TO ACCOMPANY THE DEVELOPMENT PERMIT APPLICATION FOR LOT 1, SECTION 3, RANGE 2, SHAWNIGAN DISTRICT, PLAN VIP78487		
	COWICHAN ENGINEERING SERVICES 715 CANADA AVENUE DUNCAN, BC V9L 1V1	DRAWN: SB	DATE: 2016/03
		CHECKED: CW	FILE: 1287-C
		SCALE: AS-SHOWN	DWG: 1287-C LAYOUT:

R3





**MEMORANDUM**

**DATE:** February 11, 2016 **FILE NO.** 1-B-16SA  
**TO:** Alison Garnett, Planner II, Planning & Development Department  
**FROM:** Tanya Soroka, Parks & Trails Planner, Planning & Development Department  
**SUBJECT:** Proposed Subdivision of Lot 1, Section 3, Range 2, Shawnigan District, Plan VIP78487—Parkland Dedication Requirement under Section 510 of the *Local Government Act*

---

Please be advised that parkland dedication requirements under Section 510 (previously Section 941 of the *Local Government Act*) have previously been met for this proposed subdivision on Meadowview Road. Five percent parkland dedication was provided at the time of the original subdivision application in 2001, when Shawnigan Hills Athletic Park was dedicated to the CVRD as part of Phase I on Wildflower Road. Phase 2 created the 7 lots on Meadowview Road (7-B-03SA).

There will be no further park dedication requirements during further subdivision of any of the lots 1-7 of Section 3, Range 2, Shawnigan District, Plan VIP78487.

Submitted by,

Tanya Soroka

TS/dsb

pc: Director S. Fursteneau, Electoral Area B – Shawnigan Lake





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.

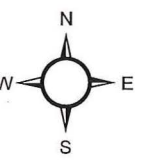
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

Printed: June 5, 2017



- Original Subdivision in 2001
- 3.8ha Park dedicated for entire subdivision in 2001
- No further Park required during further subdivisions



Scale: 1:3,441

R3





COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE NO: 09-B-16DP

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 1, Section 3, Range 2, Shawnigan District, Plan VIP78487  
(PID 026-225-956)

3. Authorization is hereby given for **subdivision to create 4 new lots** in accordance with the attached Schedules, and the following:

**Prior to removing, altering, disrupting or destroying any vegetation or soils:**

Implementation and maintenance of Erosion and Sediment Control measures including but not limited to:

- Installing silt fencing;
- Where possible, conducting earthworks activities during dry months of the year;
- Covering temporary fills or stockpiles with sheeting or tarps;
- Installing sediment ponds or traps to retain washdown water and sediments at construction site access points;
- Halting construction during periods of significant precipitation;
- Staging development activities to allow re-establishment of vegetation and minimize bare areas; and
- Seeding or re-vegetating cut and fill slopes and disturbed areas and using mulches and other organic stabilizers to minimize erosion until vegetation is re-established.

**Prior to issuance of a Building Permit:**

Removal of invasive species prior to issuance of a Building Permit (see Schedule C).

**Prior to issuance of an Occupancy Permit:**

- a) Implementation of the Hydrology Report prepared by J.E. Anderson

- & Associates dated, April 18, 2017 (see Schedule D); and,
- b) Implementation of the Rainwater Management Plan prepared by Cowichan Engineering Services, dated May 31, 2016 (see Schedule E).

4. The following Schedules are attached:

- Schedule A – Proposed Subdivision Plan
- Schedule B – R-3 Zoning
- Schedule C – Invasive Species Guide
- Schedule D – Hydrology Report as prepared by J.E. Anderson & Associates dated, April 18, 2017
- Schedule E – Rainwater Management Plan prepared by Cowichan Engineering Services, dated May 31, 2016

**This Permit is not a building permit or subdivision approval.** No certificate of final completion or recommendation of subdivision approval by the Cowichan Valley Regional District shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Planning & Development Department.

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. \_\_\_\_\_ & \_\_\_\_\_ PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 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 and requirements 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 \_\_\_\_\_ (owners), 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** June 13, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 21, 2017

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

**SUBJECT:** ALR Application No. 01-G-16ALR (4001 Saltair Road/Residence for Relative)

**FILE:** 01-G-16ALR

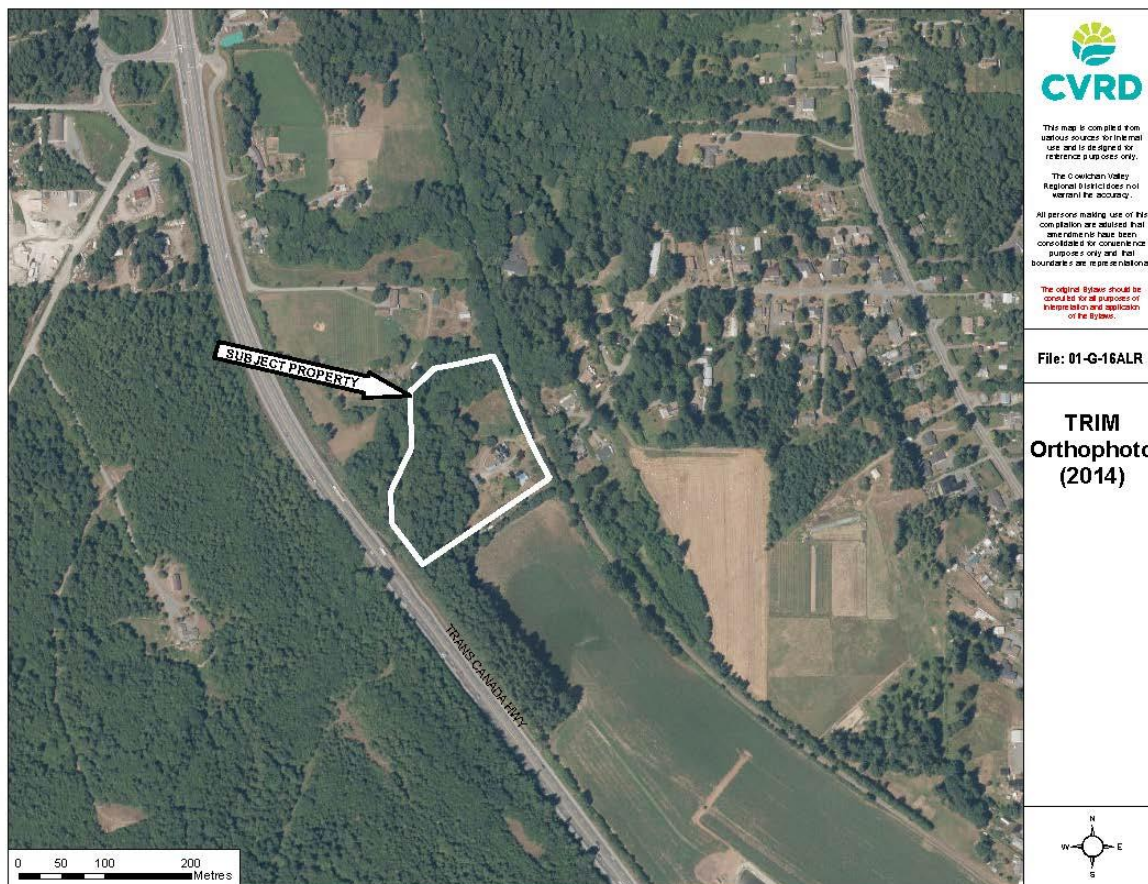
## PURPOSE/INTRODUCTION

The purpose of this report is to consider a non-farm use application for subdivision in the Agricultural Land Reserve (ALR). The applicant is applying under the Agricultural Land Commission (ALC) 'Homesite Severance on ALR Lands' policy.

## RECOMMENDED RESOLUTION

That it be recommended to the Board that Application No. 01-G-16ALR (4001 Saltair Road/Residence for Relative) to permit the subdivision of 4001 Saltair Road **be denied** and **not forwarded** to the Agricultural Land Commission.

## LOCATION MAP



**PROPERTY INFORMATION**

The subject parcel is 2.4 hectares in size and includes two single family dwellings and four accessory buildings (see Attachment A). The site is adjacent to the E & N Railway corridor and accessible via Saltair Road. An unnamed creek is located to the north-west of the parcel (see Attachment B). According to the Certificate of Title, the owner has lived on the subject property since 1975 (see Attachment B). The subject parcel is located within the Agricultural Land Reserve (ALR) (see Attachment D), but no farming activity is currently occurring onsite.

<u>Location of Subject Property:</u>	4001 Saltair Road
<u>Legal Description:</u>	Lot 1, District Lot 19, Oyster District, Plan 19724 (PID 002-695-227)
<u>Date Application Received:</u>	May 6, 2016
<u>Owner/Applicant:</u>	William & Joan Stacey & Susan Stacey
<u>Existing Zoning:</u>	A-1   Agricultural Resource
<u>Existing Use of Property:</u>	Residential
<u>Property Size:</u>	2.4 hectares
<u>Existing Use of Surrounding Properties:</u>	North: Agricultural (Small Farm) (within ALR) South: Agricultural (Dairy Farm) (within ALR) East: Residential (R-2   Suburban Residential) West: Trans-Canada Highway
<u>Road Access:</u>	Saltair Road
<u>Environmentally Sensitive Areas:</u>	Unnamed creek to the north-west of the parcel
<u>ALR Status:</u>	Property is located within the ALR

**SOIL CLASSIFICATION**

The agricultural capacity of the soil of the subject property is 80% Class 5A and 20% Class 7T. With appropriate techniques, the soil capability improves to 40% Class 2A, 40% Class 6:5A -4:3PA, 20% Class 7T.

Explanation of Land Capability Classifications:

- Class 1 lands have no limitations for Agricultural Production
  - Class 2 lands have minor limitations, can be managed with little difficulty
  - Class 3 lands have moderate limitations for Agricultural Production
  - Class 4 lands have limitations that require special management practices
  - Class 5 lands have limitations that restrict capability to produce perennial forage crops
  - Class 6 lands suitable for domestic livestock grazing, may not be suitable for cultivation
  - Class 7 lands have no capability for arable culture.
- 
- Subclass "A" indicates soil moisture deficiency, improvable by irrigation
  - Subclass "C" thermal limitations
  - Subclass "D" indicates low perviousness, management required
  - Subclass "P" indicates stoniness, improvable by stone picking
  - Subclass "R" indicates bedrock near the surface or rock outcrops
  - Subclass "T" indicates topography limitations, not improvable
  - Subclass "W" indicates excess water, may be improvable by drainage.

**APPLICATION SUMMARY**

An application has been made to the Agricultural Land Commission (ALC) to subdivide 0.4 hectares off the 2.4 hectare subject parcel at 4001 Saltair Road (see Attachment E). The proposed 0.4 hectares parcel would include an existing single family home.

The application is being made pursuant to Section 21(2) of the *Agricultural Land Commission Act*, and pursuant to the ALC 'Homesite Severance on Agricultural Land Reserve Lands' Policy L-11. The policy (see Attachment F) provides an opportunity for a principal resident who has been an owner-occupant of a subject parcel since December 21, 1972 to dispose of the parcel but retain a homesite on the land. Key points of the homesite severance policy include:

1. The owner-occupant has owned or occupied the subject parcel as a principal place of residence since December 21, 1972.
2. Documentation has been provided by the applicant showing evidence that there is a legitimate intention to sell the remainder of the property upon the approval of the homesite severance application.
3. The policy does not grant automatic right to a homesite severance.
4. The ALC will be the final arbiter as to whether a particular homesite severance meets good land use criteria.
5. A prime concern of the ALC will always be to ensure that the "remainder" will constitute a suitable agricultural parcel.

**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

This application was not referred to the Area G Advisory Planning Commission, as the Development Applications and Procedures Bylaw No. 3275 states that ALR Applications will not be sent to an APC unless the Director of the area specifically requests it.

This application will only be forwarded to the Agricultural Land Commission for review and final decision if recommended by the Committee.

**OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS**Area G Official Community Plan No. 2500

The Electoral Area G Official Community Plan designates the subject property 'Agricultural Resource' (see Attachment G). The objectives of the land use designation include:

- a) To encourage agriculture and protect the agricultural land base for long-term food production;
- b) To prevent the subdivision and non-agricultural use of agricultural land; and
- c) To minimize conflict between agricultural and non-agricultural areas.

Relevant policies include:

Policy 5.2 | Lands in the **Agricultural Resource Designation** are of critical importance to the region and will be protected for agriculture in perpetuity. Any activity or development that could damage the agricultural potential of these lands will not be permitted.

Policy 5.3 | ALR subdivision applications which are subject to CVRD bylaws will only be forwarded to the ALC if the minimum parcel size regulation is complied with.

Policy 5.4 | The minimum parcel size in the Agricultural Resource Designation will be 20 hectares, therefore due to the current size of parcels in the **Agricultural Resource Designation**, the subdivision of land to smaller lot sizes will not be permitted.

Policy 5.6 | Parcels with poor soil capabilities in the **Agricultural Resource Designation** are considered to be agriculturally viable, as they may be utilized for farm buildings, feedlots, specialty crops, green houses, wood lots or other uses required by the farm operation but not requiring high quality soils.

Policy 5.12 | The CVRD Board strongly supports the retention of large tracts of agricultural land as it functions to limit residential sprawl and preserves valuable resource land. Preservation of agricultural land ensures our capacity to provide locally produced food at the present and into the future.

Area G Zoning Bylaw No. 2524

The subject property is zoned A-1 (Agricultural Resource), and the minimum parcel size is 20 hectares (see Attachment H).

### PLANNING ANALYSIS

Staff have reviewed the application submitted, and are not in support of the application for the following reasons:

1. The owner (i.e. the applicant) has not owned or occupied the subject parcel as a principal place of residence since December 21, 1972 (Guideline #1 of the Homesite Severance Policy);
2. The applicant has not submitted documentation showing a legitimate intention to sell the remainder of the property. (Guideline #3 of the Homesite Severance Policy);
3. The proposed subdivision does not promote the long-term protection of agricultural lands (OCP Policy 5.2);
4. The OCP does not support the subdivision of land to lots smaller than 20 hectares (OCP Policy 5.4);
5. The soil capability of the subject property is considered agriculturally viable (OCP Policy 5.6); and,
6. The proposed subdivision does not support the preservation of agricultural lands, but the continued fragmentation and residential sprawl.
7. The “remainder” will not constitute a suitable agricultural parcel.

As the proposed subdivision does not meet the guidelines of the Homesite Severance Policy and the Area G Official Community Plan policies, Staff recommend the application **be denied** and **not** forwarded to the Agricultural Land Commission (Option 1).

### OPTIONS

#### Option 1

That Application No. 01-G-16ALR (4001 Saltair Road/Residence for Relative) to permit the subdivision of 4001 Saltair Road **be denied** and not forwarded to the Agricultural Land Commission.

#### Option 2

That Application No. 01-G-16ALR (4001 Saltair Road/Residence for Relative) to permit the subdivision of 4001 Saltair Road be forwarded to the Agricultural Land Commission with a recommendation **for denial**.

#### Option 3

That Application No. 01-G-16ALR (4001 Saltair Road/Residence for Relative) to permit the subdivision of 4001 Saltair Road be forwarded to the Agricultural Land Commission **without a recommendation**.

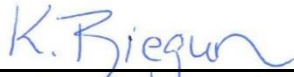
#### Option 4

That Application No. 01-G-16ALR (4001 Saltair Road/Residence for Relative) to permit the subdivision of 4001 Saltair Road be forwarded to the Agricultural Land Commission with a recommendation **for approval**.

**RECOMMENDATION**

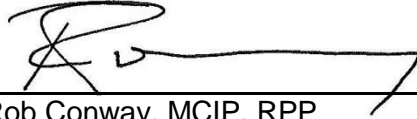
Option 1 is recommended.

Prepared by:



Kasia Bięgun, BA, MPLAN  
Planner I

Reviewed by:



Rob Conway, MCIP, RPP  
Manager



Mike Tippett, MCIP, RPP  
A/General Manager

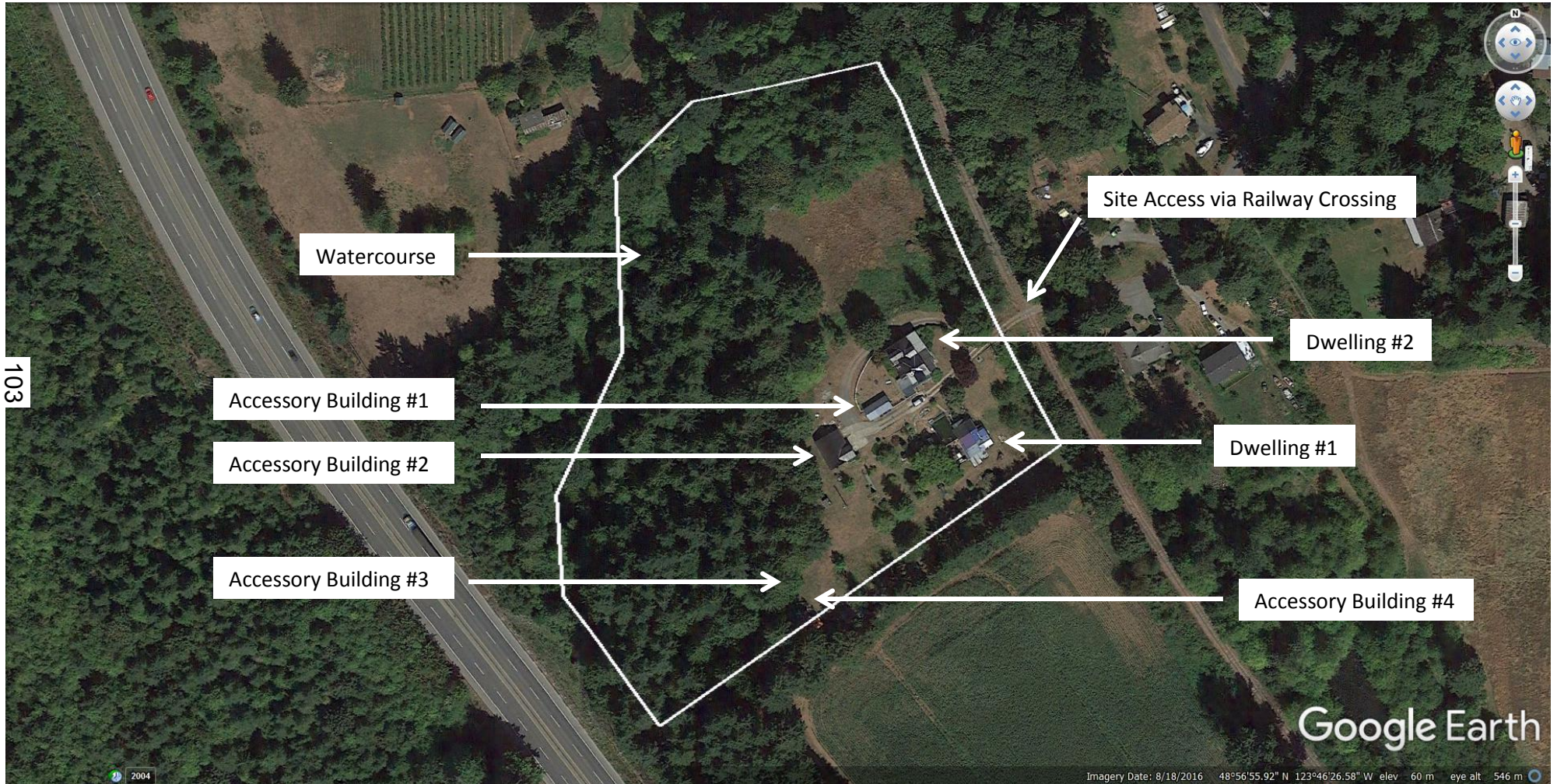
**ATTACHMENTS:**

- Attachment A – Subject Property Photos
- Attachment B – Creek
- Attachment C – Certificate of Title
- Attachment D – ALR
- Attachment E – Proposed Subdivision Plan
- Attachment F – ALC Homesite Severance Policy
- Attachment G – OCP Designation
- Attachment H – Zoning





Subject Property Aerial







Dwelling #1

Dwelling #2



Accessory Building #1



Accessory Building #2





Accessory Building #3



Accessory Building #4



Subject property access via railroad tracks



Northeast corner of subject property



# ATTACHMENT B



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.

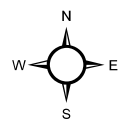
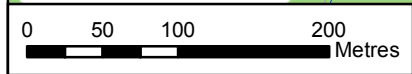
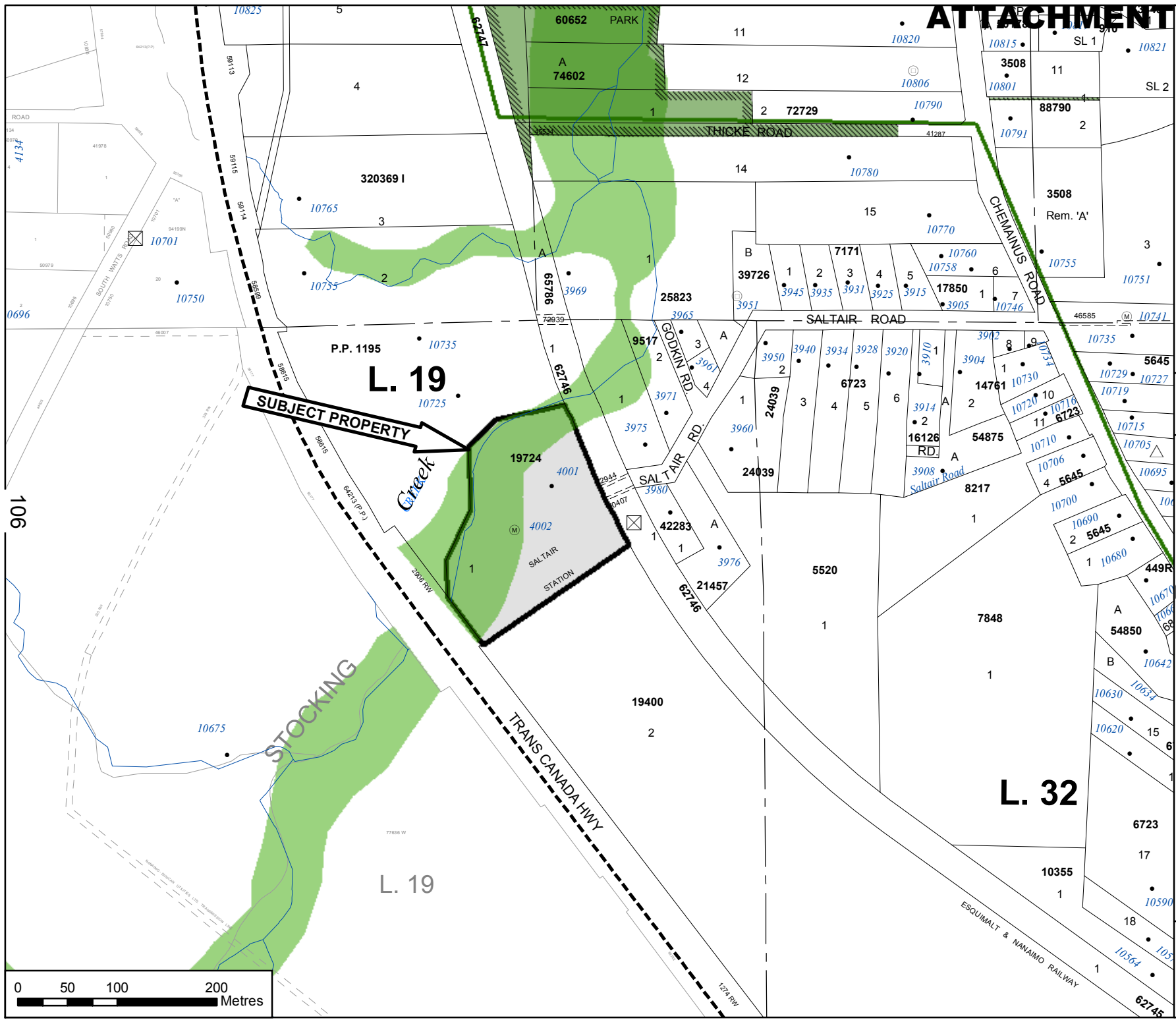
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

File: 01-G-16ALR

## Sensitive Ecosystem Inventory Legend

- Subject Property
- ECOSYSTEM
- Riparian



R4



**TITLE SEARCH PRINT**

File Reference:

**\*\*CURRENT AND CANCELLED INFORMATION SHOWN\*\***

**Title Issued Under** SECTION 172 LAND TITLE ACT

**Land Title District** VICTORIA  
Land Title Office VICTORIA

**Title Number** D20854  
From Title Number 3946781

**Application Received** 1975-03-05

**Application Entered** 1985-12-05

**Title Cancelled** **2000-11-24**

**Registered Owner in Fee Simple**  
Registered Owner/Mailing Address: WILLIAM ERNEST STACEY, PIPEFITTER  
JOAN IRIS STACEY, HOMEMAKER  
R.R. #2, SALTAIR ROAD  
LADYSMITH, BC  
AS JOINT TENANTS

**Taxation Authority** Nanaimo/Cowichan Assessment Area

**Description of Land**  
Parcel Identifier: 002-695-227  
Legal Description:  
LOT 1, DISTRICT LOT 19, OYSTER DISTRICT, PLAN 19724

**Legal Notations**  
THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT; SEE AGRICULTURAL LAND RESERVE PLAN NO. 2, DEPOSITED 27TH MAY, 1974; R.E. HOOPER, REGISTRAR PER:MAS

**Charges, Liens and Interests**  
Nature: EXCEPTIONS AND RESERVATIONS  
Registration Number: M76300  
Registered Owner: ESQUIMALT AND NANAIMO RAILWAY COMPANY  
Remarks: A.F.B. 9.693.7434A  
DD 11251  
SECTION 172(3)  
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E & N RAILWAY COMPANY

**TITLE SEARCH PRINT**

File Reference:

Nature: MORTGAGE  
 Registration Number: P108985  
 Registration Date and Time: 1985-12-12 11:22  
 Registered Owner: THE ROYAL BANK OF CANADA  
**Cancelled By: ED83653**  
**Cancelled Date: 1990-08-02**

Nature: MORTGAGE  
 Registration Number: ED73922  
 Registration Date and Time: 1990-07-05 11:23  
 Registered Owner: NANAIMO DISTRICT SAVINGS CREDIT UNION  
**Cancelled By: EF85315**  
**Cancelled Date: 1992-07-06**

Nature: MORTGAGE  
 Registration Number: EF153294  
 Registration Date and Time: 1992-11-18 09:29  
 Registered Owner: ROYAL BANK OF CANADA

Nature: LAND TAX DEFERMENT ACT AGREEMENT  
 Registration Number: EJ117088  
 Registration Date and Time: 1995-10-30 12:44  
 Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA  
 Remarks: RESTRICTS DEALINGS, SEE LAND TAX DEFERMENT ACT  
**Cancelled By: EP69194**  
**Cancelled Date: 2000-08-25**

Nature: JUDGMENT  
 Registration Number: EM46987  
 Registration Date and Time: 1998-05-22 09:32  
 Registered Owner: ATTORNEY GENERAL OF CANADA  
 Remarks: AS TO THE INTEREST OF WILLIAM STACEY.  
**Cancelled By: EM58596**  
**Cancelled Date: 1998-06-23**

**Duplicate Infeasible Title**

To: ISSUED 1985-12-06  
 ROYAL BANK OF CANADA  
 P.O. BOX 1070  
 LADYSMITH, B.C., V0R 2E0  
 Application Number: P94881  
 Surrendered: 1985-12-12

**Transfers**

Registration Date: 2000-11-24  
 Description: ALL EP99501

**TITLE SEARCH PRINT**

2017-06-05, 09:40:00

File Reference:

Requestor: Rob Conway

**Corrections**

M76300 CHARGE NUMBER DATE: M76300 1986-09-22 12:31:00 PREVIOUS TEXT:  
01/08/1983

M76300 CHARGE NUMBER TIME: M76300 1986-09-22 12:31:00 PREVIOUS TEXT:  
08:00

ET62424A 2011-05-29 10:48:22 CHARGE OWNER NAME CORRECTED M76300

ET62424A CHARGE OWNER NAME CORRECTED M76300 2002-06-05 09:30:00

# ATTACHMENT D



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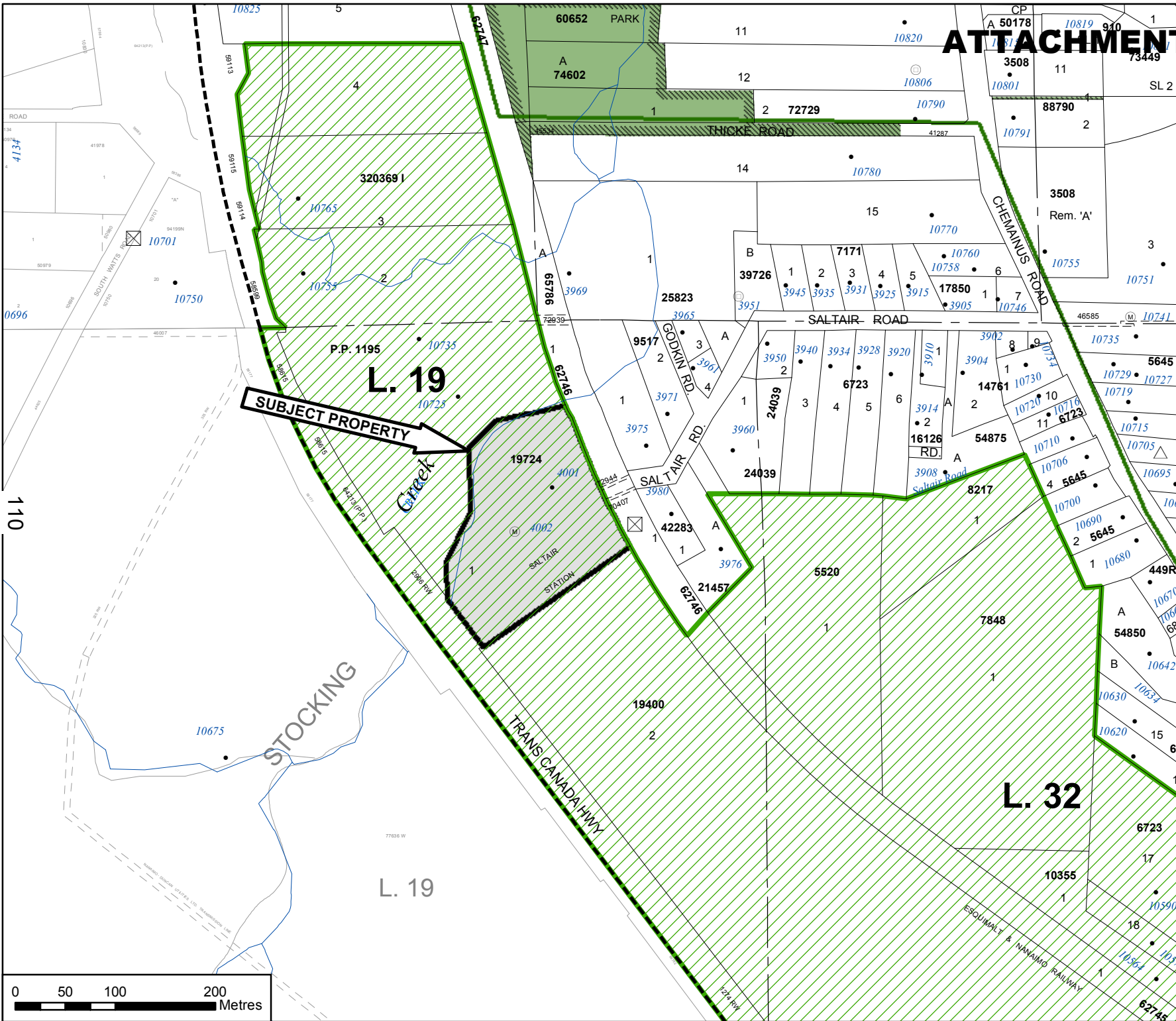
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File: 01-G-16ALR

## ALR

### Legend

- Subject Property
- ALR



R4

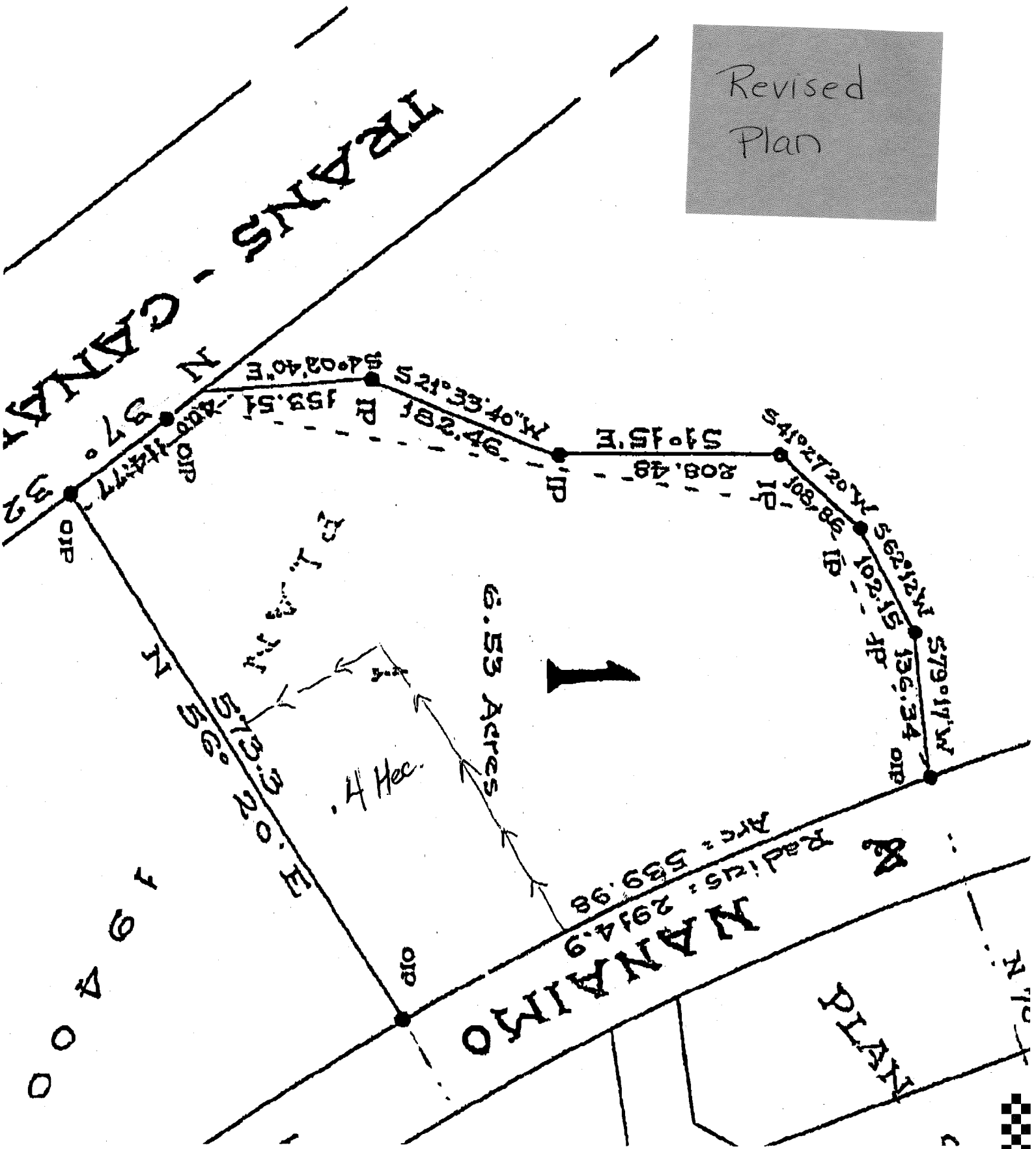


Attention: Kasia Biegun (Planning)

552 R4

ATTACHMENT E

Revised Plan



 <p><b>Agricultural Land Commission Act</b></p>	<p style="text-align: right;"><b>Policy #11 January 2016</b></p> <p style="text-align: center;"><b>HOMESITE SEVERANCE ON ALR LANDS</b></p>
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*This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act, 2002](#), including amendments as of September 2014, (the “ALCA”) and BC Regulation 171/2002 ([Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#)), including amendments as of June 2015, (the “Regulation”). In case of ambiguity or inconsistency, the ALCA and Regulation will govern.*

The purpose of this policy is to provide a consistent approach to situations where property under application has been the principal residence of the applicant as owner-occupant since December 21, 1972 and the applicant wishes to dispose of the parcel but retain a homesite on the land.

A subdivision application under Section 21 (2) of the ALCA is required.

Persons making use of this homesite severance policy (the “Homesite Severance Policy”) must understand the following:

- a. there is no automatic right to a homesite severance;
- b. the Agricultural Land Commission (the “Commission”) shall be the final arbiter as to whether a particular homesite severance meets good land use criteria; (see #4 below)
- c. a prime concern of the Commission will always be to ensure that the “remainder” will constitute a suitable agricultural parcel. (see #5 below).

Without limiting the generality of the foregoing, the following guidelines apply to homesite severance applications.

1. A once only severance may be permitted where the applicant submits documentary evidence that he or she has continuously owned and occupied the property as his or her principal place of residence since December 21, 1972.
2. Where an applicant for a homesite severance has had a previous subdivision application approved by the Commission resulting in the creation of a separate parcel, the Commission may deny any further subdivision under the Homesite Severance Policy.
3. An application for a homesite severance will be considered only where the applicant submits documentary evidence showing a legitimate intention to sell the remainder of the property upon the approval of the homesite severance application. (An interim agreement for sale, a prospective buyer’s written statement of intent to purchase, a real estate listing, or some other written evidence of a pending real estate transaction may be acceptable as documentation)

In considering the application, the Commission may make an approval subject to sale of the remainder within a specified period of time.

An order of the Commission authorizing the deposit of the subdivision plan will be issued to the Registrar of Land Titles only when a transfer of estate in fee simple or an agreement for sale is being registered concurrently.

4. There will be cases where the Commission considers that good land use criteria rule out any subdivision of the land because subdivision would compromise the agricultural integrity of the area, and the Commission will therefore exercise its discretion to refuse the homesite severance.

The following two options apply to a homesite severance:

- a. the existing homesite may be created as a separate parcel where it is of a minimum size compatible with the character of the property (plus a reasonable area, where required, for legal access purposes); or
  - b. where the location of the existing homesite is such that the creation of a parcel encompassing the homesite would, in the Commission's opinion, create potential difficulty for the agricultural operation or management of the remainder, the Commission may, if it deems appropriate, approve the creation of a homesite severance parcel elsewhere on the subject property.
5. The remainder of the subject property after severance of the homesite must be of a size and configuration that will, in the Commission's opinion, constitute a suitable agricultural parcel. Where, in the Commission's opinion, the remainder is of an unacceptable size or configuration from an agricultural perspective, there may be three options:
    - a. the Commission may deny the homesite severance;
    - b. the Commission may require that the remainder be consolidated with an adjacent parcel; or
    - c. the Commission may require the registration of a covenant against the title of the remainder and such a covenant may prohibit the construction of dwellings.
  6. A condition of every homesite severance approved by the Commission shall be an order stipulating that the homesite is not to be sold for five years except in the case of the death of the owner. Prior to the issuance of a Certificate of Order authorizing deposit of the subdivision plan, the owner shall file with the Commission a written undertaking or other legal documentation satisfactory to the Commission setting out this commitment.
  7. Where a homesite severance application has been approved by the Commission, local governments and approving officers are encouraged to handle the application in the same manner as an application under Section 946 of the [Local Government Act](#) insofar as compliance with local bylaws is concerned.

Unless defined in this policy, terms used herein will have the meanings given to them in the ALCA or the Regulation.

#### **RELATED POLICY:**

*ALC Policy #23 Activities Designated Permitted Non-Farm Use in the ALR: Lease for a Retired Farmer – Zone 2*

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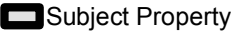

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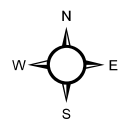
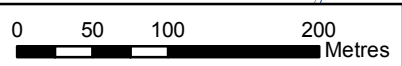
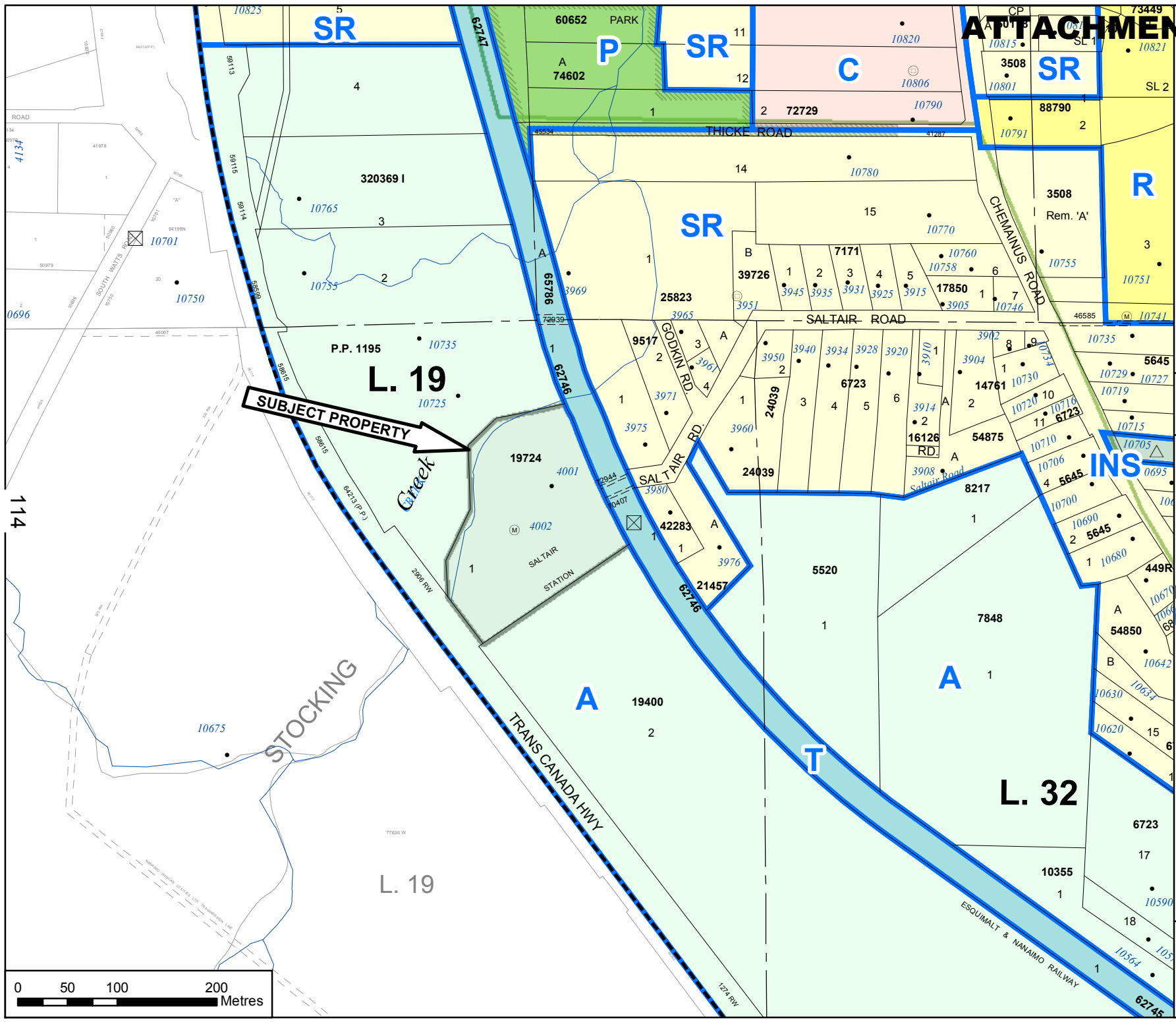
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File: 01-G-16ALR

## OCP

- Legend
-  Subject Property
  -  OCP G



R4



## **SECTION 5 – AGRICULTURAL RESOURCE DESIGNATION**

This Section pertains to lands located in the **Agricultural Resource Designation**. The OCP recognizes agriculture as an integral part of the rural landscape as well as a contributor to the local economy and a critical source of future food production.

Most lands in the **Agricultural Resource Designation** are in the provincial Agricultural Land Reserve (ALR). These lands are subject to the *Agricultural Land Commission Act* and the *Farm Practices Protection Act*, as well as to CVRD bylaws. The OCP aims to ensure that these lands are utilized indefinitely for food production.

### **AGRICULTURAL RESOURCE DESIGNATION - OBJECTIVES**

- a) To encourage agriculture and protect the agricultural land base for long-term food production;
- b) To prevent the subdivision and non-agricultural use of agricultural land; and
- c) To minimize conflict between agricultural and non-agricultural areas.

### **AGRICULTURAL RESOURCE DESIGNATION – POLICIES**

**POLICY 5.1** All lands within the Agricultural Land Reserve as well as other lands considered suitable for agricultural production are designated as **Agricultural Resource** on Schedule B – the Plan Map.

**POLICY 5.2** Lands in the **Agricultural Resource Designation** are of critical importance to the region and will be protected for agriculture in perpetuity. Any activity or development that could damage the agricultural potential of these lands will not be permitted.

**POLICY 5.3** For lands that are in the Agricultural Land Reserve (ALR):

- (a) All ALR exclusion applications will be reviewed by the CVRD, and forwarded to the Agricultural Land Commission (ALC) for consideration, with the applicant being clearly advised that sending the application to the ALC does not imply that the CVRD supports any land use or density on the subject property other than that permitted by the current Zoning Bylaw;
- (b) ALR subdivision applications pursuant to Section 946 (subdivision to provide a residence for a relative) of the *Local Government Act* will be forwarded to the ALC notwithstanding the content of land-use bylaws;
- (c) ALR subdivision applications which are subject to CVRD bylaws will only be forwarded to the ALC if:
  - i. the minimum parcel size regulation is complied with; or
  - ii. if the minimum parcel size regulation is not complied with, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading;
- (d) ALR non-farm use applications will only be forwarded to the ALC if:
  - i) the proposed non-farm use complies with CVRD bylaws; or

- ii) if the proposed non-farm use does not comply with CVRD bylaws, if the ALR applicant has also applied for the necessary bylaw amendments and these have received at least first reading.

**POLICY 5.4** The minimum parcel size in the Agricultural Resource Designation will be 20 hectares, therefore due to the current size of parcels in the **Agricultural Resource Designation**, the subdivision of land to smaller lot sizes will not be permitted.

**POLICY 5.5** The OCP recognizes that lands within the Agricultural Land Reserve are subject to the provisions of the *Agricultural Land Commission Act*, regulations thereto, and Orders of the Agricultural Land Commission. Activities that are designated as farm use in the *Agriculture Land Reserve Use, Subdivision and Procedure Regulation*, and those which fall under the definition of Farm Operation in terms of the *Farm Practices Protection (Right to Farm) Act*, are permitted.

**POLICY 5.6** Parcels with poor soil capabilities in the **Agricultural Resource Designation** are considered to be agriculturally viable, as they may be utilized for farm buildings, feedlots, specialty crops, green houses, wood lots or other uses required by the farm operation but not requiring high quality soils.

**POLICY 5.7** Agriculture is strongly encouraged and, as such, has absolute priority in the **Agricultural Resource Designation** and, as such, no legitimate farming activity will be curtailed solely due to the objections of neighbouring property owners. Buffering, in accordance with the Land Reserve Commission's *Landscape Buffer Specifications*, should occur on adjacent, neighbouring parcels.

**POLICY 5.8** The OCP recognizes that agricultural land is within the jurisdiction of the provincial government under the *Farm Practices Protection Act*, and that the protection of environmentally sensitive lands in farming areas is the responsibility of the provincial government. It is expected that the province will ensure the protection of sensitive areas, including Porter Creek.

**POLICY 5.9** The **Stream Protection Development Permit Area** in Section 20 of this OCP includes lands that are within the Agricultural Land Reserve. It is understood that, because the CVRD does not have the jurisdiction for stream protection on ALR lands, the DPA will not take full effect unless the land in question is removed from the ALR or unless the Province of BC allows the Regional District to apply the DPA guidelines within the ALR.

**POLICY 5.10** Farm help dwellings are not permitted within the OCP area, due to the close proximity of available accommodation.

**POLICY 5.11** Ancillary non-farm uses that are compatible with agricultural activities, and the promotion, marketing and sale of locally grown crops are encouraged.

**POLICY 5.12** The CVRD Board strongly supports the retention of large tracts of agricultural land as it functions to limit residential sprawl and preserves valuable resource land. Preservation of agricultural land ensures our capacity to provide locally produced food at the present and into the future.



**PART FIVE****ZONE CATEGORIES****5.1 A-1 AGRICULTURAL RESOURCE 1 ZONE**

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the A-1 Zone:

**1. Permitted Uses**

The following principal uses and no others are permitted in the A-1 Zone:

- (a) Agriculture, Silviculture, Horticulture, Fish Farm, Turf Farm;
- (b) Horse riding arena, boarding stable;
- (c) Single family dwelling;

The following accessory uses are permitted in the A-1 Zone:

- (d) Secondary suite, on parcels over 1 ha in area;
- (e) Bed and breakfast accommodation;
- (f) Farm retail sales;
- (g) Buildings and structures accessory to a permitted principal use;
- (h) Home-based business.

**2. Minimum Parcel Size**

The minimum parcel size in the A-1 Zone is 20 hectares.

**3. Number of Dwellings**

Not more than one single-family dwelling and one secondary suite is permitted on a parcel zoned A-1.

**4. Setbacks**

The following minimum setbacks apply in the A-1 Zone:

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

**5. Height**

In the A-1 Zone, the height of all principal buildings and structures shall not exceed 10 metres, and the height of all accessory buildings shall not exceed 7.5 metres, except in accordance with Section 3.8 of this Bylaw.

**6. Parcel Coverage**

- (a) The parcel coverage in the A-1 Zone shall not exceed 30 percent for all buildings and structures.
- (b) Notwithstanding Section 5.1.6(a), parcel coverage may be increased by an additional 45% of the site area for the purpose of constructing greenhouses.

**7. Parking and Loading**

Off-street parking and loading spaces in the A-1 Zone shall be provided in accordance with Sections 3.12 and 3.13 of this Bylaw.





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** June 13, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 21, 2017

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

**SUBJECT:** Signage Development Permit with Variance –  
Application No. 01-D-16DP/S/VAR (1681 Botwood Lane)

**FILE:** 01-D-16DP/S/VAR

## PURPOSE/INTRODUCTION

The purpose of this report is to present a Development Permit with Variance application for a new sign on the Oceanfront Suites at Cowichan Bay Hotel.

## RECOMMENDED RESOLUTION

That it be recommended to the Board

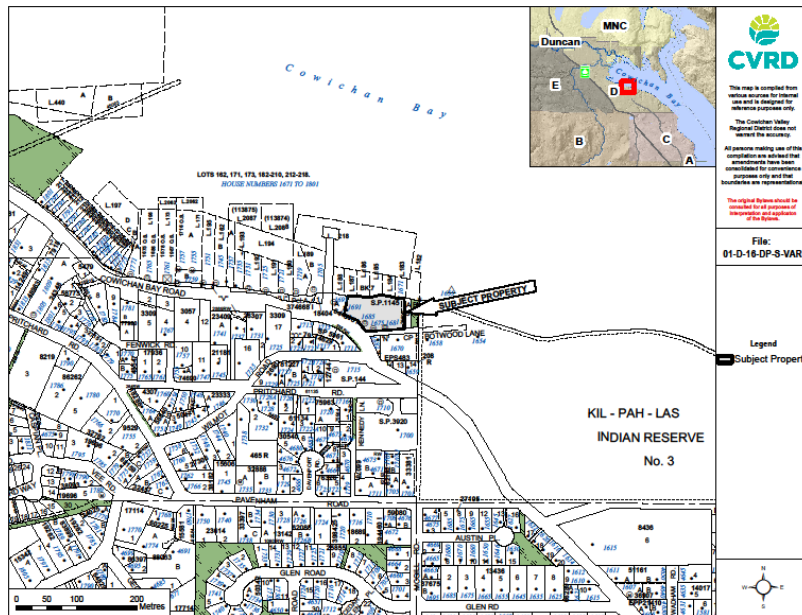
1. That Signage Development Permit with Variance Application No. 01-D-16DP/S/VAR (1681 Botwood Lane) be approved;
2. That Section 7.1(c) of CVRD Sign Bylaw No. 1095 be varied to permit a rooftop sign; and
3. That the General Manager of Land Use Services be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No. 3605.

## BACKGROUND

<u>Location of Subject Property:</u>	1681 Botwood Lane
<u>Legal Description:</u>	Strata Lot 1, Section 6, Range 4, Cowichan District, Strata Plan 1145 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 (PID: 000-902-535)
<u>Size of Parcel:</u>	Approximately 0.4 ha (1 acre)
<u>Zoning:</u>	C-4 (Village Commercial Accommodation)
<u>Plan Designation:</u>	Mixed Use
<u>Use of Property:</u>	Hotel
<u>Water:</u>	Cowichan Bay Waterworks
<u>Sewage Disposal:</u>	Cowichan Bay Sewer
<u>Fire Protection:</u>	Cowichan Bay Fire Improvement District
<u>Agricultural Land Reserve:</u>	N/a
<u>Archaeological Sites:</u>	None identified

Environmentally Sensitive Cowichan Bay shoreline  
Areas:

## LOCATION MAP



## APPLICATION SUMMARY

A rooftop sign has been installed on the Oceanfront Suites at Cowichan Bay Hotel. This was done without first obtaining the required Development Permit.

As a result of a complaint, CVRD Bylaw Enforcement Division attended the site, advised the owners of the requirement to obtain a Development Permit, and photographed the signage (Attachment C).

The rooftop sign is approximately 30 m<sup>2</sup> (320 ft<sup>2</sup>) and faces the ocean side of the hotel. CVRD Sign Bylaw No. 1095 does not permit rooftop signs; therefore a Development Permit with Variance was required. The applicants had indicated that due to the design of the hotel, there was no other location that would accommodate a sign facing the ocean on this side of the hotel.

In response to the objections contained within some of the letters from adjacent property owners, the applicants have proposed to redesign the mounting system so that the sign becomes fascia mounted to the front of the hotel (still facing the water in the same location). This would lower the sign protrusion from the roof of the hotel from the present 48 "rise down to a 20" projection above the current roof top.

They also propose to paint the back of the sign black such that it is less obtrusive to the viewscape.

## COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

CVRD Development Application Procedures and Fees Bylaws delegates approval for signage Development Permits to the General Manager of the Land Use Services Department. However, as this Development Permit application includes a variance request, the application must be approved by the CVRD Board. Staff have notified adjacent property owners in accordance with

the requirements of the Bylaw.

**Surrounding Property Owner Notification and Response:**

A total of 49 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 timeframe. To date we have received five letters: two in opposition, two stating no objection, and one letter from someone who has since re-located.

**OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS**

The property is designated “Mixed Use” in the Official Community Plan, and is within the Marine Village Development Permit Area (Attachment E).

The intention with the sign guidelines is to achieve signage that is consistent with the character of the local area, complements the design of the building, and is coordinated with the overall development.

**PLANNING ANALYSIS**

The guidelines favour signage that is limited on the site and handcrafted using natural materials. The proposed signage faces the ocean, and consists of white letters on a black background. While not considered “natural materials”, the materials (aluminum backing and white vinyl letters) are weather-resistant. The sign is not lit.

From the ocean, the sign is tastefully done and consistent with the theme of the hotel. The concerns presented result from the impact of the sign on the views from residences across Cowichan Bay Road (Attachment F).

The applicants advised that the location was chosen assuming that viewers from across the road and located at higher elevations would be minimally impacted because of their elevated angle and distance of upland properties.

Generally speaking, the signage complements the ocean-facing side of the hotel, and the applicants have proposed means to adjust the signage to mitigate concerns from nearby property owners.

Staff recommend Option 1.

**OPTIONS**

Option 1:

That it be recommended to the Board

1. That Signage Development Permit with Variance Application No. 01-D-16DP/S/VAR (1681 Botwood Lane) be approved;
2. That Section 7.1(c) of CVRD Sign Bylaw No. 1095 be varied to permit a rooftop sign; 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. 3605.

Option 2:

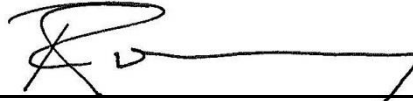
That it be recommended to the Board that Development Permit with Variance Application No. 01-D-16DP/S/VAR (1681 Botwood Lane) be denied based on stated inconsistency with specific guidelines.

Prepared by:



Rachelle Rondeau, MCIP, RPP  
Planner II

Reviewed by:



Rob Conway, MCIP, RPP  
Manager



Mike Tippett, MCIP, RPP  
A/General Manager

**ATTACHMENTS:**

- Attachment A – Zoning Map
- Attachment B – Orthophoto Map
- Attachment C – Photos Dated 07/14/2016
- Attachment D – Proposed Sign
- Attachment E – Marine Village Sign Guidelines
- Attachment F – Letters from Adjacent Property Owners



# 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.

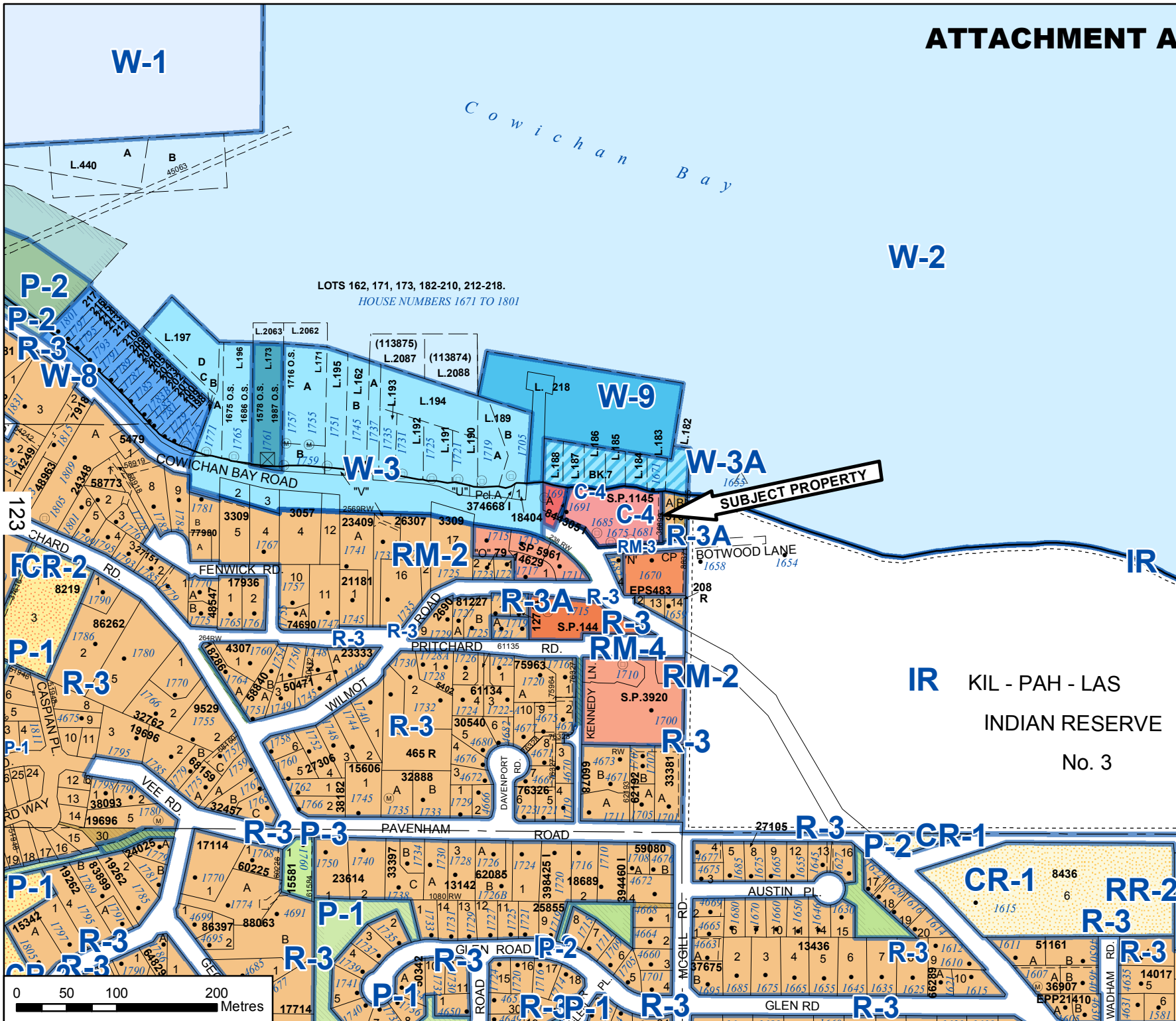
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File:  
01-D-16-DP-S-VAR

## ZONING

### Legend

- Subject Property
- Zoning D Marine
- Zoning D Uplands



R5





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

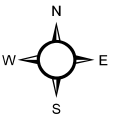
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File:  
01-D-16-DP-S-VAR

## TRIM Orthophoto (2014)

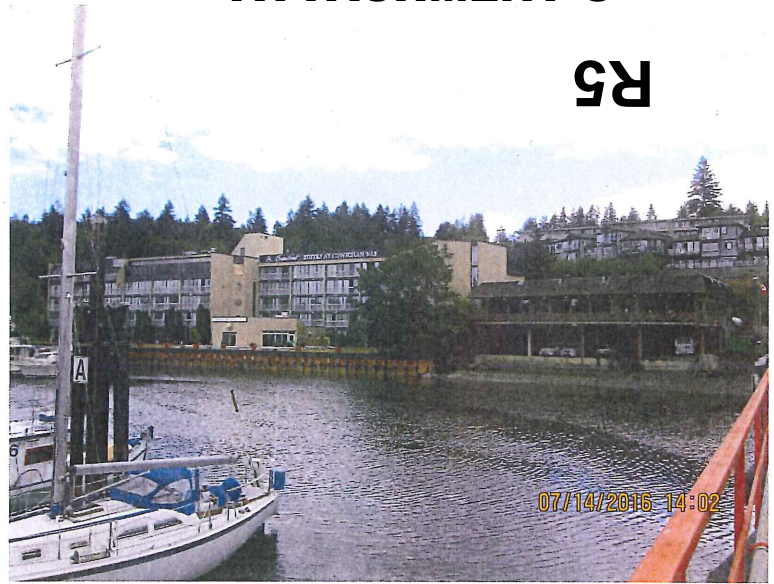
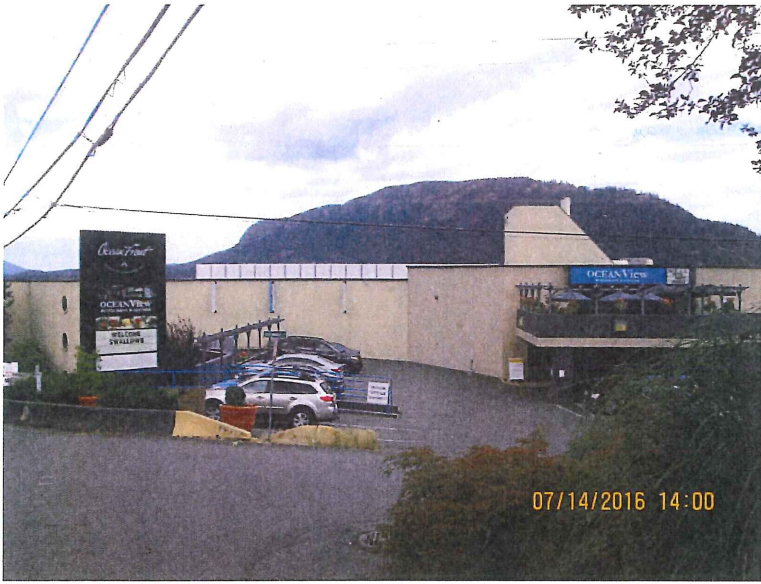


R5



**ATTACHMENT C**

**R5**

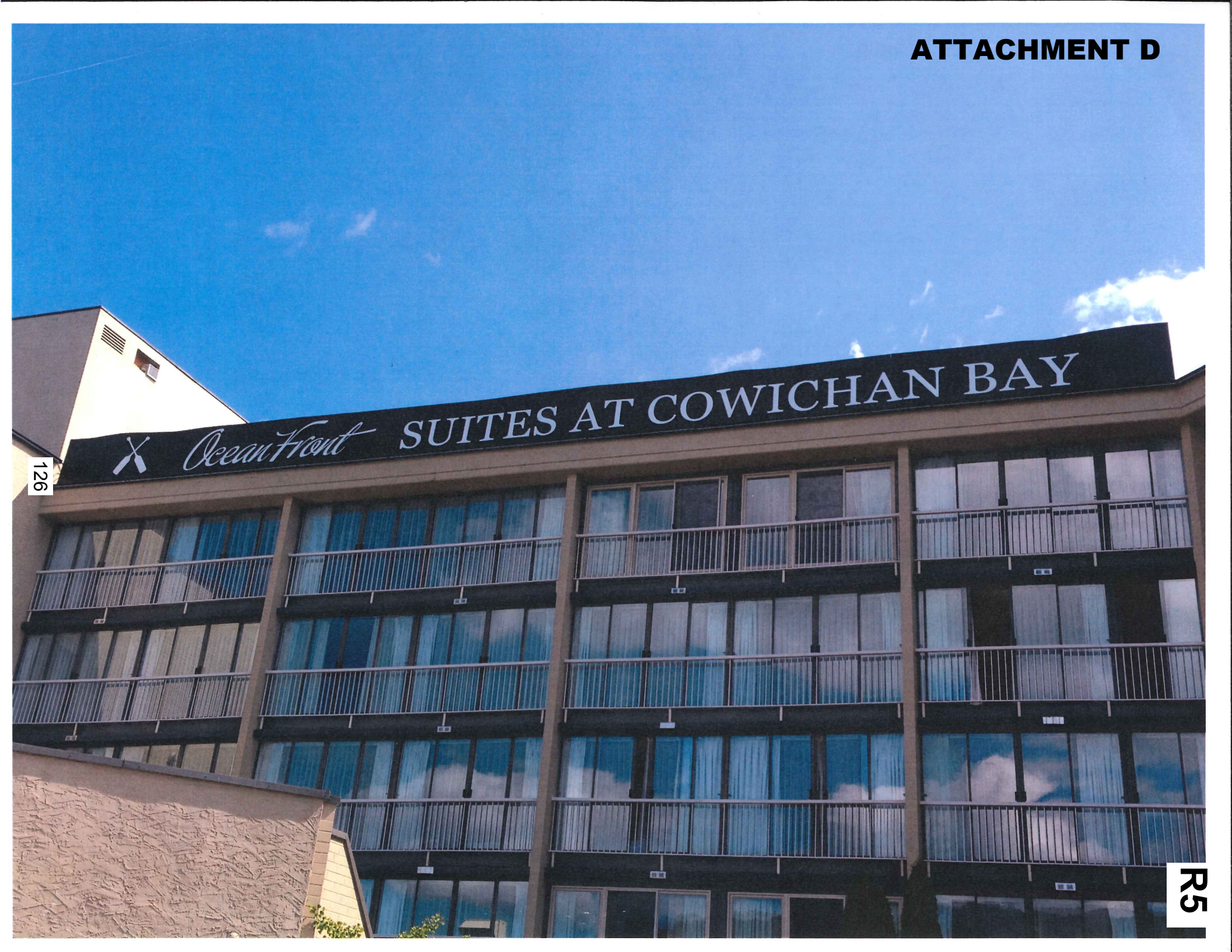




 *Ocean Front* SUITES AT COWICHAN BAY

126

R5





## MV.8 Sign Guidelines

1. Signs should be designed to reflect the unique and west coast seaside vernacular of Cowichan Bay Village, complement the design of the building and site in terms of location, scale, materials, finishes and colours, and be coordinated with the overall design of the development.
2. Signs should be handcrafted and constructed of durable and weather-resistant materials. Plastic and vinyl signs are prohibited.
3. The use of individual mounted, raised or recessed letters, symbols, border and framing to provide texture are encouraged.
4. Signs will be kept to the minimum size and number needed to inform and direct pedestrian and vehicular traffic. Signs should be low profile, kept to pedestrian level and in no case should exceed 5 m in height.
5. Mounting hardware and wiring should be concealed.
6. Freestanding signs should be mounted on a heavy stone or exposed aggregate base and/or framed with heavy timber rather than post-mounted. Where lighting is included, it should be fully-shielded and directed to illuminate the sign only. Freestanding signs should incorporate decorative landscaping to enhance the quality of development.
7. Where multiple signs are required, they should be consolidated into a multi-tenant sign. Multiple free standing signs should be consolidated into a multi-tenant sign located at the main entrance.
8. Where multiple signs cannot be consolidated, then a similar design vernacular, colours and materials will be used for all signs to demonstrate harmony and consistency with the development.
9. Sign lighting should be minimized and fully-shielded to prevent excessive illumination, glare and light trespass.
10. Backlit, neon, fluorescent, or flashing signs or signs incorporating LED lighting are prohibited, as they detract from the rural aesthetic character,

contribute to light pollution and pose a risk to public and vehicular safety.



Photo: An example of multi-tenant signage (CVRD)



Photo: Signage which complements Cowichan Bay's unique maritime heritage character (CVRD)



**Planning and Development**

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**From:** Malcolm Pinteau <mpinteau@hotmail.com>  
**Sent:** April-08-17 1:31 PM  
**To:** Planning and Development  
**Subject:** RE; File No. 1-D-16DP/S/VAR

This gives notice of our objection to the proposed variance to permit retention of the sign recently installed on the roof of the above-referenced hotel property.

1. The sign was erected without previous consultation or permission and is not in accordance with existing regulations.
2. We, the owners of #303-1711 Wilmot Road, Cowichan Bay, live opposite and look directly over the hotel roof for our harbour view. That view has been significantly diminished by the erection of the unauthorized rooftop sign, and restricted our overall view.

Accordingly, we formally object to the sign and trust the CVRD will now ensure it's removal.

Malcolm and Dini Pinteau.  
250-701-9025.

## Planning and Development

**From:** Maria Kyle <mkyle@dominionlending.ca>  
**Sent:** April-10-17 2:40 PM  
**To:** Planning and Development  
**Subject:** 1-D-16DP/SVAR

Hi there. If the sign interferes with my Ocean view then I would oppose the granting of the variance. The Hotel has a large grass area facing the ocean as well as its own dock and can easily accommodate a sign elsewhere. Thanks



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\* This owner has since re-located

**Rachelle Rondeau**

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**From:** Candace Charlie <Candace.Charlie@cowichantribes.com>  
**Sent:** Tuesday, April 11, 2017 4:09 PM  
**To:** Rachelle Rondeau  
**Subject:** Re: CVRD File 01-D-16DP/S/VAR

Hi Rachelle,

Cowichan Tribes has no concerns with this development permit with variance application.

Thank you,

Candace Charlie  
Referrals & Land Code Coordinator  
Lands & Governance, Cowichan Tribes  
5762 Allenby Road  
Duncan BC V9L 5J1  
Ph: (250) 748-3196  
[candace.charlie@cowichantribes.com](mailto:candace.charlie@cowichantribes.com)

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## Planning and Development

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**From:** Roxanne Carriere <stonepolish@gmail.com>  
**Sent:** April-12-17 1:05 PM  
**To:** Planning and Development  
**Subject:** File no. 1-D-16DP/S/VAR

Hello: I am responding to your letter to the owners regarding the variance requested in the above listed file.

As we live directly across from the Oceanpoint Suites in the the Landing town homes, we see the sign from the backside which is a simple off white. It is not larger or taller than the adjacent mechanical room on the rooftop, so the sign does little to alter our perspective. We see little reason not to grant the variance in this one instance.

Nevertheless, we would be very upset if the hotel suddenly decides to employ dramatic lighting that went on all night to illuminate the sign or expanded on this in some way. Currently we think the hotel operators have upgraded exterior signs and landscaping in a helpful way. I do hope they will continue to respect the nature of the mixed neighbourhood and we can continue being good neighbours. Please, no garish neon.

Regards,  
Roxanne and David Carriere

Sent from my iPad



## Planning and Development

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**From:** stephen rice <ricearoni1949@gmail.com>  
**Sent:** April-12-17 2:19 PM  
**To:** Planning and Development  
**Subject:** Variance at 1681 Cowichan Bay Road

File No. 1-D-16DP/S/VAR

1. I am NOT supporting the granting of the variance for the 1681 Cowichan Bay Road property 2. The back side of this sign is ugly to the neighbours that look upon this roof and it has not been erected in a straight manor 3. It has cut off another 3 feet of view by the neighbours 4. This property already has ugly large blacked out signs hanging on its west side wall so it is obvious that they do not do a good job with maintenance 5. They still have an old sign on the highway directing patrons to a place that does not exist any longer

6. In general they obviously need to rethink some things rather than putting up a sign and then asking for a variance.

Stephen Rice  
202 - 1713 Wilmot Road  
Cowichan Bay BC  
VOR 1N1

Sent from my iPad



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** June 12, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 21, 2017

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

**SUBJECT:** Official Community Plan and Zoning Amendment Application for  
PID: 000-222-348

**FILE:** 01-I-16RS

## PURPOSE/INTRODUCTION

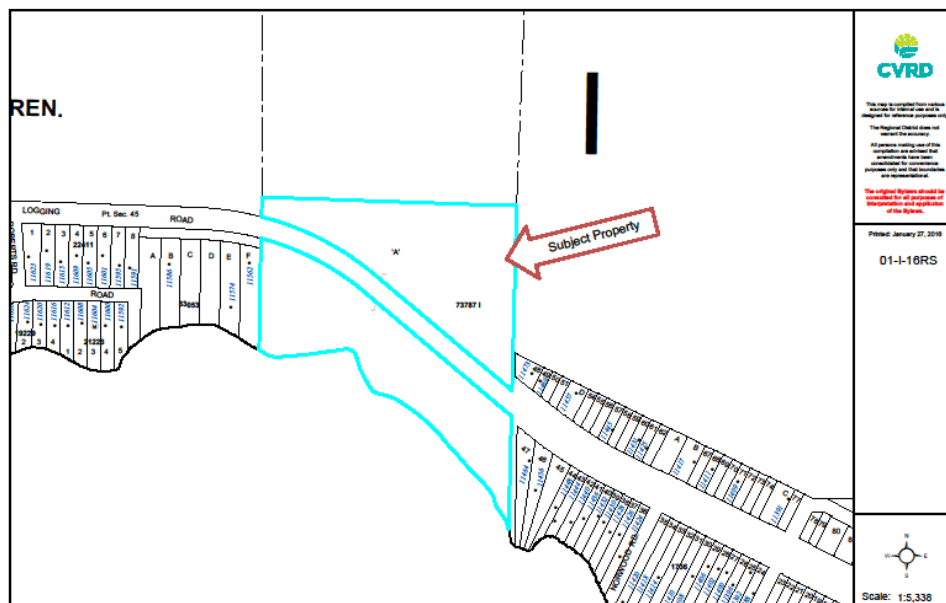
The purpose of this report is to consider an Official Community Plan and Zoning Amendment application to permit subdivision of the property into ten 1.0 ha parcels on Cowichan Lake.

## RECOMMENDED RESOLUTION

That it be recommended to the Board that Application No. 01-I-16RS (PID: 000-222-348) be denied, and a partial refund of fees be given in accordance with CVRD Fees and Procedures Bylaw No. 3275.

## BACKGROUND

<u>Location:</u>	Approximately 5 km west of Youbou, this section of road is known as North Shore Road and is privately owned
<u>Subject Parcel:</u>	Parcel A (DD 73787 <sup>1</sup> ), of Section 45, Renfrew District (PID: 000-222-348)
<u>Owner:</u>	17 owners divided into 10 ownership interests
<u>Size of Land:</u>	Approximately 10 ha (30 acres)
<u>Use of Property:</u>	Recreational - camping
<u>Water:</u>	Proposed onsite
<u>Sewage Disposal:</u>	No approved septic system. On-site disposal consists of pit privies, composting toilet and RV holding tanks. Proposed septic systems
<u>Agricultural Land Reserve:</u>	N/A
<u>Fire Protection:</u>	Youbou Volunteer Fire Department
<u>Existing Plan Designation:</u>	Forestry/Natural Resource
<u>Proposed Plan Designation:</u>	Recreational, Residential
<u>Existing Zoning:</u>	F-1 (Forest Resource)
<u>Proposed Zoning:</u>	Recreational Residential
<u>Environmentally Sensitive Areas:</u>	Cowichan Lake shoreline, two wetlands and stream Declaration Signed – No Schedule 2 uses identified
<u>Contaminated Sites:</u>	None identified
<u>Archaeological Sites:</u>	

**LOCATION MAP****APPLICATION SUMMARY****Property Context:**

The subject property is being used recreationally with some of the original owners having used the property since 1963. Over time, new owners have bought interests in the property for camping either in recreational vehicles (RVs) or small cabins.

Currently, ownership of the property is divided into 10 interests operating in a cooperative agreement for use and entitlement to the property. There is concern among the owners that this model of joint ownership is not sustainable in the long-term.

The applicant indicates that in the late 1920's, a former owner cleared portions of the property for farming, and the property has been in various states of residential or recreational use since then. (See Attachment F).

Currently, portions of the property are cleared areas where camping occurs, and there are some forested areas. The shoreline has been modified as a result of the recreational use, and there are multiple access points to the lake. Sections of the shoreline have intact riparian vegetation.

Adjacent properties on the west are full-time residences or recreational properties, to the east are privately owned properties and the Pine Point Recreation Site/Campground, and to the north are forestry lands. There are currently six driveways onto the property from North Shore Road, which is a private road.

A Riparian Areas Regulation Assessment has been prepared which identifies Streamside Protection and Enhancement Areas (SPEAs) for the two wetlands, streams/ditches and the lakeshore. The portion of the property north of North Shore Road is forested.

### **Proposal Summary:**

The applicants propose to subdivide the property into ten 1.0 ha lots that can be used either residentially or recreationally for camping.

In support of their application, they propose the following:

- Payment of \$50,000 at the time of subdivision to the Electoral Area I Nature and Habitat Trust Fund or Electoral Area I Parks Capital Fund (funding distribution to be determined by the Regional Board);
- Dedication of a 20 metre wide road allowance at the west end of the parcel pursuant to the subdivision requirements of the *Land Title Act* – the applicants intend to work with the Ministry of Transportation and Infrastructure (BC MoT) so that this land can instead be dedicated to the CVRD as parkland;
- Compliance with the 15 metre Streamside Protection and Enhancement Area (SPEA). The owners propose to remove any encroaching structures at the time of subsequent building permit;
- Restrict number of driveway accesses to southern portion of the lot to the current six driveways;
- All docks to be constructed in accordance with most recent Best Management Practices and limit dock size to 400 sq ft;
- No fencing, which would allow continued movement of wildlife through the site.

If the application proceeds through the subdivision stage, the applicants propose payment of 5% cash-in-lieu of parkland contribution to satisfy the requirements of Section 510 of the *Local Government Act*.

Prior to adoption of any amendment bylaws, a covenant must be registered on the title securing the amenities, the above-noted development restrictions, and outlining acceptance of cash-in-lieu of parkland for Section 510 of the *Local Government Act*.

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

The Electoral Area I Advisory Planning Commission recommends approval of the application (see Attachment G).

Additionally, this application has been referred to the following agencies for comment:

- Island Health – *See attached*
- Ministry of Transportation & Infrastructure – *See attached*
- School District 79 – *No comments*
- Ministry of Forests Lands & Natural Resource Operations – *No comments*
- Cowichan Tribes – *Originally opposed the proposal, subsequently met with the applicants and resolved a list of conditions if development is to proceed.*
- Town of Lake Cowichan – *No comments*
- RCMP (Lake Cowichan Detachment) – *As attached. Concerns that unofficial access is over a private road and official access is via water access only, which could prevent timely access to emergencies.*
- Lake Cowichan First Nation – *No comments*
- Ditidaht First Nation – *No comments*
- Youbou Volunteer Fire Department – *No comments*
- CVRD Parks & Trails Division – *The protection of the riparian zone is imperative; at least one lot should be set aside for park dedication; in addition there should be a funding contribution to the Area I Nature and Habitat Fund established for Cowichan Lake.*
- CVRD Public Safety Division – *See attached. Concerns regarding timely delivery of*



*emergency services. All accesses must be designed and constructed to allow access to emergency vehicles.*

- CVRD Facilities & Transit Division – *No opportunity for transit given the density and remote location.*
- CVRD Engineering Services Department – *No comments*

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

An excerpt from the Official Community Plan (OCP) is attached outlining policies that pertain to lands designated as Forestry/Natural Resource, and the Residential land use policies.

On the south side of North Shore Road, the subject property is bound on the west and east by two historic subdivisions created in 1964-1979 and 1918 respectively. To the north of the road, the property is contiguous with large forestry blocks owned by the Crown (northwest of the subject property) and privately held (on the northeast of the subject property).

The policies of the plan intend to support a long-term land base for resource extraction activities such as logging. The policies also encourage conservation, protection of environmentally sensitive areas, and outdoor wilderness recreation.

Despite the historic subdivisions in the area that pre-date the CVRD and land use bylaws, Policy 3.12 of the OCP strongly discourages residential development west of Cottonwood Creek (near the Youbou Lands development at the western edge of Youbou), citing such potential impacts as:

- green space fragmentation;
- impacts to wildlife habitat;
- reduction of the working land base for resource extraction;
- increased vehicle traffic on a private road;
- increased development pressures on the shoreline and Cowichan Lake; and
- negative effects on the forestry-residential interface.

In this case, large forestry operations would not be well-suited to the southern portion of the property because of its connection with the Cowichan Lake shoreline, and the adjacent subdivisions. However, the north side of the road being contiguous with large blocks of forestry land is also not suited to residential/recreational development. A decision was made in developing the OCP to designate even the smaller adjacent subdivisions as “Forestry” to acknowledge that they are not within the area generally prescribed for residential use, and not accessible by public road.

Residential objectives of the Plan are found in Section 4 of the Plan, and these include:

- Locating residential development away from environmentally sensitive areas and forestry lands;
- Avoiding urban sprawl by locating residential development in and adjacent to Youbou and existing residential lands;
- Reducing auto dependency;
- Establishing/maintaining buffers between residential and forestry lands;
- Locating residential development within the urban containment boundary.

Furthermore, the Plan dictates that any land designated residential will not be located outside the urban containment boundary, and that only through a comprehensive plan revision will the urban containment boundary be modified – not on an individual application basis.

In considering further designation of lands for residential purposes, Policy 4.4 of the OCP states that the Regional Board will give preference to the following:

- (a) *The proposed residential development will be located within the Urban Containment Boundary;*
- (b) *Residential development will be encouraged to provide for buffering between the residence and the Cowichan Lake shoreline;*
- (c) *Lands designated for residential use will be required to locate adjacent to existing residential subdivisions;*
- (d) *Lands designated for residential uses will be required to locate in close proximity to community amenities and services; and*
- (e) *Lands designated for residential use will be encouraged to connect to existing community water systems and community sewer systems.*

**Zoning and Use of the Property:**

The current zoning of the subject lands is F-1 (Forest Resource), which permits the following principal and accessory uses:

Principal	Accessory
Agriculture	Bed and Breakfast accommodation
Silviculture	Accessory buildings
Single family dwelling	Home-based business

Under existing zoning, one dwelling is permitted on the subject property. Camping and seasonal dwellings are not permitted, although there may be a claim of legal non-conforming status for some degree of recreational use given the historic use of the property.

**Servicing**

Policy 11.16 of the Official Community Plan states that new subdivisions should not be permitted in areas rated as high or extreme for interface wildfire hazard. The subject property is rated as “Extreme” for fire hazard.

Fire protection is provided by the Youbou Volunteer Fire Department.

The majority of the road to the subject property is owned by TimberWest; therefore, there is no access to a public road, and legal access to the subdivision would be via water access only.

As outlined in the referral response provided by the RCMP, responding to emergencies in this area is extremely challenging, and the addition of increased summer population will only exacerbate the problem. As the road to the site is privately owned, access could be restricted at any time, and the RCMP has concerns that “water access only” will restrict timely access for emergencies.

**PLANNING ANALYSIS**

Under the current proposal, the most likely scenario is that the intensive uses of land will occur on the waterfront portion of the lots, with the property on the north side of North Shore Road remaining unused.

If this application proceeds, having the properties hooked across the road is not ideal, and there could be other configurations that provide better protection for the lake. These have been explored with the applicants, but the attached site plan illustrates their preferred lot configuration, which would see the ten individual interests in the property divided equally among the membership.

There is growing demand for recreational properties and lake access which has prompted an increase in development in certain areas along Cowichan Lake. Changes in the forestry sector have resulted in sales of large tracts of land to owners for non-forestry uses.

In 2007, the CVRD increased the minimum parcel size of forestry zoned parcels from 20 ha (49 acres) to 80 ha (198 acres) in an effort to maintain large parcels of land for forestry and control the expansion of rural residential uses into forestry areas.

The *Cowichan Lake Shoreline Habitat Assessment: Foreshore Inventory and Mapping Project*<sup>1</sup> identified the primary land use around the lake at 48% as forestry followed by single family development at 30.5%. However, the report notes that 64% of the disturbance to the shoreline of Cowichan Lake is in areas where single family development predominates.

The direction in the OCP is that residential development should not occur beyond Cottonwood Creek, that subdivision should not occur in areas rated “High” or “Extreme” for fire hazard, and that lands designated residential should be in close proximity to community amenities and services and away from environmentally sensitive areas and forestry areas.

Until such time as public road access is provided for these properties, they should remain in a forestry designation, and further subdivision should not be permitted.

Strictly speaking, Policy 3.12 and 4.4 of the OCP apply to residential development. The applicants have indicated that the proposed subdivision would be primarily recreational in the near future, but also request zoning that would allow permanent single family homes. Despite whether it is recreationally used or residential, many of the same impacts and issues arise. For example, both residential and the proposed recreational development involve the construction of sewer and water infrastructure, roads, and permanent structures.

If the Committee is inclined to approve this application, OCP amendments to Policy 3.12 and Section 4 (Residential designations) are required. The Committee should also consider whether this application justifies amending Policy 4.3 “*The Urban Containment Boundary will only be amended through a comprehensive plan review, and not through an amendment application process.*”

In staff’s opinion, the Policies within the Plan clearly discourage any form of residential development in the forestry areas beyond Youbou lands.

Option “1” is recommended.

## OPTIONS

### Option 1:

That it be recommended to the Board that Application No. 01-I-16RS (PID: 000-222-348) be denied, and a partial refund of fees be given in accordance with CVRD Fees and Procedures Bylaw No. 3275.

### Option 2:

1. That it be recommended to the Board that Zoning and Official Community Plan Amendment Bylaws be drafted for Application No. 01-1-16RS (PID: 000-222-348).
2. That the draft Amendment Bylaws be referred to the Electoral Area Services Committee for consideration.

<sup>1</sup> British Columbia Conservation Foundation prepared for Fisheries and Oceans Canada. “Cowichan Lake Shoreline Habitat Assessment: Foreshore Inventory and Mapping P 138 Volume I – Report”. October 2012.

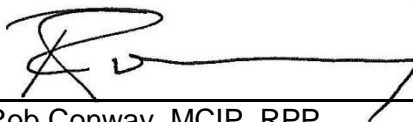
Prepared by:



---

Rachelle Rondeau, MCIP, RPP  
Planner II

Reviewed by:



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Rob Conway, MCIP, RPP  
Manager

---

Mike Tippett, MCIP, RPP  
A/General Manager**ATTACHMENTS:**

- Attachment A – Zoning Map
- Attachment B – Orthophoto Map
- Attachment C – Wildfire Hazard Map
- Attachment D – Revised Site Plan
- Attachment E – Riparian Areas Regulation Assessment
- Attachment F – Applicant's History on Carley Cove Property
- Attachment G – Advisory Planning Commission Minutes
- Attachment H – Referral Agency Comments
- Attachment I – OCP Excerpt, Bylaw No. 2650
- Attachment J – Zoning Excerpt, Bylaw No. 2465



REN.

F-1

# 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.

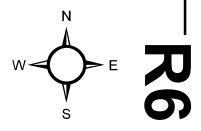
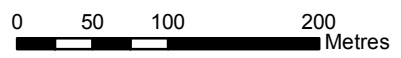
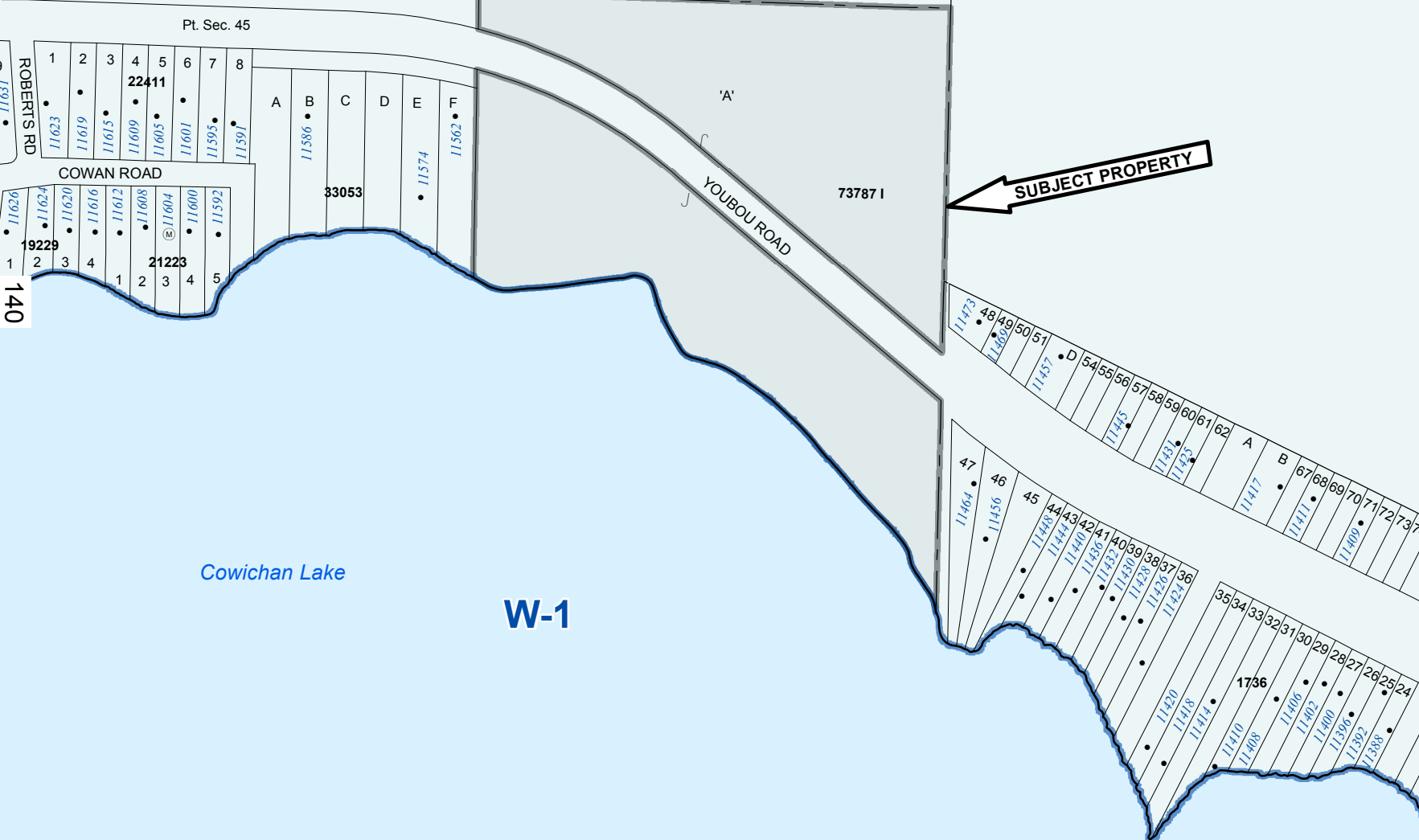
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-I-16RS

## ZONING

Legend

- Subject Property
- Zoning I







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

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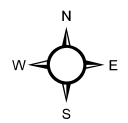
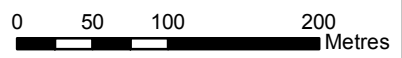
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-I-16RS

**Orthophoto  
(2008)**



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**R6**





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-I-16RS

# Urban Wildfire Hazard Interface

Legend

Subject Property

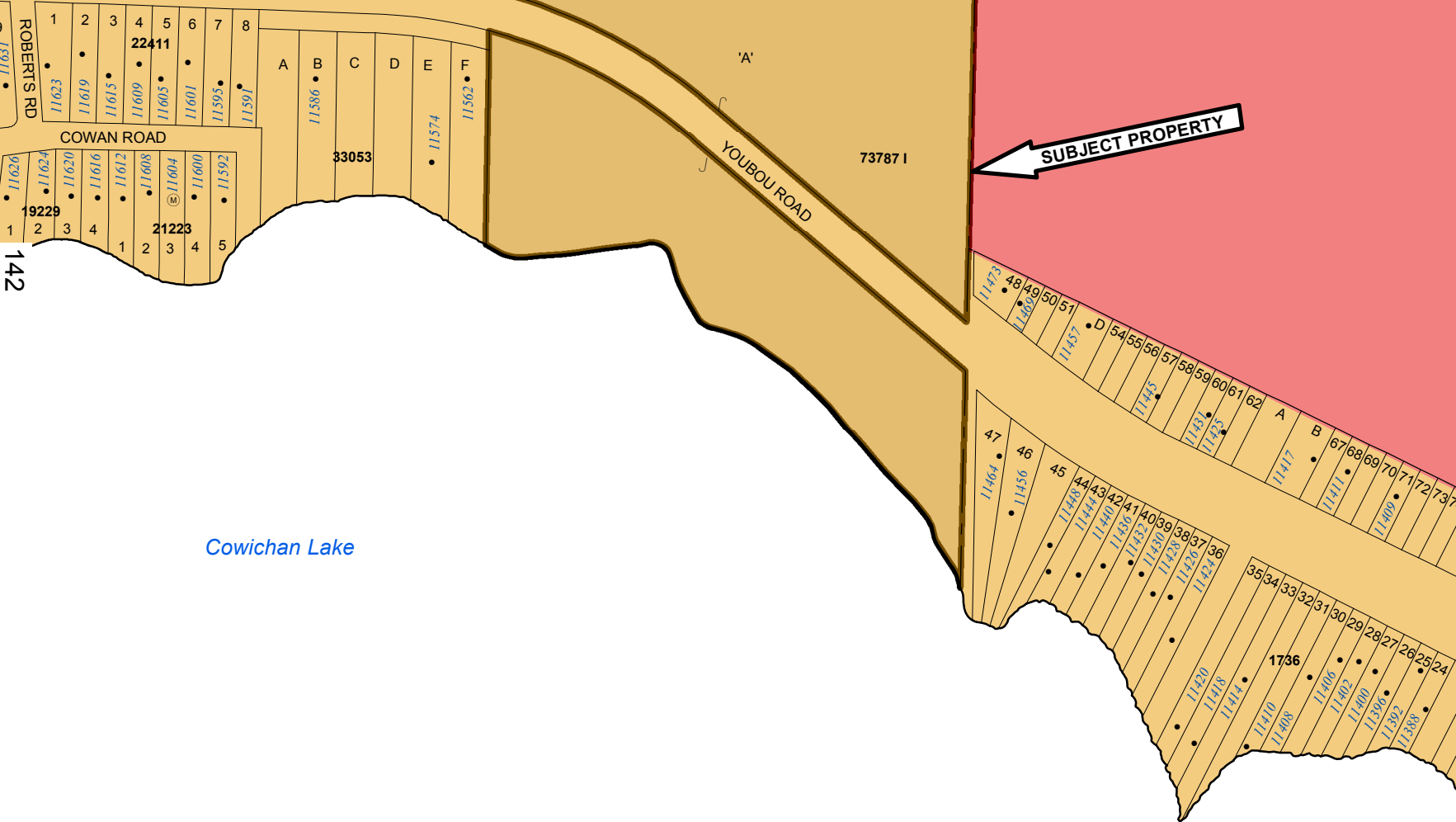
**Hazard Level**

High

Extreme

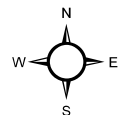
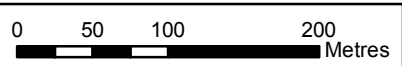
REN.

Pt. Sec. 45



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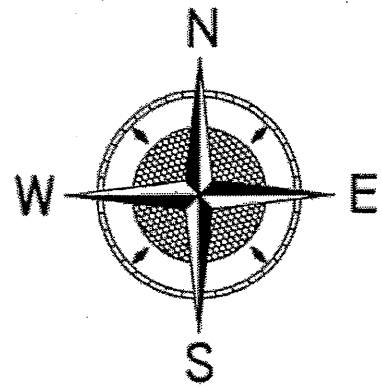
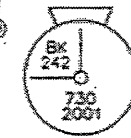
Cowichan Lake



R6

SECTION 45

BLOCK 242



CNR R/W PLAN 1210 O.S.

PLAN 33053

BLOCK 1394

**AREAS:**

LOTS A TO E	11.053 HA
ROAD DEDICATION	0.603 HA
CNR RAILROAD	1.415 HA
<b>TOTAL</b>	<b>13.071 HA</b>

**PLAN OF PROPOSED SUBDIVISION**

OF PARCEL A (DD 73787-I), SECTION 45,  
 RENFREW DISTRICT, LOCATED IN COWICHAN LAKE DISTRICT,  
 EXCEPT CNR RIGHT OF WAY PLAN 1210 O.S.



**LEGEND**

Bearings are astronomic and were derived from plan 33053.

- OIPipe denotes iron pipe found
- OIP denotes iron post found
- ⊙ PP denotes standard pipe post found
- denotes 1/4" rebar set
- ⊙ denotes 8" spike set

HWM surveyed June 18, 2002

CARLEY COVE

COWICHAN LAKE

**R6**



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 2015-09-03

### I. Primary QEP Information

First Name	Justin	Middle Name		
Last Name	Lange			
Designation	R.P.Bio.	Company	Madrone Environmental Services Ltd.	
Registration #	2406	Email	Justin.lange@madrone.ca	
Address	1081 Canada Avenue			
City	Duncan	Postal/Zip	V9L 1V2	Phone # 250 746 5545
Prov/state	BC	Country	Canada	

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

First Name		Middle Name		
Last Name				
Designation		Company		
Registration #		Email		
Address				
City		Postal/Zip		Phone #
Prov/state		Country		

### III. Developer Information

First Name	Craig	Middle Name		
Last Name	Gibson			
Company				
Phone #	(250) 709-1888	Email:	craiggibsondesign@telus.net	
Address	P.O. Box 98			
City	Westholme	Postal/Zip	V0R 3C0	
Prov/state	BC	Country	Canada	

### IV. Development Information

Development Type	Subdivision		
Area of Development (ha)	11.29	Riparian Length (m)	1061
Lot Area (ha)	11.29	Nature of Development	New
Proposed Start Date	2015-08-015	Proposed End Date	2016-08-15

### V. Location of Proposed Development

Street Address (or nearest town)	Parcel A – North Shore Road		
Local Government	Cowichan Valley Regional District	City	Youbou
Stream Name	Cowichan Lake		
Legal Description (PID)	000-222-348, Parcel A, Section 45, Renfrew District, located in Cowichan Lake District	Region	1
Stream/River Type	Lake	DFO Area	South Island
Watershed Code	920-257700		
Latitude	48	53	30.96
Longitude	124	16	23.61

## Table of Contents for Assessment Report

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## **Section 1. Description of Fisheries Resources Values and a Description of the Development proposal**

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

### **Nature of Development/Specific Activities:**

A proposal to rezone and subdivide Parcel A, North Shore Road, has been developed by the multiple landowners. Under the provincial Riparian Areas Regulation (RAR) process, subdivision is considered to be a form of “development” and in this case is the trigger for an assessment. An assessment is necessary as a portion of the subject property is encompassed within the 30 m Riparian Assessment Area (RAA) of Cowichan Lake. Also, portions of the the property are encompassed within the 30 m RAAs of two wetlands, one stream and three ditches (refer to site plan). The first phase of the proposal is to rezone the property from the current Forestry (F-1) designation to a Residential (R) type zoning designation. The second phase involves subdividing the 11.29 ha property into 9 single family lots, ranging in size from 1.05 ha to 1.20 ha. The assessment area is located approximately 5 km northwest of the Town of Youbou, on the northern shore of Cowichan Lake.

Currently, several families use the property recreationally from the period of May – October. During this time, travel trailers are transported to the site to provide accommodation. In addition, there are several construction footprints on site including sheds, gravel access roads and floating docks.

### **Fisheries Resource Values in Cowichan Lake:**

Prior to conducting the field portion of the assessment, background research was conducted to gain a better understanding of fish distribution within and adjacent to the assessment area. Review of the Habitat Wizard (<http://maps.gov.bc.ca/ess/sv/habwiz/>) database determined that the subject ditches, streams and wetlands are un-gazetted and have no known fish occurrences. However, these waterbodies are tributaries of Cowichan Lake, which represents a significant fishery resource value.

Anadromous salmonids known to occur in Cowichan Lake include Steelhead (*Oncorhynchus mykiss*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*Oncorhynchus kisutch*) and Chum Salmon (*Oncorhynchus keta*). These salmonids migrate from the ocean, up the Cowichan River and into Cowichan Lake, at which point they enter various tributary streams of the lake in order to spawn. Resident forms of both Rainbow Trout (*Oncorhynchus mykiss*) and Cutthroat Trout (*Oncorhynchus clarkii clarkii*) also exist in the lake and tributary streams. Brown Trout (*Salmo trutta*), Dolly Varden Char (*Salvelinus malma*) and Lake Lamprey (*Lampetra macrostoma*) also exist in Cowichan Lake. Protected under the *Species at Risk Act* (SARA), the

Cowichan Lake Lamprey is completely endemic to Cowichan and Mesachie Lakes. Cowichan Lake Lamprey spawn in shallow water where creeks flow out into the lakes, where the substrate is suitable (small gravel).

**Description of Riparian Area and Fish Habitat Attributes:**

**Cowichan Lake Riparian Zone**

The topography of the property within 30 m of Cowichan lake is relatively subdued, with a gradient of 2-5%. Due to historical anthropogenic use, limited functioning riparian vegetation exists in several areas within the 30 m RAA. The areas lacking riparian vegetation coincide with the portions of the property that have been historically used for camping. The camp sites are composed mainly of manicured lawn. Beyond the limits of the campsites, riparian vegetation is abundant and contributing to the overall health of the riparian zone by providing bank stability and nutrient input (*i.e.*, litter fall and insect drop).

Along the immediate foreshore of the lake, hydrophytic vegetation is abundant. However, due to the drought conditions that persisted in the months prior to the assessment, water levels in the lake were extremely low and vegetation along the foreshore was exposed. When the water levels within the lake are higher, the foreshore of the subject property represents ideal rearing habitat for juvenile salmonids. The vegetation provides refuge habitat from predators and the shallow shoal provides an abundant source of feeding opportunities for fish as it is likely a breeding ground for insects.

For a list of vegetation within the 30 m RAA and along the foreshore of Cowichan Lake, refer to Table 1.

*Table 1. Foreshore Riparian Area Native Vegetation Species List*

Common Name	Scientific Name
<b>Trees</b>	
Red alder	<i>Alnus rubra</i>
<b>Shrubs</b>	
Hardhack	<i>Spiraea douglasii</i>
Sweet gale	<i>Myrica gale</i>
Willows	<i>Salix spp.</i>
Salmonberry	<i>Rubus spectabilis</i>
Trailing blackberry	<i>Rubus ursinus</i>
Pacific ninebark	<i>Physocarpus capitatus</i>
<b>Herbs</b>	
Sedges	<i>Carex spp.</i>
Common rush	<i>Juncus effusus</i>
Sword fern	<i>Poystichum munitum</i>

The portion of the property from the 164 m elevational contour (high water mark – HWM), up to North Shore Road possesses topography that is subdued. The gradient



of this portion of property ranges between 4% and 8%, but short slopes in excess of 10% were also noted. Throughout this portion of the property, mature forested ecosystems dominate, but 2 wetlands, 3 ditches and 1 stream were also noted to occur within proposed Lot C, Lot D and Lot E (refer to site plan).

### **Wetland 1**

Wetland 1, which is consistent with a seasonally flooded/fluctuating water table site, occurs in the southwest portion of the property and is approximately 25 m wide and 40 m long. A gravel access road runs in a north-south direction adjacent to the wetland. At the time of the assessment there was no water observed within the fluctuating water table site, likely a result of the persisting drought conditions. Throughout the wetland, the substrate is composed entirely of organic soil (decomposing leaf litter and woody debris). The tree layer adjacent to and within the fluctuating water table site is composed entirely of red alder (*Alnus rubra*). Shrub growth in and around Wetland 1 is composed mainly of salmonberry (*Rubus spectabilis*) and trailing blackberry (*Rubus ursinus*). Herb growth was observed as being abundant, and composed of common horsetail (*Equisetum arvense*), slough sedge (*Carex obnupta*), common rush (*Juncus effuses*) and sword fern (*Polystichum munitum*).

### **Stream 1**

During the assessment, it was determined that Wetland 1 connects to Cowichan Lake by a drainage (Stream 1) that emerges from the western end of the wetland. At the outlet of the wetland, the stream flows under the gravel access road that leads to proposed Lot D and Lot E. Over its length, Stream 1 ranges between 0.40 m and 1.10 m and possesses an average gradient of 2%. The stream bed is composed mainly of organic material, however small alluvium in the form of sand and pea gravel was observed. Based on the channel morphology, Stream 1 is most consistent with that of a riffle-pool system. At the time of the assessment water was observed flowing in sections of the drainage, albeit minimal. Based on the lack of precipitation prior to the assessment, it is most likely that the area possesses an abundant source of groundwater.

Based on the dominance of organic substrate, lack of flow during the summer months and the fact that a portion of the stream flows subsurface, under a large root system it is unlikely fish inhabit the stream. The stream does, however, connect by surface flow to Cowichan Lake and contributes to the lake ecosystem by providing nutrient input.

### **Ditch 1**

Ditch 1 flows adjacent to a gravel access road for approximately 40 m and enters Wetland 1 in the northwest corner. At the time of the assessment, it was difficult to discern the channel as it was overgrown with common horsetail. Over the assessed length, the stream bed is composed entirely of organic material and the bankfull width ranges between 0.40 m and 0.70 m. The gradient of the ditch is on average 3%.

**Wetland 2**

Wetland 2 is located in the western-most portion of proposed Lot C and is approximately 15 m wide by 20 m long. This feature is representative of a seasonally wetted/fluctuating water table site. Given this, no water was observed in Wetland 2 during the assessment. Throughout this area the substrate is composed of organic materials. Within the wetland common horsetail and common rush growth is dense. Adjacent to Wetland 2, tree growth is lacking due to clearing and logging that has occurred in the past, but several young regenerating red alder saplings were observed while traversing the area.

**Ditch 2**

Ditch 2 represents an outlet drainage, and flows from of the southern end of Wetland 2. The ditch flows adjacent to a gravel access road for approximately 20 m at which point it turns to a southerly direction of flow, under the gravel road and into Cowichan Lake. The ditch was excavated adjacent to a gravel access road to alleviate any potential issues related to stormwater runoff. Over the assessed area, the gradient of the ditch is on average 2%. The bankfull width of the ditch ranges between 0.30 m and 0.70 m. The upper portion of the ditch is fully vegetated with grasses (*Poa spp.*) and common rush. At the point where the ditch flows into Cowichan Lake, the riparian zone is overgrown with Himalayan blackberry (*Rubus discolor*). Ditch 2 possesses an ephemeral flow regime and it is likely that it only contains water after periods of prolonged rain. Due to the channel morphology and seasonal flow regime, Ditch 2 does not support any fish life processes. The ditch does, however, contribute water flow and nutrients to the lake ecosystem.

**Ditch 3**

Ditch 3 represents a man-made drainage that was constructed to direct stormwater runoff into Cowichan Lake. The ditch originates in the west-central portion of proposed Lot C and runs in a southerly direction, parallel to a gravel access road and into Cowichan Lake. On average, the gradient of the ditch is approximately 4% and the bankfull width between 0.80 m and 1.50 m. Ditch 3 possesses an ephemeral flow regime and based on the fact leaves had accumulated and vegetation was observed growing in the ditch at the time of the assessment, the drainage has not contained water for a prolonged period of time. Vegetation growth in the ditch is mainly represented by herb species such as sword fern, vanilla-leaf and grasses. Shrub species noted in the ditch at the time of the assessment included trailing blackberry and salmonberry. Ditch 3 does not represent fish habitat due to the fact it possesses a seasonal flow regime and lacks channel characteristics to support the life processes of fish. Given this the ditch does connect to Cowichan Lake via surface flow and contributes nutrients and water flow to the lake ecosystem.

**Non-classified Drainage**

This drainage originates from the roadside ditch adjacent to North Shore Road. Runoff is directed under North Shore Road and onto proposed Lot E. In the north-central portion of the lot, surface flow ceases and the drainage takes on a subsurface flow regime. Channel definition south of North Shore Road is lacking. It appeared as though the channel had been altered as drain rock was applied to an area immediately south of the road. The drain rock likely encourages subsurface flow. This drainage does not connect to fish habitat by surface flow and therefore the RAR does not apply.

The portion of the property north of the road did not appear to contain any RAR classified drainages. The topography steepens and in some areas the gradient was noted to be between 20% and 30%. Throughout this portion of the property mature forested ecosystems dominate, but it should be noted that young regenerating deciduous tree species were noted as being abundant. Table 2 represents a list of vegetation associated with the riparian zones of Stream 1, Ditch 1, Ditch 2, Ditch 3, Wetland 1 and Wetland 2. In addition, the following list of vegetation takes into account the dominate species observed north of North Shore Road.

*Table 2. Upland Riparian Area Vegetation Species List*

<b>Common Name</b>	<b>Scientific Name</b>
<b>Trees</b>	
Bigleaf maple	<i>Acer macrophyllum</i>
Red alder	<i>Alnus rubra</i>
Western hemlock	<i>Tsuga heterophylla</i>
Western redcedar	<i>Thuja plicata</i>
<b>Shrubs</b>	
Oceanspray	<i>Holodiscus discolor</i>
Salal	<i>Gaultheria shallon</i>
Trailing blackberry	<i>Rubus ursinus</i>
Salmonberry	<i>Rubus spectabilis</i>
<b>Herbs</b>	
Sedges	<i>Carex spp.</i>
Sword fern	<i>Polystichum munitum</i>
Bracken fern	<i>Pteridium aquilinum</i>
Vanilla-leaf	<i>Achlys triphylla</i>
Common rush	<i>Juncus effusus</i>
Common horsetail	<i>Equisetum arvense</i>
Herb-Robert	<i>Geranium robertianum</i>
False lily-of-the-valley	<i>Maianthemum dilatatum</i>

**Section 2. Results of Riparian Assessment (SPEA width)**

Attach or insert the Form 3 or Form 4 assessment form(s). Use enough duplicates of the form to produce a complete riparian area assessment for the proposed development

**Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology

Date: 2015-09-03

Description of Water bodies involved (number, type)

Cowichan Lake

Stream	
Wetland	
Lake	X
Ditch	
Number of reaches	n/a
Reach #	n/a

**Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)**

	Channel Width(m)	Gradient (%)	
starting point			I, Justin Lange, 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 Craig Gibson; 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.
upstream			
downstream			
Total: minus high /low mean			
Channel Type	R/P	C/P	S/P

**Site Potential Vegetation Type (SPVT)**

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes  I, <u>Justin Lange</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 Craig Gibson; 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:

SPVT Type: 

LC	SH	TR
<input type="text"/>	<input type="text"/>	X

Method employed if other than TR

Polygon No:

SPVT Type: 

LC	SH	TR
<input type="text"/>	<input type="text"/>	<input type="text"/>

Method employed if other than TR

Polygon No:

SPVT Type: 

<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Method employed if other than TR

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

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	15						
Litter fall and insect drop ZOS (m)	15						
Shade ZOS (m) max	30	South bank	Yes	<input type="text"/>	No	X <input checked="" type="checkbox"/>	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					<input type="text"/>	
Ditch Fish Bearing	Yes	<input type="text"/>	No	<input type="text"/>	If non-fish bearing insert no fish bearing status report		
<b>SPEA maximum</b>	<b>15 m</b>	(For ditch use table3-7)					

I, Justin Lange, 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 Craig Gibson;
- 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.

**Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology

Date: 2015-09-03

Description of Water bodies involved (number, type)

Wetland 1

Stream	
Wetland	X
Lake	
Ditch	
Number of reaches	n/a
Reach #	n/a

**Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)**

	Channel Width(m)	Gradient (%)	
starting point			I, Justin Lange, hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson; 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.
upstream			
downstream			
Total: minus high /low mean			
Channel Type	R/P	C/P	

**Site Potential Vegetation Type (SPVT)**

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes  I, <u>Justin Lange</u> , 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 Craig Gibson; 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.
Polygon No:			Method employed if other than TR

SPVT Type	LC	SH	TR	
			X	
Polygon No:		Method employed if other than TR		
SPVT Type	LC	SH	TR	
Polygon No:		Method employed if other than TR		
SPVT Type				

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

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	15					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	30	South bank	Yes	X	No	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes	No	If non-fish bearing insert no fish bearing status report			
<b>SPEA maximum</b>	<b>30 m</b>	(For ditch use table3-7)				

I, Justin Lange, hereby certify that:

- e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- f) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson;
- 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.

**Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology	Date:	2015-09-03
Description of Water bodies involved (number, type)	Wetland 2	
Stream		
Wetland	X	

Lake	<input type="text"/>
Ditch	<input type="text"/>
Number of reaches	n/a
Reach #	n/a

**Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)**

	Channel Width(m)	Gradient (%)	
starting point	<input type="text"/>	<input type="text"/>	I, Justin Lange, hereby certify that: i) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; j) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson; k) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and l) 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.
upstream	<input type="text"/>	<input type="text"/>	
	<input type="text"/>	<input type="text"/>	
	<input type="text"/>	<input type="text"/>	
downstream	<input type="text"/>	<input type="text"/>	
	<input type="text"/>	<input type="text"/>	
	<input type="text"/>	<input type="text"/>	
	<input type="text"/>	<input type="text"/>	
Total: minus high /low	<input type="text"/>	<input type="text"/>	
mean	<input type="text"/>	<input type="text"/>	
	R/P	C/P	S/P
Channel Type	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Site Potential Vegetation Type (SPVT)**

	Yes	No	
SPVT Polygons	<input type="checkbox"/>	X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes  I, <u>Justin Lange</u> , hereby certify that: i) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; j) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson; k) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and l) 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:	<input type="text"/>		Method employed if other than TR
SPVT Type	LC	SH	TR
	<input type="text"/>	<input type="text"/>	X
Polygon No:	<input type="text"/>		Method employed if other than TR



SPVT Type	LC	SH	TR	
Polygon No:				
SPVT Type				Method employed if other than TR

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

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	15						
Litter fall and insect drop ZOS (m)	15						
Shade ZOS (m) max	30	South bank	Yes	X	No		
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)						
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report		
<b>SPEA maximum</b>	<b>30 m</b>	(For ditch use table3-7)					

I, Justin Lange, hereby certify that:

- i) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- j) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson;
- k) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- l) 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.

**Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology

Date: 2015-09-03

Description of Water bodies involved (number, type)

Stream 1

Stream	X
Wetland	
Lake	
Ditch	
Number of reaches	1
Reach #	1

**Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)**

Channel Width(m)		Gradient (%)	
starting point	0.60	1	I, Justin Lange, hereby certify that: m) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; n) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson; o) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and p) 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.
upstream	0.90		
	0.40		
	0.80		
	1.10		
downstream	0.60	3	
	0.40		
Total: minus high /low mean	<b>0.69</b>	2	
	R/P	C/P	S/P
Channel Type	X		

**Site Potential Vegetation Type (SPVT)**

	Yes	No	
SPVT Polygons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
	I, <u>Justin Lange</u> , hereby certify that: m) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; n) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson; o) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and p) 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:

LC	SH	TR
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Method employed if other than TR

Polygon No:

LC	SH	TR
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Method employed if other than TR

Polygon No:

Method employed if other than TR

SPVT Type				

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

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	10					
Litter fall and insect drop ZOS (m)	10					
Shade ZOS (m) max	2.07	South bank	Yes	X	No	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes	No	If non-fish bearing insert no fish bearing status report			
<b>SPEA maximum</b>	<b>10 m</b>	(For ditch use table3-7)				

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

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)	10					
Litter fall and insect drop ZOS (m)	10					
Shade ZOS (m) max	2.07	South bank	Yes		No X	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes	No	If non-fish bearing insert no fish bearing status report			
<b>SPEA maximum</b>	<b>10 m</b>	(For ditch use table3-7)				

I, Justin Lange, hereby certify that:

- m) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- n) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson;
- o) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- p) 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.

**Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology

Date: 2015-09-03

Description of Water bodies involved (number, type)

Ditch 1

Stream	
Wetland	
Lake	
Ditch	X
Number of reaches	1
Reach #	1

**Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)**

	Channel Width(m)	Gradient (%)		
starting point	0.40	2	I, Justin Lange, hereby certify that: q) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; r) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson; s) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and t) 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.	
upstream	0.70			
	0.60			
	0.50			
downstream		4		
Total: minus high /low mean	0.55	3		
	R/P	C/P		S/P
Channel Type				

**Site Potential Vegetation Type (SPVT)**

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes  I, <u>Justin Lange</u> , hereby certify that: q) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; r) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson; s) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and t) 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:			Method employed if other than TR

SPVT Type	LC	SH	TR	
			X	
Polygon No:		Method employed if other than TR		
SPVT Type	LC	SH	TR	
Polygon No:		Method employed if other than TR		
SPVT Type				

**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)	5					
Litter fall and insect drop ZOS (m)	5					
Shade ZOS (m) max	0.65	South bank	Yes		No	X
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	
<b>SPEA maximum</b>	<b>5 m</b>	(For ditch use table3-7)				

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

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)	5					
Litter fall and insect drop ZOS (m)	5					
Shade ZOS (m) max	0.65	South bank	Yes		No	X
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	
<b>SPEA maximum</b>	<b>5 m</b>	(For ditch use table3-7)				



I, Justin Lange, hereby certify that:

- q) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- r) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson;
- s) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- t) 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.

**Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology

Date: 2015-09-03

Description of Water bodies involved (number, type)

Ditch 2

Stream	
Wetland	
Lake	
Ditch	X
Number of reaches	1
Reach #	1

**Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)**

Channel Width(m)		Gradient (%)	I, Justin Lange, hereby certify that: u) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; v) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson; w) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and x) 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.
starting point	0.30	1	
upstream	0.40		
	0.40		
	0.70		
	0.60		
downstream		3	
Total: minus high /low mean	<b>0.48</b>	2	
	R/P	C/P	S/P
Channel Type			

**Site Potential Vegetation Type (SPVT)**

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

I, Justin Lange, hereby certify that:

- u) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- v) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson;
- w) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- x) 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:

SPVT Type

LC	SH	TR
<input type="text"/>	<input type="text"/>	X

Method employed if other than TR

Polygon No:

SPVT Type

LC	SH	TR
<input type="text"/>	<input type="text"/>	<input type="text"/>

Method employed if other than TR

Polygon No:

SPVT Type

<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Method employed if other than TR

**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)	5						
Litter fall and insect drop ZOS (m)	5						
Shade ZOS (m) max	1.44	South bank	Yes	<input type="text"/>	No	X	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)						
Ditch Fish Bearing	Yes	<input type="text"/>	No	<input type="text"/>	If non-fish bearing insert no fish bearing status report		
<b>SPEA maximum</b>	<b>5 m</b>	(For ditch use table3-7)					

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

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	5						

Stability ZOS (m)						
Litter fall and insect drop ZOS (m)	5					
Shade ZOS (m) max	1.44	South bank	Yes		No	X
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	
<b>SPEA maximum</b>	<b>5 m</b>	(For ditch use table3-7)				

I, Justin Lange, hereby certify that:

- u) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- v) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson;
- w) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- x) 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.

**Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology

Date: 2015-09-03

Description of Water bodies involved (number, type)

Ditch 3

Stream	
Wetland	
Lake	
Ditch	X
Number of reaches	1
Reach #	1

**Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)**

	Channel Width(m)
starting point	0.90
upstream	1.20
	1.10
	<del>0.80</del>
	1.30
downstream	1.20
	1.00
	1.10
	1.40

	Gradient (%)
	6
	2

I, Justin Lange, hereby certify that:

- y) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;
- z) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson;
- aa) I have carried out an assessment of the development proposal and my assessment is set

Total: minus high /low mean	1.20		out in this Assessment Report; and bb) 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.
	4.50		
	10.4		
	1.16	4	
Channel Type	R/P	C/P	S/P

**Site Potential Vegetation Type (SPVT)**

	Yes	No		
SPVT Polygons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes	
Polygon No:	<input type="checkbox"/>		I, <u>Justin Lange</u> , hereby certify that: y) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; z) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson; aa) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and bb) 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.	
SPVT Type	LC	SH		TR
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Method employed if other than TR
Polygon No:	<input type="checkbox"/>		Method employed if other than TR	
SPVT Type	LC	SH		TR
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Polygon No:	<input type="checkbox"/>		Method employed if other than TR	
SPVT Type	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**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)	5					
Litter fall and insect drop ZOS (m)	5					
Shade ZOS (m) max	3.48	South bank	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Ditch	Justification description for classifying as a ditch (manmade, <input type="checkbox"/>					

		no significant headwaters or springs, seasonal flow				
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	
<b>SPEA maximum</b>	<b>5 m</b>	(For ditch use table3-7)				

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

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)	5					
Litter fall and insect drop ZOS (m)	5					
Shade ZOS (m) max	3.48	South bank	Yes		No	X
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	
<b>SPEA maximum</b>	<b>5 m</b>	(For ditch use table3-7)				

I, Justin Lange, hereby certify that:

- y) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- z) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson;
- aa) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- bb) 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.

**Comments**

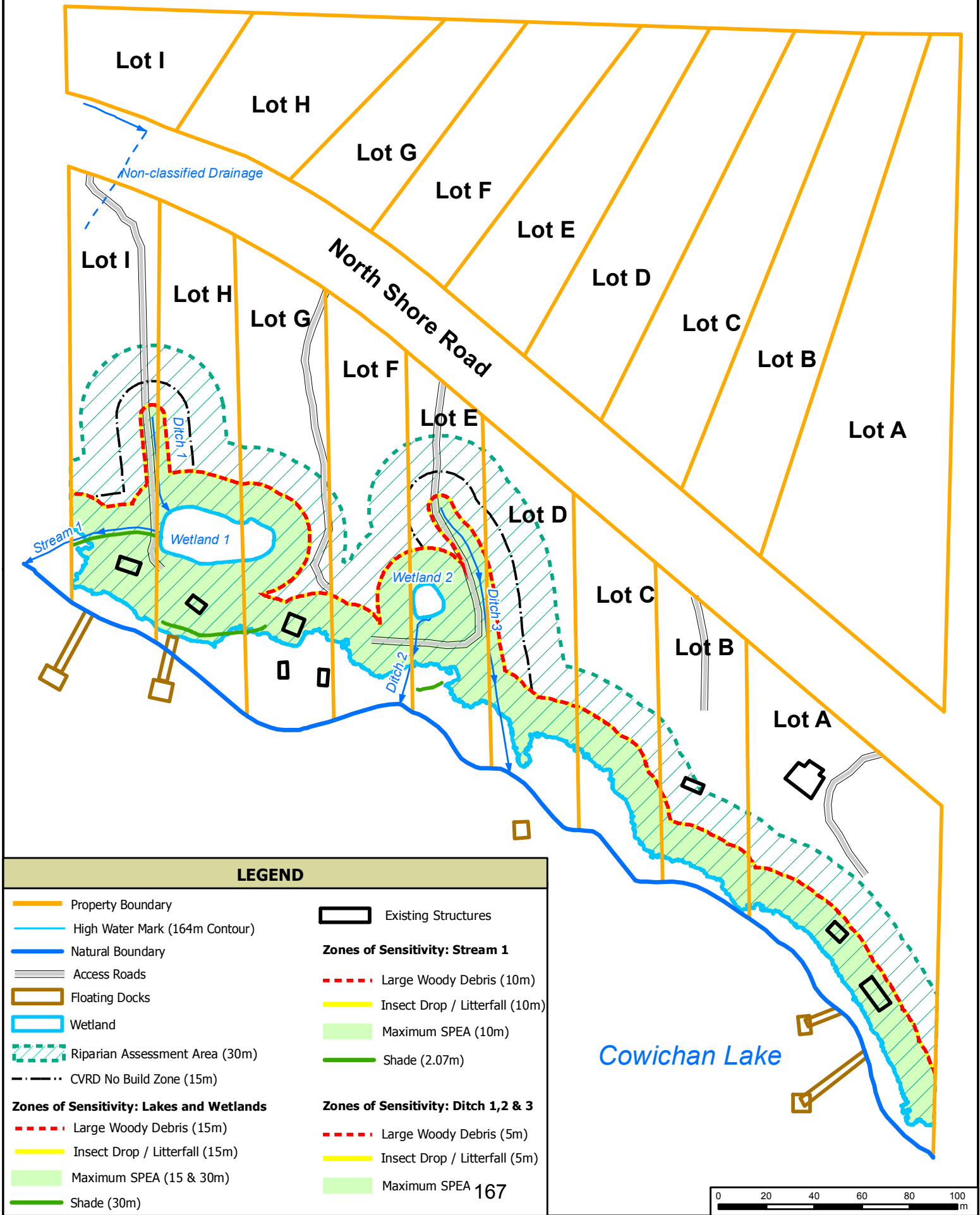
This RAR assessment was triggered by a proposal to subdivide a property that is within the 30 m RAA of Cowichan Lake. Due to the fact the proposal is only at the subdivision stage, no plans have yet been finalized for future land development. It is important to note that there are several families invested in the property. The subdivision will result in each family obtaining approximately a 1 ha piece of land. Once the requirements of the zoning and subdivision application have been met, it is likely that the owner of each property will formulate plans to construct a cabin on their property.

Due to the fact the HWM coincides with the 164 m elevational contour adjacent to Cowichan Lake, it was not possible to delineate the HWM in the field at the time of the assessment. For the



purposes of this assessment, the 164 m contour was obtained from CVRD mapping products. In the future when plans to construct cabins proceed, more detailed RAR assessments will be required. At that time a British Columbia Land Surveyor (BCLS) must be retained to measure and delineate the HWM on site. As part of the assessment, a full set of 11 measurements could not be obtained for Stream 1, Ditch 1 and Ditch 2. This is based on the relatively short length and morphology of these drainages. Portions of each drainage lack channel definition, therefore, measurements were obtained from portions of the drainages that possessed channel definition.

In addition, CVRD Electoral Area I Bylaws state that no dwelling or structure shall be constructed within 15 m of a watercourse. This setback will be respected when construction is initiated in the future, particularly within Lot H, Lot I (Ditch 1), Lot D and Lot E (Ditch 3) where the setback exceeds the SPEA (5 m) for these watercourses. .



**LEGEND**

- Property Boundary
- High Water Mark (164m Contour)
- Natural Boundary
- Access Roads
- Floating Docks
- Wetland
- Riparian Assessment Area (30m)
- CVRD No Build Zone (15m)
- Zones of Sensitivity: Lakes and Wetlands**
- Large Woody Debris (15m)
- Insect Drop / Litterfall (15m)
- Maximum SPEA (15 & 30m)
- Shade (30m)
- Existing Structures
- Zones of Sensitivity: Stream 1**
- Large Woody Debris (10m)
- Insect Drop / Litterfall (10m)
- Maximum SPEA (10m)
- Shade (2.07m)
- Zones of Sensitivity: Ditch 1,2 & 3**
- Large Woody Debris (5m)
- Insect Drop / Litterfall (5m)
- Maximum SPEA 167



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

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in chapter 1.1.3 of Assessment Methodology. It is suggested that documents be converted to PDF *before* inserting into the assessment report. Use your “return” button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

<p>1. Danger Trees</p>	<p>At the time of the assessment, it was noted that most of the property is composed of mature second growth coniferous forest, but deciduous trees were also noted as being relatively abundant. While traversing the property during the site visit there were no obvious indications of hazard trees. All of the trees, particularly the mature conifers, appeared to be in good health. There is currently no requirement to have a danger tree assessment completed by a professional certified in assessing danger trees.</p> <p>As the trees (particularly deciduous species) continue to mature, there may be a requirement to limb, top or completely remove a tree(s). By doing so, unhealthy trees can be managed properly to prevent harm to people or damage to structures. If in the future the property owners consider any trees to be a hazard, a suitably qualified QEP must be retained to assess the tree(s) in question and provide recommendations. All Coarse Woody Debris (CWD) resulting from tree management measures should be positioned within the SPEA as it will provide a benefit to wildlife.</p>
<p>I, <u>Justin Lange</u>, hereby certify that:</p> <p>cc) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>dd) I am qualified to carry out this part of the assessment of the development proposal made by the developer Craig Gibson;</p> <p>ee) 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>2. Windthrow</p>	<p>There are presently no concerns related to windthrow on site as this assessment was triggered by a subdivision proposal. Once the property has been subdivided and individual property owners finalize plans for cabin construction, there will likely be a requirement to remove trees. Given this, it is not anticipated that windthrow will be of concern as trees will not be removed from large areas. Any new forest edges that are created will not be expansive; therefore, the likelihood of increased susceptibility to high wind velocities is very low.</p>
<p>I, <u>Justin Lange</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made</p>	

<p>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 Craig Gibson;</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>	
3. Slope Stability	<p>There are no concerns related to slope stability in the assessment area. Overall, the topography of the site is relatively subdued. At the time of the assessment It did not appear that any portion of the property within the SPEAs possessed a gradient of more than 10-12%.</p>
<p>I, <u>Justin Lange</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 Craig Gibson;</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>	
4. Protection of Trees	<p>Currently subdivision is the only form of “development” occurring at Parcel A, North Shore Road. At this time, no tree protection measures are required to be implemented. Once the subdivision is complete and individual property owners finalize plans for construction of their cabins, tree protection measures will be developed based on placement of the cabins. In cases where cabins are positioned beyond the 30 m RAA, there will be no requirement to develop tree protection measures. If development plans involve construction within the 30 m RAA, tree protection measures must be implemented. Development of measures should be based on the following list, which represents common sources of damage to trees:</p> <ul style="list-style-type: none"> <li>- Trenching through the root zone of trees during excavation activities;</li> <li>- Direct damage to tree limbs and stems from heavy machinery;</li> <li>- Changing the ground level around trees;</li> <li>- Allowing pollutants to contaminate the soil around trees;</li> <li>- Allowing machinery to travel near or park adjacent to trees; or</li> <li>- Storing construction materials around trees.</li> </ul> <p>By eliminating these sources, it is unlikely there would be any damage to trees within the SPEA when construction does occur in the future.</p>
<p>I, <u>Justin Lange</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 Craig Gibson;</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</p>	

followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
5. Encroachment	<p>Currently, there are numerous land uses and structures within the 30 m RAA. Under RAR methodology existing land uses and structures are legally non-conforming and the client can, therefore, continue to use the property as in the past. At the time of the field visit, the client was made aware that additional encroachment or new “development” activities are prohibited within the SPEA. “Development” includes activities such as:</p> <ul style="list-style-type: none"> <li>- Removal, alteration, disruption or destruction of vegetation;</li> <li>- Disturbance of soils;</li> <li>- Construction of temporary or permanent structures;</li> <li>- Creation of non-structural impervious or semi impervious surfaces;</li> <li>- Flood protection works;</li> <li>- Construction of roads and trails;</li> <li>- Provision and maintenance of sewer/water services;</li> <li>- Development of drainage systems; and</li> <li>- Development of utility corridors.</li> </ul> <p>Encroachment of the SPEA is not of concern at this time as the proposal is currently in the subdivision phase. When the construction phase is initiated, all development will occur beyond the SPEA boundaries of each waterbody. Also, future construction will occur beyond the CVRD 15 m no-build zone.</p>
I, <u>Justin Lange</u> , hereby certify that:	
<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 Craig Gibson;</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>	
6. Sediment and Erosion Control	<p>Under the Federal Fisheries Act, sediment is regarded as being a deleterious substance and introducing sediment into waterbodies can damage fish habitat. Of particular concern is suffocation of spawning beds. As this assessment is related to an application for rezoning and subdivision, there are currently no concerns related to sediment transport into Cowichan Lake. As a result, there is no recommendation for a detailed erosion and sediment control (ESC) plan at this time.</p> <p>When construction does occur in the future, each property owner will be required to have a more in depth RAR assessment completed. At that time detailed ESC measures will be developed by the Qualified Environmental Professional (QEP).</p>
I, <u>Justin Lange</u> , hereby certify that:	



<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 Craig Gibson;</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>Stormwater management measures are recommended to deal with a net increase of surface run-off as a result of constructing impervious surfaces, such as rooftops and asphalt driveways. There are no recommendations related to stormwater management as this assessment was completed for a rezoning/subdivision application. Stormwater management measures will be developed when construction plans are finalized and each property owner has a more detailed RAR completed.</p>
<p>I, <u>Justin Lange</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 Craig Gibson;</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>Cowichan Lake represents a dynamic system that experiences natural (sometimes extreme) seasonal variations in water level. Presently there are no concerns related to flooding or highly mobile channels as subdivision is currently the only form of “development”. When construction occurs in the future, local government legislation regarding construction adjacent to the lake must be followed. In this particular case, consideration must be given to maximum flood levels as represented by the 200 year flood height.</p>
<p>I, <u>Justin Lange</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 Craig Gibson;</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**

Attach text or document files explaining the monitoring regimen Use your “return” button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report.

Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

Environmental monitoring is required when construction activities take place within the 30 m RAA. The purpose of monitoring during the construction phase is to ensure that the recommended measures put in place to protect the functionality of the SPEA are followed.

Currently, subdivision is the only proposed form of “development”. If subdivision is approved and development plans are established at a later date to include construction activities inside the RAA, a more detailed assessment must be completed. The SPEAs and RAA have now been identified, allowing the local government to assess any new development applications proposed on the properties under the RAR. Future property owners must be made aware of the RAA and SPEA dimensions and also the requirement for the completion of a focused RAR assessment, should development be proposed inside the RAA.

When plans for development proceed and specific measures have been developed, it will be the responsibility of each property owner to contact the QEP. It will be necessary to carry out a brief site inspection at the beginning, middle and end of construction activities to ensure that the SPEA has been respected. Also, the completion and submission of a post-construction monitoring report via the RAR notification system will be required.

## Section 6. Photos



**Photo 1.** Looking northwest along the natural boundary of Cowichan Lake. This is a representative photo of the foreshore habitat adjacent to proposed Lot H and Lot I.



**Photo 2.** The SPEA of proposed Lot H. Note the dense hydrophytic shrub growth.





**Photo 3.** Looking southeast at the current beach/foreshore access for proposed Lot G.



**Photo 4.** A representative photo of the upslope forested ecosystem beyond the 30 m RAA.



## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



**Photo 5.** A representative photo of the seasonally wet areas that exist on the subject property. Note that rushes and horsetails are the dominant species of vegetation.



**Photo 6.** Himalayan blackberry growth on proposed Lot G. Nearly all of the invasive plant growth is confined to the areas immediately adjacent to the lake where human activity is prevalent. Ditch 2 flows through this area into Cowichan Lake.



## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



**Photo 7.** Looking south at proposed Lot E. Note only the recreational areas are void of vegetation and are surrounded by functioning riparian vegetation.



**Photo 8.** Looking west at the foreshore of proposed Lot E.

## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



**Photo 9.** The eastern portion of the foreshore of proposed Lot C. Note the abundance of intact hydrophytic, native vegetation, an indication that this area remains relatively undisturbed.



**Photo 10.** The ditch network (Ditch 3) adjacent to the access road for proposed Lot D. Note the vegetation growth, which is an indication water has not flowed through the ditch in a prolonged period of time.



## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



**Photo 11.** Looking east along North Shore Road, which bisects the northern and southern portions of the property.



**Photo 12.** A representative photo of the northern portion of the property. The abundance of young deciduous tree species is indicative of the past logging activities in the area.

## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



**Photo 13.** Looking southeast along the gravel driveway that provides access to proposed Lot H and Lot I.



**Photo 14.** Looking east at Wetland 1 from the gravel access road.



## FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



**Photo 15.** A representative photo of Stream 1 as it flows immediately west of the gravel access road.



**Photo 16.** Stream 1 where it emerges from a sub-surface flow regime.



## Section 7. Professional Opinion

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

Date

1. I Justin Lange, B.Sc., R.P.Bio.

---

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

hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*,
  - b) I am qualified to carry out the assessment of the proposal made by the developer Craig Gibson, which proposal is described in section 3 of this Assessment Report (the "development proposal"),
  - c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
  - d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND
2. As a qualified environmental professional, I hereby provide my professional opinion that:
- a) if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**  
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)
  - b)  if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

**[NOTE: "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if**

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise.]

## History on "Carley Cove" Property-Lake Cowichan

### Current Use of Existing Property:

The subject property of thirty acres is divided almost equally by North Shore Road. It is owned by eleven owners each having an undivided interest ranging from 1/10th to 2/10ths, including some where the interest is held in joint tenancy with a partner or spouse or other owners. The owners have a co-owners agreement (cooperative association) governing the management of the property. There are some very restrictive clauses in this agreement which limit the current owners in disposing of their interest either through a will or the open market place, which in turn affects market value. The owners, some who have been on title since 1963, are seeking to divide the subject property into nine lots so that each would have a clear and separate title. Currently each owner utilizes their share of the property as seasonal recreation, some have campers, or trailers driven and stored on their area on a seasonal basis, some have more permanent arrangements in seasonal cabins or r/v's left on site. Weather shelters have been built to allow r/v's to be placed under them. Five foreshore structures have been built in such a manner as to respect the natural shore line and several rocky beach areas have been created for lake access for swimming. The natural vegetation has been maintained for the most part while in some areas lawn has been created to the shore line. Tree removal has taken place as a number of alders/maples and some coniferous trees have died and needed removal. The upland area of the land between the seasonal recreation and North Shore road is undisturbed for the most part. As there is no fencing between the individual owners areas Elk roam freely both on lakefront area as well as the upland above the road. Also the owners do not utilize the area north of the road other than taking the occasional windfall for fire wood. They sometimes hike in the area but there is no active seasonal recreation use through occupancy either in cabins or r/v's as there is on the lake front areas.

## History on “Carley Cove” Property-Lake Cowichan

1928-property sold by Cowichan Lumber Company to Hjalmer Erikson

1963-Holm family purchased property-1100 sq ft home, cabin and outbuildings-house occupied seasonally by owners and by hunters

1964-Plan of subdivision created (31 lots-as shown on plan on display) there were subdivisions on both sides of this property  
1913/ early 60's

1965-Holm family lived full time on property

Late 60's/early 70's-squatters occupied house-became damaged  
-boarded up

Late 70's/80's-zoning changed from residential to Forestry-more adjacent lands subdivided

1985-Kathy Holm became sole owner of her share

1986-Old family home burned by Youbou Fire Department-family returned to camp year after year

1990-Kathy Holm bought out other owners-before doing had assurance from CVRD to be able to divide into three lots-never did complete

1990's?-discussions with Gerard LeBlanc-showed him 1964 plan of subdivision-he said this could be grandfathered?

2002-created “**Carley Cove**” co-operative.

2005-OCP allocated residential uptake on lake to Youbou Lands

2005-September-owners proposed to rezone to Lakefront Residential LR1-9 lots-owners withdrew request

2008-March-Owners apply to rezone for 5 lots (each lot to be strata titled for 2 lots)APC preferred 10 lot strata-went to Electoral Area Services Committee (EASC) put on hold pending major review of OCP to be done in 2009 ( not done yet!)

2009-April-Owners informed major OCP review would not happen until 2013 ( not done yet nor as reported by staff not part of any planning reports for the next number of years-not on the list of projects to be completed)

2009-June-CVRD Board officially denied application

## **“Carley Cove” Property-Lake Cowichan**

### **Advantages to the Community-**

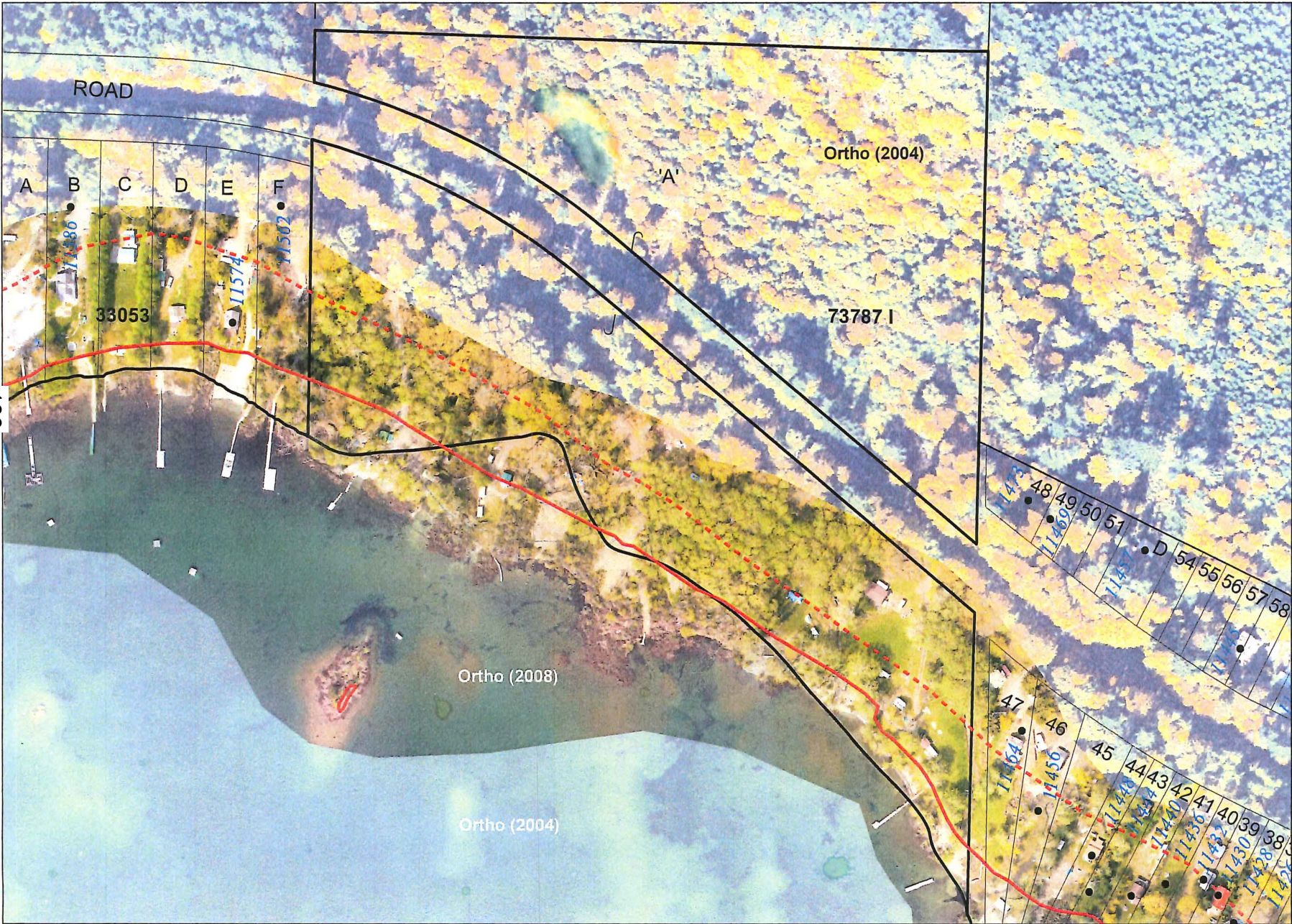
- lots will have limits imposed upon them through the rezoning and subdivision approval process including but not limited to such things as building footprint, setbacks, density of use, building height etc
- public access to the lake is provided on the west side of the property and enhanced on the east side through the subdivision process
- lake shore disruption minimized through rezoning and subdivision approval process as well as riparian protection along lake shore and other environmental protection areas on subject property
- the owners will, in all likelihood, be required to pay compensation in lieu of parkland dedication-5%
- this property was not, in recent times, held by a forestry company and sold to owners for speculation (has been owned by current owners since 1963 -previously held privately since 1928)
- all of the current rules regarding domestic water supply and sewage disposal via septic system, including setbacks will be met prior to final subdivision approval
- the initial proposal has been reviewed by a Registered Professional Biologist (RPBio) with those results in turn being reviewed by the Ministry of Environment and CVRD Staff, and include include recommendations for future subdivision
- access is water only and therefore no need to dedicate private road as public road
- no hydro, nor community water/sewer needed
- through this public information meeting the community gets an opportunity to make early comment pro or con on the proposal and will continue to have input through the process as to what happens with the property
- no impact on the uptake of lots designated for the Youbou Lands project
- other agencies ie Ministry of Environment, Ministry of Transportation, First Nations, CVRD Departments, and Electoral Area APC all have input into proposal
- only the lake side of this property will have buildings placed upon the lots, the north side of the property above the road will remain in its natural state
- the residents will not just be weekenders but will be owners and will be another set of ears and eyes on what is happening generally in this area of the Youbou Community-as such they will act as caretakers of not only their lots but the community
- property taxes paid to the CVRD will increase

## **“Carley Cove” Property-Lake Cowichan**

### **Advantages to the Owners-**

- the form and type of occupancy does not lessen from what owners are currently doing but would add an opportunity for flexibility in future use-rules around density, building footprint, setback etc will be applicable on each lot
- the Registered Professional Biologist(RPBio) report will provide very helpful information to the owners regarding environmental protection and enhancement going forward into the subdivision process
- other agencies will review the proposal and accompanying reports, ie RB Bio
- property not previously held by major forestry company and then sold for speculation
- lots will be water access only and therefore will not require the dedication of the private forestry road
- the grandfathered uses of the property get regularized through the rezoning and subdivision processes
- each owner gets a fee simple title over which they can raise a mortgage, sell, transfer, leave to an estate and use in accordance to permitted uses of zone without the complication of cooperative sign offs by other owners
- the ancient subdivision contemplated in 1964 by the Holm family (31 lots proposed) gets completed (now 9 lots)
- all current rules regarding domestic water supply and sewage disposal via septic system, including setbacks will be required as a condition of subdivision approval
- get to live on the property year round and protect it from vandalism





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.

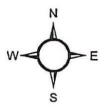
All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

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

Printed: May 7, 2015

**Elevation Levels**

- 164m HWM
- - - 167m 200 year flood level



Scale: 1:2,000

**R6**



**Electoral Area I Planning Commission Minutes  
June 7, 2016****Meeting Started at 7:00 pm****Members Present:**

Judy Reynolds  
Larry Leischner  
Jeff Abbott  
Orest Smycniuk

**Others:**

Director Klaus Kuhn  
Alternate Director Joe Tatham  
Rachelle Rondeau, CVRD Planner

**Applicants:**

Jim Dias (agent), Craig Gibson, Wayne Friesen (1-I-16 RS)  
Don and Sharon Fern (2-I-16 DP VAR)

**1-I-16 RS (Carly Cove):**

Jim Dias presented the application on behalf of the owners, and distributed a summary of the proposal and history:

- There is a complicated ownership agreement resulting in 10 ownership interests, and the applicants would like to subdivide in order to separate their interests. 10 fee simple lots are proposed;
- The lots would be approximately 2.5 acres each, with approximately even distribution of waterfront;
- Applied to rezone to allow seasonal or permanent residence and camping;
- Would be willing to register a covenant limiting the footprint of the dwellings;
- Held a public meeting, only one resident from the area attended;
- Long history of ownership, not bought as a speculative venture, 5 shared docks;
- The owners formerly applied to rezone, and were ultimately denied;
- A review of the Official Community Plan (OCP) was supposed to occur, but this never happened;
- Owners do not intend to install fencing, therefore elk will continue to roam as they do, no increase in traffic, unlikely the property would ever return to the “working land base”; subdivisions on either side of the property already;
- Intend to contribute amenity to the nature and habitat fund;
- Do not expect residential/recreational conflicts as the subdivisions next door do not present conflicts; many examples of recreational/residential zoning around different lakes e.g. Sproat, Shuswap.

The applicant responded to questions from the APC.

**Recommendation:**

- *That the APC recommends approval of the application.*



## MEMORANDUM

**DATE:** November 21, 2016 **FILE NO.** 01-I-16RS  
**TO:** Rachelle Rondeau, Planner II  
**FROM:** Tanya Soroka, Parks & Trails Planner  
**SUBJECT:** Proposed Rezoning of Carly Cove Property on Cowichan Lake Approximately 5 km West of Youbou—Amenity Contributions

Parks & Trails staff, along with the Electoral Area I Parks Commission, has reviewed this proposed subdivision application and the Parks Commission passed the following motion at their meeting held on September 13, 2016:

- " - The protection of the Riparian Zone is imperative***
- At least one lot should be set aside for park dedication***
- In addition, there should be a funding contribution to the Area I Nature and Habitat Fund established for Cowichan Lake."***

Two site visits were conducted in July and September 2016. It was determined that as an amenity contribution some land should be dedicated to the CVRD as parkland as well as providing a monetary contribution towards the Area I Nature and Habitat Fund for Cowichan Lake. CVRD Parks & Trails staff is supportive of this motion.

Once the applicants are ready to move forward, CVRD staff (Parks and Planning) should meet with the applicants to discuss the details of the amenity contributions. Once the details are worked out then a Section 219 covenant will be prepared to secure the public amenity commitments to ensure that the transfer occurs at the time of subdivision. A formal survey plan should be prepared at the time of subdivision.

Once a preliminary site plan is completed as part of the rezoning package, it will 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 park land will be transferred in fee simple to the CVRD as a separately titled lot and the financial contribution will be deposited into the Area I Nature and Habitat Fund for Cowichan Lake.

Sincerely,

Tanya Soroka, MCIP, RPP  
 Parks & Trails Planner, Parks & Trails Division  
 Planning & Development Department

TS/dsb

pc: Director K. Kuhn, Electoral Area I – Youbou/Meade Creek  
 Jim Dias, applicant

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## Cowichan Tribes

5760 Allenby Road Duncan, BC V9L 5J1  
 Telephone (250) 748-3196 Fax: (250) 748-1233

Tuesday, November 15, 2016

Rachelle Rondeau  
 Planner, Cowichan Valley Regional District  
 175 Ingram Street  
 Duncan, BC V9L 1N8

Our file RTS: 873131  
 Your file: 01-I-16RS

BY ELECTRONIC MAIL: [rrondeau@cvrld.bc.ca](mailto:rrondeau@cvrld.bc.ca)

Dear Rachelle Rondeau;

Re: Proposed rezoning of forestry resource lands to recreational/residential uses at Carly Cove, near Youbou

I would like to thank you for meeting with my staff on November 3, 2016. Cowichan Tribes staff, Candace Charlie and Tracy Fleming, as well as our Cultural Consultant Luschiim Arvid Charlie, met on site with Jim Dias and Wayne Friesen at Carly Cove on October 12, 2016. Luschiim informed us that this area is known by Cowichan Elders as *Xwaaqw'um* (roughly pronounced Quaquam in English), named after the female mergansers that were known to congregate there.

In general, Cowichan Tribes has concerns with development along the foreshore of Cowichan Lake. In too many instances riparian integrity is lost to development interests, resulting in loss of freshwater spawning habitat, as well as safe lake access points for the provincially blue-listed Cowichan Elk herd. Both fish and elk are important food sources for the Cowichan people and are essential to the continued health of our community. These pressing concerns cannot be secondary to development pressures if the CVRD wishes to honour their government-to-government relationship with Cowichan Tribes. Another prominent concern to Cowichan Tribes is that the upland of this property is directly adjacent to Crown lands selected by Cowichan Tribes for treaty land selection. Future Cowichan member access to the lake and to elk hunting grounds is compromised by any future development of the adjacent lands to this Crown land piece.

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Cowichan Tribes' response to Carly Cove, Cowichan Lake referral, November 15, 2016

Cowichan Tribes have developed the following list of conditions we believe are necessary to sustain the ecological functions of this area, and therefore essential to a binding agreement with the proponents:

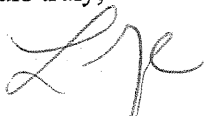
- No development or other alteration (including native vegetation removal) within riparian areas (maximum SPEA of 15 m) associated with streams, ditches, wetlands or lake shore identified in the RAR report by Madrone Environmental Ltd. in 2015.
- No development of public trail system on the foreshore of Cowichan Lake. This action would severely diminish remaining riparian vegetation.
- No additional private docks construction. The land owners of this property can designate one or two existing docks for shared access and enjoyment by the Carly Cove land owners. Each additional dock along Cowichan Lake adds to the cumulative impact on riparian and shore spawning habitat. Docks preclude healthy aquatic vegetation resulting in higher predation rates to juvenile salmonids. Additionally, trails developed to access docks result in removal or trampling of riparian vegetation, further impacting the health of the lake shoreline.
- No additional driveways constructed. The land owners to need to agree to continue to share vehicle access roads onto the property.
- Trees will not be cut on the property except within previously designated future building footprints, and for safety reasons.
- We suggest that the landowners at Carly Cove invest in a community septic treatment facility that will meet the needs of current and future residential uses.
- Cowichan Tribes strongly recommends that no fencing be erected for boundary lines or garden enclosures on the property. The property is used by elk in very high frequency and needs to remain available to them for access to the lake, shelter and food. Fencing limits elk movement, and can be a safety hazard for them if their antlers become ensnared in fencing materials.
- This property is adjacent to Crown Land that has been selected by Cowichan Tribes for treaty purposes; therefore we strongly suggest that the CVRD ensure lake access is obtained for future access by Cowichan members.
- CVRD needs to ensure that beyond the present request, no future subdivision of parcels occurs at Carly Cove, either by parceling off the parts of lots on the north side of the road, or by further subdivision.

Please consider the above points as constituting Cowichan Tribes comments and recommendations to date. If you have any concerns or require clarification, please do not hesitate to contact myself, Candace Charlie at [Candace.charlie@cowichantribes.com](mailto:Candace.charlie@cowichantribes.com), or Tracy Fleming



at [tracy.fleming@cowichantribes.com](mailto:tracy.fleming@cowichantribes.com). We look forward to more communication about the results of CVRD committee and board decisions on this property.

Yours truly,



Larry George  
*Smaalthun*  
Manager, Lands and Governance

LG/af

c. Jim Dias, via email [jimdias@shaw.ca](mailto:jimdias@shaw.ca)



## Cowichan Tribes

5760 Allenby Road Duncan, BC V9L 5J1  
Telephone (250) 748-3196 Fax: (250) 748-1233

May 26, 2016

Our File: 873131  
Your File: 01-I-16RS

Rachelle Rondeau  
Planner, Cowichan Valley Regional District  
175 Ingram Street  
Duncan, BC V9L 1N8

BY ELECTRONIC MAIL: [rroudeau@cvrld.bc.ca](mailto:rroudeau@cvrld.bc.ca)

### Re: Rezoning Application – North Shore Road (Section 45, Renfrew District)

Ms. Rondeau,

Cowichan Tribes has received and reviewed your referral package dated April 27, 2016 regarding the above noted application to rezone an approximately 30 acre parcel 5km west of Youbou from F-1 (forestry resource) to a new recreational and residential zone. We understand that there has been recreational use of the property dating back to 1963 and that this activity is presently ongoing.

Cowichan Tribes has inquired about, but not received any supporting documentation or reports from either the CVRD or directly from the proponent relating to the existing environmental baseline conditions of this parcel, and therefore we are unable to properly identify particular areas of concern as they relate to Cowichan Tribes' Aboriginal Interests. We therefore argue that consultation on this referral to date has been wholly inadequate due to the fact that we are made to provide comment on this rezoning proposal without full knowledge of the impact that this proposal would have on our constitutionally-protected Aboriginal Rights and Title. There is a duty on the Crown to ensure that a First Nation is provided with full information on any measure proposed and its effect on the First Nation<sup>1</sup>. We would appreciate the CVRD fulfilling its legal obligation by requiring that proponents submit with their application supporting environmental studies where deemed appropriate to do so (i.e., in areas not already subject to intense industrial activity).

That being said, our concerns constitute, but are not limited to, the following:

- The project proposal area contains TWO extremely sensitive wetlands. These important ecosystems are the only ecosystems designated for conservation by international convention<sup>2</sup>. They provide food and essential habitat for many species of fish, shorebirds, waterfowl, and furbearing mammals. They filter sediments and toxic substances, and absorb the impact of hydrologic events (floods). As a result of colonial activity, wetlands have become a scarce resource. They are particularly sensitive to erosion and flooding, and often have very close connections with the groundwater system. Any further development initiated within the vicinity of such important and sensitive fish and wildlife habitats would be environmentally irresponsible.
- The project proposal area has been identified as Roosevelt Elk habitat. This species is blue-listed, and under stress from hunting and habitat loss. Causing habitat fragmentation and disrupting the local migration paths of these animals will result in their further endangerment.

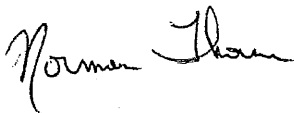
<sup>1</sup> *R. v. Jack* (1995) 16 B.C.L.R. (3d) 201 BCCA

<sup>2</sup> [http://www.ramsar.org/sites/default/files/documents/library/scan\\_certified\\_e.pdf](http://www.ramsar.org/sites/default/files/documents/library/scan_certified_e.pdf)

- As cited in the Youbou/Meade Creek OCP Bylaw No. 2650, “[r]ural and urban sprawl promote more wildlife interface areas, where residential neighbourhoods are established in forested areas with extreme or high wildfire ratings” (pg. 8).
- The Crown land parcels surrounding the proposal area that were identified in the CVRD map sent to Cowichan Tribes are parcels which we have included as part of our BC Treaty Crown land selection. These land selection discussions are well underway and Cowichan Tribes opposes any haphazard development in this area.

In the absence of further information provided to Cowichan Tribes regarding the proposal area, these will be considered preliminary comments. If you have any further questions, please do not hesitate to contact my referrals staff at: [Candace.charlie@cowichantribes.com](mailto:Candace.charlie@cowichantribes.com)

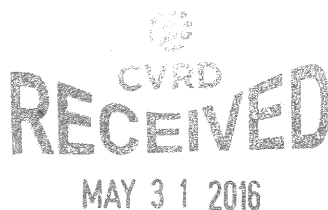
Sincerely,



For Larry George  
Smaalhun  
Manager, Lands & Governance

LG/cc

Excellent care, for everyone,  
everywhere, every time



May 27, 2016

Your File No.: 01-I-16RS (Dias for Carly Cove)

Rachelle Rondeau, Planner  
Development Services Division  
Cowichan Valley Regional District  
175 Ingram Street  
Duncan, BC V9L 1N8

Dear Ms. Rondeau:

**Re: Rezoning Application from F-1 (Forest Resource 1), to a new Recreational/Residential Zone**

Thank you for the opportunity comment on the Carly Cove Bylaw Amendment Referral: 01-I-16RS (Dias for Carly Cove). We would like to provide some insight regarding our regulatory role in reference to this development. We would like to also provide 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**

I would like to first highlight a few definitions under the drinking water section (excerpt from the *Drinking Water Protection Act*). The applicant will be required to submit an application for a single water system, or for multiple water systems on this property, depending upon the water system design. Where all lots are connected to a single water source, only one water system permit will be issued. However, where there are several independent water sources, several water system permits will be issued in accordance with the legislation.

Definitions within the Act are as follows:

*"water supply system" means a domestic water system, other than*  
*(a) a domestic water system that serves only one single-family residence, and*  
*(b) equipment, works or facilities prescribed by regulation as being excluded;*

*"domestic purposes" means the use of water for*  
*(a) human consumption, food preparation or sanitation,*  
*(b) household purposes not covered by paragraph (a), or*  
*(c) other prescribed purposes;*

*"domestic water system" means a system by which water is provided or offered for domestic purposes, including*  
*(a) works used to obtain intake water,*  
*(b) equipment, works and facilities used for treatment, diversion, storage, pumping, transmission and distribution,*  
*(c) any other equipment, works or facilities prescribed by regulation as being included,*  
*(d) a tank truck, vehicle water tank or other prescribed means of transporting drinking water, whether or not there are any related works or facilities, and*  
*(e) the intake water and the water in the system,*  
*but excluding equipment, works or facilities prescribed by regulation as being excluded;*

(The Act can be found at:

[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_01009\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_01009_01))

Regardless of the outcome of this amendment proposal, the unapproved water systems in this neighbourhood will be required to comply with the Drinking Water Protection Act. This referral form suggests that multiple users on this site are currently drawing from one or two sources of water. By definition, a water supply system(s) already exists on this site and as such, the water system(s) must be issued construction permits and undergo source approvals with our Public Health Engineer and Environmental Health Officer/Drinking Water Officer respectively (for more information: <http://www.viha.ca/mho/water/>).

### **Sewerage Systems**

Any on-site sewage disposal systems in this neighbourhood must be constructed in compliance with the Sewerage System Regulation. Composting toilets are not an approved treatment method for domestic sewage in the Sewerage System Regulation. Where technical requirements are unavailable in the legislation, Island Health will apply the VIHA Subdivision Standards to this referral application. Island Health will not support any application that does not meet the requirements of the VIHA Subdivision Standards.

### **VIHA Subdivision Standards**

Minimum lot size requirements are essential to the land development process toward the reduction of health hazards caused by sewerage system malfunctions. It is also necessary to maintain clearance distances between lot boundaries, buildings, drinking water sources, surface water etc., and the sewerage system discharge area. The construction of sewerage systems within flood plain boundaries is not consistent with responsible land development.

This referral form indicates that the most likely location for land development at this site will be on the waterfront portion of the lots, which have 0.4 ha (1 acre) of development area. Depending upon the water system design at this site, the required depth of suitable soil for subdivision approval could be altered. Where individual wells are not located on each parcel, the required soil depth and minimum lot size could be reduced to 36" and 0.2 ha (0.5 acre) respectively.



Re: Rezoning Application  
May 27, 2016

Page 3 of 3

A current copy of Island Health's Subdivision Standards has been attached for your review or can be found at: <http://www.viha.ca/NR/rdonlyres/67C5EDB3-9439-42B2-8E9D-E84965B62D31/0/VIHASubdivStandardsJuly172013.pdf>.

Features of particular concern in this neighbourhood could be minimum parcel size (depending upon water system design) and the impact of the high water mark and/or floodplain on all types of land use.

### **Recreational Water**

The public beaches in this neighbourhood are not routinely monitored by Island Health for health hazards or bacteriological water quality. However, where on-site sewerage systems are either failing, or else located within the flood plain, a health hazard would likely be created by sewage and sewage effluent contaminating the recreational water area. For more information about recreational water quality and monitoring please follow the following link: <http://www.viha.ca/mho/recreation/>

For more information on the floodplain information and mapping for this particular locality, please refer to: [http://www.env.gov.bc.ca/wsd/data\\_searches/fpm/](http://www.env.gov.bc.ca/wsd/data_searches/fpm/) or more specifically [http://www.env.gov.bc.ca/wsd/data\\_searches/fpm/reports/region1.html](http://www.env.gov.bc.ca/wsd/data_searches/fpm/reports/region1.html)

### **Power/Energy Source**

Most often, water systems and sewerage systems require a consistent power supply in order to function properly. In the absence of BC Hydro service at this property, the applicant will need to consider how such infrastructure will be designed so that it functions and can be maintained appropriately.

### **Recommendations under Island Health's Healthy Built Environment Initiative**

#### **Climate Change**

Existing data indicates that climate change may further stress regions that are already water stressed and that regions such as the Cowichan Valley may be more susceptible to flooding in the future.<sup>i</sup> Floods are also increasing in frequency and intensity, and the frequency and intensity of extreme precipitation is expected to continue to increase throughout the current century<sup>ii</sup>. Floods can contaminate freshwater supplies and heighten the risk of water-borne diseases. They also damage homes and negatively impact the ability of onsite septic systems to work properly/as designed.

<sup>i</sup> Provincial Health Services Authority. Agriculture's Connection to Health: A summary of the evidence relevant to British Columbia (2016; pending approval)

<sup>ii</sup> World Health Organization. Climate Change and Health fact sheet. <http://www.who.int/mediacentre/factsheets/fs266/en/>

Thank you again for offering us the opportunity to comment on this application. I am happy to discuss our commentary further at your convenience, if you would like to.

Sincerely,



Alison Gardner  
Environmental Health Officer

cc: Shaun Malakoe, Senior Environmental Health Officer, Nanaimo  
Jade Yehia, CPHI(C), Regional Built Environment Consultant



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: April 27, 2016  
CVRD File No. 01-I-16RS  
(Dias for Carly Cove)

The Cowichan Valley Regional District has received an application to rezone an approximate 10 ha (30 acre) parcel from F-1 (Forest Resource 1), to a new recreational/residential zone.


General Property Location: Approximately 5 km west of Youbou, this section of road is known as North Shore Road and is privately owned.

Legal Descriptions: Parcel A (DD 73787<sup>1</sup>), of Section 45, Renfrew District (PID: 000-222-348)

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **Friday, May 27, 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 Rachelle Rondeau, Planner, Development Services Division, by calling 250-746-2620 or e-mailing rrondeau@cvrld.bc.ca**

Comments: (attach comments if more space required)

- Approval recommended for reasons outlined below
- Interests unaffected
- Approval recommended subject to conditions below
- Approval not recommended due to reasons outlined below

Signature  Title Wes OLSEN, Sgt Detachment Commander Contact No. 250-749-6668  
(Sign and print)

see e-mail.

This referral has been sent to the following agencies:

- Ministry of Transportation and Infrastructure (Victoria)
- Lake Cowichan First Nation (Hereditary Chief Cyril Livingstone)
- Cowichan Tribes (Larry George, Land & Governance)
- Ditidaht First Nation (Chief & Council)
- Youbou Volunteer Fire Department
- Island Health (Environmental Health/Duncan)
- School District 79
- Ministry of Forest, Lands, & Natural Resource
- RCMP (Lake Cowichan Detachment)
- BC Transit
- CVRD Facilities & Transit Division
- CVRD Parks & Trails Division
- CVRD Engineering Services Department
- CVRD Public Safety Division

Updated

R6

On Jul 12, 2016, at 10:32 AM, Wes Olsen <[wes.olsen@rcmp-grc.gc.ca](mailto:wes.olsen@rcmp-grc.gc.ca)> wrote:

Jim,

I would be agreeable to adding a paragraph at the end of my original submission with the comment that "It is because of the reasons outlined above the Lake Cowichan Detachment, although not against the development as proposed, has concerns about the area being "Water Access Only" at this time".

Wes

Sgt. Wes Olsen

Detachment Commander  
Lake Cowichan RCMP / Government of Canada  
[wes.olsen@rcmp-grc.gc.ca](mailto:wes.olsen@rcmp-grc.gc.ca) / Tel: 250-749-6668 / Fax: 250-749-6458

Serg. Wes OLSEN

Chef de détachement

1

**Rachelle Rondeau**

---

**From:** Wes Olsen <wes.olsen@rcmp-grc.gc.ca>  
**Sent:** Wednesday, June 01, 2016 9:11 AM  
**To:** Rachelle Rondeau  
**Subject:** RE: CVRD File No. 01-1-16RS (Dias for Carly Cove)  
**Attachments:** CVRD BYLAW Amendment for Carly Cove.pdf

Rachelle,

Please accept this e-mail as the Lake Cowichan Detachment's response to the CVRD Bylaw Referral Form for the above-noted file (Scanned portion of page 1 attached).

The Lake Cowichan Detachment has reservations regarding the approval of a Bylaw amendment to re-zone the noted area from Forestry to a new recreational/residential zone. The detachment has the same concerns that were brought forward for another recent Bylaw amendment for the same general area.

The primary concern is that this area is "water access only" which is an issue for police or emergency services response to a situation that could occur in the prescribed area. The property in question is only accessible by land via a Private Logging Road. The owner of the road can close off road access to this area at any time right at the Town of Youbou as well as at Shaw Creek.

Police or emergency response to this area will already be a challenge for the people that currently utilize this land. The proposal, if approved, would increase the population of the property specifically during the peak seasonal time of the year. Cowichan Lake is a Resort destination and the Lake Cowichan Detachment is much busier during the summer. Based on detachment resource levels and scheduling, responding to a "water access only" area presents many policing challenges. Although the Lake Cowichan Detachment does have a boat that is utilized for patrols and police response on Cowichan Lake it can only be driven by a qualified boat operator. There must also be a second person on board during any scheduled boat patrol or a response to a call for service. Aside from scheduled patrols which are completed with members from a dedicated Marine Unit or members on overtime any police response to a water access only area of Cowichan Lake would be by members who are working in the detachment area during the time the call would be received. The detachment does maintain a minimal number of members on any given shift however a call to respond to a water access only area of Cowichan Lake would severely impact the minimal resources for the shift and the response time to get to the area of the water access only call. For example, if the detachment is operating on a shift minimum of two members and a call for service is received at a water access only area of Cowichan Lake then two members are required to respond on the boat. If neither of the members on duty is qualified to operate the boat, a qualified operator needs to be located and called in to attend. This would obviously cause a delay in response. Depending on other calls for service a second member may need to be called in as well to maintain two members on land to respond to priority calls for service and two members to go on the boat to respond to the water access only call for service. It is impractical to have a minimum of four members on duty during any given shift as the detachment's current resource level does not allow for this consistent level of minimal daily policing (four members per shift).

It is because of the reasons outlined above that the Lake Cowichan Detachment does not recommend approval to re-zone this land to allow for a larger population to inhabit this remote area during the detachment's busiest time of the year.

Respectfully submitted,

Sgt. Wes Olsen

Detachment Commander  
Lake Cowichan RCMP / Government of Canada  
[wes.olsen@rcmp-grc.gc.ca](mailto:wes.olsen@rcmp-grc.gc.ca) / Tel: 250-749-6668 / Fax: 250-749-6458

Serg. Wes OLSEN

Chef de détachement  
GRC de Lake Cowichan / Gouvernement du Canada  
[wes.olsen@rcmp-grc-gc.ca](mailto:wes.olsen@rcmp-grc-gc.ca) / Tél. : 250-749-6668 / Téléc.: 250-749-6458





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:** April 27, 2016  
**CVRD File No.** 01-I-16RS  
 (Dias for Carly Cove)

The Cowichan Valley Regional District has received an application to rezone an approximate 10 ha (30 acre) parcel from F-1 (Forest Resource 1), to a new recreational/residential zone.

**General Property Location:** Approximately 5 km west of Youbou, this section of road is known as North Shore Road and is privately owned.

**Legal Descriptions:** Parcel A (DD 73787<sup>1</sup>), of Section 45, Renfrew District (PID: 000-222-348)

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **Friday, May 27, 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 Rachelle Rondeau, Planner, Development Services Division, by calling 250-746-2620 or e-mailing rrondeau@cvrld.bc.ca**

Comments: (attach comments if more space required)

- |   |  |
|---|--|
| <input type="checkbox"/> Approval recommended for reasons outlined below  | <input type="checkbox"/> Interests unaffected  |
| <input type="checkbox"/> Approval recommended subject to conditions below | <input checked="" type="checkbox"/> Approval not recommended due to reasons outlined below |

Signature *M. Dias* (sign and print) Title Transit Analyst Contact No. 250-746-2637

Area is beyond transit service standards for <sup>consideration of.</sup> fixed route or custom (handy DART) service access. Does not meet minimum required density standards for transit service.

This referral has been sent to the following agencies:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Ministry of Transportation and Infrastructure (Victoria)        | <input checked="" type="checkbox"/> School District 79                            |
| <input checked="" type="checkbox"/> Lake Cowichan First Nation (Hereditary Chief Cyril Livingstone) | <input checked="" type="checkbox"/> Ministry of Forest, Lands, & Natural Resource |
| <input checked="" type="checkbox"/> Cowichan Tribes (Larry George, Land & Governance)               | <input checked="" type="checkbox"/> RCMP (Lake Cowichan Detachment)               |
| <input checked="" type="checkbox"/> Ditidaht First Nation (Chief & Council)                         | <input checked="" type="checkbox"/> BC Transit                                    |
| <input checked="" type="checkbox"/> Youbou Volunteer Fire Department                                | <input checked="" type="checkbox"/> CVRD Facilities & Transit Division            |
| <input checked="" type="checkbox"/> Island Health (Environmental Health/Duncan)                     | <input checked="" type="checkbox"/> CVRD Parks & Trails Division                  |
|   | <input checked="" type="checkbox"/> CVRD Engineering Services Department          |
|   | <input checked="" type="checkbox"/> CVRD Public Safety Division                   |

**Bylaw Amendment Referral Response**

May 26, 2016

**Development Location:** Youbou Road, approximately 5 km west of Youbou  
**CVRD File No.** 04-I-16RS (Dias for Carly Cove)

**Overall Transit Impact:**

- The subject parcel does not meet Cowichan Valley transit service standards of providing transit service to areas with a minimum density of 10 persons per hectare over a minimum 10 hectare area;
- The closest available fixed-route transit service to this area ends within the town of Youbou (last bus stop is located near the Youbou Fire Hall on Route #20);
- Custom transit service (i.e. handyDART services) are also limited to areas located within 1.5 kilometres of fixed routes;
- Accordingly the subject property if redeveloped to a new recreational / residential zone would not have access to transit services.

**Rachelle Rondeau**

---

**From:** Erin Annis  
**Sent:** Friday, December 02, 2016 9:15 AM  
**To:** Rachelle Rondeau  
**Subject:** RE: Message from "RNP002673853F77"

Hi Rachelle,

No, the CVRD does not have a mandate that all residential areas be serviced by public transit. We have general service standards that suggest if developments are looking to have access to transit services they must be located within area that meets minimum density parameters of:

- 10 persons per hectare over a minimum 10 hectare area

We just want to make it clear that there should be no expectation of transit services if developing outside of these guidelines. I selected not recommended as from the transit perspective this development is too far removed to support transit services of any kind which may be requested in the future, however, if there is no expectation for that service then interests unaffected is probably appropriate.

I hope that helps clarify. Happy to chat further as needed, 746-2637.

Erin

-----Original Message-----

**From:** Rachelle Rondeau  
**Sent:** December-02-16 9:06 AM  
**To:** Erin Annis  
**Subject:** FW: Message from "RNP002673853F77"

Hi Erin,

I had a question from the applicant about this referral response - he was wondering if the Facilities and Transit interests would be more accurately reflected as "Interests Unaffected"?

Does the CVRD have a mandate that all residential areas be ultimately serviced by public transit? If that is the case, then it appears your comments appropriately reflect CVRD's position.

Just looking for additional information/clarity so that I can advise the applicant.

Thanks

Rachelle

Rachelle Rondeau, MCIP, RPP  
Planner, Development Services Division  
Planning and Development Department  
Cowichan Valley Regional District  
175 Ingram Street, Duncan, BC V9L 1N8  
E-mail: rrondeau@cprd.bc.ca  
Tel: 250.746.2620 Toll Free: 1.800.665.3955 Fax: 250.746.2621



## Lake Cowichan First Nation

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### 01-I-16RS - Rezoning Application for Dias (Carly Cove co-owners)

#### Project Summary

**Project Name:**

Rezoning Application for Dias (Carly Cove co-owners)

**FN Consultation ID:**

01-I-16RS

**Proponent Organization:**

[Cowichan Valley Regional District](#) [1]

**Project Type:**

7831 - CVRD - Bylaws

#### Project Details

**Project Description:**

This application proposes to rezone the approximately 10 ha (30 acre) parcel from F-1 (Forest Resource 1), to a new recreational/ residential zone.

**Permanent:**

0

**General Comments and Notes:**

Rachelle Rondeau:Planner, Development Services Division; Ph: 250-746-2620; Email: rrondeau@cvrd.bc.ca


#### Consultation Project Area

**Location Description:**


Approximately 5 km west of Youbou, this section of road is known as North Shore Road and is privately owned.

#### Supporting Media

**File Attachments:**

 [cvrd-file-no-01-i-16rs-dias-carly-cove.pdf](#) [2]

**Shapefile Upload:**

 [youbou.kmz](#) [3]

#### Workflow

**Date Received:**

Tuesday, May 31, 2016

#### External Contacts

**Proponent Contact:**

[Rachelle Rondeau](#) [4]

**Regulatory Agency:**

Cowichan Valley Regional District [1]

---

**Source URL:** <https://lcf.knowledgekeeper.ca/consultation/cowichan-valley-regional-district/projects/01-i-16rs-reoning-application-dias-carly>

**Links**

[1] <https://lcf.knowledgekeeper.ca/consultation/cowichan-valley-regional-district>

[2] <https://lcf.knowledgekeeper.ca/system/files/industry/1053/consultation/1250/attachments/cvrd-file-no-01-i-16r-dias-carly-cove.pdf>

[3] <https://lcf.knowledgekeeper.ca/system/files/industry/1053/consultation/1250/spatial-files/youbou.kmz>

[4] <https://lcf.knowledgekeeper.ca/consultation/cowichan-valley-regional-district/contacts/rachelle-rondeau>





## MEMORANDUM

**DATE:** May 26, 2016 **FILE NO:** 01-I-16RS (Dias for Carly Cove)

**TO:** Rachelle Rondeau, Planner, Development Services Division

**FROM:** Jason deJong, Fire Rescue Services Coordinator, Public Safety Division

**SUBJECT:** Bylaw Amendment Referral Form No. 01-I-16RS (Dias for Carly Cove) – Public Safety Application Review

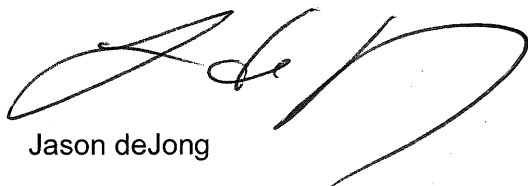
In review of the Bylaw Amendment Referral Form No. 01-I-16RS (Dias for Carly Cove) the following comments are made regarding the proposed amendment:

- ✓ Proposal is within the Lake Cowichan RCMP Detachment area.
- ✓ Proposal is within the British Columbia Ambulance Station 119 (Lake Cowichan) 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 Youbou 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:** Koch, David TRAN:EX <David.Koch@gov.bc.ca>  
**Sent:** Thursday, May 26, 2016 9:46 AM  
**To:** Rachelle Rondeau  
**Subject:** Bylaw Referral - CVRD File No. 01-I-16RS

Hi Rachelle,

Please accept this email as an official response to your Bylaw Amendment Referral (CVRD File 01-I-16RS), sent on April 27th, 2016, Ministry File 2016-02638.

The Ministry has no objections to the Bylaw Amendment to rezone the 10 ha area in the Youbou area to a new recreational zone. However, it should be noted that as this area is developed further, public road access will need to be addressed through the subdivision process.

If you have any questions or concerns please feel free to contact me.

All the best,

**David Koch**

Ministry of Transportation and Infrastructure

District Development Technician

Office: (250)952-4489

Saanich Area Office:

240-4460 Chatterton Way | Victoria BC | V8X 5J2

*Subdivision Approvals, Permits and Regulations: <http://www.th.gov.bc.ca/permits.htm>*



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: April 27, 2016  
CVRD File No. 01-I-16RS  
(Dias for Carly Cove)

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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, May 27, 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 Rachelle Rondeau, Planner, Development Services Division, by calling 250-746-2620 or e-mailing rrondeau@cvrld.bc.ca**

Comments: (attach comments if more space required)

- Approval recommended for reasons outlined below
- Interests unaffected
- Approval recommended subject to conditions below
- Approval not recommended due to reasons outlined below

Signature *[Signature]* Title SR. ENGINEERING Contact No. 250-746-2531  
(sign and print) TECHNOLOGIST

As this development does not require CURD water or wastewater services, and is not within any CURD systems, Water Management has no comments.

This referral has been sent to the following agencies:

- Ministry of Transportation and Infrastructure (Victoria)
- Lake Cowichan First Nation (Hereditary Chief Cyril Livingstone)
- Cowichan Tribes (Larry George, Land & Governance)
- Ditidaht First Nation (Chief & Council)
- Youbou Volunteer Fire Department
- Island Health (Environmental Health/Duncan)
- School District 79
- Ministry of Forest, Lands, & Natural Resource
- RCMP (Lake Cowichan Detachment)
- BC Transit
- CVRD Facilities & Transit Division
- CVRD Parks & Trails Division
- CVRD Engineering Services Department
- CVRD Public Safety Division

**FORESTRY/NATURAL RESOURCE – POLICIES**

**POLICY 3.1** Lands considered suitable for wildlife habitat and ecosystem conservation, forest management and other natural resource uses are designated as **Forestry/Natural Resource** on Schedule B – OCP Map.

**POLICY 3.2** The **Forestry/Natural Resource Designation** will provide for long term resource extraction uses, water protection and environmental conservation.

**POLICY 3.3** Parcels in the **Forestry/Natural Resource Designation** will have a minimum parcel size of not less than 80 hectares.

**POLICY 3.4:** Senior governments should ensure that landscape management techniques are utilized to minimize impacts of logging on the visual beauty of the Plan area.

**POLICY 3.5** The OCP encourages the province and the private forest companies to manage natural resource lands in a manner which minimizes adverse impacts on the community water supply, surface watercourses, groundwater sources, hazard lands, critical wildlife habitat, old growth forests and other sensitive ecosystems as designated in the *Sensitive Habitat Atlas*.

**POLICY 3.6:** Invasive non-native plant species should be managed and, where possible, eradicated.

**POLICY 3.7:** The Ministry of Forests and the private forest companies are encouraged to allow access for outdoor wilderness recreation, that exists in the natural woodlands of the Plan area, for continuous use by future generations in conjunction with the management of the forest. This would include the controlled use of private logging roads and areas during non-operation periods for public recreational use, where possible, except during times of high and extreme fire hazard.

**POLICY 3.8:** No more than one dwelling per parcel will be permitted in the **Forestry/Natural Resource Designation**. Where a dwelling is constructed, the owner of the property is encouraged to address wildfire safety concerns. This may include landscaping, residential structural options, choice of building materials, adequate water storage or access, and on-site emergency planning.

**POLICY 3.9** The OCP encourages the province to utilize the precautionary principle, when managing natural resource areas. The province is urged to provide regular monitoring reports to communities, to assure them that the Best Management Practices are achieving the desired results.

**POLICY 3.10** The OCP encourages the provincial government to support the communities from which the timber supply originates by ensuring that local employment opportunities are available in primary forestry and value-added wood product processing.

**POLICY 3.11** Most lands within the **Forestry/Natural Resource Designation** are within an area of high or extreme wildfire-rating hazard. Any increase in the wildland urban interface, where residential and forested lands are interspersed, will be minimized in the OCP area by designating future urban and suburban settlement in fully-serviced areas adjacent to the existing community.

**POLICY 3.12** Residential growth will not be encouraged west of the Cottonwood Creek future development area outlined in this Plan. Among the reasons for this are:

- (a) Allowing haphazard development, sometimes called 'spot-zoning', takes away from the community's ability to create a more complete, livable community with a mix of housing, recreational and commercial opportunities, shared services, healthier lifestyles and a better protected resource base.
- (b) An increase in automobile dependent development west of Youbou would attract still more like development, and would result in additional automobile pollution and less concentration on alternative forms of travel such as walking, cycling and public transit;
- (c) An increase in residential holdings would fragment green space and wildlife habitat, including Roosevelt Elk habitat;
- (d) Increasing day and night road travel west of Youbou would further impact wildlife habitat;
- (e) Residential development can consume the working land base – forestry is a renewable resource;
- (f) Residential development in inappropriate areas can lead to forestry-residential land use conflicts, where complaints arise over logging, truck traffic, dust, noise, safety, etc.;
- (g) Rural and urban sprawl leads to inefficient servicing and higher costs for such servicing as fire protection, policing, school bus services, power, transit, ambulatory care, garbage collection, and transportation, which in turn may lead to higher overall taxes;
- (h) Rural and urban sprawl promotes more wildfire interface areas, where residential neighbourhoods are established in forested areas with extreme or high wildfire ratings; and
- (i) The logging road west of Youbou is a forest industrial road, and there are safety concerns pertaining to the mix of forestry and residential traffic, particularly during all daylight hours.









# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** June 14, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 21, 2017

**FROM:** Development Services Division  
Planning & Development Department

**SUBJECT:** Rezoning Application 02-F-08 RS (9931 South Shore Road)

**FILE:** 02-F-08 RS

## PURPOSE/INTRODUCTION

To consider an application to amend the Area F Official Community Plan and Zoning Bylaw to permit the conversion a former industrial site at Honeymoon Bay to residential, commercial and public park use.

## RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That Official Community Plan and Zoning Amendment Bylaws for Application No. 2-F-08RS (9931 South Shore Road) be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> Readings;
2. That the referrals to the Ministry of Transportation and Infrastructure, Island Health, School District 79, Lake Cowichan RCMP, Town of Lake Cowichan, Honeymoon Bay Volunteer Fire Department, Ditidaht First Nation, Lake Cowichan First Nation and Cowichan Tribes be accepted; and
3. That a public hearing be scheduled with Directors from Electoral Areas F, I and D as delegates.

## BACKGROUND

Application No. 2-F-08RS proposes to rezone three industrially zoned parcels at Honeymoon Bay to a new comprehensive development zone that would permit 11 waterfront lots, 59 single family lots, 24 duplex or multi-family dwellings, and commercial space. A 0.8 hectare (2 acres) waterfront park and a financial contribution to a boat launch at nearby Central Park are also proposed.

The application has been before the Electoral Area Services Committee (EASC) on two previous occasions. In January 2015 the EASC reviewed the application and directed staff to draft amendment bylaws which would rezone the three subject properties from industrial to a new zone that would permit residential, commercial and park uses. The January 2015 staff report (Attachment A) provides a summary of the application.

Following the January 2015 meeting, new information became available concerning the Certificate of Compliance issued by the Ministry of Environment and the Ministry's requirements for remediating the site from its former industrial use to a residential use standard. Staff presented a report at the June 15, 2016, EASC meeting outlining concerns associate with unresolved site contamination and the conditional Certificate of Compliance issued by the Ministry of Environment. As staff had been unsuccessful in obtaining the information and assurances from the applicant considered necessary for the CVRD to be satisfied that the Certificate of Compliance conditions would be met and to protect the Regional District and future property owners, it was recommended that the rezoning application be denied. However, rather than recommend denial of the application, the EASC passed the following resolution:

***That Item R3, Committee Report dated June 15, 2016, Re: Rezoning Application***

**No. 02-F-08RS (9931 South Shore Road) be referred to the Electoral Area F – Cowichan Lake South/Skutz Falls Parks and Recreation Commission and Advisory Planning Commission.**

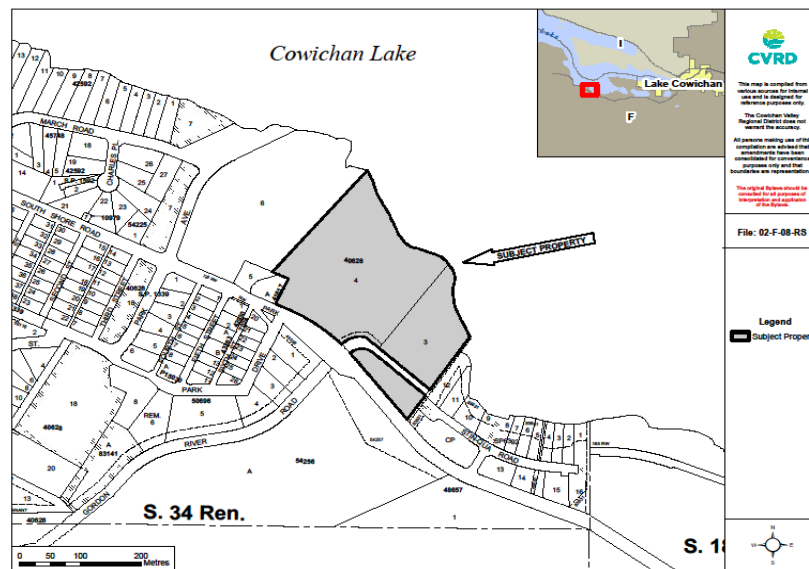
The Area F APC reconsidered the application on June 20, 2016, and passed the following motion:

***That we re-approve the Pebble West Rezoning Application and that the APC does not have the expertise to deal with the technical aspects of the contaminated soil issue.***

In consultation with the Parks & Trails Division, the Parks Commission Chair and Director Morrison, it was determined that the Parks Commission, like the APC, did not have the expertise to comment on the site contamination issue. For this reason the application was not re-re-referred to the Area F Parks Commission.

Subsequent to the June 15, 2016, EASC meeting, CVRD staff met with the applicant and his environmental consultant to explore options for addressing the environmental status of the site and associated implications for the CVRD. This report outlines the outcome of those discussions and the approach that is now proposed.

## LOCATION MAP



## PLANNING ANALYSIS

### ***June 15, 2016 Staff Report:***

When this application was last discussed at EASC in June, 2016, staff had a number of concerns about remnant site contamination and the conditional Certificate of Compliance issued by the Ministry of Environment for the site. The Certificate of Compliance does not provide confirmation that full remediation of the site has been completed. Rather, it is qualified by the following requirements and conditions:

1. **All buildings will be developed as slab on grade.** This requirement applies to the entire site due to potential soil vapours.
2. **The area of elevated copper must not be occupied by future residential lots.** The conceptual development plan shows the areas with elevated copper levels would affect six residential lots within the second phase of subdivision.
3. **A minimum of 1 metre of uncontaminated soil must be maintained in the area of the site**

**containing benzene and toluene.** These are hydrocarbon substances located in the area of proposed parkland dedication.

Staff identified the following concerns about the remaining site contamination and the implications this may have for the Regional District and future residents and property owners.

1. The proposed 0.8 hectare public park, which was considered to be a significant amenity associated with the rezoning could become a potential liability to the CVRD and public due to contaminated soils. In addition, the requirement to build “slab on grade” in order to restrict contact with groundwater and to maintain a minimum level of uncontaminated soil may affect the CVRD’s ability to conduct routine works, such as planting new trees or regrading for trails, etc.
2. Future land owners, including the CVRD and residents, will inherit the legal liability associated with a failure to comply with the Certificate of Compliance (COC) as well as the assumption of unknown risks for future remediation requirements if there are regulatory changes within the Contaminated Sites Regulation.
3. Since full site remediation will not be completed prior to rezoning, the responsibility to comply with the COC conditions will be passed on to future owners. This will include hiring an Approved Professional to oversee excavation, as well as potentially overseeing removal of materials from the site, resulting in an undue burden and cost to future residents. It is suggested that these conditions are overly restrictive to future residential users and susceptible to failure.
4. The suggested restriction against digging below grade has unknown consequences to the CVRD Engineering Department, which would be responsible for providing sewer and water infrastructure to this proposed development.
5. The absence of Ministry of Environment oversight results in the downloading of responsibility to local government. The CVRD would become the de facto authority to ensure the requirements of the COC are implemented. However there is no mechanism by which the CVRD could legally enforce the requirement to build slab on grade unless a Section 219 covenant was registered. The CVRD lacks both the expertise in contaminated sites and the administrative capacity to ensure the COC conditions are implemented, and should only proceed with extreme caution if assuming that responsibility.

Due to these unresolved issues, staff concluded that the property was not suitable for residential or public park use and recommended denial of the rezoning application.

***Application Progress Since June 2016:***

Staff have met with the applicant and the project’s environmental consultant to discuss the concerns identified in the June 2016 staff report and to explore options for addressing them. There have also been discussions with the lawyers of the respective parties about this matter. The outcome of these discussions is a proposed approach that would allow the development proposal to proceed with commitments and requirements registered against the land that will require outstanding contamination issues to be appropriately addressed prior to development of the site.

Covenants are proposed as part of the proposal that would accomplish the following:

1. Buildings would be required to be constructed with “slab on grade” foundations. The covenant would allow the CVRD to refuse issuance of building permits for structures proposed with basements or crawl spaces and to require a professional engineer to certify the slab on grade requirement prior to issuance of a building permit.
2. No more than 11 lots would be permitted to be created by subdivision until the “covered fill area” that is identified in the Certificate of Compliance as having elevated levels of copper is remediated to standards for residential development under the *Contaminated Sites Regulation*.



3. Prior to the registration of the first phase of subdivision and the transfer of land for CVRD park or utilities, the lands to be transferred will be remediated to a residential land use standard.

**Conclusion:**

The proposed conversion of this former industrial site to residential use and the transfer of portions of the site to the CVRD has created a number of questions and concerns that have not been easy to resolve. Site contamination and the remediation of contaminated sites is the jurisdiction of the Ministry of Environment, and in the past the CVRD has relied on the Ministry to confirm that contaminated sites have been fully remediated before land use changes are authorized. This application has proven challenging because it is drawing the CVRD into the site remediation process.

CVRD staff have worked with the applicant to address issues associated with the conditional Certificate of Compliance, and the covenants that have been negotiated significantly simplify the administration and potential risk the CVRD may have incurred if the lands were to be rezoned without the covenants. However, it must also be pointed out that the covenants do not entirely address the concerns identified in the June 2017 report. For example, if the standards for remediation change in the future, the CVRD and other future owners of the site may inherit additional site remediation requirements.

Although there remain some risks and resourcing issues associated with the proposed land use change, the alternative of leaving the site with its heavy industrial zoning is not ideal either. If the Honeymoon Bay community and the CVRD Board consider the proposed land use superior to what the current zoning now permits, it may be appropriate for the Regional District to facilitate the land use change by accepting a greater role in seeking confirmation that Certificate of Compliance conditions have been fulfilled and by assuming risks that come with owning land that was previously contaminated. Staff believe the covenants that are now proposed reasonably address issues associated with the site and recommend that the amendment bylaws be forwarded to the Board for 1<sup>st</sup> and 2<sup>nd</sup> Reading and that a public hearing be scheduled.

**OPTIONS**

Option 1

That it be recommended to the Board:

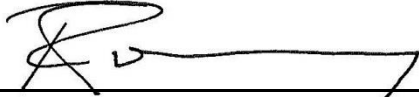
1. That Official Community Plan and Zoning Amendment Bylaws for Application No. 2-F-08RS (9931 South Shore Road) be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> Readings;
2. That the referrals to the Ministry of Transportation and Infrastructure, Island Health, School District 79, Lake Cowichan RCMP, Town of Lake Cowichan, Honeymoon Bay Volunteer Fire Department, Ditidaht First Nation, Lake Cowichan First Nation and Cowichan Tribes be accepted; and
3. That a public hearing be scheduled with Directors from Electoral Areas F, I and D as delegates.

Option 2

That it be recommended to the Board that Rezoning Application No. 02-F-08 RS (9931 South Shore Road) be denied.


Prepared by:

Reviewed by:



Rob Conway, MCIP, RPP  
Manager

Not Applicable  
Not Applicable



Mike Tippett, MCIP, RPP  
A/General Manager

**ATTACHMENTS:**

- Attachment A – January 13, 2015 EASC Report
- Attachment B – June 15, 2016 EASC Report
- Attachment C – Development Concept Plan
- Attachment D – Draft OCP Amendment Bylaw
- Attachment E – Draft Zoning Amendment Bylaw
- Attachment F – Draft Site Contamination Covenant
- Attachment G – Draft Parks Covenant
- Attachment H – June 20, 2016 APC Minutes



**STAFF REPORT**

**ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF JANUARY 13, 2015**

**DATE:** January 6, 2015 **FILE NO:** 2-F-08 RS  
**FROM:** Alison Garnett, Planner I **BYLAW NO:**  
**SUBJECT:** Application No. 2-F-08RS (Revised)  
 Pebble West Holdings Ltd.

**Recommendation/Action:**

THAT bylaw amendments for Application No. 2-F-08 RS (Pebble West Holdings) be drafted and presented to the CVRD Board for first and second reading,

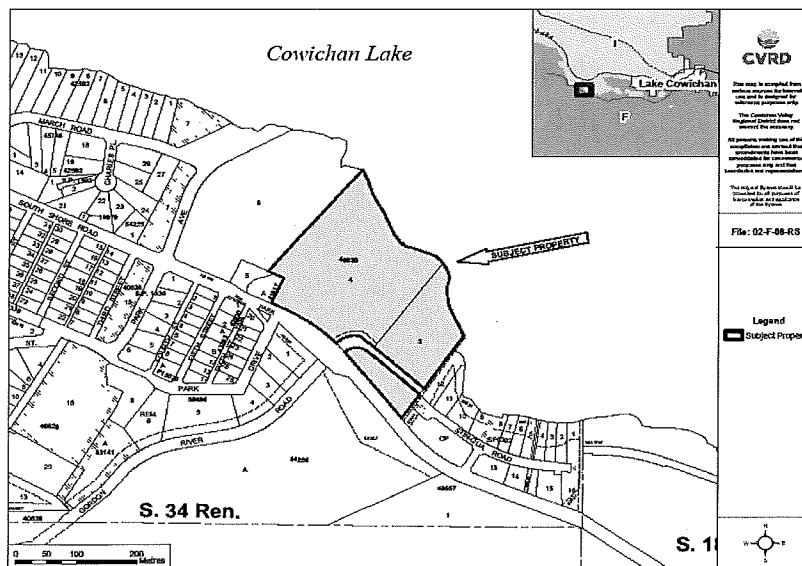
AND that the referrals to the Ministry of Transportation and Infrastructure, Vancouver Island Health Authority, School District 79, Lake Cowichan RCMP, Town of Lake Cowichan, Honeymoon Bay Volunteer Fire Department, Ditidaht First Nation, Lake Cowichan First Nation, and Cowichan Tribes be accepted.

**Relation to the Corporate Strategic Plan:** N/A

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

**Purpose:**

To consider a revised rezoning application to amend the Cowichan Lake South/Skutz Falls Official Community Plan and Zoning Bylaw to permit 96 residences, a commercial area and waterfront park.



**Property Context:****Location of Subject Property:** 9931 South Shore Road, Honeymoon Bay**Legal Description:** Lot 4, Section 34, Renfrew District, (Situate in Cowichan Lake District), Plan 40628 (PID: 000-204-536)  
Lot 3, Section 34, Renfrew District, (Situate in Cowichan Lake District), Plan 40628 (PID: 000-204-528)  
Lot 21, Section 34 and 35, Plan 40628, Except Part in Plan VIP67301**Date Application Received:** Original application submitted July 10, 2008.  
Revised application received August 2014**Owner** Pebble West Holdings  
**Applicant:** M.H Johnston & Associates Inc.**Size of Parcel:** 6.893 ha (17 acres)**Existing Zoning:** I-2 (Heavy Industrial)**Minimum Lot Size:** 0.4 hectares with connection to community water**Proposed Zoning:** New zone to permit residential and commercial use**Existing Plan Designation:** Industrial**Proposed Plan Designation:** Comprehensive, mixed use designation**Existing Use of Property:** Vacant, formerly used for dry land log sort**Existing Use of Surrounding Properties:** North: Cowichan Lake (W-1 Water Conservancy Zone)  
South: I-2 (Heavy Industrial) and R-3 (Urban Residential)  
East: LR-2 (Lakefront Residential)  
West: C-4 (Tourist Commercial) RV Park**Road Access:** South Shore Rd**Water:** Honeymoon Bay Community Water System (CVRD operated)**Sewage Disposal:** Proposed community sewer system**Wildfire Rating:** High**Fire Protection:** Honeymoon Bay Volunteer Fire Department**Environmentally Sensitive Areas:** The property is located on Cowichan Lake waterfront. There is also a stream near the eastern border of the property.  
Two nests, believed by the applicant to be osprey nests, are located on light fixtures near the waterfront.**Archaeological Site:** None recorded**Contaminated Site Regulation:** A Certificate of Compliance (COC) was issued by the Ministry of Environment November 7, 2014, subject to requirements and conditions.**Proposal:**

An application has been made to amend the Electoral Area F Zoning Bylaw and Official Community Plan for the purpose of establishing residential lots, a waterfront park and commercial parcel. A subdivision consisting of up to 96 residential units (81 single family lots and 15 townhome units) is proposed. Fourteen of the proposed lots are waterfront. The lot sizes would vary but average 450 m<sup>2</sup> to 500 m<sup>2</sup>. The proposed commercial area is 0.7 acres (0.28 hectares), and public park would be 2 acres (0.8 hectares).

Restoration of the shoreline is proposed, with a qualified environmental professional having determined a 12 metre setback from the lake for restoration. Four floating docks extending from existing concrete pads along the shoreline are also proposed for private residential use.

#### **Property Context:**

The subject properties consist of three waterfront lots off South Shore Road in Honeymoon Bay. Immediately to the west of the site is Paradise Village RV Park (C-4 zoned) and to the east is a lakefront residential subdivision, Stin-Qua, consisting of 16 residential lots. A log sort previously operated on the site; however, the site has remained unused for several years. The site is largely a vacant industrial lot surfaced with asphalt and gravel. There is generally no vegetation on the site, with the exception of a vegetated berm on the east and west sides of the property and few trees along the north and south edges. The portion of shoreline where the park would be located is vegetated.

#### **Services**

The subject properties are within the CVRD operated Honeymoon Bay community water system area and have a historic use of 3 residential unit equivalents. As the proposed 90 units represent increased water consumption, a contribution to upgrading the water system (water source and storage) will be required if this development is approved.

The applicant is proposing to connect this development to a proposed new community sewer system that would be operated by the CVRD but which is dependent on third party private land owners. TimberWest owns land off Gordon River Road that they are assessing as a location for in-ground sewage disposal and treatment plant, to service existing development in Honeymoon Bay, as well as TimberWest's future development.

The applicants are proposing to donate land on South Shore Road for a sewer pump station that would be incorporated in a community system if the sewer system is constructed. The size and location of the proposed sewer utility lot is subject to review by the Engineering Department.

The CVRD Engineering Services Department has indicated that construction of a central community sewer system is supported, however a formal agreement with TimberWest is required. There is uncertainty regarding if and when an arrangement for community sewer will be secured.

#### **Parks**

This application was revised in August 2014. As noted on the revised concept plan, there is now a 2 acre waterfront park proposed, which represents approximately 8.5% of the site. In addition to the transfer of parkland, the applicant and Parks and Trails Division have come to a general agreement regarding the following amenities:

- a public wharf constructed and maintained by the developer
- a financial contribution towards a boat launch at nearby Central Park
- 4 metre wide trail corridor along South Shore Road.



- The 2 acre waterfront park must be remediated and include amenities such as trails and benches.
- A statutory right of way registered on the strata road to allow pedestrian public access from the public road/park westward.

The Area F Parks Commission appears agreeable to these parkland commitments. Details regarding the commitments would be negotiated with the developer and formalized in a covenant prior to a public hearing, if this application proceeds.

### ***Environmental Protection***

The 168 metres of shoreline adjacent to the proposed homes can be described as steep rip rap. There are four concrete bunkers along the waterfront, vestiges of the industrial use, as well as piling structures in the water. The shoreline is characterized as moderate amphibian habitat, and fish sampling at similar shoreline types along the lake show that rip rap riparian areas can contribute to productive fish habitat.<sup>1</sup>

The application was originally submitted with a report by a qualified biologist recommending the restoration of a 12 metre wide shoreline strip, to return productivity to the riparian zone. The restoration plan proposes to remove the pavement, bring in fill and remediate the area using native plants and shrubs. The four concrete bunkers are to remain, as the biologist noted removal would cause more disturbance than benefit, and function as a shared patio for the home owners, with each connecting by ramp to a floating dock.

### ***Floodplain***

The floodplain elevation for Cowichan Lake is 167.33 metres, and it appears that the majority of the site is below this level. All new dwellings are required to be above the floodplain construction elevation, and the applicant intends to bring in fill to raise the elevation of the property as required for construction. We note that the Cowichan Basin Water Management Plan does not support fill within the 200 year floodplain elevation.

### ***Site Access***

Access to the site will be from a new road connecting to South Shore Road opposite Gordon River Road. Currently, Gordon River Road is a private, gravel surfaced road that serves the industrial and forestry uses to the south of the site. As the subdivision is proposed to be a bare land strata subdivision, roads internal to the subdivision will be common property strata roads.

The rezoning application was referred to the Ministry of Transportation and Infrastructure (BC MoT), and their recent comments on this application are attached to the report. Their comments relate to the potential to require upgrades to the South Shore Road intersection; providing access to water via road dedication through the subject property (in accordance with Section 75(d) of *Land Titles Act*), and a floodplain protection setback of 15 metre setback to the lake for habitable buildings and structures.

### **Policy Context:**

#### ***Official Community Plan***

The West Cowichan Official Community Plan describes the long-term community vision and outlines the objectives, policies and guidelines for land use and future development. As such, the following section will present policies from the Plan that are relevant to the proposal.

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<sup>1</sup> Cowichan Lake Shoreline Habitat Assessment Foreshore Inventory and Mapping Project Volume 1- 2012, prepared by the BC Conservation Foundation.

**Policy 9.2**

*Prior to redesignating and rezoning industrial sites for non-industrial purposes, the community's long term land requirements for industrial land shall be adequately considered.*

As the subject property has extensive waterfront and is located in close proximity to the residential community of Honeymoon Bay, industrial uses may not be considered the best use of the land. The APC reviewed this policy in the context of whether the community's long-term industrial, commercial and residential needs, in particular whether a further increase in residential development over industrial is desired in this location, and they indicated support for removal of the property from the Industrial designation.

If further residential development is preferred, Policy 6.1 outlines the conditions in which it should take place:

**Policy 6.1**

*In considering further designation of lands for residential purposes, the Regional Board shall give preference to the following:*

- 1) *Residential use shall only be considered if it is determined by the Regional Board that there is a demand for and insufficient supply of residentially zoned land;*
- 2) *Residential development shall be encouraged to locate as far away from Cowichan Lake Shoreline as possible;*
- 3) *Lands designated for residential use shall be encouraged to locate adjacent to existing residential subdivisions;*
- 4) *Lands designated for residential use shall be encouraged to locate in close proximity to community amenities and services;*
- 5) *Lands designated for residential use shall be encouraged to connect to existing community water systems and community sewer systems.*

The application meets some of the above criteria in that it is close to the core of Honeymoon Bay and its main residential area; however, it is contrary to above-noted criterion 6.1(2) since there are residential lots on the shoreline. It has not been demonstrated that there is demand for or insufficient supply of residentially zoned land.

**Policy 6.2**

*Infilling shall be encouraged in existing residential areas with the further designation of land for residential purposes conditional upon a review of land availability in the same general area. In cases where a review indicates that there is already a reasonable supply of building sites to satisfy anticipated population growth over the next five years, residential proposals should be denied or held in abeyance.*

The most recent census noted that the population of Electoral Area F as a whole has decreased by 2.1% between 2006 and 2011, which would imply that there is limited demand for new residential properties. However, the applicants advise that they intend to provide a product different than many new developments around the lake. The proposed units would consist of smaller parcels with homes approximately 1100-1400 sq. ft. These would therefore be more affordable than the typical lakeside new home, and bring new residents to the area.

The APC indicated that if there is a demand for multi-family housing, this site would be appropriate.

**Policy 6.4**

*All sewage effluent disposed of by means of a community owned and operated treatment facility shall, as a minimum standard, be required to incorporate primary and secondary treatment.*

*Tertiary treatment is recommended. All community sewage systems shall be constructed, operated and maintained in accordance with Regional District standards.*

The applicants intend to partner with the CVRD and another proposed development (TimberWest) to establish a community sewer system for Honeymoon Bay. Following construction to CVRD specifications, the CVRD would own and operate the system. The timeframe for this is unknown, and, as proposed, is contingent on approval of another development application.

**Policy 6.6**

*Subdivision applicants will be encouraged to cluster new lots onto that part of the land that has the best capacity for residential development and... the least need for environmental protection, so that the development potential of the land can be maintained while preserving open space and the amenities and features of a specific site, and that economies of scale regarding the provision of services can be realized.*

The lot sizes currently proposed are 450-500 m<sup>2</sup>, which is smaller than that currently found within existing residential zones in Electoral Area F. The R-3 (Urban Residential) Zone specifies a minimum parcel size of 695 m<sup>2</sup> for parcels served by community water and community sewer. The proposed lots are not clustered away from the shoreline; however, this property has already been significantly altered such that the proposed restoration could be of net benefit to the property and lake. The applicant has indicated that they would like to potentially replace some of the proposed single family lots within the subdivision with townhouses, depending on market and community desire for alternative forms of housing.

**Agency Referrals:**

This application has been referred to the following agencies for comments:

- Vancouver Island Health Authority – *No objection to the bylaw amendment provided that each lot is serviced by community sewer and water as proposed*
- Ditidaht First Nation – *No response received*
- Lake Cowichan First Nation – *No response received*
- Cowichan Tribes – *No response received*
- School District 79 – *No response received*
- Town of Lake Cowichan – *No response received*
- Ministry of Transportation and Infrastructure – *Revised comments are attached to this report*
- Honeymoon Bay Volunteer Fire Department – *No response received*
- Lake Cowichan RCMP – *No response received*
- CVRD Engineering Services Department – *see revised comments in attached email.*
- CVRD Parks and Trails Division – *see attached memo*
- CVRD Economic Development Division – *Brownfield development supports site remediation; increases recreational access to the lake with park and boat launch*
- CVRD Public Safety Division – *see attached comments*
- CVRD Environmental Services Division – *see attached comments*

**Advisory Planning Commission (APC) Comments:**

The APC met on November 25, 2013 to discuss the application. They considered in detail many aspects of the proposed development, and provided comments and suggestions to improve the application (see attached).

Their recommendation was as follows:

*That the APC approves development of this property. In addition, that the CVRD Staff work with the property owners to come up with a Comprehensive Development Zone to include the following uses:*

- a. *Multi-family dwellings;*
- b. *Single-family dwellings;*
- c. *Commercial;*
- d. *Waterfront commercial; and*
- e. *Water Zone.*

**Planning Division Comments:**

In April 2014, Planning staff presented this application to the Electoral Areas Services Committee, with a recommendation to deny the application. The staff recommendation was based on concern that appropriate sewer servicing was not in place for the development and that there is insufficient market demand for the proposed residential units. The EASC directed the application back to staff for further work with the applicant.

Since April, a timeframe for providing sewer servicing has not been clarified. However Planning staff are prepared to recommend the application proceed on the basis that development of the site is conditional upon connection to a community water and community sewer system. This will allow the CVRD, as opposed to the developer, to determine the level of sewage treatment (Class A, tertiary, etc.).

This may result in the land sitting unused for some time, but this is largely at the risk of the developer. Vacant, unused land intended for residential use may be preferable to the community than vacant land with industrial use potential under the existing zoning. An additional community benefit if this application proceeds is remediation of a brownfield site. Redevelopment of Brownfield sites provides the opportunity for site remediation and future use of a parcel that may have been left vacant and contaminated.

Since April, some additional application details have been revised which Planning staff support. Particularly, the community amenity package has improved; the applicant has agreed to reduce residential density on the lake by establishing minimum lot width of 15 metres; and a more logical overall layout of park and commercial areas within the site is proposed.

Planning staff are prepared to draft bylaw amendments for a comprehensive development zone that would accommodate this proposal, but recommend the applicant provide some additional materials before proceeding. The requested materials include:

- A revised concept plan showing the following:
  - Residential lot widths of no less than 15 metres. A 15 metre lot width is less than the majority of lots located on Cowichan Lake, and staff are concerned that the 12 metre wide lots currently proposed would result in unwarranted development variance requests to relax setbacks to side property lines.
  - A 17 metre building setback to high water mark for waterfront lots in order to accommodate a 5 metre useable lakefront yard outside of the 12 metre restored/replanted area.
  - A landscaped strip located within common property to buffer residential lots from South Shore Road.

- o The shoreline remediation plan should be revised to reflect the new concept plan and should provide details to discourage encroachment in the restored riparian area.
- o Submission of concepts for ramps and floating dock, to assist in drafting water zoning, as well as mechanism for determining legal and physical access from the residences.
- o Submission of concept designs and locations for multifamily townhomes.

Once this information is received, staff will present draft bylaw amendments at an upcoming EASC meeting for a new comprehensive development zone. If the Board gives first and second reading to the amendment bylaws, the application could proceed to public hearing in order to assess the community's level of support for the proposal.

**Options:**

**Option 1:**

THAT bylaw amendments for Application No. 2-F-08 RS (Pebble West Holdings) be drafted and presented to the CVRD Board for first and second reading,

AND that the referrals to the Ministry of Transportation and Infrastructure, Vancouver Island Health Authority, School District 79, Lake Cowichan RCMP, Town of Lake Cowichan, Honeymoon Bay Volunteer Fire Department, Ditidaht First Nation, Lake Cowichan First Nation, and Cowichan Tribes be accepted.

**Option 2:**

THAT Application No. 2-F-08 RS (Pebble West Holdings Ltd.) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275, and the issue of housing demand be assessed through the Official Community Plan review process currently underway.

Option 1 is recommended.

Submitted by,



Alison Garnett, RPP  
 Planner I  
 Development Services Division  
 Planning & Development Department

AG/ca  
 Attachments

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





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.

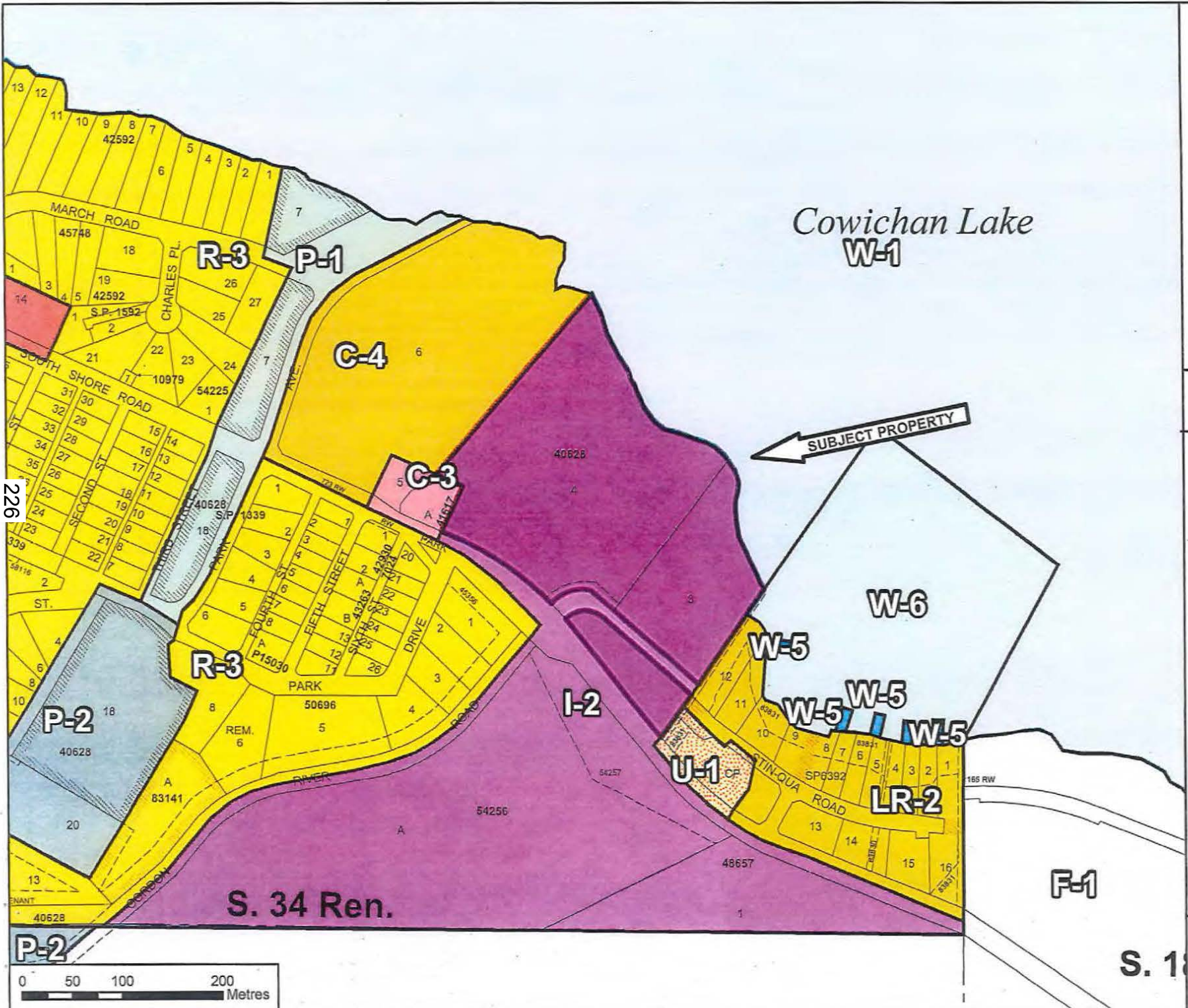
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 02-F-08-RS

Legend

- Subject Property
- Zoning F



R7





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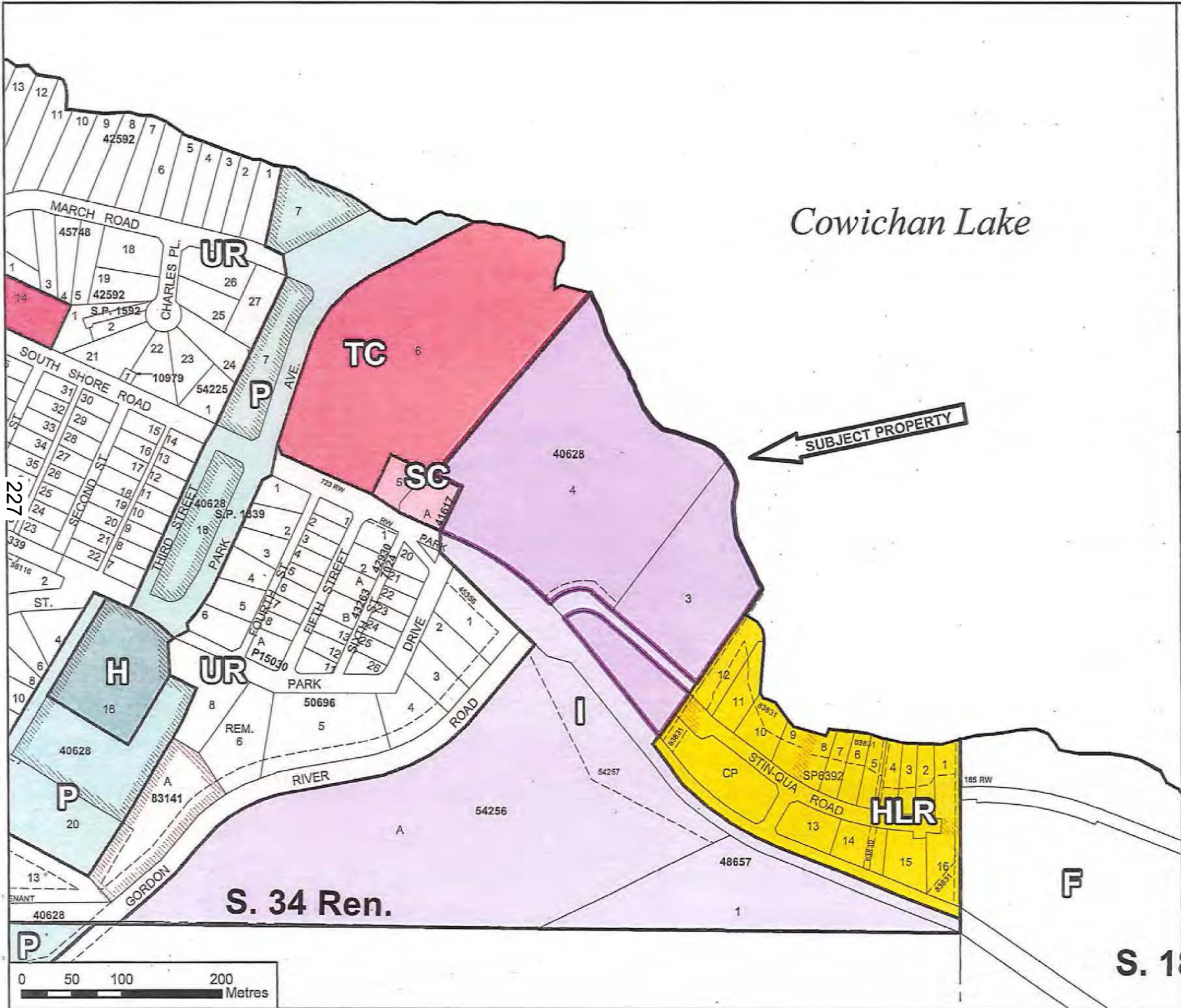
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File: 02-F-08-RS

Legend

- Subject Property
- OCP F



Cowichan Lake

SUBJECT PROPERTY

S. 34 Ren.

S. 18

R7





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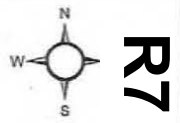
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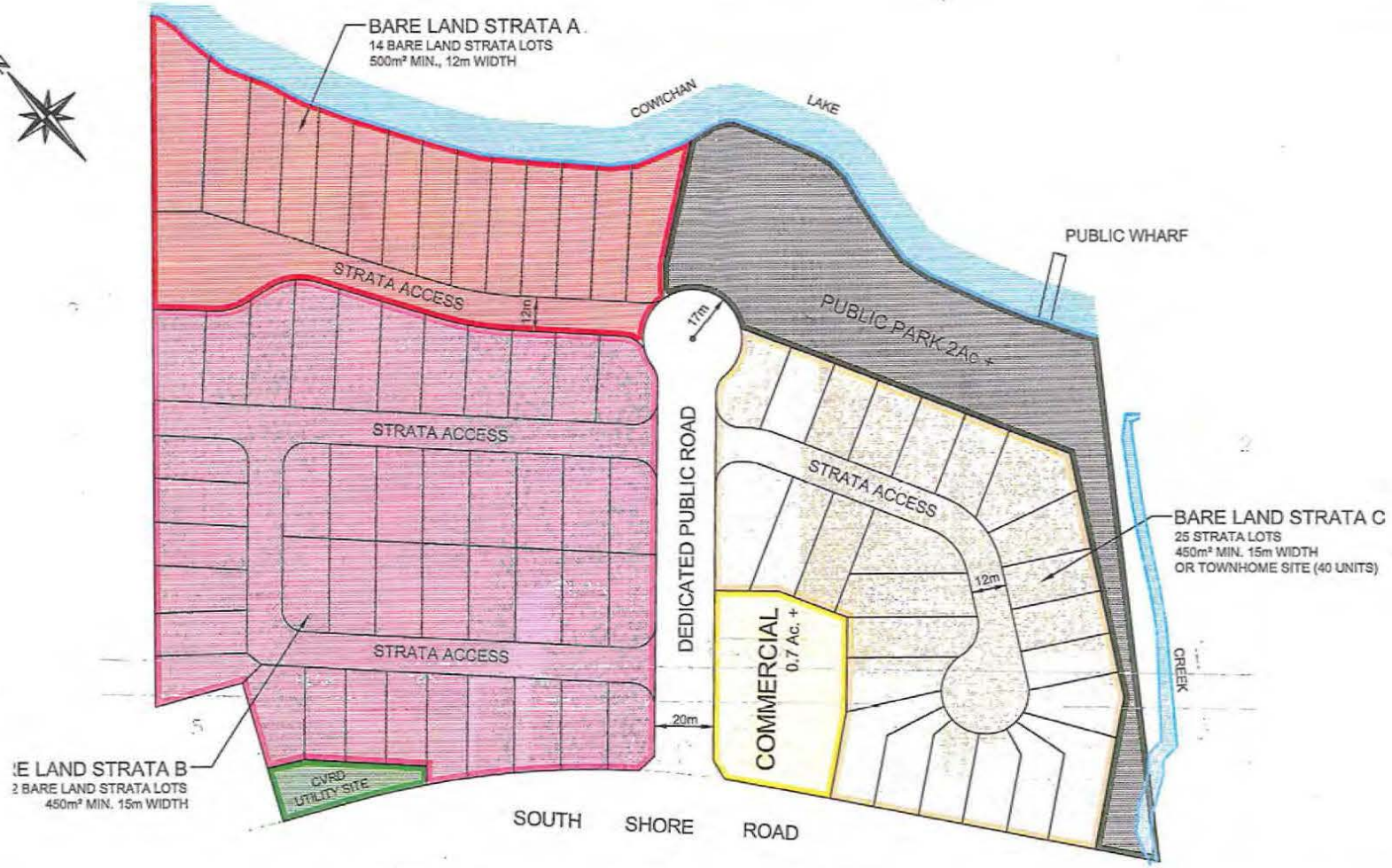
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File: 02-F-08-RS

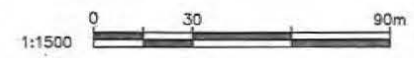
Orthophoto (2004)







Section 21 34



BASED ON CONCEPTUAL SKETCH BY:  
JEA DATED JULY 8, 2014

TITLE: <b>CONCEPTUAL REZONING PLAN</b>	DATE: <b>AUGUST 8, 2014</b>











## MEMORANDUM

**DATE:** November 3, 2014 **FILE #:** 2-F-08RS

**TO:** Alison Garnett, Planner I, Planning & Development

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

**SUBJECT:** Proposed rezoning at 9931 South Shore Road (Pebble West Holdings) –  
Public amenity contributions

An on-site meeting was held with Mark Johnson representing the developer, Ryan Dias and Tanya Soroka from the Parks & Trails Division, Alison Garnett from the Development Services Division, Area F Director Ian Morrison, Parks Commission Chair Dave Darling and Area Planning Commission member Joe Allan. The public amenity contributions were reviewed as a group and the following was discussed and agreed upon:

- The approximately 2 acre proposed park will be dedicated to the CVRD in fee simple.
- The parkland will be remediated to a park-like state as identified on a park development plan prepared by the applicant and approved by the CVRD Parks & Trails Division.
- A SRW will be registered over the Common Property strata road leading from the public park to the west end of the property that will provide for public pedestrian access along the road for a potential future western trail connection to Central Park.
- Financial contribution towards a boat launch to be constructed at the end of Central Park. The cost estimate will be prepared by a third party that is fully qualified in the construction of boat launches.
- Park amenities and landscaping (trail, benches, grass, trees) must be constructed and completed so that it is dedicated as a turn-key park to the CVRD.
- Dedicate an extra 4 metre wide trail corridor strip along South Shore Road to accommodate a roadside trail.
- A public wharf will be constructed in the waterfront park and maintained by the developer.

Sincerely,

Tanya Soroka  
Parks & Trails Planner  
Planning & Development Department  
TS/lkw  
pc: Mark Johnson



**Alison Garnett**

---

**From:** Louise Knodel-Joy  
**Sent:** January-05-15 12:07 PM  
**To:** Alison Garnett  
**Cc:** Hamid Hatami; Brian Dennison  
**Subject:** Pebbles West Rezoning request for former Log Sort Property - Honeymoon Bay

Hi Alison,

Further to your request, Water Management Division of Engineering Services has concerns regarding the rezoning for proposed 90 lot Pebbles West Strata subdivision with regards to Honeymoon Bay Water and proposed sewer system.

#### Water

The former property owners of these parcels used the equivalent of approximately 1100m<sup>3</sup> of water per year, or 3 single family dwellings.

The proposed subdivision of 90 homes would have significant impact to the water consumption for the community.

Additional water source and storage, or a contribution to the water system would be required for this development to proceed. This must be negotiated with the owner.

#### Sewer

We understand the proposed sewer system for this development is connection to a community sewer system. Water Management supports this proposal, but a sewer system does not presently exist in Honeymoon Bay. Currently a land owner in the vicinity, TimberWest is in the process of identifying potential sewage disposal lands which could be used for a sewer system. Pebbles West could partner in this scenario.

Again, negotiations with the owner will be required to identify a contribution to a community sewer system. Water Management does not support an temporary Island Health wastewater permit for this development.

#### CVRD Utility Site

Water Management supports the contribution of a CVRD utility lot for a sewer pump station for this development.

Actual size and best location for this lot can developed with staff.

Thank you

Louise Knodel-Joy

Sr. Engineering Technologist, Water Management,  
 Engineering Services,

Cowichan Valley Regional District, Duncan, BC

Email: [lknodeljoy@cvrd.bc.ca](mailto:lknodeljoy@cvrd.bc.ca)

Tel: 250-746-2536 Fax: 250-746-2543 Toll Free: 1-800-665-3955

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**From:** Alison Garnett  
**Sent:** Tuesday, December 16, 2014 3:45 PM  
**To:** Louise Knodel-Joy  
**Subject:** revised comments from Engineering

Hi Louise

**Ministry of Transportation and Infrastructure Comments received November 24, 2014**

Hi Alison,

I have taken a look at the attachment and the old referral. My feeling is much of the traffic impact assessment can take place during the subdivision process and the rezoning can proceed without a Traffic Impact Study. Additional comments include:

- The rezoning approval is not to be construed a subdivision approval. The applicant will have to apply for subdivision approval through the Ministry of Transportation upon the property's rezoning. My comments reflect the currently proposed layout and do not reflect a complete review of subdivision feasibility.
- The applicant should understand that upgrades will likely be required to the South Shore/Gordon River Road intersection to make is safe for the intended purpose (Depending on the decided subdivision proposal and the intended commercial use). All road construction will need to be in accordance with the Ministry's Standard Specifications for Highway Construction (with the exception of the proposed strata roads).
- The proposal should take into account the LTA, Section 75(d). Access to water will likely be required via road dedication upon subdivision.
- I noticed in the original referral the lake setback proposed was 12m. The Ministry's minimum setback is 15m. This should be taken into account.
- Any new access onto South Shore Road (or change of current use on existing access) should be reviewed by the Ministry and no construction should take place until an appropriate access permit has been obtained or a subdivision preliminary layout approval (PLA) issued by this office.

As for your question regarding lot access, it is possible to restrict access to a given road (i.e. South Shore) via covenant, however, it is difficult to do this before subdivision as any covenant would currently apply to the entire parent lot(s). Upon subdivision, we can choose which lots will need the covenant registered. It maybe be possible to restrict access along South Shore Road at all locations EXCEPT the proposed future public subdivision road, but I have never seen anything like that. It would need more research if we wanted to go that direction.

**Jordan Wagner**

District Development Technician  
Ministry of Transportation and Infrastructure  
3rd Floor - 2100 Labieux Road  
Nanaimo, B.C. V9T 6E9  
Phone 250-751-7090  
Fax 250-751-3289

**MEMORANDUM**

**DATE:** November 13, 2013 **FILE NO:** 2-F-08RS

**TO:** Rachelle Rondeau, Planner, Development Services Division

**FROM:** Kate Miller, Manager, Environmental Initiatives, Regional Services Department

**SUBJECT:** Referral File 2-F-08RS (Johnston for Pebble West Holdings Ltd.)

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Thank you for the opportunity to review the proposed amendment and provide the following comments. I do not support this proposal for the following reasons:

- a) Proposed rezoning of high value large industrial/commercial lot which could provide future economic opportunities to the community
- b) No demonstrated need for additional residential development.
- c) No analysis of impact on expansion of residential development on existing community services and infrastructure.
- d) Does not provide any support to immediate increase community vitality in the way of complete compact communities.
- e) Increased reliance on transportation and vehicular traffic to area.
- f) Development in SPEA is not recommended or warranted, neither is the deposition of fill in the flood plain as a mechanism to abate potential flood impacts.

Submitted by,

Kate Miller





## MEMORANDUM

**DATE:** October 29, 2013 **FILE NO:** 2-F-08RS

**TO:** Rachelle Moreau, RPP, Planning 1, Development Services Division

**FROM:** Sybille Sanderson Manager, Public Safety Division

**SUBJECT:** REVISED Rezoning Application No. 2-F-08RS – Public Safety Division  
Application Review

In review of the Revised Rezoning Application No. 2-F-08RS the following comments affect the delivery of emergency services within the proposed area.

- ✓ Proposal is within Lake Cowichan RCMP Detachment area.
- ✓ Proposal is within British Columbia Ambulance (Station 119 Lake Cowichan) response area.
- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.
- ✓ Proposal is inside Honeymoon Bay Fire Rescue response area

Public Safety has the following concerns regarding the proposed zoning:

- All commercial, community, single residential, townhouse & apartment buildings within the Pebbles West development including sprinkler protection.
- The water system for the development must be compliant with "NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting" to ensure necessary firefighting water flows.
- The Community Wildfire Protection Plan has identified this area as **moderate risk for wildfire** and adherence to FireSmart Principles is recommended (see attached brochure).
- Non-combustible and fire retardant building materials should be used throughout.
- Landscaping should comply with FireSmart principles to reduce the risk of wildfire spread to buildings, tents and RVs.
- Minimum two points of access/egress should be considered to provide community and emergency services personnel the ability to enter and exit simultaneously to improve response and evacuation capability.
- Driveways must be designed to allow access to the largest emergency vehicle likely to be operated on the driveway. This includes fire trucks and other emergency vehicles.
- Consideration should be given to retention of Volunteer Firefighters within the development.

Together Building Community Resilience and Sustainability,

*Sybille Sanderson*

**APC MINUTES****DATE:** 25 Nov 2013**TIME:** 7:05 PM

MINUTES of the Electoral Area F Advisory Planning Commission held on the above noted date and time at the Honeymoon Bay Community Centre Meeting Room

**PRESENT:**

Chairperson: Sharon Devana

Vice-Chairperson: Joe Allen

Secretary: Peter Devana

Members: Bill Bakken, Mary Lowther, Bob Restall

**ALSO PRESENT:**

Mark Johnston - Agent for Pebble West Holdings

Ron Cheeke - One of Pebble West Holdings Owners

**Guests:** Mr Dick Orman & Mr Guy Patten (Honeymoon Bay Residents)**ABSENT:** Phil Archbold & Susan Restall**ACCEPTANCE OF MINUTES;**

It was Moved and Seconded that the minutes of the Area F APC meeting of 20 Aug 2013 be accepted.

Motion Carried

**ORDER OF BUSINESS**

1. Application No. File No:2-F-08RS, location 9931 South Shore Road. Purpose to Amend Area F Community Plan and Zoning Bylaw to permit an approximate 68 Lot subdivision, commercial area and boat launch.
2. Other Business (2 announcements)

Mr Ron Cheeke, one of the owners, and his agent Mark Johnston were present

1 File NO: 2-f-08RS

**Discussion**

Mr Johnston began the discussion by presenting a very detailed outline of the project. Following his presentation the proposal was discussed in detail under the following Items:

**Item 1.** Is it within Honeymoon Bay's best interest to remove this large piece of property from the Industrial Designation?

After some discussion the consensus of all members was in the affirmative.

**Item 2.** Is their housing demand for approximately 68 residential units?

This was an interesting discussion where Pebble West Holdings stressed that because of their unique design their product would be very different from other real estate supply in the area and would be very desirable as their units would be of smaller size (1100-1400 sq ft, more affordable, and of 3 different designs) which Pebble West Holdings would personally build at a standard high quality. Basically they are offering a smaller, affordable, high quality product that they will build thereby ensuring quality and design control on this desirable lakefront location.

All members agreed that this was a good idea and that there probably will be a good demand.

**Item 3.** Is there current or future need for more commercial properties within the area?

The unanimous consensus of all members was that there was no current or future need for commercial properties within the area. *(Mesadune Lake / Honeymoon Bay)*

**Item 4.** Is multi-family housing desired within the community and is it appropriate at the proposed location?

The APC members realized the type of housing will depend on demand and the APC has no preference on which type of housing is built. Yes, multi-family housing is appropriate for the proposed location.

**Item 5.** How will transportation requirements, particularly in the summer months, be affected?

The consensus of all members was that additional traffic will not create a problem in that area.

**Item 6.** Is the location and extent of the park and public boat launch adequate?

This item created considerable discussion and several ideas are worthy of consideration:

- a. There should be a swimming area for the buyers who do not buy waterfront lots;
- b. The boat launch should not be part of any Strata;
- c. The boat launch/parking area should be granted to the CVRD; and
- d. Access to the boat launch should be from South Shore Rd on the east side of the property.

Everyone present, including all APC members, guests and the owner in attendance agreed on these ideas.

During the above discussion additional possible issues were also identified and discussed:

Local residents expressed **concern about water availability** as they had been on water restrictions all summer. Would there be enough water for this project?

Mr. Johnston said that the CVRD engineers thought there was plenty for this proposal but this issue **MUST** be resolved before this development proceeds.

There were concerns about **who would pay for the sewage plant**. The answer was Pebble Holdings & Western Forest Products would pay for the initial plant for the development and that Honeymoon Bay could connect to it at a cost to them to cover the costs of extra infrastructure, hook-up and maintenance etc.

The topic of a **public walkway through the property** was also discussed. Mr. Johnston stated that a Statutory Right of Way could be established across the property.

The topic of **Timeline** was discussed and basically the intention was to sell and build the 13 Lakefront properties first, as Phase 1, then continue as more lots/designs are sold. Timeline will be determined by demand.

The **question of lot size /dwelling size** was again mentioned but all agreed that there should be a good demand for the smaller more affordable properties and homes, especially on this particular site.

In summary, all these extra issues were resolved to the satisfaction of all in attendance.

Motion (S)

**Motion 1**

It was Moved and Seconded that the APC approves development of this property. In addition, that the CVRD Staff work with the property owners to come up with a Comprehensive Development Zone to include the following uses:

- a. Multi - family dwellings;
- b. Single family dwellings;
- c. Commercial;
- d. Waterfront Commercial; and,
- e. Water Zone.

Motion 1 Carried

**Motion 2**

It was Moved and Seconded that the number of dwelling units in the Comprehensive Development Zone not exceed 80.

Motion 2 Carried

**Motion 3**

It was Moved and Seconded that a parcel of the land on the east side of the property be identified as a Park/Boat Launch/ Commercial development and not be part of any proposed Strata. It would be accessed directly from South Shore road and continue to the Boat Launch site on the waterfront.

Motion 3 Carried

**Other Business**

A. The Director, Ian Morrison, had requested that the following Announcement be made at this meeting:

“There will be a **Volunteer Appreciation Dinner for all APC members** and their partners at the Curling Club lounge, Lake Cowichan, 6 PM Sat 21 2013 .  
**RSVP to him by 10 Dec.”**

B. The Chair, also announced that **the next meeting of Area F APC will be held at the Honeymoon Bay Community Centre Meeting Room 7 PM Monday Dec 9** to discuss another proposal. Proposal details will be sent to all members soon by the CVRD Staff.

**ADJOURNMENT****MOTION 4;**

It was Moved and Seconded that the meeting be adjourned at 9:25, 25 Nov 2013

MOTION CARRIED

Peter Devana

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Secretary

Sharon Devana

---

Area F APC Chairperson





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** June 6, 2016  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 15, 2016  
**FROM:** Development Services Division  
 Planning & Development Department  
**SUBJECT:** Rezoning Application 02-F-08 RS (9931 South Shore Road)  
**FILE:** 02-F-08 RS

## PURPOSE/INTRODUCTION

The purpose of this report is present new information regarding a rezoning application in Honeymoon Bay pertaining to the presence of contaminated substances on the subject properties.

## RECOMMENDED RESOLUTION

That it be recommended to the Board that Rezoning Application No. 02-F-08 RS (9931 South Shore Road) be denied.

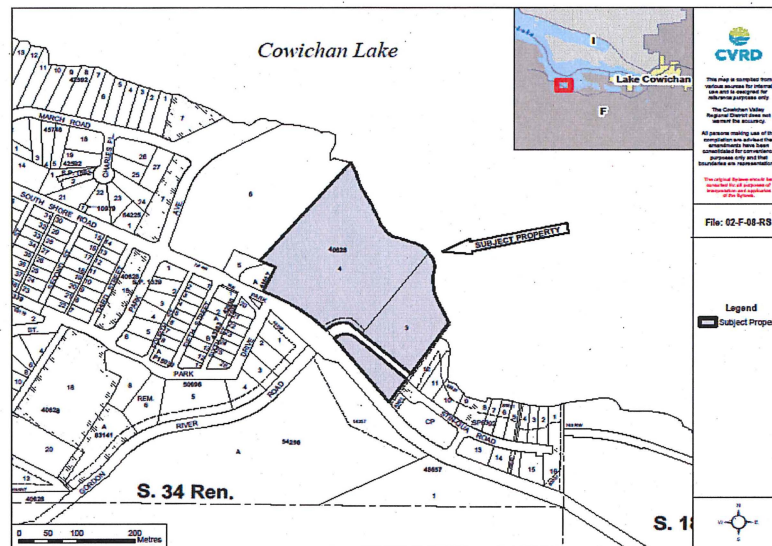
## BACKGROUND

In January 2015, the Electoral Area Services Committee directed staff to draft amendment bylaws which would rezone the three subject properties from industrial to a mixed used comprehensive development zone that would permit residential, commercial and park uses.

Since then, new information has become available concerning the Certificate of Compliance issued by the Ministry of Environment, Lands Remediation Section, and the requirements for remediating the site from its former industrial use to a residential land use standard.

<u>Owner</u>	Pebbles West Holdings
<u>Applicant:</u>	M.H Johnston & Associates Inc.
<u>Size of Parcel:</u>	6.893 ha (17 acres)
<u>Existing Zoning:</u>	I-2 (Heavy Industrial)
<u>Proposed Zoning:</u>	Application is for a new Comprehensive Mixed Use Zone
<u>Existing Plan Designation:</u>	Industrial
<u>Proposed Plan Designation:</u>	Comprehensive Mixed Use Designation
<u>Existing Use of Property:</u>	Former dry land log sort. Currently vacant.
<u>Road Access:</u>	South Shore Rd
<u>Water:</u>	Honeymoon Bay Community Water System (CVRD operated)
<u>Sewage Disposal:</u>	Proposed CVRD operated community sewer system
<u>Wildfire Rating:</u>	High
<u>Fire Protection:</u>	Honeymoon Bay Volunteer Fire Department
<u>Environmentally Sensitive Areas:</u>	Cowichan Lake and a stream near the eastern border of the properties.
<u>Archaeological Site:</u>	None recorded
<u>Contaminated Site Regulation:</u>	A Certificate of Compliance (COC) was issued by the Ministry of Environment November 7, 2014, subject to requirements and conditions.

## LOCATION MAP



## APPLICATION SUMMARY

The application proposes to rezone three industrially zoned parcels to a comprehensive development zone that would permit 11 waterfront residential lots, 59 single family lots, 24 duplex or multifamily units, and commercial space. A significant component of the application includes dedication of a 0.8 hectare (2 acre) waterfront lot as parkland and financial contribution to a boat launch located at nearby Central Park.

The subject properties encompass 168 metres of shoreline along Cowichan Lake. The majority of the land is located below the 200 year floodplain elevation of the Lake. The Official Community Plan designates the subject parcels for industrial use.

Development of the site would require connection to CVRD operated water and sewer systems. The Honeymoon Bay area does not have an existing sewer system, therefore physical development of the site is dependent on a third party's contribution to establishment of a CVRD sewer system.

## COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

A Certificate of Compliance (COC) has been issued by the Ministry of Environment, Lands Remediation Section, pursuant to the *Environmental Management Act*. The Certificate of Compliance forms Attachment C to this report. Schedule B (page 4 and 5) of the COC contains the conditions and requirements discussed in this staff report.

## OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

The Official Community Plan designates the subject parcels for industrial use.

An expedited Official Community Plan review process is currently underway for Electoral Area F.

## PLANNING ANALYSIS

The subject properties have well documented historical industrial uses, including use of the land for operation of a dry land log sort. One of the benefits perceived by the community of this rezoning application was the opportunity to remediate a lakefront industrial property.

Typically, Certificates of Compliance are issued by the Ministry of Environment to recognize remediation of a site to the appropriate land use standard. For example, the former Youbou Lands mill site received a Certificate of Compliance stating that the site was fully remediated to a residential standard. The Certificate of Compliance for Youbou Lands provided the CVRD with confidence that a residential land use was suitable for the site from a contaminated sites perspective, and the Board could make a decision based on other land use change considerations. In the past, the CVRD has relied on the Ministry of Environment as the authority to make a determination that a site can be used for residential use.

However, the Certificate of Compliance for these subject properties does not provide confirmation that full remediation has been completed. Rather, the COC is qualified by the following requirements and conditions listed in Schedule B of the COC:

1. **All buildings will be developed as slab on grade.** This requirement applies to the entire site due to potential soil vapours.
2. **The area of elevated copper must not be occupied by future residential lots.** The conceptual development plan (Attachment B) shows the area of copper would affect six residential lots within the second phase of subdivision.
3. **A minimum of 1 metre of uncontaminated soil must be maintained in the area of the site containing benzene and toluene.** These are hydrocarbon substances located in the area of proposed parkland dedication.

The applicant has submitted a letter from their Approved Professional (see Attachment D). In summary, they propose to fulfil the COC requirements by the following measures:

1. To require future residential lot owners to hire an Approved Professional (as required by the Contaminated Sites Regulation) during excavation of each residential or commercial building, to oversee excavation, ensure groundwater is not disturbed, and oversee the relocation of any possibly contaminated materials.
2. Register a "no subdivision" covenant to prohibit subdivision in the area of elevated copper until the copper is removed from the site. Staff note that the COC requirement is to line that area with geofabric and prohibit residential development above. Removal of the substances, as suggested by the applicants is not provided as an option within the COC.
3. To remove the benzene and toluene from the proposed park area, involving an estimated 500 tonnes of material removed from the site. Again, removal of these substances is not an option within the COC.

The CVRD should not rely on statements from the proponent suggesting deviations from the COC listed requirements. Rather, amendments to the COC should be received if alternative treatments are considered.

Following discussions with staff at the Ministry of Environment, it would appear that the Ministry has adopted a professional reliance model, whereby the COC was issued on the recommendation of a Contaminated Sites Regulation Approved Professional and the Ministry of Environment did not undertake any level of detailed review regarding the contamination that remains on the site. The COC states that "the requirements and conditions imposed by the COC must be complied with...or the Director may rescind the Certificate", and furthermore that the COC "should not be construed as an assurance that there are no hazards present at the site".



This application is brought back to the attention of the EASC based on staff's concerns with development on this site, which include:

1. The proposed 0.8 hectare public park, which was considered to be a significant amenity associated with the rezoning, is now a potential liability to the CVRD and public due to contaminated soils. In addition, the requirement to build "slab on grade" in order to restrict contact with groundwater will affect the CVRD's ability to conduct routine works, such as planting new trees or regrading for trails, etc.
2. Future land owners, including the CVRD and residents, will inherit the legal liability of compliance with the Certificate of Compliance. This would include the assumption of unknown risks for future remediation requirements if there are regulatory changes within the Contaminated Sites Regulation.
3. Since full site remediation will not be completed prior to rezoning, the responsibility to comply with the COC conditions will be passed on to future owners. This will include hiring an Approved Professional to oversee excavation, as well as potentially overseeing removal of materials from the site, resulting in an undue burden and cost to future residents. It is suggested that these conditions are overly restrictive to future residential users and susceptible to failure.
4. The restriction against digging below grade has unknown consequences to the CVRD Engineering Department, which would be responsible for providing sewer and water infrastructure to this proposed development.
5. The absence of Ministry of Environment oversight results in the downloading of responsibility to local government. The CVRD would become the de facto authority to ensure the requirements of the COC are implemented. However there is no mechanism by which the CVRD could legally enforce the requirement to build slab on grade unless a Section 219 covenant was registered. The CVRD lacks both the expertise in contaminated sites and the administrative capacity to ensure the COC conditions are implemented, and should only proceed with extreme caution if assuming that responsibility.

This site is not considered suitable for residential land use or dedication for public use. It is recommended that the application be denied on this basis, as outlined in Option 1 below.

#### **OPTIONS**

##### Option 1

That it be recommended to the Board that Rezoning Application No. 02-F-08 RS (9931 South Shore Road) be denied.

##### Option 2

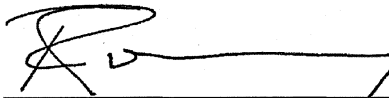
That staff proceed with drafting bylaw amendments for Rezoning Application No. 02-F-08 RS (9931 South Shore Road).

Prepared by:

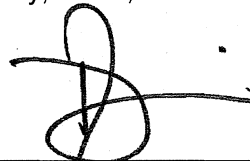


Alison Garnett, MCIP, RPP  
Planner II

Reviewed by:



Rob Conway, MCIP, RPP  
Manager



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

**ATTACHMENTS:**

- Attachment A - Subject Property OCP Map
- Attachment B - Conceptual Development Plan
- Attachment C - Certificate of Compliance
- Attachment D - Letter from applicant and approved professional May 5, 2016



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.

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File: 02-F-08-RS

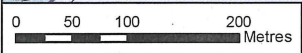
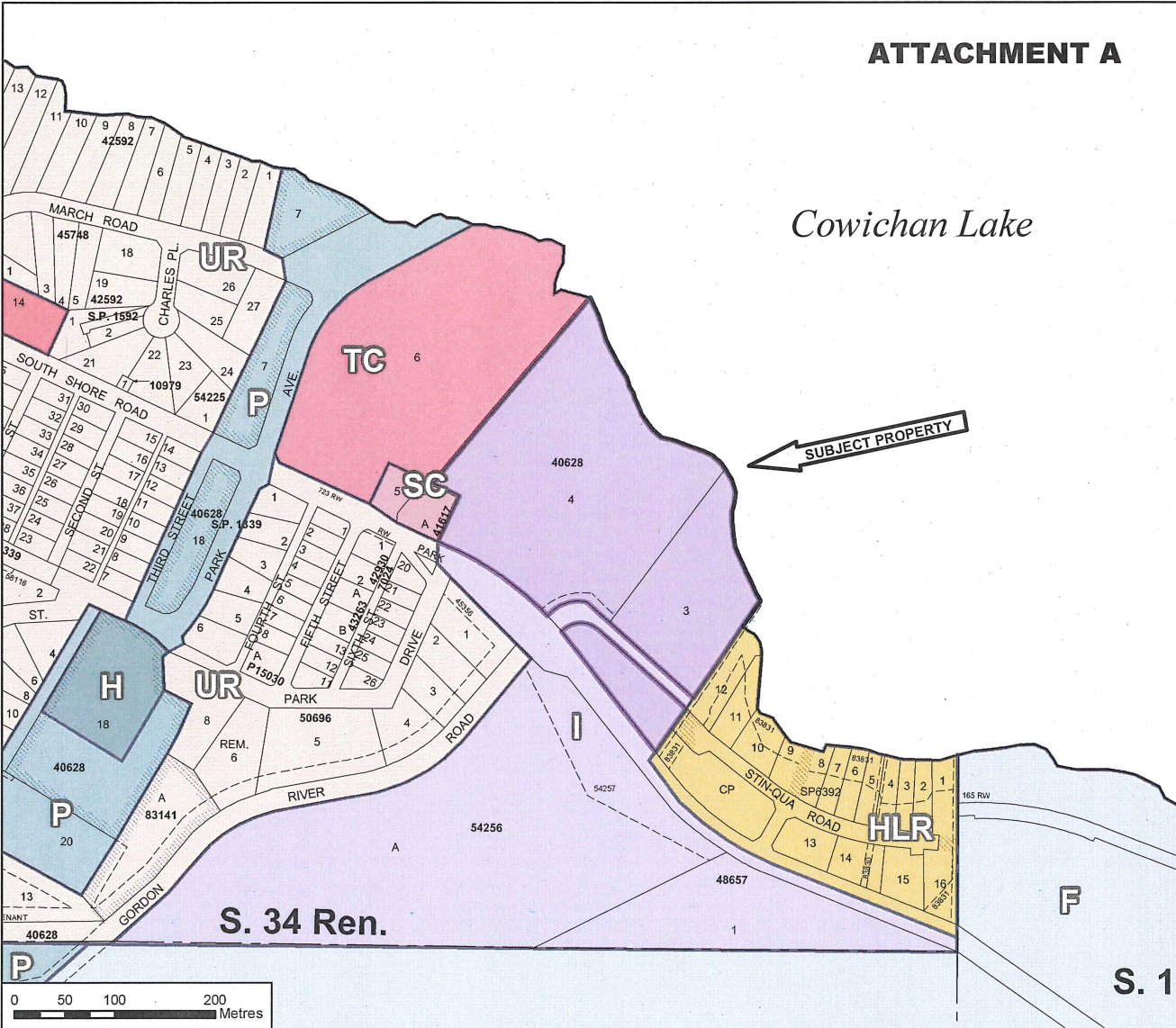
Legend

- Subject Property
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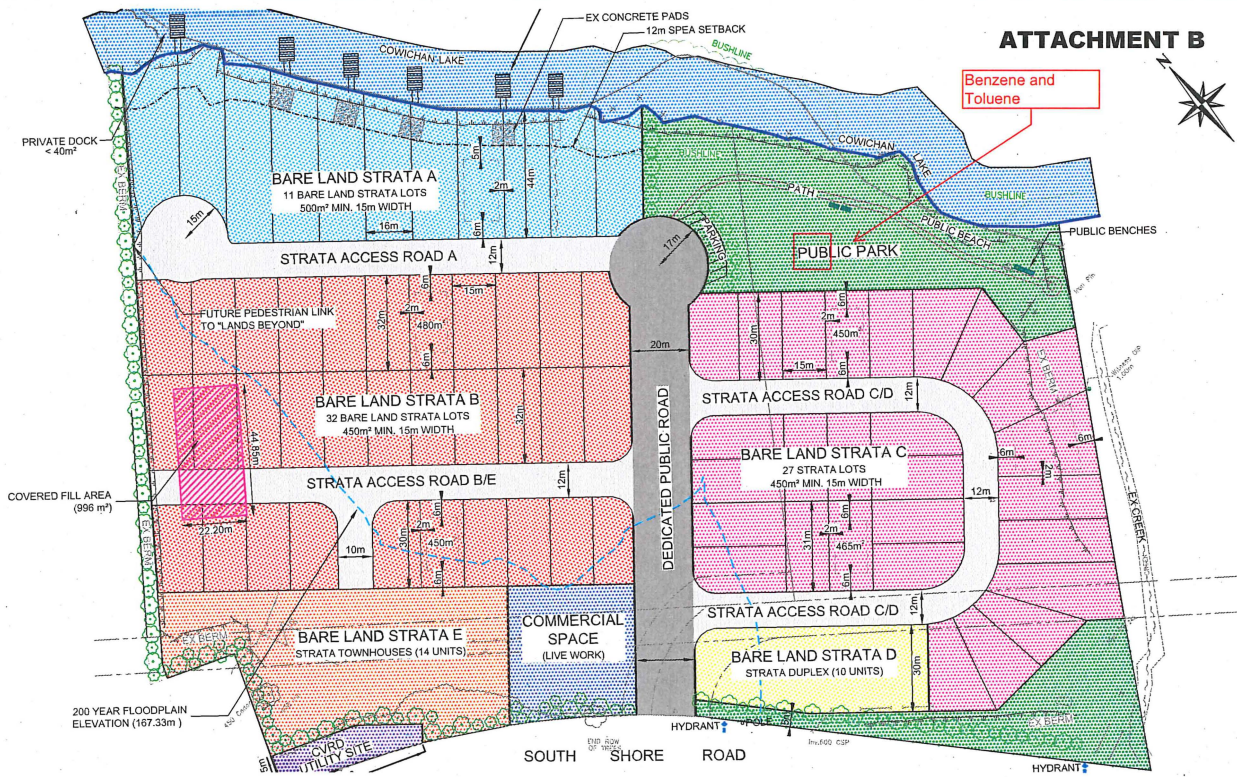
Cowichan Lake

SUBJECT PROPERTY



**ATTACHMENT B**

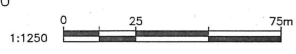
Benzene and Toluene



PLAN: C:\USERS\LOREY\DEVELOPMENT\PROJECTS\03 - HONEYMOON BAY\03.03 - DRAWINGS BY ACTIVE EARTH\DESIGN DRAWINGS - SITE PLAN - JAN 22 2016

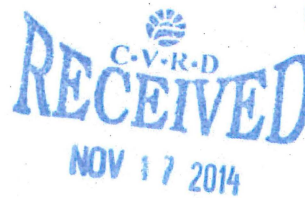
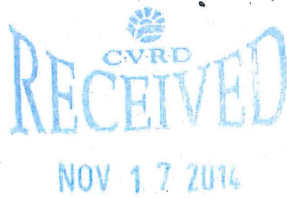
**HONEYMOON BAY**  
SITE PLAN - FOR REZONING

PLAN  
1:1250



CLIENT NAME: <b>PEBBLES WEST LTD.</b>	PROJECT LOCATION: <b>HONEYMOON BAY, BC.</b>
TITLE: <b>SITE PLAN</b>	DATE: <b>JAN 22, 2016</b>





COPY

Engineering Services Dept.

**REGISTERED MAIL**

Victoria File: 26250-20/10002  
 SITE ID: 10002

Date: November 7, 2014

Gerry Mounce  
 Pebble West Holdings Ltd.  
 6800 Oldfield Road  
 Saanich, BC V8M 2A3

Dear Gerry Mounce:

**Re: Certificate of Compliance - 9930 South Shore Road, Honeymoon Bay, British Columbia**

Please find enclosed a Certificate of Compliance respecting the site referenced above.

In addition to the conditions set out in Schedule B of the Certificate of Compliance, please be advised of the following:

1. Information about the site will be included in the Site Registry established under the *Environmental Management Act*.
2. The provisions of this Certificate of Compliance are without prejudice to the right of the Director to make orders or impose requirements as the Director may deem necessary in accordance with applicable laws. Nothing in this Certificate of Compliance will in any way restrict or impair the Director's power in this regard.
3. A qualified environmental consultant should be available to identify, characterize and appropriately manage:
  - (a) any environmental media that may be contaminated, or
  - (b) soil which may exceed the standards triggering a Contaminated Soil Relocation Agreement set out in section 40 of the Contaminated Sites Regulation

and may be encountered during any future subsurface work at the site.

4. Groundwater wells that are no longer required must be properly decommissioned in accordance with the *Water Act's* Groundwater Protection Regulation.

Ministry of Environment

Land Remediation  
 Environmental Management  
 Environmental Protection Division

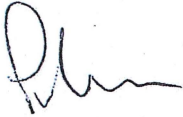
Mailing Address:  
 PO Box 9342 Stn Prov Govt  
 Victoria BC V8W 9M1

Telephone: 250 387-4441  
 Facsimile: 250 387-8897  
 Website: [www.gov.bc.ca/env](http://www.gov.bc.ca/env)

Issuance of this Certificate of Compliance is a decision that may be appealed under Part 8 of the *Environmental Management Act*.

If you require clarification of any aspect of this Certificate of Compliance, please contact the undersigned at (250) 387-8120 (toll free via Enquiry BC at 1-800-663-7867).

Yours truly,



fn

Ardith gingell  
Senior Contaminated Sites Officer

Enclosure

cc: Cowichan Valley Regional District  
Ingram Street, Duncan, BC V9L 1P1

David Mitchell, Approved Professional, Active Earth Engineering Ltd.  
160 - 2250 Boundary Road, Burnaby, BC V5M 3Z3

CSAP Society



Ministry of  
Environment

**CERTIFICATE OF COMPLIANCE**  
(Pursuant to Section 53 of the *Environmental Management Act*)

**THIS IS TO CERTIFY** that as of the date indicated below, the site identified in Schedule A of this Certificate of Compliance has been satisfactorily remediated to meet the applicable Contaminated Sites Regulation remediation standards.

This Certificate of Compliance is qualified by the requirements and conditions specified in Schedule B.

The substances for which remediation has been satisfactorily completed and for which this Certificate of Compliance is valid are listed in Schedule C.

I have issued this Certificate of Compliance based on a review of relevant information including the documents listed in Schedule D. I, however, make no representation or warranty as to the accuracy or completeness of that information.

A Director may rescind this Certificate of Compliance if requirements and conditions imposed in the Certificate of Compliance are not complied with or any fees payable under Part 4 of the Act or regulations are outstanding.

This Certificate of Compliance should not be construed as an assurance that there are no hazards present at the site.

November 7, 2014

Date Issued

Peter Kickham  
For Director, *Environmental Management Act*



### Schedule A

The site covered by this Certificate of Compliance is located at 9930 South Shore Road, Honeymoon Bay, British Columbia which is more particularly known and described as:

Lot 3, Section 34, Renfrew District (Situate in Cowichan Lake District) Plan 40628  
PID: 000-204-528

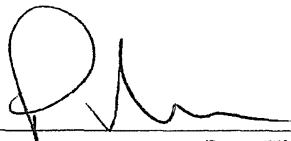
Lot 4, Section 34, Renfrew District (Situate in Cowichan Lake District) Plan 40628  
PID: 000-204-536

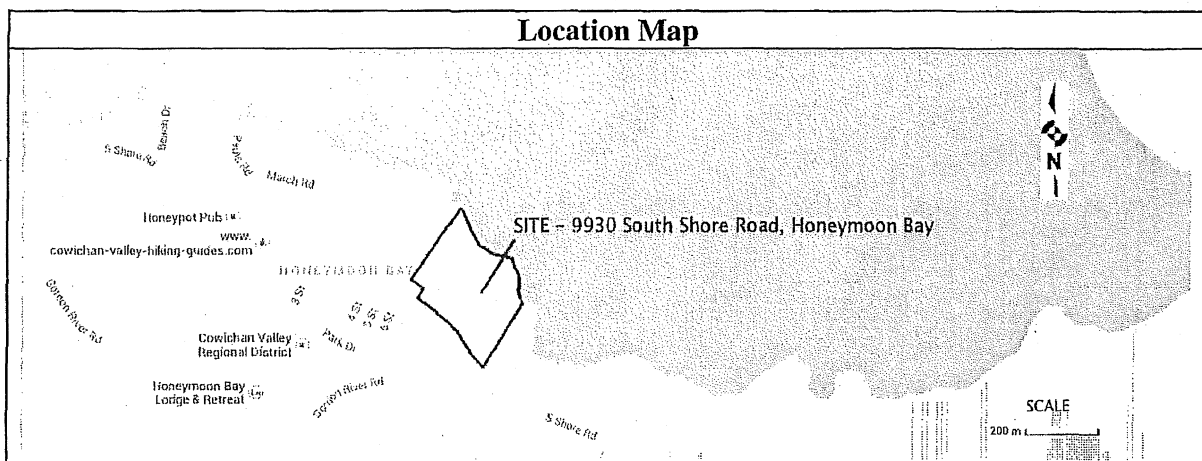
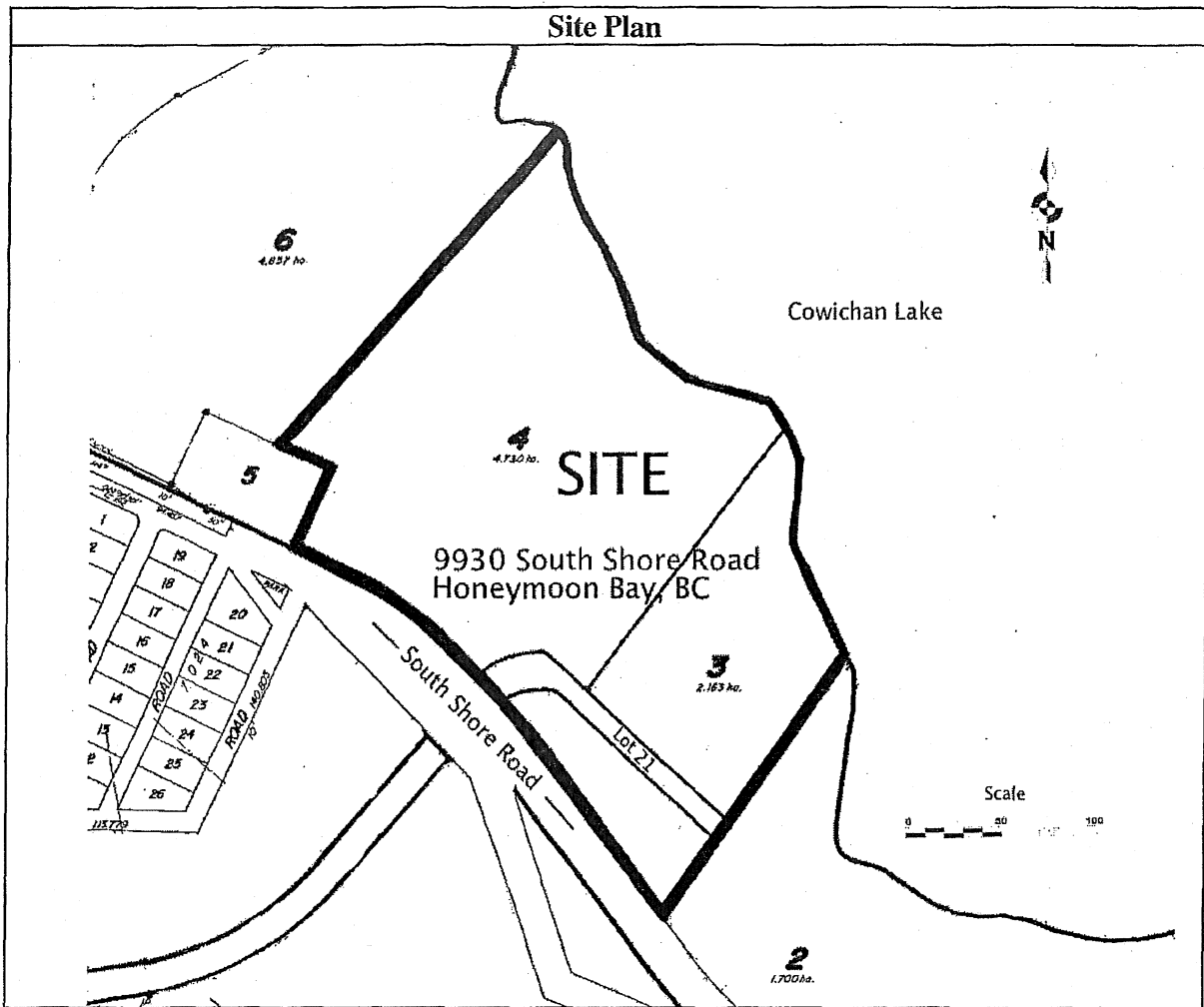
Lot 21, Sections 34 and 35, Renfrew District (Situate in Cowichan Lake District) Plan 40628, Except Part in Plan VIP67301  
PID: 000-204-706

The approximate centre of the site using the NAD (North American Datum) 1983 convention is:

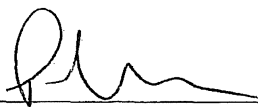
Latitude: 48° 48' 55.20"  
Longitude: 124° 09' 58.40"

November 7, 2014  
Date Issued

  
Peter Kickham  
For Director, *Environmental Management Act*



November 7, 2014  
Date Issued

  
Peter Kickham  
For Director, *Environmental Management Act*

## Schedule B

### Requirements and Conditions

1. Any changes in land, vapour or water uses must be promptly identified by the responsible person(s) in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary. The uses to which this condition applies are described in Schedule C and in the site investigation documents listed in Schedule D.

The documents listed in Schedule D indicate that vapour attenuation factors were applied to meet Contaminated Sites Regulation numerical standards at the site. These vapour attenuation factors were selected based on assumptions about the structures, locations and depths of buildings existing or expected at the site. These assumptions include the following:

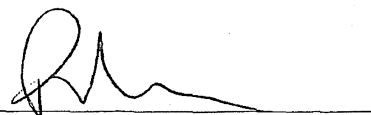
- (a) All buildings will be developed as slab on grade.

Any inconsistencies that arise between the structures, locations and depths of proposed or constructed buildings at the site and the range of structures, locations and depths of buildings assumed in the selection of vapour attenuation factors in the documents listed in Schedule D must be promptly identified by the responsible person(s) in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary.

2. The principal risk controls which must be present or implemented and must be maintained at the site include the following:
  - (a) The geofabric liner placed above soils with elevated Copper, as defined by the metes and bounds description, must be maintained indefinitely and must not be occupied by future residential lots.
  - (b) A minimum of 1.0m of uncontaminated soil must be maintained in the area of the Site containing elevated Benzene and Toluene in soil.
  - (c) Groundwater at the subject site must not be used for drinking water.
3. If requested by the Director, the responsible person(s) must provide a signed statement indicating whether the principal risk controls listed in clause 2 of this Schedule have been and continue to be met. This may include providing a signed statement by an Approved Professional.
4. Performance verification must be undertaken as specified in the Performance Verification Plan listed in Schedule D or as specified in a modification of the plan approved by the Director.

December 7, 2014

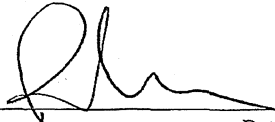
Date Issued



Peter Kickham  
For Director, *Environmental Management Act*

5. Where required under a Performance Verification Plan for the site, records of performance verification actions and results must be maintained by the responsible person(s) or their agent. The records must be available for inspection by the Director.
6. A statement signed by an Approved Professional on whether the institutional and engineering controls required in clause 2 of this Schedule have been implemented and are being met must be submitted to the Director every year or as otherwise approved by the Director within 90 days of the anniversary of the date of issuance of this Certificate of Compliance or as otherwise approved by the Director.
7. If requested by the Director, a report signed by an Approved Professional must be submitted for review to the Director and must include the following:
  - (a) An evaluation of the performance of the institutional and engineering controls;
  - (b) Recommendations for modification of any plans referenced above, along with supporting rationale;
  - (c) Interpretation of current and cumulative results of the performance verification actions undertaken according to the plan<s> described in clause 4 above; and
  - (d) Supporting documentation.

November 7, 2014  
Date Issued

  
Peter Kickham  
For Director, *Environmental Management Act*

**Schedule C****Substances and Uses***Substances remediated in soil for residential soil use:*To meet risk-based remediation standards:

- Benzene and toluene; and
- Copper.

To meet numerical remediation standards:

- LEPH and HEPH; and
- Zinc.


*Substances remediated in water for drinking water use:*To meet numerical remediation standards:

- Benzene.

*Substances remediated in water for freshwater aquatic life water use:*To meet numerical remediation standards:

- Benzene.

November 7, 2014  
Date Issued

  
Peter Kickham  
For Director, *Environmental Management Act*



**Schedule D****Documents**

- *Summary of Site Condition*, prepared by Active Earth Engineering Ltd., dated 10 April 2014;
- *Performance Verification Plan*, prepared by Active Earth Engineering Ltd., dated 10 April 2014;
- *Screening Level Risk Assessment, 9930 South Shore Road, Honeymoon Bay, BC, Prepared by Active Earth Engineering Ltd.*, dated March 2014; and
- *Preliminary and Detailed Site Investigation and Confirmation of Remediation, 9930 South Shore Road, Honeymoon Bay, BC, Prepared by Active Earth Engineering Ltd.*, dated March 2014.

December 7, 2014

Date Issued



Peter Kickham

For Director, *Environmental Management Act*



Attn. Alison Garnett – Planner CVRD.

Re; Honeymoon Bay rezoning – 9930 South Shore Rd. – Certificate of Compliance

Further to your email of April 6<sup>th</sup> 2016 I have attached a letter from the Environmental Consultant responsible for our site which provides further explanation of what is described in the COC and indicates how the slab on grade requirement would be dealt with at the time when building plans are developed for homes on the site.

I would also confirm that we would remove the Toluene and Benzene, in the area to be dedicated as park, which is above the excepted standards and would remediate to meet the residential standards in the Environmental Management Act as certified by a Qualified Environmental Consultant. I have included for your information a plan showing the three test holes that show the elevated levels of Benzene and Toluene. I have also included a plan showing that further testing was done by taking samples around the three test holes to determine if the Benzene and Toluene had extended outside to the area and as you can see the additional testing shows the substances to be confined to the area of the three test holes. A Diagram showing the cross section of the test holes is also included to show the depth of the Benzene and Toluene and that it is present in the woodwaste at this point. The area shown between the test holes had previously been excavated and remediated.

I assume this information is helpful but if we are required to remediate there should be no further difficulty.

We also intend to remove the soil containing the elevated levels of copper before the 12<sup>th</sup> lot is subdivided and would enter into a covenant for this agreement.



Mark Johnston

For: Pebble West Holdings



April 28, 2016

CVRD Planning  
175 Ingram Street  
Duncan, BC, V9L 1N8

Via Email Only

**ATTENTION:** Allison Garnet

**REFERENCE:** **Certificate of Compliance Clarifications**  
**Honeymoon Bay Rezoning – Pebbles West**  
**9930 South Shore Road, Honeymoon Bay**

---

Active Earth Engineering Ltd. (Active Earth) was previously retained by Pebbles West Ltd. to conduct necessary environmental assessment and remediation of the property at 9930 South Shore Road, Honeymoon Bay, BC (Site). This work led to a Certificate of Compliance (COC) being issued by the Ministry of Environment (Ministry) in November 2014.

We understand that the CVRD is seeking some clarification and guidance regarding the following three items relating to the environmental assessment and remediation project:

*1. Residual Copper in Soil*

A shallow layer of soil on the western portion of the Site (defined by a metes and bounds survey) contains concentrations of copper in soil above Residential standards. Our reports previously concluded that it was acceptable to leave these soils in place, as long as the area above the soils were not occupied by residential lots and covered with geofabric.

If this area is to be developed, then the soils would require off-Site disposal to an appropriate receiver.

We understand that the CVRD is agreeable to a covenant on title restricting the development of Lot 12 until all these soils are removed.

*2. Building Slab Elevations*

The assessment work concluded that potential soil vapours were acceptable as long as building slabs were above the existing watertable. The reason for this is to allow usage of default attenuation factors for soil vapour, that could potentially enter residences. As long as building slabs are not in touch with the groundwater, then the attenuation factors are available and the soil vapour concentrations are acceptable for residential usage. The depths to

---

Langley  
Vancouver  
Victoria

Mailing Address:  
160 – 2250 Boundary Road  
Burnaby, BC V5M 3Z3

Telephone: 778-866-0064  
Facsimile: 604-856-7598  
Website: www.activeearth.ca

groundwater on the Site are now well known from our prior work and can be estimated for each lot.

### *3. CVRD Dedicated Parkland*

We understand that the CVRD is to receive a portion of land for usage as a park. We understand that this dedication is present in the area an soil toluene and benzene were encountered above applicable standards. Our studies concluded that as long as the materials remain at depth with the present grades maintained, then the risks were acceptable.

If the CVRD wishes to remove this material, our studies have estimated 500 tonnes to be present.

If you have any questions regarding this clarification letter, please contact the undersigned.

Yours truly,

**ACTIVE EARTH ENGINEERING LTD.**

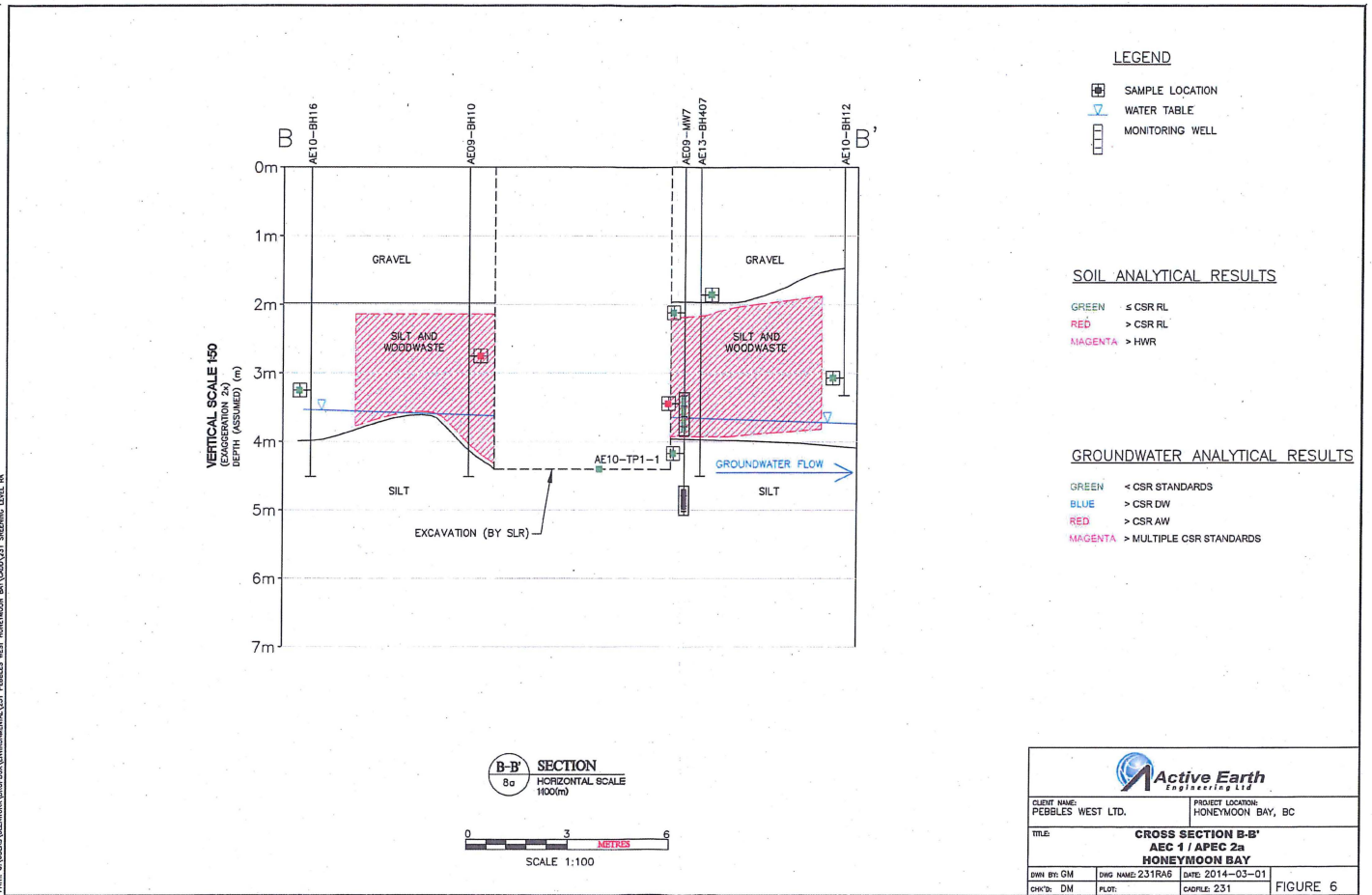


David Mitchell, P.Eng., CSAP  
Principal, Senior Engineer  
[david.mitchell@activeearth.ca](mailto:david.mitchell@activeearth.ca)  
Phone - 778-866-0064















**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. XXXX**

**A Bylaw for the Purpose of Amending Official Community Plan Bylaw No. 1945  
Applicable to Electoral Area F – Cowichan Lake South/Skutz Falls**

---

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. XXXX – Electoral Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw No. XXXX (Pebbleswest), 2017**".

2. **AMENDMENTS**

Cowichan Valley Regional District Amendment Bylaw No. 1945, as amended from time to time, is hereby amended as outlined on attached Schedule A;

3. **CAPITAL EXPENDITURE PROGRAM**

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

4. **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

### **Schedule A to CVRD Bylaw No. XXXX**

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

1. That Lot 4, Section 34, Renfrew District (Situate in Cowichan Lake District), Plan 40628 and Lot 3, Section 34, Renfrew District (Situate in Cowichan Lake District) Plan 40628 and Lot 21, Section 34 and 35, Plan 40628 except part in plan VIP67301, as shown in solid black line on Schedule B attached hereto and forming part of this bylaw, number Z-XXXX be re-designated from Industrial to Comprehensive Development, and that Schedule B to Official Community Plan Bylaw No. 1945 be amended accordingly.
2. The following is added as Section 8 and the remaining sections renumbered accordingly.

#### **8. COMPREHENSIVE DEVELOPMENT AREAS**

A combination of commercial, residential and public park uses are desired within the community, in appropriate areas adjacent to established communities. This designation is intended to provide a mix of housing types, encourage local employment and shopping opportunities, and facilitate development of sewer system infrastructure for the existing community.

#### **COMPREHENSIVE LAKEFRONT DEVELOPMENT - OBJECTIVES**

The objectives of the Regional Board pertaining to comprehensive lakefront development areas are:

- a) To appropriately allocate lands for residential, local commercial and park uses, including public access to Cowichan Lake.
- b) To facilitate establishment of a community sewer system and improvements to the community water system.
- c) To remediate former industrial sites on the Cowichan Lake shoreline.
- d) To protect and remediate the Cowichan Lake shoreline by implementing riparian restoration measures and preserving portions for public conservation purposes.
- e) To ensure development proceeds in a manner that is consistent with best environmental protection practices, high quality design, and safe vehicle and pedestrian movement.

#### **COMPREHENSIVE LAKEFRONT DEVELOPMENT AREA- POLICIES**



The policies of the Regional Board pertaining to Comprehensive Lakefront Development Area are as follows:

**Policy 8.1**

The Comprehensive Lakefront Development (CLD) Designation is delineated on the Plan Map. This designation is intended to accommodate a mix of residential, multifamily, commercial and parkland uses.

**Policy 8.2**

For lands designated CLD, the implementing zoning bylaw will provide a comprehensive zone that permits 14 units per hectare in a combination of single family, semi-detached and multiple family residences. Unit size and housing form will vary to provide a diversity of new housing types.

**Policy 8.3**

The implementing zoning bylaw will allow various commercial uses within the CLD designation intended to provide services for the existing community and new residents.

**Policy 8.4**

Public amenities will be provided with the development of CLD lands. A minimum of 13% of the CLD lands will be dedicated to the CVRD during the first phase of development for public park and conservation purposes and a contribution to public recreational facilities within the broader Plan Area will be made during subsequent phases of development.

**Policy 8.5**

Development within the CLD designation will be serviced by community water and community sewer systems.

**Policy 8.6**

Development within the CLD designation will be subject to development permit guidelines. Protection of the water quality of Cowichan Lake will be achieved through guidelines for stormwater management and erosion control.

**Policy 8.7**

Remediation and protection of the Cowichan Lake Shoreline adjacent to residential parcels will be accomplished by regulating access to the riparian area and water surface through development permit areas and the implementing zoning bylaw.

**Policy 8.8**

Issuance of a certificate of compliance, ensuring full remediation of previous industrial sites will be a requirement of development of the CLD lands.

## **18. Comprehensive Lakeside Development Permit Area**

### **Policy 18.1 Category**

The Comprehensive Lakeside Development Permit Area is designated pursuant to Section 919.1 of the *Local Government Act* for the following purposes:

- Protection of the natural environment, its ecosystems and biological diversity [919.1(1(a))]
- Protection of development from hazardous conditions [919.1(1(b))]
- Establishment of objectives for the form and character of commercial, industrial or multifamily residential development [919.1(1(e))]

### **Policy 18.2 Scope**

The Comprehensive Lakefront Development Permit Area applies only to those lands designated as Comprehensive Lakefront Development within Electoral Area I, as shown on Figure #.

### **Policy 18.3 Justification**

The objectives of the Comprehensive Lakefront Development Permit Area are:

- a) To protect the environmental quality of Cowichan Lake
- b) To encourage development that respects the environment, its ecosystems and biodiversity by minimizing impacts on the lands during subdivision and development.
- c) To ensure the design of commercial and multifamily development is in character with the Plan Area.

### **Policy 18.4 Applicability**

A development permit must be applied for, and issued by the Cowichan Valley Regional District, prior to any of the following activities occurring:

- a) Removal, alteration, disruption or destruction of vegetation within 30 metres of the high water mark of Cowichan Lake or other watercourse
- b) Construction or erection of buildings and structures for multifamily or commercial use.
- c) Subdivision as defined in section 872 of the Local Government Act.

### **Policy 18.6 Guidelines**

#### **Guidelines for Subdivision**

A sediment and erosion control plan for construction associated with subdivision and construction of single family waterfront homes is required. The plan shall identify measures to be taken during site preparation and development to retain all eroded soil, protect natural features, control surface runoff, prevent the release of deleterious substances, stabilize disturbed slopes and restore disturbed areas upon development completion.

Vehicle access should not be provided directly to South Shore Road, but from a publically dedicated secondary road providing access to the comprehensive lakeside development site.

An environmental restoration plan will be submitted with respect to the riparian area, prepared by a qualified environmental professional. This plan will include details on the following:

- remediation of site in accordance with...

- split rail fencing of SPEA to discourage trampling and properly demarcate SPEA.

A rainwater management plan prepared by a professional engineer must be submitted for any subdivision of waterfront residential parcels. (Pete Law recommended focus on water quality from impervious surfaces. Treated wetlands should be incorporated into layout to allow water runoff to settle and filter before entering lake, but is this possible on a site by site level, or only with drainage function. Erosion is not quite as important on lake as it would be with a creek.)

Invasive species should be manually removed, properly disposed of and replaced with native vegetation where appropriate, prior to final subdivision approval.

All development is also subject to Section 15 Riparian Areas Regulation Development Permit Area, where applicable.

### **Semi-detached development guidelines**

Semi-detached dwellings should give the appearance of single detached dwellings, with one shared driveway and a staggered front façade to avoid a duplicate, mirror image. A combination of two or more building materials is desirable.

Garages should be secondary to the primary form of the home and recessed behind the front façade of the principal dwelling.

Upper floors should be proportionally smaller than lower floors to avoid the appearance of a box. Roof pitches should complement neighbouring development.

### **Multifamily and Commercial development guidelines**

Multifamily dwellings should be designed in groups of six dwellings or less to give inhabitants a sense of privacy and community.

Where commercial uses are located on the ground floor of a building, a maximum amount of glazing should be provided on the ground level of the façade facing a public roadway to create visual interest of pedestrians and a store-front appearance.

Where they abut residential areas, commercial and mixed use development should be designed carefully to prevent shading, loss of privacy, air quality or noise pollution impacts on neighbouring properties.

A minimum landscaped buffer of 3 metres, including a mix of shrubs and trees suited to local conditions, should be provided for multifamily and commercial development adjacent to all private and public roads, and residential areas.

Pedestrian routes should be clearly defined by means of separate walkways, sidewalks or paths.

Building facades should be three-dimensional, incorporating a high degree of relief through the use of recesses, projections, and other architectural elements. Special measures should be used to reinforce a rhythm and scale that gives the appearance of individual units along the street (eg. Recess the building every 8 m with recesses that are 2 m in with and 2 m in depth).

Lighting plans should be consistent throughout the comprehensive development site, and should be designed to create safety, and should be downward focused to prevent undue glare.

Walkways should be accessible to persons with disabilities, scooters and strollers, with even, non-slip surfaces and grades less than 5%.

Parking, storage, solid waste and recycling, and service areas should be located in the least visible area of the site, screened from public view by fencing and/or landscape screening. These areas should be setback a minimum of 1.5 metres from a property line and 3 metres to a public roadway.

### **Exemptions**

- Construction of single family homes and accessory residential buildings on a single family parcel.
- Interior renovations

### **Requirements**

Before the CVRD Board authorizes the issuance of a development permit for a parcel of land in the Comprehensive Lakefront Residential Development Permit Area, the applicant for a development permit shall submit a development permit application, which at a minimum, shall include:

- a) A written description of the proposed development;
- b) A scalable site plan showing the general arrangement of land uses including the following;
  - a. Location/extent of proposed work
  - b. Location of watercourses, including high water mark and 200 year floodplain elevations.
  - c. Setback distances from watercourses
  - d. Existing and proposed property lines
  - e. Topographical contours
  - f. Proposed buildings
  - g. Parking areas, vehicle access points, pedestrian routes
  - h. Outdoor illumination plan
  - i. Recreation areas
  - j. Drainage details
- c) A scalable site landscaping plan, identifying the plant species or general species type proposed for all landscaped areas;



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. XXXX

#### A Bylaw for the Purpose of Amending Zoning Bylaw No. 2600 Applicable to Electoral Area F – Cowichan Lake South/Skutz Falls

---

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

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

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

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

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

#### 1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. XXXX – Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Pebbles West), 2017**".

#### 2. AMENDMENTS

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

- a) That Part 5 be amended by adding the following after Section 5.13:

#### 5.14 CD-2 COMPREHENSIVE DEVELOPMENT LAKESIDE 2 ZONE

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





#### Basic Land Use Regulations for all Areas within the CD-2 Zone:

- I. All occupied buildings in the CD-2 zone shall be serviced by a community water system and a community sewer system as a condition of use.
- II. No commercial use, multifamily or semi-detached dwelling units are permitted on a parcel with frontage along Cowichan Lake.

#### Permitted Uses

1. The following uses are permitted in Areas A through D of the CD-2 zone, as shown on Figure 1
  - a) **Area A Single Family Residential**
    - i. Single family dwelling
  - b) **Area B Semi-detached Residential**
    - i. Semi-detached family dwelling
  - c) **Area C Mixed Residential**
    - i. Single family dwelling
    - ii. Multifamily dwelling
  - d) **Area D Mixed Commercial Residential**
    - i. Community care facility
    - ii. Community service facility
    - iii. Child care facility

- iv. Retail sales
- v. Office
- vi. Medical clinic
- vii. Restaurant, café, bakery, catering, pub
- viii. Financial establishment
- ix. Hostel, Hotel, Motel
- x. Personal service use
- xi. Art gallery, art studio
- xii. Public use and public assembly
- xiii. Accessory uses and structures
- xiv. Residential dwelling

### Accessory Uses

2. The following uses are permitted accessory to a single family or semi-detached family dwelling:
- i. Bed and breakfast accommodation
  - ii. Horticulture
  - iii. Home based business
  - iv. Cottage vacation rental

### Permitted Development

3. The permitted density of residential units is as follows:
- i. The total number of dwelling units for the entire CD-2 zone must not exceed 96.
  - ii. The total number of single family residential waterfront lots must not exceed 11.
  - iii. The total number of multifamily residential units within Area C must not exceed 14.
  - iv. The total number of residential units within Area D must not exceed 4.

### Regulatory Conditions

4. The following regulations apply to the CD-2 zone:

	<b>Area A</b>	<b>Area A and C</b>	<b>Area B</b>	<b>Area C</b>	<b>Area D</b>
	<b>Lakefront Single Family Residential</b>	<b>Single family Residential (not waterfront)</b>	<b>Semi-detached Residential</b>	<b>Multifamily Residential</b>	<b>Commercial</b>
<b>Maximum Height (Principal Building)</b>	7.5 m	7.5 m	7.5 m	10 m	10 m
<b>Maximum Height (Accessory Building)</b>	6 m	6 m	6 m	6 m	6 m
<b>Unit Size (gross floor area)</b>	175 m <sup>2</sup> maximum	160 m <sup>2</sup> maximum	100 m <sup>2</sup> maximum	40 m <sup>2</sup> minimum	-
<b>Maximum Parcel Coverage</b>	25%	35%	35%	45%	45%

<b>Minimum Parcel Size</b>	600 m <sup>2</sup>	450 m <sup>2</sup>	700 m <sup>2</sup>	2000 m <sup>2</sup>	2000 m <sup>2</sup>
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### Minimum Frontage and Lot Depth requirements

5. All Waterfront Residential Parcels must have:
  - i. A minimum lot frontage of 15 metres.
  - ii. A minimum lake frontage of 15 metres.
  - iii. A minimum lot depth of 40 metres.
  
6. All Commercial/Residential Mixed Use lots must have a minimum public road frontage equalling 10% of the perimeter of the parcel.

### Setbacks

7. The follow minimum setbacks apply to residential, semi-detached and accessory residential buildings and structures:

Type of Parcel Line	Residential, Semi-detached and Accessory Buildings
Front	6 metres
Rear	6 metres
Side Exterior	4.5 metres
Side Interior	2 metres
Lake High Water Mark	17 metres
Setback from SPEA	5 metres

8. The following setbacks apply to multifamily and commercial buildings and structures:

Type of Parcel Line	Commercial and Multifamily
Front	6 metres
Rear	3 metres
Side Exterior	4.5 metres
Side Interior	3 metres

### Parking Requirements

9. Notwithstanding Section 3.28 (Recreational Vehicle Parking), no recreational vehicles, boats or boat trailers shall be parked or stored on any parcel.
  
10. Off-street parking and loading spaces shall be provided in accordance with Sections 3.14 and 3.15 of this Bylaw.
  
11. No parking space or driveway associated with a commercial or multifamily use shall be located within 3 metres of a building with a window into a habitable room.

### Special Regulations for Commercial and Multifamily Development

12. A minimum of 30% of the lot area of a commercial or multifamily parcel must be dedicated to landscaped open space. Fifty (50%) of that area must be dedicated and designed for open space recreation for residential occupants.
13. A landscaped area, consisting of trees and shrubs and low fencing, not less than 3 metres wide, must be provided along the entire length of a lot line that abuts a single family residential use.
14. Parking areas for commercial and multifamily use must be screened from all adjacent uses and public or private roads by a landscaped screen not less than 1.5 m wide.
15. Garbage and recycling receptacles associated with commercial and multifamily uses must be fenced and screened.
16. Where residential units are within a mixed commercial/residential area, the residential units shall be confined to the principle building and must be located at the rear or above a commercial use.
17. Notwithstanding Section 3.6, fencing for multifamily and commercial uses must not exceed a height of 1 metre.

**b) The following is added after Section 5.25**  
**5.25 W-2 Waterfront Residential 2 Zone**

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

**1. Permitted Uses**

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

- a. Passive recreation
- b. Non-commercial private wharf, dock or float.

**2. Special Regulations**

- a. No buildings or structures are permitted on wharves, docks or floats.
- b. No residential use of floats or vessels of any kind is permitted.
- c. Ramps may project up to 10 metres from the high water mark and must be constructed to allow light penetration through to the lake.
- d. Docks, including ramps, may project a total of 16 metres from the high water mark.
- e. The total dock area must not exceed 30 m<sup>2</sup>.

- c) That Part 4, Section 4.1 Creation of Zones be amended by adding “CD-2 Comprehensive Development Lakeside 2 Zone” and “W-2 Waterfront Residential”.
- d) That Part One, Section 1.3 Definitions be amended by adding the following:

“Semi-detached dwelling” means a building containing two dwelling units, placed one

above the other or side by side.

“Lake frontage” means the minimum required length of the parcel line abutting a lake.

“Lot frontage” means the minimum required length of the front parcel line.

“Lot depth” means the horizontal distance between the front and rear property lines of a lot, measured along a line midway between the side property lines.

“Cottage vacation rental” means the accommodation of transient, paying guests within a single family residential dwelling for a period of time which is less than 30 days in a calendar year.

e) The following is added to Part 3 General Regulations:

**3.30 Cottage Vacation Rental**

For zones within which it is a permitted use, cottage vacation rental shall:

1. Not involve the accommodation of more than eight people in a cottage vacation rental at one time.
2. The use of the parcel for temporary accommodation in an RV or campsite is not permitted.
3. No exterior signage advertising the vacation rental is permitted.

f) That Appendix One be amended by inserting the following:

<b>ZONE</b>	<b>Parcels Neither serviced by Community Water nor Sewer Systems</b>	<b>Parcels served by Community Water System Only</b>	<b>Parcels served by Community Water and Sewer</b>
CD-2 Area A Waterfront	No subdivision	No subdivision	600 m <sup>2</sup>
CD-2 Area A Non waterfront	No subdivision	No subdivision	450 m <sup>2</sup>
CD-2 Area B	No subdivision	No subdivision	700 m <sup>2</sup>
CD-2 Area C	No subdivision	No subdivision	2000 m <sup>2</sup>
CD-2 Area D	No subdivision	No subdivision	2000 m <sup>2</sup>

g) That Schedule B to Bylaw No. 2600 (Zoning Map) be amended by rezoning Lot 4, Section 34, Renfrew District (Situates in Cowichan Lake District), Plan 40628 and Lot 3, Section 34, Renfrew District (Situates in Cowichan Lake District) Plan 40628 and Lot 21, Section 34 and 35, Plan 40628 except part in plan VIP67301, as shown in solid black line on Schedule A attached hereto and forming part of this bylaw, number Z-XXXX from “I-2 Heavy Industrial 2 Zone” to CD-2 Comprehensive Development Lakeside 2 Zone”.

h) That Schedule B to Bylaw No. 2600 (Zoning Map) be amended by rezoning portions of the surface of the water on Cowichan Lake adjacent to Lot 4, Section 34, Renfrew District (Situates in Cowichan Lake District) Plan 40628 and Lot 3, Section 34, Renfrew District (Situates in Cowichan Lake District) Plan 40628, as shown in solid black line on Schedule C attached hereto and forming part of this bylaw from “W-1 Water Conservation 1 Zone” to “W-6 Riparian Conservancy 6 Zone” and “W-2 Waterfront Residential 2 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

**LAND TITLE ACT**  
**FORM C (Section 233) CHARGE**  
**GENERAL INSTRUMENT - PART 1 Province of British Columbia**

PAGE 1 OF 28 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

--

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

**DINNING HUNTER JACKSON LAW**  
**BARRISTERS & SOLICITORS**  
**813 GOLDSTREAM AVENUE**  
**VICTORIA**

BC V9B 2X8

(250)478-1731  
 82328/BJC/jc Honeymoon Bay  
 Planning Covenant

Deduct LTSA Fees? Yes 

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:  
 [PID] [LEGAL DESCRIPTION]

**SEE SCHEDULE**STC? YES 

3. NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION

**SEE SCHEDULE**

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

(a)  Filed Standard Charge Terms D.F. No.(b)  Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

**SEE SCHEDULE**

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

**COWICHAN VALLEY REGIONAL DISTRICT**  
**A MUNICIPALITY UNDER THE LOCAL GOVERNMENT ACT**  
**2ND FLR, 877 GOLDSTREAM AVENUE**  
**VICTORIA**  
**V9B 2X8**

Incorporation No

---

**BRITISH COLUMBIA**  
**CANADA**

7. ADDITIONAL OR MODIFIED TERMS:

N/A

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

Officer Signature(s)

\_\_\_\_\_  
 Bruce J. Collingwood  
 Barrister & Solicitor  
 813 Goldstream Avenue,  
 Victoria, BC V9B 0A6

Execution Date

Y	M	D

Transferor(s) Signature(s)

PEBBLE WEST HOLDINGS LTD.,  
 by its authorized signatory(ies):

\_\_\_\_\_  
 Gerry Mounce

\_\_\_\_\_  
 Robert Ruygrok

## OFFICER CERTIFICATION:

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

LAND TITLE ACT  
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Y	M	D

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TIMBERWEST FOREST CORP.,  
by its authorized signatory(ies):

\_\_\_\_\_

\_\_\_\_\_

HSBC BANK CANADA, by its  
authorized signatory(ies):

\_\_\_\_\_

\_\_\_\_\_

VALIANT TRUST COMPANY  
by its authorized signatory(ies):

\_\_\_\_\_

\_\_\_\_\_

OFFICER CERTIFICATION:

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

LAND TITLE ACT  
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Y	M	D

COWICHAN VALLEY REGIONAL  
DISTRICT  
by its authorized signatory(ies):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

OFFICER CERTIFICATION:

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

LAND TITLE ACT  
FORM E

## SCHEDULE

PAGE 4 OF 28 PAGES

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2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:  
[PID] [LEGAL DESCRIPTION]

**000-204-528** LOT 3, SECTION 34, RENFREW DISTRICT, (SITUATE IN COWICHAN LAKE DISTRICT), PLAN 40628

STC? YES

---

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:  
[PID] [LEGAL DESCRIPTION]

**000-204-536** LOT 4, SECTION 34, RENFREW DISTRICT, (SITUATE IN COWICHAN LAKE DISTRICT), PLAN 40628

STC? YES

---

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:  
[PID] [LEGAL DESCRIPTION]

**000-204-706** LOT 21, SECTIONS 34 AN 35, RENFREW DISTRICT, (SITUATE IN COWICHAN LAKE DISTRICT), PLAN 40628, EXCEPT PART IN PLAN VIP67301

STC? YES



**LAND TITLE ACT  
FORM E****SCHEDULE**

PAGE 5 OF 28 PAGES

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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Covenant		Section 219 covenant

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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Priority Agreement		Granting this covenant priority over mortgage CA124049 and assignment of rents CA124050

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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Priority Agreement		Granting this covenant priority over mortgage FB438337

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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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**LAND TITLE ACT  
FORM E****SCHEDULE**

PAGE 6 OF 28 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

**5. TRANSFERORS**

PEBBLE WEST HOLDINGS LTD., INC.NO. 0735460  
6800 OLDFIELD ROAD  
SAANICHTON, BC  
V8M 2A3  
(as to Covenant)  
(as to PID: 000-204-528 and PID: 000-204-536)

TIMBERWEST FOREST CORP., INC.NO. A0083605  
THIRD FLOOR, 856 HOMER STREET  
VANCOUVER, BC  
V6B 2W  
(as to Covenant)  
(as to PID: 000-204-706)

HSBC BANK CANADA  
(as to Priority)  
(as to PID: 000-204-528 and PID: 000-204-536)

VALIANT TRUST COMPANY  
INCORPORATION NO. A6460  
(as to Priority)  
(as to PID: 000-204-706)

**TERMS OF INSTRUMENT - PART 2**

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

**THIS AGREEMENT** dated for reference this \_\_\_ day of \_\_\_\_\_, 2016

**BETWEEN:**

**PEBBLE WEST HOLDINGS LTD.** (Incorporation no. 0735460)  
6800 Oldfield Road,  
Saanichton, BC V8M 2A3  
("Pebble West")

**AND:**

**TIMBERWEST FOREST CORP.** (Incorporation no. A0083605)  
Third Floor, 856 Homer Street  
Vancouver, BC V6B 2W5  
("Timberwest")

(collectively the "Transferor")

**AND:**

**COWICHAN VALLEY REGIONAL DISTRICT**  
175 Ingram Street,  
Duncan, BC V9L 1N8  
("CVRD")

**WHEREAS:**

- A. Pebble West is the registered owner in fee simple of lands in the Cowichan District in the CVRD legally described as:

Parcel Identifier: 000-204-528

Legal Description:

Lot 3, Section 34, Renfrew District, (Situate in Cowichan Lake District), Plan 40628

Parcel Identifier: 000-204-536

Legal Description:

Lot 4, Section 34, Renfrew District, (Situate In Cowichan Lake District), Plan 40628

- B. Timberwest is the registered owner in fee simple of lands in the Cowichan District in the CVRD legally described as:

Parcel Identifier: 000-204-706

Legal Description:

Lot 21, Sections 34 and 35, Renfrew District, (Situate In Cowichan Lake District), Plan 40628, except part in Plan VIP67301

(the lands of Pebble West and Timberwest collectively being the "Lands")

- C. The Transferor proposes to develop the lands in phases for residential and commercial use as outlined in the draft plan of development attached as Schedule "A" to this Agreement (the "Development" or the "Development Plan");
- D. The Transferor obtained a Certificate of Compliance from the Ministry of Environment dated November 7, 2014, a copy of which is attached as Schedule "B" to this Agreement, certifying the Lands have been remediated to the standards required under the Contaminated Sites Regulation;
- E. The CVRD has requested, and the Transferor has agreed, that the Transferor grant to the CVRD a covenant under which construction on and development of the Lands will be consistent with the terms and conditions of the Certificate of Compliance, and under which additional remediation works must be undertaken.
- F. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature, in respect of the use of land and that land is not to be built on or subdivided except in accordance with the covenant may be granted in favour of the CVRD and may be registered as a charge against the title to the Lands.

**NOW THEREFORE** in consideration of the premises and the covenants herein contained, the payment of the sum of \$1.00 by the Transferor to the CVRD, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree, pursuant to Section 219 of the *Land Title Act* as follows (the covenants hereinafter referred to as the "Agreement"):

## **PART 1 COVENANTS**

### **1. Slab on Grade**

- a. The Transferor covenants and agrees with the CVRD the Lands shall not be built upon, and the Transferor shall not apply for a building permit or occupancy permit, and the Transferor agrees it is not entitled to a building permit or occupancy permit, unless such building is constructed with slab on grade on each building site.
- b. For purposes of this covenant, "slab on grade" means that no basement and no crawl space is to be constructed below existing grade of the Lands as at the date of this Agreement.

- c. The CVRD may, in its sole and unfettered discretion, request that a letter be provided, from an engineer with a CSAP qualification or other approved designation by the Ministry, that the plans submitted for building permit meet the slab on grade requirements in Schedule B of the Certificate of Compliance.

## 2. Covered Area With Elevated Copper Levels

- a. For purposes of this covenant, “remediate” or “remediated” means the removal and replacement of all copper-contaminated soils contained within the the area outlined on the Development Plan hatchmarked and identified as the “Covered Fill Area”, such that the Covered Fill Area meets the remediation standards for residential development under the *Contaminated Sites Regulation*, B.C. Reg. 375/96.
- b. The Transferor covenants and agrees with the CVRD that:
  - i. The Lands will not be subdivided into more than 11 building lots until such time as the Covered Fill Area is remediated, and the CVRD has been provided with the letter required under section 2.c of this Part 1.
  - ii. For the Covered Fill Area, the Transferor will not apply for subdivision and the CVRD is under no obligation to approve a subdivision, and the Transferor will not apply for a building permit and the CVRD is under no obligation to issue a building permit, until such time as the Covered Fill Area is remediated, and the CVRD has been provided with the letter required under section 2.c of this Part 1.
- c. On completion of the remediation of the Covered Fill Area, the Transferor will provide to the CVRD a letter, prepared by a qualified environmental professional, addressed to the CVRD, certifying that the Covered Fill Area has been remediated in accordance with applicable environmental laws and to the satisfaction of the Ministry of Environment.

## PART 2 GENERAL

### 2.1 Specific Relief

Because of the public interest in ensuring that all of the matters described in this Agreement are complied with, the public interest strongly favours the award of a prohibitory or mandatory injunction, or an order for specific performance or other specific relief, by the Supreme Court of British Columbia at the instance of the CVRD in the event of an actual or threatened breach of this Agreement, and the



CVRD is hereby authorized to seek injunction or specific performance in its sole and unfettered discretion where circumstances warrant injunction or specific performance.

## 2.2 Inspection

The CVRD may, by its officers, employees, contractors and agents, enter upon the Lands and within all buildings and structures thereon at all reasonable times for the purpose of ascertaining compliance with this Agreement.

## 2.3 No Effect on Powers

This Agreement does not:

- a. Affect or limit the discretion, rights or powers of the CVRD, or the authorized Approving Officer, under any enactment or at common law, including in relation to the use, development or subdivision of the Lands;
- b. Affect or limit any enactment relating to the use, development or subdivision of the Lands; or
- c. Relieve the Transferor from complying with any enactment, including in relation to the use, development or subdivision of the Lands.

## 2.4 Covenants Run With Land

Every obligation and covenant of the Transferor in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* in respect of the Lands. This Agreement burdens and runs with, and binds the successors in title to, the Lands and each and every part into which the Lands may be subdivided by any means, including by way of subdivision plan, reference or explanatory plan, lease plan or strata plan of any kind.

## 2.5 No Obligation To Enforce

The rights given to the CVRD under this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the CVRD to anyone, or obliges the CVRD to enforce this Agreement, to perform any act or to incur any expenses in respect of this Agreement.

## 2.6 Registration

The Transferor shall, at the Transferor's expense, do or cause to be done all acts reasonably necessary to register this agreement against title to the Lands with priority over all financial charges, liens and encumbrances registered or pending registration at the time of application for registration of this Agreement against

the title to the Land.

## 2.7 Indemnity

The Transferor hereby releases, indemnifies and saves harmless the CVRD, its elected officials, officers, employees, agents and others from and against any and all manner of actions, causes of action, claims, costs, expenses (including actual legal fees), losses, damages, debts, demands and harm, by whomever brought, of whatsoever kind and howsoever arising (whether or not related to negligence on the part of the CVRD or its representatives listed above), which are in any way connected to or related to the granting or existence of this Agreement or any matter addressed within it or any breach hereof.

## 2.8 Limitation on Transferor's Obligations

The Transferor is only liable for breaches of this Agreement caused or contributed to by the Transferor or which the Transferor permits or allows. The Transferor is liable only for breaches that occur while the Transferor is the registered owner of the Lands.

## 2.9 Release

The Transferor hereby releases and forever discharges the CVRD of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Transferor can or may have against the CVRD for any loss or damage or injury, including economic loss, that the Transferor may sustain or suffer arising out of or connected with the breach of any covenant in this Agreement, the use of the Lands contemplated under this Agreement, and restrictions or requirements under this Agreement.

## 2.10 Transferor's Cost

The Transferor will comply with all requirements of this Agreement at its own cost and expense.

## 2.11 Contractual Obligation

The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.

**2.12 Time**

Time is of the essence of this Agreement.

**2.13 Waiver**

An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach or continuing breach of this Agreement.

**2.14 Priority**

The Transferor will, at the Transferor's expense, do or cause to be done all acts necessary to register this Agreement against title to the Lands in the land title office with priority over all financial charges, liens and encumbrances registered, or pending registration, at the time of application for registration of this Agreement against the title to the Lands in the land title office.

**2.15 Further Assurances**

The Transferor will do and cause to be done all things, including by executing further documents as may be necessary to give effect to the intent of this Agreement.

**2.16 Severance**

If any part of this Agreement is for any reason held to be invalid by a decision of a court with jurisdiction to do so, the invalid portion is to be considered severed from the rest of this Agreement and the decision that it is invalid will not affect the validity of the remainder of this Agreement.

**2.17 Modification or Discharge**

The parties agree that this Agreement will not be modified or discharged except in accordance with the provisions of Section 219 of the *Land Title Act*.

**2.18 Interpretation**

In this Agreement:

- a. reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
- b. section headings have been inserted for ease of reference only and are not be used in interpreting this Agreement;

- c. reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- d. reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted, or replaced from time to time, unless otherwise expressly provided.

#### 2.19 **Governing Law**

This Agreement will be governed by and constructed in accordance with the laws of the Province or British Columbia, which will be deemed to be the proper law hereof.

#### 2.20 **Enurement**

This Agreement and each provision hereof will enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns, as the case may be, provided that the Transferor will not be liable for any breach of this Agreement occurring after the Transferor ceases to be the Transferor of the Lands.

#### 2.21 **Entire Agreement**

This Agreement is the entire agreement between the parties regarding its subject and the CVRD has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Transferor other than those contained in this Agreement.

As evidence of their agreement to be bound by the terms of this Agreement, the parties have executed the *Land Title Act* Form C attached to and forming part of this Agreement.

## CONSENT AND PRIORITY AGREEMENT

BETWEEN:

**COWICHAN VALLEY REGIONAL DISTRICT**  
(the "Subsequent Chargee")

AND:

**HSBC BANK CANADA**  
(the "Prior Chargee")

WHEREAS:

- A. Pebble West Holdings Ltd. (the "Transferor") is the owner of that parcel of land and premises located in the Cowichan Valley Regional District and legally described in Item 2 of the Form C attached hereto (the "Lands");
- B. The Transferor (or his predecessor in title) granted the Prior Chargee a Mortgage and Assignment of Rents which is registered against the title to the Lands in the Victoria Land Title Office under numbers CA 124049 and CA 124050 respectively (the "Prior Charge");

**NOW THEREFORE** in consideration of the sum of One (\$1.00) Dollar now paid by the Subsequent Chargee to the Prior Chargee, the receipt and sufficiency of which are hereby acknowledged, the Prior Chargee does hereby grant to the Subsequent Chargee priority over the Prior Charge and the Prior Chargee hereby covenants and agrees to subordinate and postpone all its right, title and interest in and to the Land with the intent and with the effect that the interest of the Subsequent Chargee shall rank ahead of the Prior Charge as though the Subsequent Charge had been executed, delivered and registered in time prior to the registration of the Prior Charge.

As evidence of its agreement to be bound by the terms of this instrument, the Prior Chargee hereto has executed the Land Title Act Form D which is attached hereto and forms part of this Agreement.



CONSENT AND PRIORITY AGREEMENT

BETWEEN:

**COWICHAN VALLEY REGIONAL DISTRICT**  
(the "Subsequent Chargee")

AND:

**VALIANT TRUST COMPANY**  
(the "Prior Chargee")

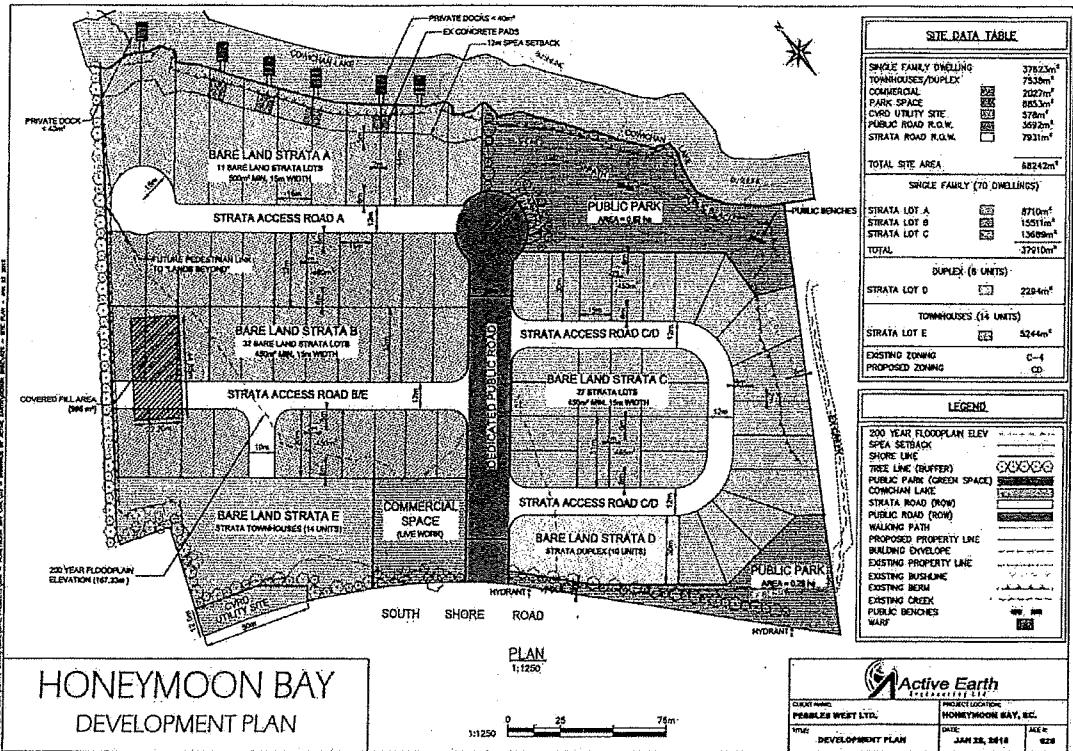
WHEREAS:

- A. Timberwest Forest Corp. (the "Transferor") is the owner of that parcel of land and premises located in the Cowichan Valley Regional District and legally described in Item 2 of the Form C attached hereto (the "Lands");
- B. The Transferor (or his predecessor in title) granted the Prior Chargee a Mortgage and Assignment of Rents which is registered against the title to the Lands in the Victoria Land Title Office under number FB438337 (the "Prior Charge");

**NOW THEREFORE** in consideration of the sum of One (\$1.00) Dollar now paid by the Subsequent Chargee to the Prior Chargee, the receipt and sufficiency of which are hereby acknowledged, the Prior Chargee does hereby grant to the Subsequent Chargee priority over the Prior Charge and the Prior Chargee hereby covenants and agrees to subordinate and postpone all its right, title and interest in and to the Land with the intent and with the effect that the interest of the Subsequent Chargee shall rank ahead of the Prior Charge as though the Subsequent Charge had been executed, delivered and registered in time prior to the registration of the Prior Charge.

As evidence of its agreement to be bound by the terms of this instrument, the Prior Chargee hereto has executed the Land Title Act Form D which is attached hereto and forms part of this Agreement.

SCHEDULE "A"  
 HONEYMOON BAY DEVELOPMENT PLAN



SITE DATA TABLE	
SINGLE FAMILY DWELLING	37825m <sup>2</sup>
TOWNHOUSES/DUPLEX	7530m <sup>2</sup>
COMMERCIAL	2327m <sup>2</sup>
PARK SPACE	8833m <sup>2</sup>
CHRD UTILITY SITE	578m <sup>2</sup>
PUBLIC ROAD R.O.W.	5692m <sup>2</sup>
STRATA ROAD R.O.W.	7931m <sup>2</sup>
<b>TOTAL SITE AREA</b>	<b>88242m<sup>2</sup></b>
SINGLE FAMILY (70 DWELLINGS)	
STRATA LOT A	8710m <sup>2</sup>
STRATA LOT B	15511m <sup>2</sup>
STRATA LOT C	13689m <sup>2</sup>
<b>TOTAL</b>	<b>37910m<sup>2</sup></b>
DUPLEX (8 UNITS)	
STRATA LOT D	2284m <sup>2</sup>
TOWNHOUSES (14 UNITS)	
STRATA LOT E	5244m <sup>2</sup>
EXISTING ZONING	C-4
PROPOSED ZONING	CD

LEGEND	
200 YEAR FLOODPLAIN ELEV	1167.23m
SPEA SETBACK	
SHORE LINE	
TREE LINE (BUFFER)	
PUBLIC PARK (GREEN SPACE)	
COMMON LAKE	
STRATA ROAD (ROW)	
PUBLIC ROAD (ROW)	
WALKING PATH	
PROPOSED PROPERTY LINE	
BUILDING DIVISOR	
EXISTING PROPERTY LINE	
EXISTING BUSHLINE	
EXISTING BURN	
EXISTING CREEK	
PUBLIC BENCHES	
WALL	

**Active Earth**

CLIENT NAME PEBBLES WEST LTD.	PROJECT LOCATION HONEYMOON BAY, BC.
DATE JAN 28, 2018	SCALE AS SHOWN
DEVELOPMENT PLAN	628

130 428 / Covenant - Park / Oct 11'16 / MC-dw

**SCHEDULE "B"**



Ministry of  
Environment

**CERTIFICATE OF COMPLIANCE**

(Pursuant to Section 53 of the *Environmental Management Act*)

**THIS IS TO CERTIFY** that as of the date indicated below, the site identified in Schedule A of this Certificate of Compliance has been satisfactorily remediated to meet the applicable Contaminated Sites Regulation remediation standards.

This Certificate of Compliance is qualified by the requirements and conditions specified in Schedule B.


The substances for which remediation has been satisfactorily completed and for which this Certificate of Compliance is valid are listed in Schedule C.

I have issued this Certificate of Compliance based on a review of relevant information including the documents listed in Schedule D. I, however, make no representation or warranty as to the accuracy or completeness of that information.

A Director may rescind this Certificate of Compliance if requirements and conditions imposed in the Certificate of Compliance are not complied with or any fees payable under Part 4 of the Act or regulations are outstanding.

This Certificate of Compliance should not be construed as an assurance that there are no hazards present at the site.

November 7, 2014  
Date Issued

  
Peter Kickham  
For Director, *Environmental Management Act*

Schedule A

The site covered by this Certificate of Compliance is located at 9930 South Shore Road, Honeymoon Bay, British Columbia which is more particularly known and described as:

Lot 3, Section 34, Renfrew District (Situate in Cowichan Lake District) Plan 40628  
PID: 000-204-528

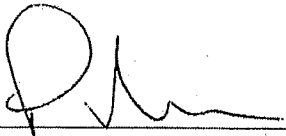
Lot 4, Section 34, Renfrew District (Situate in Cowichan Lake District) Plan 40628  
PID: 000-204-536

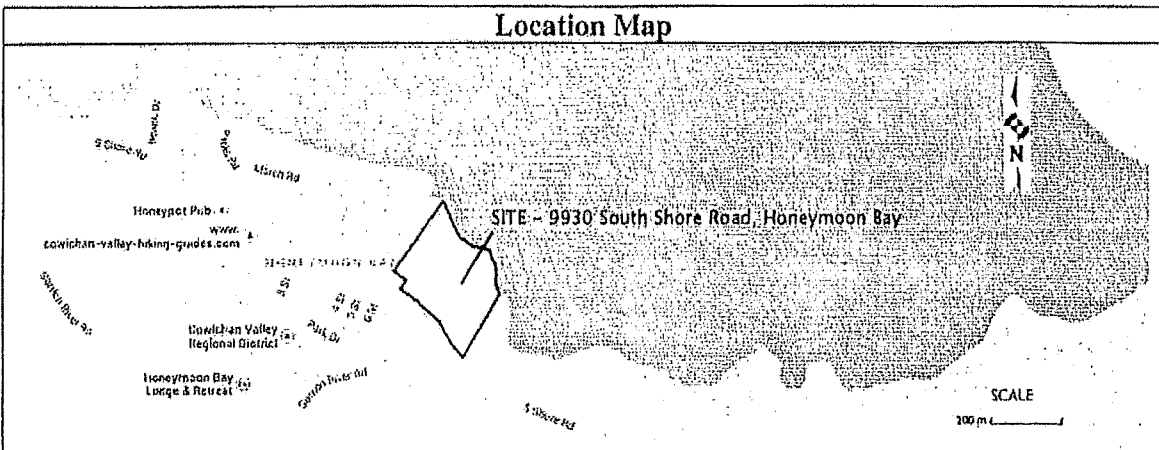
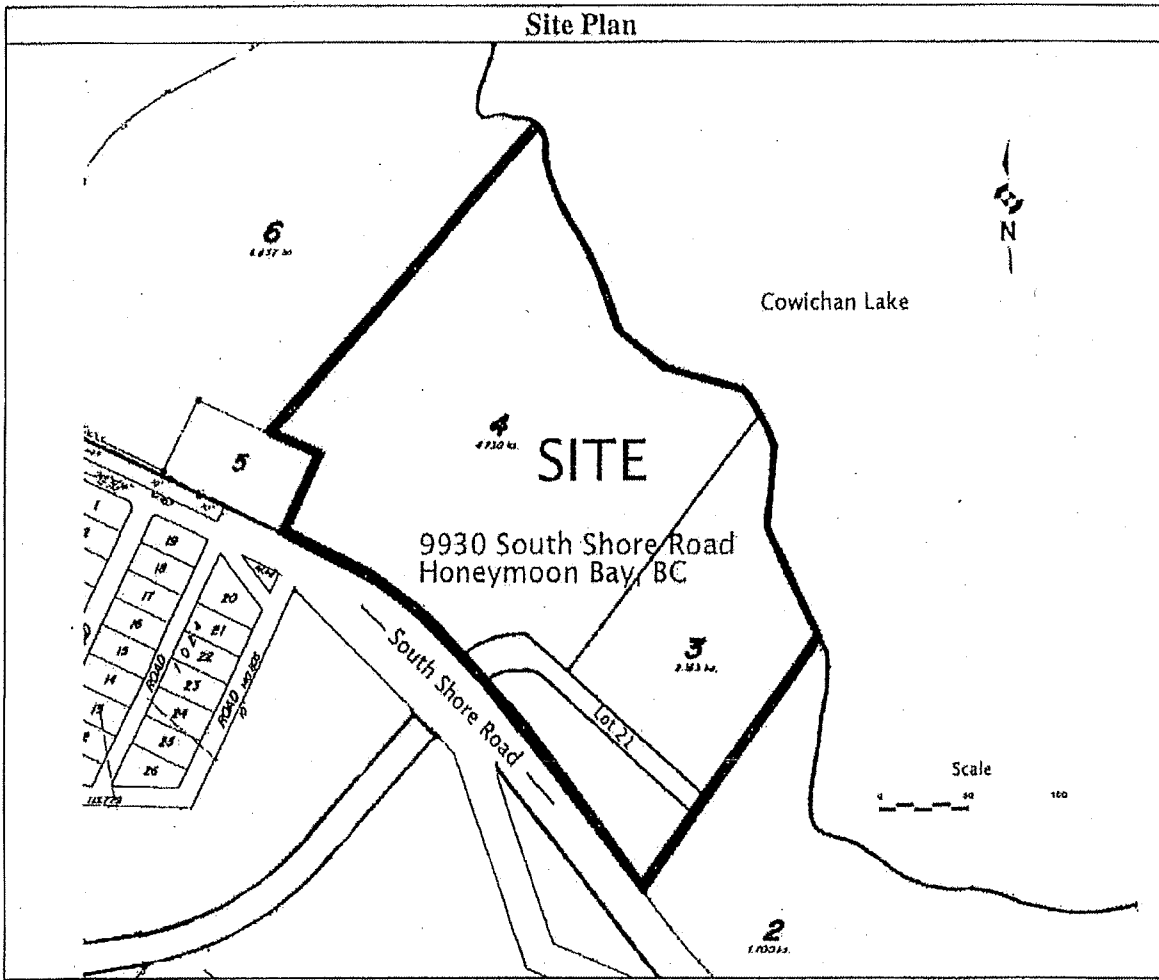
Lot 21, Sections 34 and 35, Renfrew District (Situate in Cowichan Lake District) Plan 40628, Except Part in Plan VIP67301  
PID: 000-204-706

The approximate centre of the site using the NAD (North American Datum) 1983 convention is:

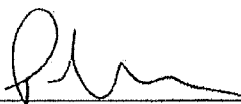
Latitude: 48° 48' 55.20"  
Longitude: 124° 09' 58.40"

November 7, 2014  
Date Issued

  
Peter Kickham  
For Director, Environmental Management Act



November 7, 2014  
Date Issued

  
Peter Kickham  
For Director, Environmental Management Act



## Schedule B

### Requirements and Conditions

1. Any changes in land, vapour or water uses must be promptly identified by the responsible person(s) in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary. The uses to which this condition applies are described in Schedule C and in the site investigation documents listed in Schedule D.

The documents listed in Schedule D indicate that vapour attenuation factors were applied to meet Contaminated Sites Regulation numerical standards at the site. These vapour attenuation factors were selected based on assumptions about the structures, locations and depths of buildings existing or expected at the site. These assumptions include the following:


- (a) All buildings will be developed as slab on grade.

Any inconsistencies that arise between the structures, locations and depths of proposed or constructed buildings at the site and the range of structures, locations and depths of buildings assumed in the selection of vapour attenuation factors in the documents listed in Schedule D must be promptly identified by the responsible person(s) in a written submission to the Director. An application for an amendment or new Certificate of Compliance may be necessary.

2. The principal risk controls which must be present or implemented and must be maintained at the site include the following:
  - (a) The geofabric liner placed above soils with elevated Copper, as defined by the metes and bounds description, must be maintained indefinitely and must not be occupied by future residential lots.
  - (b) A minimum of 1.0m of uncontaminated soil must be maintained in the area of the Site containing elevated Benzene and Toluene in soil.
  - (c) Groundwater at the subject site must not be used for drinking water.
3. If requested by the Director, the responsible person(s) must provide a signed statement indicating whether the principal risk controls listed in clause 2 of this Schedule have been and continue to be met. This may include providing a signed statement by an Approved Professional.
4. Performance verification must be undertaken as specified in the Performance Verification Plan listed in Schedule D or as specified in a modification of the plan approved by the Director.

November 7, 2014

Date Issued

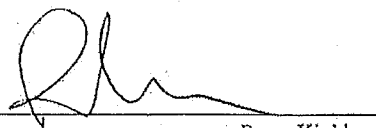


Peter Kickham

For Director, *Environmental Management Act*

5. Where required under a Performance Verification Plan for the site, records of performance verification actions and results must be maintained by the responsible person(s) or their agent. The records must be available for inspection by the Director.
6. A statement signed by an Approved Professional on whether the institutional and engineering controls required in clause 2 of this Schedule have been implemented and are being met must be submitted to the Director every year or as otherwise approved by the Director within 90 days of the anniversary of the date of issuance of this Certificate of Compliance or as otherwise approved by the Director.
7. If requested by the Director, a report signed by an Approved Professional must be submitted for review to the Director and must include the following:
  - (a) An evaluation of the performance of the institutional and engineering controls;
  - (b) Recommendations for modification of any plans referenced above, along with supporting rationale;
  - (c) Interpretation of current and cumulative results of the performance verification actions undertaken according to the plan<s> described in clause 4 above; and
  - (d) Supporting documentation.

November 7, 2014  
Date Issued

  
Peter Kickham  
For Director, *Environmental Management Act*

## Schedule C

## Substances and Uses

*Substances remediated in soil for residential soil use:*To meet risk-based remediation standards:

- Benzene and toluene; and
- Copper.

To meet numerical remediation standards:

- LEPH and HEPH; and
- Zinc.

*Substances remediated in water for drinking water use:*To meet numerical remediation standards:

- Benzene.

*Substances remediated in water for freshwater aquatic life water use:*To meet numerical remediation standards:

- Benzene.

November 7, 2014

Date Issued



Peter Kickham  
For Director, *Environmental Management Act*

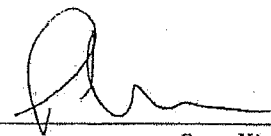
## Schedule D

## Documents

- ✓ *Summary of Site Condition*, prepared by Active Earth Engineering Ltd., dated 10 April 2014;
- ✓ *Performance Verification Plan*, prepared by Active Earth Engineering Ltd., dated 10 April 2014;
- ✓ *Screening Level Risk Assessment, 9930 South Shore Road, Honeymoon Bay, BC*, Prepared by Active Earth Engineering Ltd., dated March 2014; and
- ✓ *Preliminary and Detailed Site Investigation and Confirmation of Remediation, 9930 South Shore Road, Honeymoon Bay, BC*, Prepared by Active Earth Engineering Ltd., dated March 2014.

November 7, 2014

Date Issued



Peter Kickham  
For Director, *Environmental Management Act*



March 31, 2014

Pebbles West Ltd.  
6800 Oldfield Road  
Saanichton, BC, V8N 2A3

Via Email Only

**ATTENTION:** Mr. Gerry Mounce

**REFERENCE:** Performance Verification Plan for Certificate of Compliance  
Former TimberWest Dry Sort, 9930 South Shore Road, Honeymoon  
Bay, BC, Ministry Site ID: 10002

## INTRODUCTION

Active Earth Engineering Ltd. (Active Earth) was retained by Pebbles West Ltd. to prepare a Performance Verification Plan (PVP) to support an application for a Certificate of Compliance (COC) at the former TimberWest Dry Sort located at 9930 South Shore Road, Honeymoon Bay, BC (Site).

The PVP presents the principal risk management measures that apply at the Site so that the (COC) remains valid. The PVP was prepared in accordance with BC Ministry of Environment (MOE) Administrative Guidance 14 (Performance Verification Plans, Contingency Plans and Operation and Maintenance Plans).

## RISK ASSESSMENT MANAGEMENT CONTROLS

A Screening Level Risk Assessment (SLRA) was completed for the Site and presented in the report titled, "*Screening Level Risk Assessment, 9930 South Shore Road, Honeymoon Bay, BC*, Prepared by Active Earth Engineering Ltd. for Pebbles West Ltd., dated March 2014". The principal risk controls on which the SLRA was based, as presented in Schedule B of the COC, are as follows:

- (a) The geofabric liner placed above soils with elevated Copper, as defined by the metes and bounds description (See attached), must be maintained indefinitely and must not be occupied by future residential lots.
- (b) A minimum of 1.0m of uncontaminated soil must be maintained in the area of the Site containing elevated Benzene and Toluene in soil.
- (c) Groundwater at the subject site must not be used for drinking water.

Langley  
Vancouver  
Victoria

Mailing Address:  
105 – 4343 Tyndall Avenue  
Victoria, BC, V8N 3R9

Telephone: 778-866-0064  
Facsimile: 778-737-3488  
Website: [www.activeearth.ca](http://www.activeearth.ca)



## RISK ASSESSMENT MANAGEMENT CONTROLS

Based on the risk controls for the Site (i.e. the use of engineered controls to mitigate/eliminate risks at the Site and lack of imminent risks in the event that required controls were either not implemented or were implemented but were rendered ineffective), the Site is considered to be Remediation Type 2.

Under a Risk-Based Remediation Type 2 scenario, the MOE Indicates that a PVP is required, while an operations and maintenance plan may be required.

## PERFORMANCE VERIFICATION PLAN

A PVP is required to ensure that the principal risk controls on which the SLRA is based are being met at the Site.

This includes the maintenance of up to date records of Performance Verification actions and results for the Site being maintained by the Responsible Person (or their agents). If requested by the Director, the Responsible Person (or their agents) must provide these records to MOE. As well, if requested by the Director, the Responsible Person(s) must provide a signed statement on whether conditions set out in this Schedule B are being met.

Performance verification actions for the Site must include the following:

- (a) The geofabric liner placed above soils with elevated Copper, as defined by the metes and bounds description (See attached), must be maintained indefinitely and must not be occupied by future residential lots.

The rationale for the liner is to prevent exposure of the underlying soils containing elevated Copper to terrestrial receptors (i.e. soil invertebrates and plants). No other receptors (e.g. human receptors) were at risk as concentrations were within these standards. The liner is designed to prevent plants and vegetation roots from penetrating into the underlying soils and to prevent access to soil invertebrates.

The liner is permeable to enable the downward flow of any rain or surface water.

The metes and bounds area is to be excluded from future residential development as this would potential result in disturbance of the liner over time.

A soil cover above the liner (minimum 0.3m) must be maintained to physically protect the liner.

To ensure the liner is functioning as designed, yearly inspection is required.

- (b) A minimum of 1.0m of uncontaminated soil must be maintained in the area of the Site containing elevated Benzene and Toluene in soil.

Toluene in soil was found to be marginally above the standards for terrestrial receptors (i.e. soil invertebrates and plants). No other receptors (e.g. Human) were at risk as concentrations were within these standards. Benzene was within all applicable surface standards.

At present, 2m of clean gravel overly the zone of toluene impacted soils. The SLRA determined that the impacted soil remaining at the Site poses no unacceptable risks to human or ecological

Performance Verification Plan  
9930 South Shore Road, Honeymoon Bay, BC

March 2014

receptors assuming that the current clean soil cover remains in place. This intrinsic control is considered sufficient to mitigate the potential risks. To ensure the intrinsic control is functioning as designed, yearly inspection is required.

(c) Groundwater at the subject site must not be used for drinking water.

Potable water is supplied to the Site and surrounding area by municipal infrastructure and no drinking water wells were identified within 500m of the Site. Given the municipal supply, the future development planned for the Site (circa 2014), will not utilize Site groundwater for potable purposes.

Based on the above, the recommended PV action is an advisory that groundwater must not be used as drinking water; the listing of this risk control in Schedule B of the COC meets this requirement.

## CLOSURE

This report has been prepared by Active Earth Engineering Ltd. exclusively for Pebbles West Ltd., based on information obtained through historical records, investigations by others, interviews with persons knowledgeable of site conditions, recent investigations carried out by Active Earth, and other information sources.

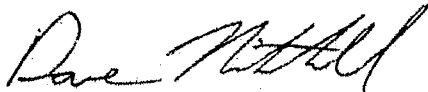
Where Active Earth has relied on reports, data, studies, plans, specifications and documents prepared by others, we accept no responsibility for information contained therein. The environmental investigations were limited to those areas and contaminants specifically addressed in the report.

This report is believed to provide a reasonable representation of general environmental condition at the Site. The conclusions made in this report reflect Active Earth's best judgment in light of the information available at the time of reporting. Should additional information become available or Site conditions change, the conclusions and recommendations of this report may be subject to change.

Any use which the client or a third party, other than those specifically listed above, makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such parties. Active Earth accepts no responsibility for damages, if any, suffered by third parties as a result of business decisions made or actions based on this report.

Yours truly,

**ACTIVE EARTH ENGINEERING LTD.**



David Mitchell, P.Eng., CSAP  
Senior Engineer

Encl. Metes and Bounds Drawing

Metes and Bounds Description

Covered Fill Area within Lot 4, Section 34, Renfrew District,  
(Situate in Cowichan Lake District), Plan 40628

All and singular that certain parcel or tract of land and premises situate, lying and being in the Cowichan Valley Regional District, in the Province of British Columbia, comprising a portion of Lot 4, Section 34, Renfrew District (Situate in Cowichan Lake District), Plan 40628 which may be more particularly described as follows:

Commencing at a point situate  $40^{\circ} 10' 50''$  55.60 metres and  $130^{\circ} 10' 50''$  14.86 metres from the most westerly corner of said Lot 4, and which said bearings are referenced to said Plan 40628;

Thence  $40^{\circ} 10' 50''$  44.85 metres;

Thence  $130^{\circ} 10' 50''$  22.20 metres;

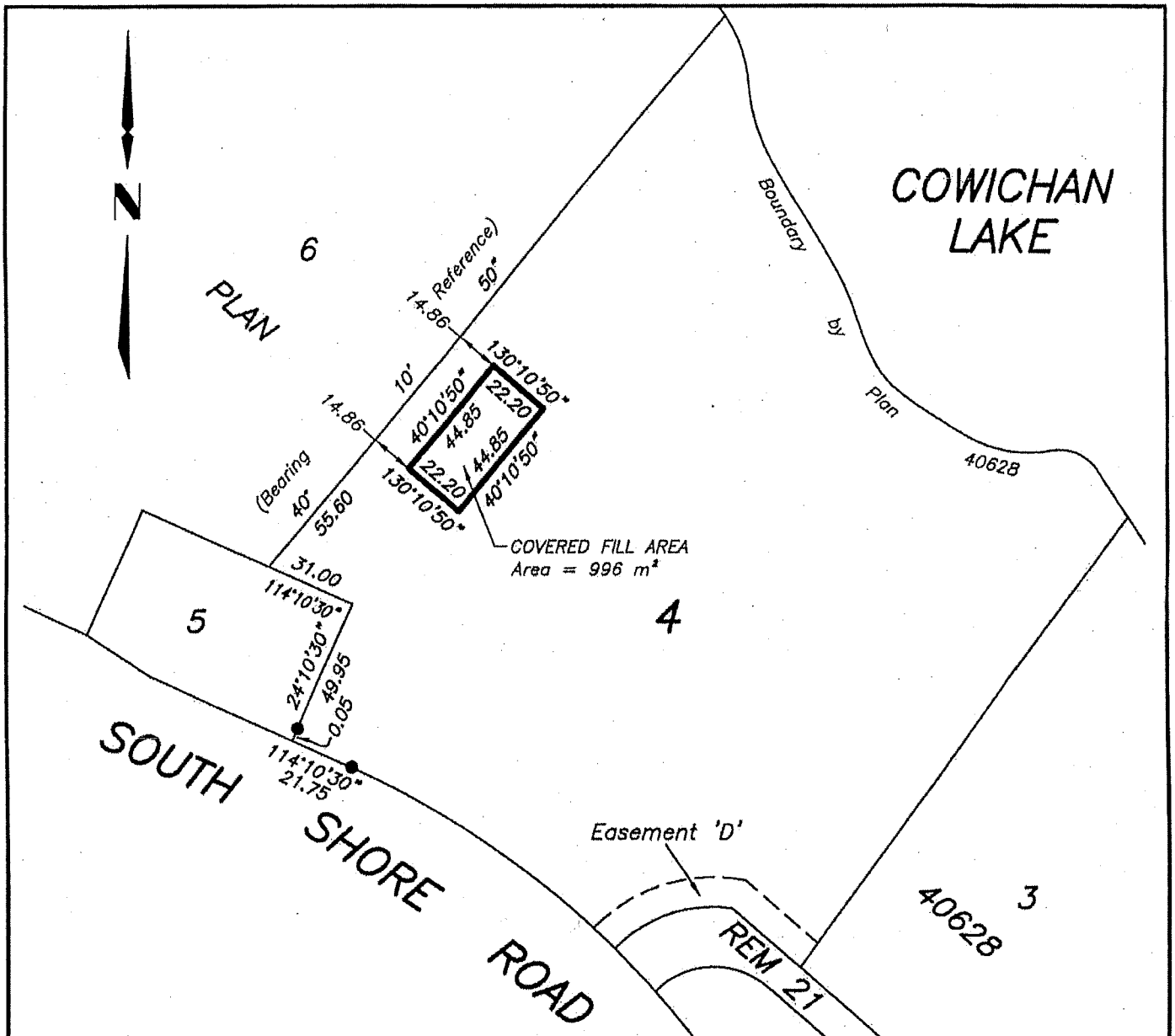
Thence  $220^{\circ} 10' 50''$  44.85 metres;

Thence  $310^{\circ} 10' 50''$  22.20 metres more or less to the point of commencement and containing by admeasurement  $996\text{m}^2$  more or less.

N. Roger Parry, BCLS

Dated this 26<sup>th</sup> day of March, 2014

File No: 010048381



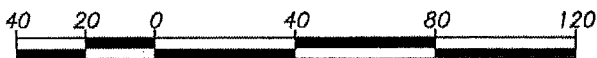
**LEGAL DESCRIPTION**

PID: 000-204-536  
 LOT 4, SECTION 34, RENFREW DISTRICT, (SITUATE  
 IN COWICHAN LAKE DISTRICT), PLAN 40628

Date of Field Survey: March 12th, 2014

**LEGEND**

● denotes standard iron post found



All distances are in metres and decimals thereof.

The intended plot size of this plan is 216mm in width by 279mm in height (A size) when plotted at a scale of 1:2000.

© FOCUS 2014

**FOCUS**

Focus Surveys (BC) Limited Partnership  
 57 Cadillac Ave, Victoria, BC V8Z 1T3  
 t: 250-474-1151 www.focus.ca

PROJECT  
**ACTIVE EARTH ENGINEERING LTD**

**9930 SOUTH SHORE ROAD  
 HONEYMOON BAY, BC**

SHEET TITLE  
**SITE PLAN OF COVERED FILL AREA**

DRAWN ME	DATE 2014-03-26	CHECKED NRP	SCALE 1:2000
-------------	--------------------	----------------	-----------------

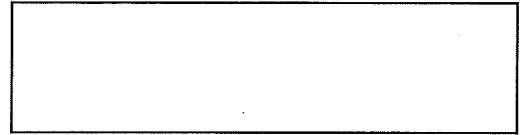
SHEET No. **010048381-CNSI01-R00**

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2014/03/26 - 11:47

**LAND TITLE ACT  
FORM C (Section 233) CHARGE  
GENERAL INSTRUMENT - PART 1 Province of British Columbia**

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.



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

**STEWART McDANNOLD STUART  
BARRISTERS & SOLICITORS  
2nd FLOOR - 837 BURDETT AVENUE  
VICTORIA BC V8W 1B3**

Tel.: 250 380-7744 Fax.: 250 380-3008  
File No.: 130 426 MC-dw  
Covenant - Park

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:  
[PID] [LEGAL DESCRIPTION]

**SEE SCHEDULE**

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

**SEE SCHEDULE**

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

(a)  Filed Standard Charge Terms D.F. No.

(b)  Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

**SEE SCHEDULE**

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

**COWICHAN VALLEY REGIONAL DISTRICT**

175 INGRAM STREET  
DUNCAN

BRITISH COLUMBIA

V9L 1N8

7. ADDITIONAL OR MODIFIED TERMS:

N/A

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

Officer Signature(s)

\_\_\_\_\_

(as to both signatures)

Execution Date

Y	M	D
17		

Transferor(s) Signature(s)

**COWICHAN VALLEY REGIONAL DISTRICT** by its authorized signatory(ies):

\_\_\_\_\_  
JON LEFEBURE, Chair

\_\_\_\_\_  
JOE BARRY, Corporate Secretary

**OFFICER CERTIFICATION:**

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



LAND TITLE ACT  
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

\_\_\_\_\_

Y M D

17

PEBBLE WEST HOLDINGS LTD. by its  
authorized signatory(ies):

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

(as to both signatures)

\_\_\_\_\_

17

TIMBERWEST FOREST CORP. by its  
authorized signatory(ies):

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

(as to both signatures)

\_\_\_\_\_

17

(AS TO PRIORITY)  
HSBC BANK CANADA by its  
authorized signatory(ies):

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

(as to both signatures)

OFFICER CERTIFICATION:

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

LAND TITLE ACT  
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

\_\_\_\_\_

Y	M	D
17		

(AS TO PRIORITY)  
VALIANT TRUST COMPANY by its  
authorized signatory(ies):

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

(as to both signatures)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

OFFICER CERTIFICATION:

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

LAND TITLE ACT  
FORM E

## SCHEDULE

PAGE 4 OF 29 PAGES

- 
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:  
[PID] [LEGAL DESCRIPTION]

**000-204-528** LOT 3, SECTION 34, RENFREW DISTRICT, (SITUATE IN COWICHAN LAKE DISTRICT), PLAN 40628

STC? YES

- 
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:  
[PID] [LEGAL DESCRIPTION]

**000-204-536** LOT 4, SECTION 34, RENFREW DISTRICT, (SITUATE IN COWICHAN LAKE DISTRICT), PLAN 40628

STC? YES

- 
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:  
[PID] [LEGAL DESCRIPTION]

**000-204-706** LOT 21, SECTIONS 34 AND 35, RENFREW DISTRICT, (SITUATE IN COWICHAN LAKE DISTRICT), PLAN 40628, EXCEPT PART IN PLAN VIP67301

STC? YES

LAND TITLE ACT  
FORM E

SCHEDULE

PAGE 5 OF 29 PAGES

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Covenant		Entire Instrument except page 18, paragraphs 47 and 48

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Priority Agreement		Granting this Covenant with one registration number less than this priority agreement priority over Mortgage CA124049 and Assignment of Rents CA124050, and Mortgage FB438337 as extended by CA3496215 and CA3688350 Page 18, paragraphs 47 and 48

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
--------------------	------------	------------------------

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
--------------------	------------	------------------------

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
--------------------	------------	------------------------

**LAND TITLE ACT  
FORM E****SCHEDULE**

PAGE 6 OF 29 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

**5. TRANSFEROR(S):**

AS TO PIDs 000-204-528 AND 000-204-536:  
PEBBLE WEST HOLDINGS LTD., INC. NO. 0735460 (AS TO COVENANT)  
HSBC BANK CANADA (AS TO PRIORITY)

AS TO PID 000-204-706:  
TIMBERWEST FOREST CORP., INC. NO. A0083605 (AS TO COVENANT)  
VALIANT TRUST COMPANY, INCORPORATION NO. A64607 (AS TO PRIORITY)



## TERMS OF INSTRUMENT - PART 2

**WHEREAS:**

- A. The Transferor is the registered owner of the following lands and premises:

PID: 000-204-528

Lot 3, Section 34, Renfrew District, (Situate in Cowichan Lake District), Plan 40628

PID: 000-204-536

Lot 4, Section 34, Renfrew District, (Situate in Cowichan Lake District), Plan 40628

PID: 000-204-706

Lot 21, Sections 34 and 35, Renfrew District, (Situate in Cowichan Lake District), Plan 40628, Except Part in Plan VIP67301

(the "**Lands**")

- B. The Transferee is the Cowichan Valley Regional District (the "**CVRD**");
- C. The Transferor has applied to re-zone, subdivide, and develop the Lands and has applied to amend the CVRD Zoning Bylaw No. 2600, 2005, Applicable to Electoral Area "F" – Cowichan Lake South/Skutz Falls, under the terms of Proposed CVRD Bylaw No. \_\_\_\_ **[NTD: Add Bylaw Title and Number]** ;
- D. The Transferor acknowledges that it is in the public interest that the development and use of the Lands be limited and wish to grant this covenant to the CVRD to secure certain commitments and agreements of the Transferor in relation to its proposed development of the Lands and to ensure compliance by the Transferor with the following terms and conditions
- E. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature, in respect of the use of land and that land is not to be built on or subdivided except in accordance with the covenant may be granted in favour of the CVRD and may be registered as a charge against the title to the Lands.

**NOW THEREFORE**, in consideration of the payment of One Dollar (\$1.00), now paid by the CVRD to the Transferor, the receipt and sufficiency of which is hereby acknowledged and in consideration of the promises exchanged below, the parties agree as follows, in accordance with s.219 of the *Land Title Act*:

**Definitions**

1. In this Agreement:

**"Approved Professional"** means a person who is named on a roster established

under section 42(2) of the *Environmental Management Act*, SBC 2003 c 53;

**“CVRD Parks and Trails Standards and Specifications”** means the standards and specifications utilized by the CVRD Parks and Trails Division in the development and construction of parks, trails and similar amenities, as in effect on the date that this s. 219 Covenant is registered at the Land Title Office and as amended or replaced from time to time;

**“Contaminants”** means any explosives, radioactive materials, asbestos materials, urea formaldehyde, chlorobiphenols, hydrocarbon contaminants, underground or above ground tanks, pollutants, contaminants, hazards, corrosive or toxic substances, special waste, hazardous waste or waste of any kind or any other substance the storage, manufacture, disposal, handling, treatment, generation, use, transport, remediation or release into the environment of which is prohibited, controlled, regulated or licensed under Environmental Laws;

**“Community Pathway”** means a pathway built to CVRD Parks and Trails Standards and Specifications Type 2;

**“Development”** means the development of the Lands as generally shown on the Honeymoon Bay Development Plan;

**“Environmental Laws”** means any and all statutes and regulations including, without limitation, the *Environmental Management Act*, SBC 2003 c 53 and the *Contaminated Sites Regulation*, BC Reg 375/96, as amended and replaced from time to time, laws, orders, bylaws, permits and other lawful requirements of any federal, provincial, municipal or other governmental authority having jurisdiction over the Lands, now or hereafter in force with respect in any way to the environment, health or occupational health and safety, product liability or transportation of dangerous goods, including all applicable guidelines and standards with respect to the foregoing as adopted by any of those governmental authorities from time to time and the principles of common law and equity;

**“First Phase”** means the first subdivision of the Lands following the registration of this Agreement in the Land Title Office, into any number of the lots shown on the Honeymoon Bay Development Plan;

**“Honeymoon Bay Development Plan”** means the plan showing the proposed subdivision and development of the Lands, and the areas of the Lands to be transferred to the CVRD in accordance with the Agreement, attached hereto as Schedule “A”;

**“Landscape Architect”** means a landscape architect registered with the British Columbia Society of Landscape Architects;

**“Park Areas”** means, collectively, the Waterfront Park and the South Shore Road Park, comprising a total of approximately 0.90 hectares or 13% of the total area of the Lands, in the location generally shown outlined and labelled “Public Park” on the Honeymoon Bay Development Plan;

**"Phase"** means an area of the Lands to be subdivided as a phase for the purpose of the Development;

**"Public Boat Launch"** means a public boat launch, and paved boat launch parking lot capable of accommodating nine (9) vehicles and trailers, to be constructed in accordance with sections 19 to 24 of this Agreement;

**"qualified professional engineer"** means a professional engineer registered with the Association of Professional Engineers and Geoscientists of British Columbia;

**"Remediation"** means the environmental remediation of the Lands undertaken by the Transferor in accordance with section 7 of this Agreement;

**"South Shore Road Park"** means the area comprising approximately 0.28 hectares in the southeast corner of the Lands in the location generally shown outlined and labelled "Public Park" on the Honeymoon Bay Development Plan;

**"Subdivision"** means the division of land into two (2) or more parcels, including by plan, apt descriptive words or otherwise, and for certainty includes a subdivision of land under the *Strata Property Act* into one or more strata lots, whether a building strata or bare land strata subdivision;

**"Utility Site"** means the area comprising approximately 578m<sup>2</sup> in the southwest corner of the Lands in the location generally shown outlined and labelled "CVRD Utility Site" on the Honeymoon Bay Development Plan; and

**"Waterfront Park"** means the area comprising approximately 0.62 hectares in the northeast corner of the Lands in the location generally shown outlined and labelled "Public Park" on the Honeymoon Bay Development Plan.

### **Covenants of the Transferor**

2. The Transferor covenants and agrees that it shall not subdivide or develop the Lands except in accordance with the terms of this Agreement. Without limiting the foregoing the Transferor covenants and agrees that it shall not subdivide or develop the Lands or any part of the Lands unless it provides the CVRD with the parks and other amenities referred to in this Agreement, including, but not limited to, the transfers of land referred to in section 3, the environmental remediation referred to in sections 7 to 10, and the grant of the statutory right of way referred to in section 25, all at the sole cost and expense of the Transferor, and all in accordance with the terms and conditions of this Agreement.

### **Transfer of the Park Area**

3. The Transferor covenants and agrees that prior to the registration of the subdivision plan in respect of the First Phase it will transfer, for nominal consideration, the fee simple interest in the Park Areas and Utility Site to the CVRD.
4. The Park Areas shall be an area of the Lands not less than 0.90 hectares and the

Utility Site shall be an area of the Lands not less than 578m<sup>2</sup>, in the locations generally shown on the Honeymoon Bay Development Plan. The exact layout and configuration of the Park Areas and Utility Site shall be subject to the final written approval of the CVRD.

5. The Transferor shall be solely responsible for the cost of subdividing the Lands as required to create the Park Areas and Utility Site as separate parcels capable of being transferred to the CVRD. For greater certainty, the cost of subdivision includes the cost of surveying the Lands, plan preparation, and the cost of preparing and registering at the Land Title Office all required plans and transfers.
6. The Park Areas and Utility Site shall be transferred to the CVRD free and clear of any rights of way, covenants, easements, financial charges or encumbrances, or other liens, charges or encumbrances of any kind, other than those permitted encumbrances described in Schedule "B" hereto and any charges that are approved in advance and in writing by the CVRD in its sole discretion. Any part of the Lands created by subdivision and transferred to the CVRD under this Agreement shall not be included within any area of the Lands required to be dedicated as highway as a condition of subdivision.

### **Environmental Remediation**

7. Notwithstanding any certificates of compliance that have been issued with respect to the Lands under any Environmental Laws prior to the date of registration of this Agreement, the Transferor covenants and agrees that prior to the registration of the subdivision plan in respect of the First Phase and the transfer of the fee simple interest in the Park Areas and Utility Site to the CVRD described in section 3, it shall, at its sole cost and expense, undertake Remediation of the Waterfront Park to the numerical standards then applicable to land used for residential land use under the Contaminated Sites Regulation, in accordance with a remediation plan prepared by an Approved Professional and submitted to the CVRD for review in advance of any Remediation. The Remediation will include, but will not be limited to the following:
  - (a) excavation and removal of all Contaminants, including, but not limited to, benzene and toluene;
  - (b) transportation from the Lands and disposal of all soil excavated and removed under section 7(a) in accordance with all Environmental Laws;
  - (c) backfilling areas of the Waterfront Park that have been excavated in accordance with section 7(a), in accordance with all Environmental Laws and section 15 of this Agreement;
  - (d) all additional work required by the CVRD, the Approved Professional, and any Environmental Laws to ensure Remediation of the soil within the Waterfront Park in accordance with this Agreement.
8. Following the Remediation described in section 7, the Approved Professional shall

prepare and submit to the CVRD a letter, in a form acceptable to and approved by the CVRD, acting reasonably, which confirms and certifies that the soil within the Waterfront Park has been remediated in accordance with this Agreement and all Environmental Laws (the "**Approved Professional's Certification**").

9. The Transferor acknowledges and agrees that prior to approving the Approved Professional's Certification, the CVRD may request or require that the Transferor provide further information or perform additional Remediation if necessary for purposes of fulfilling the Transferor's obligations under this Agreement.
10. Without limiting the generality of any other release or indemnity provided by the Transferor under this Agreement, the Transferor will release and indemnify the CVRD, its elected officials, officers and employees from and against any and all liabilities, actions, damages, claims, remediation cost recovery claims, losses, costs, orders, fines, penalties, and expenses whatsoever (including all legal and consultants' fees and expenses) which the CVRD or any other person may have arising from or in connection with any and all Contaminants present on the Lands as of the date of registration of this Agreement, the Remediation of the Lands under this Agreement or any breach of sections 7 to 9 of this Agreement by the Transferor, including but not limited to any such claim made by a subsequent owner of the Lands.

#### **Park Areas Preparation**

11. The Transferor covenants and agrees that following the Remediation, and prior to the subdivision and transfer of the Park Areas, the Transferor shall, at its sole cost and expense, clear and prepare the Park Areas and construct the amenities, improvements, and pathways described in sections 12 through 18, in accordance with this Agreement.
12. Prior to the construction of any amenity, improvement, or pathway required under this Agreement, the Transferor shall submit for the CVRD's review and written approval, a set of detailed drawings and specifications prepared by a Landscape Architect, in such detail as is reasonably necessary to demonstrate that the amenity, improvement, or pathway complies with the requirements of this Agreement (once approved, the "**Approved Park Plan**"), and that, where applicable, provides details of:
  - (a) all site preparation work;
  - (b) all hard surfaces;
  - (c) the layout and location of all Community Pathways;
  - (d) all landscaping including grassed areas and trees;
  - (e) all plant species to be used in landscaping; and
  - (f) all other park amenities.



13. Prior to any site clearing or building construction within a Phase, the Transferor must install snow fencing along the boundaries of the Park Areas within that Phase, where those boundaries adjoin areas where construction within that Phase is to occur, to the CVRD's satisfaction, to prevent any encroachment into the Park Areas.
14. The Transferor shall prepare the Park Areas by removing and properly disposing of all garbage, debris, concrete, and other man-made materials, and shall then re-grade and cover the Park Areas with new soil in accordance with section 15, to a depth suitable for the landscaping work required under this Agreement, to the satisfaction of the CVRD, and in accordance with all applicable laws.
15. All soil used in the landscaping of the Park Areas shall be clean and uncontaminated organic compost, samples of which must, at the Transferor's sole cost, be tested and approved as being suitable for use in an urban park by an Approved Professional, or such other environmental professional as the CVRD may agree to in writing, and by the CVRD prior to being deposited in the Park Areas.
16. All signs and posts necessary to identify the boundaries of the Park Areas shall be supplied to the Transferor by the CVRD, and paid for and installed by the Transferor, at the Transferor's sole cost, in locations approved by the CVRD.

#### **Waterfront Park**

17. Prior to the registration of the plan of subdivision for the First Phase and transfer of the Waterfront Park to the CVRD, the Transferor shall, in accordance with the Approved Park Plan, to the CVRD's satisfaction:
  - (a) grade and prepare the Waterfront Park site, including the removal of all garbage, debris, concrete, and other man-made materials in accordance with sections 13 to 16 of this Agreement;
  - (b) landscape the Waterfront Park with drought-resistant grasses which shall include native grasses on the top of the bank of Cowichan Lake;
  - (c) remove the existing log retaining wall and, if deemed necessary by the CVRD acting in its sole discretion, and under the supervision of a qualified professional engineer with experience in geotechnical study and geohazard assessments, retained at the sole cost of the Transferor and approved in writing by the CVRD, stabilize and grade the bank to slope towards Cowichan Lake;
  - (d) construct a Community Pathway in the location generally shown outlined and labelled "Path" on the Honeymoon Bay Development Plan, which will include stairs where necessary, and which may be constructed of either gravel or pavement, such construction material to be selected by the CVRD acting in its sole discretion, and that will provide pedestrian access from the public road identified as "Dedicated Public Road" on the Honeymoon Bay Development Plan (the "**Public Road**") to the public beach;

- (e) install four (4) park benches built in accordance with the CVRD Parks and Trails Standards and Specifications in locations approved by the CVRD acting in its sole discretion; and
- (f) construct a paved parking lot in the location generally shown outlined and labelled "Parking" on the Honeymoon Bay Development Plan capable of accommodating eight (8) vehicles . The final location and design of the parking lot, in relation to the Public Road, will be subject to the review and approval by the Ministry of Transportation and Infrastructure.

### **South Shore Road Park – Community Pathway**

- 18. Prior to the registration of the plan of subdivision for the First Phase and the transfer of the South Shore Road Park to the CVRD, the Transferor shall construct a gravel Community Pathway on the north side of South Shore Road, which shall run east to west from the Public Road to the adjacent Stin Qua Park in accordance with the Approved Park Plan.

### **Public Boat Launch**

- 19. Prior to the subdivision of the Phase in which the twelfth (12<sup>th</sup>) or last lot is subdivided from the Lands, whichever occurs first, the Transferor shall fully construct the Public Boat Launch on the lands known as "Central Park", legally described as PID: 000-204-561, Lot 7, Section 34, Renfrew District, (Situate in Cowichan Lake District), Plan 40628, in accordance with the criteria provided in section 21.
- 20. If construction of the Public Boat Launch has not been completed prior to the subdivision of the Phase in which the twelfth (12<sup>th</sup>) or last lot is subdivided from the Lands, whichever occurs first, and without relieving the Transferor of its obligation to construct the Public Boat Launch, the Transferor shall place with the CVRD a letter of credit issued by a Canadian financial institution that is acceptable to the CVRD, equaling 125% of the estimated cost to complete the Public Boat Launch to the standards specified in this Agreement (the "**Boat Launch Letter of Credit**"), such estimated cost to be certified by a qualified professional engineer, who shall be retained at the sole cost of the Transferor and approved in writing by the CVRD, or the estimate of cost shall be provided by the Transferor, with such cost estimate subject to the acceptance and written approval of the CVRD, and
  - (i) the Boat Launch Letter of Credit must be kept in effect until the CVRD issues written approval and acceptance of the Public Boat Launch;
  - (ii) if the Boat Launch Letter of Credit is not renewed at least thirty (30) days prior to any expiry date, the CVRD may draw upon the Boat Launch Letter of Credit and hold the funds as security under this Agreement for the completion of the Public Boat Launch, which may be performed by the CVRD at its discretion.

**Public Boat Launch Design and Construction Criteria:**

21. The Public Boat Launch must be designed and constructed generally in accordance with the conceptual sketches set out in Schedule "C", and in the general location shown in the Boat Launch Location Plan attached hereto as Schedule "D", the final location and layout of the Public Boat Launch subject to the CVRD's final written approval. The Transferor must, prior to commencing construction of the Public Boat Launch, submit detailed design drawings of the Public Boat Launch prepared by a qualified professional engineer for the CVRD's written approval, showing that the Public Boat Launch as constructed will meet the following criteria:
- (a) the boat launch ramp, floating gangway and piling material must be suitable for a lake environment;
  - (b) the floating gangway must be long enough to reasonably accommodate at minimum one (1) boat launching concurrently with one (1) boat staging;
  - (c) the gangway must have a minimum width of 1.5 metres;
  - (d) floats must be constructed of a material appropriate for the lake environment;
  - (e) the boat launch ramp must be at least four (4) metres wide and be long enough to reach deep water at the lowest water levels;
  - (f) the finishing grade of the boat launch ramp must be between 7% and 15% with the optimum finishing grade being 9.5%;
  - (g) the functionality of the Public Boat Launch must be 100% serviceable based on the operational range of the lake levels for usability, taking into account minimum and maximum water levels as determined by the professional engineer retained by the Transferor.
22. The Public Boat Launch's paved parking lot (the "**Boat Launch Parking Lot**") shall be constructed, as directed by the CVRD, either within the Ministry of Transportation and Infrastructure's "Park Avenue Right of Way" or within Central Park in the general location and layout as shown on the New Parking Area plan attached hereto as Schedule "E" and shall consist of and include:
- (a) at least nine (9) diagonal asphalt car and trailer parking stalls each approximately 12.8 metres in length marked with lines and bumpers to fit in the general area as identified as "New Gravel Parking Area" on the plan attached hereto as Schedule "E";
  - (b) a turnaround in the parking lot that must accommodate a turning radius of at least 7.3 metres to allow a vehicle and boat to safely turn and back down the boat launch ramp;
  - (c) asphalt surface with parking spaces marked and directional, regulatory and other signage necessary for the operation and use of the parking area in

accordance with CVRD Parks and Trails Standard and Specifications.

23. Prior to commencing construction of the Boat Launch Parking Lot, the Transferor must submit to the CVRD, and obtain the CVRD's advance written approval of, detailed design and construction drawings for the Boat Launch Parking Lot, prepared by a qualified professional engineer.
24. The Transferor and Transferee agree to use best efforts to obtain such government and regulatory authority approvals as may be required for the construction of the Public Boat Launch which may include, but are not limited to, a Provincial Water Lot Lease, and Ministry of Transportation and Infrastructure permits to construct. In the event such approvals are withheld, the CVRD shall release the Transferor of its obligation to construct those amenities for which approval has not been granted, upon payment by the Transferor of a cash amount representing the estimated cost to construct such amenities (determined by a qualified professional engineer's report), and such cash amount shall be applied to another public amenity at the discretion of the CVRD and will be deposited in the Cowichan Lake South/Skutz Falls Community Parks statutory fund for expenditures on parks or trail improvements or similar projects within the community and as determined by the CVRD.

#### **Statutory Right of Way**

25. Concurrently with the subdivision of the First Phase, the Transferor must grant to the CVRD a statutory right of way in the form attached as Schedule "F" hereto over the area outlined in the Honeymoon Bay Development Plan and labelled as "Strata Access Road 'A'", allowing reasonable public pedestrian access from the Public Road to the property immediately adjacent to the western boundary of the Lands that is legally described as PID: 000-204-552, Lot 6, Section 34, Renfrew District, (Situate in Cowichan Lake District), Plan 40628.

#### **No Disturbance Pending Transfer to CVRD**

26. Except as specifically permitted by this Agreement, the Transferor agrees that it shall not disturb or remove any soil and/or vegetation on that part of the Lands that are located within the Park Area whether before or after the dedication and transfer of the Park Area, including, but not limited to, any such disturbance or removal undertaken as part of any land clearing or construction activities, without the advance written approval of the CVRD.

#### **Security**

27. Except as specifically provided otherwise in this Agreement, the Transferor shall be responsible to complete all improvements, amenities, and pathways required by this Agreement prior to the registration of a subdivision plan creating the parcel or parcels comprising the First Phase. If the amenities, improvements, and pathways have not been completed prior to the Transferor's application to register a subdivision plan for the First Phase, the Transferor may with the advance written approval of the CVRD, which approval may be withheld by the CVRD, acting in its

sole discretion, place with the CVRD a letter of credit issued by a Canadian financial institution (the "**Letter of Credit**") that is acceptable to the CVRD equalling 125% of the estimated cost to complete the work (except the work associated with the Public Boat Launch and Boat Launch Parking Lot described in sections 21 to 23, all of which shall be covered by the Boat Launch Letter of Credit) to the standard specified in this Agreement as certified by a Landscape Architect or, in the case of the work under section 17(c), a qualified professional engineer, retained at the sole cost of the Transferor, the estimate of cost to be provided by the Transferor, with such cost estimate subject to the acceptance and written approval of the CVRD, and

- (a) the Letter of Credit must be kept in effect until the CVRD issues written approval and acceptance of the improvements, amenities, and pathways;
- (b) if the Letter of Credit is not renewed at least thirty (30) days prior to any expiry date, the CVRD may draw upon the Letter of Credit and hold the funds as security under this Agreement for the completion of the improvements, amenities, and pathways which may be performed by the CVRD at its discretion.

### General

- 28. All amenities, improvements, and pathways required under this Agreement including, without limitation, the Public Boat Launch, shall be designed and constructed by the Transferor to the CVRD Parks and Trails Standards and Specifications or, for matters not specifically addressed in the CVRD Parks and Trails Standards and Specifications, to a design standard acceptable and approved by the CVRD in its sole discretion.
- 29. Nothing contained herein shall excuse or shall be construed as excusing the Transferor from compliance with any bylaws, or any other lawful requirements in respect of the Lands.
- 30. For certainty, the CVRD shall not be obliged to approve the subdivision or development of any Phase unless in respect of that Phase the Transferor has fully complied with the terms of this Agreement.
- 31. For certainty, all work required by the Transferor under this Agreement shall be at the sole cost and expense of the Transferor.
- 32. The Transferor shall indemnify and save harmless the CVRD from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have against the CVRD or which the CVRD may incur as a result of any loss or damage or injury, including economic loss, arising out of or connected with the breach of any covenant in this Agreement, the use of the Lands contemplated under this Agreement, and restrictions or requirements under this Agreement.
- 33. The Transferor hereby releases and forever discharges the CVRD of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or



legal fees whatsoever which the Transferor can or may have against the CVRD for any loss or damage or injury, including economic loss, that the Transferor may sustain or suffer arising out of or connected with the breach of any covenant in this Agreement, the use of the Lands contemplated under this Agreement, and restrictions or requirements under this Agreement.

34. At the Transferor's expense, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature registered against the Lands.
35. Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the CVRD in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if the Agreement had not been executed and delivered by the Transferor.
36. Time is of the essence of this Agreement.
37. The Transferor shall pay the legal fees of the CVRD in connection with the preparation and registration of this Agreement. This is a personal covenant between the parties.
38. The Transferor covenants and agrees for itself, its heirs, executors, successors and permitted assigns, that it will at all times perform and observe the requirements and restrictions set out in this Agreement and they shall be binding upon the Transferor as personal covenants only during the period of its respective ownership of any interest in the Lands.
39. It is mutually understood, acknowledged and agreed by the parties hereto that the CVRD has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Transferor other than those contained in this Agreement.
40. The waiver by a party of any breach of this Agreement or failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar, and no waiver shall be effective unless it is in writing signed by both parties.
41. Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
42. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
43. The restrictions and covenants herein contained shall be covenants running with the Lands and shall be perpetual, and shall continue to bind all of the Lands when

subdivided, and shall be registered in the Victoria Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the CVRD as a first charge against the Lands.

44. The Transferor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
45. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
46. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

#### **Priority Agreement**

47. HSBC BANK CANADA as the registered holder of charges (collectively, the "**Charges**") by way of mortgage and assignment of rents registered in the Victoria Land Title Office under numbers CA124049 and CA124050, respectively, for and in consideration of the sum of One Dollar (\$1.00) paid by the CVRD to the Chargeholder (the receipt and sufficiency of which is hereby acknowledged) agrees with the CVRD, its successors and assigns, that this Covenant shall be an encumbrance upon the Lands in priority to the Charges in the same manner and to the same effect as if the Covenant had been dated and registered prior to the Charges.
48. VALIANT TRUST COMPANY as the registered holder of a charge by way of mortgage registered in the Victoria Land Title Office under number FB438337 for and in consideration of the sum of One Dollar (\$1.00) paid by the CVRD to the Chargeholder (the receipt and sufficiency of which is hereby acknowledged) agrees with the CVRD, its successors and assigns, that this Covenant shall be an encumbrance upon the Lands in priority to the Charges in the same manner and to the same effect as if the Covenant had been dated and registered prior to the Charges.

**IN WITNESS WHEREOF** the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C and Form D (pages 1, 2 and 3) attached hereto.



**SCHEDULE "B"**

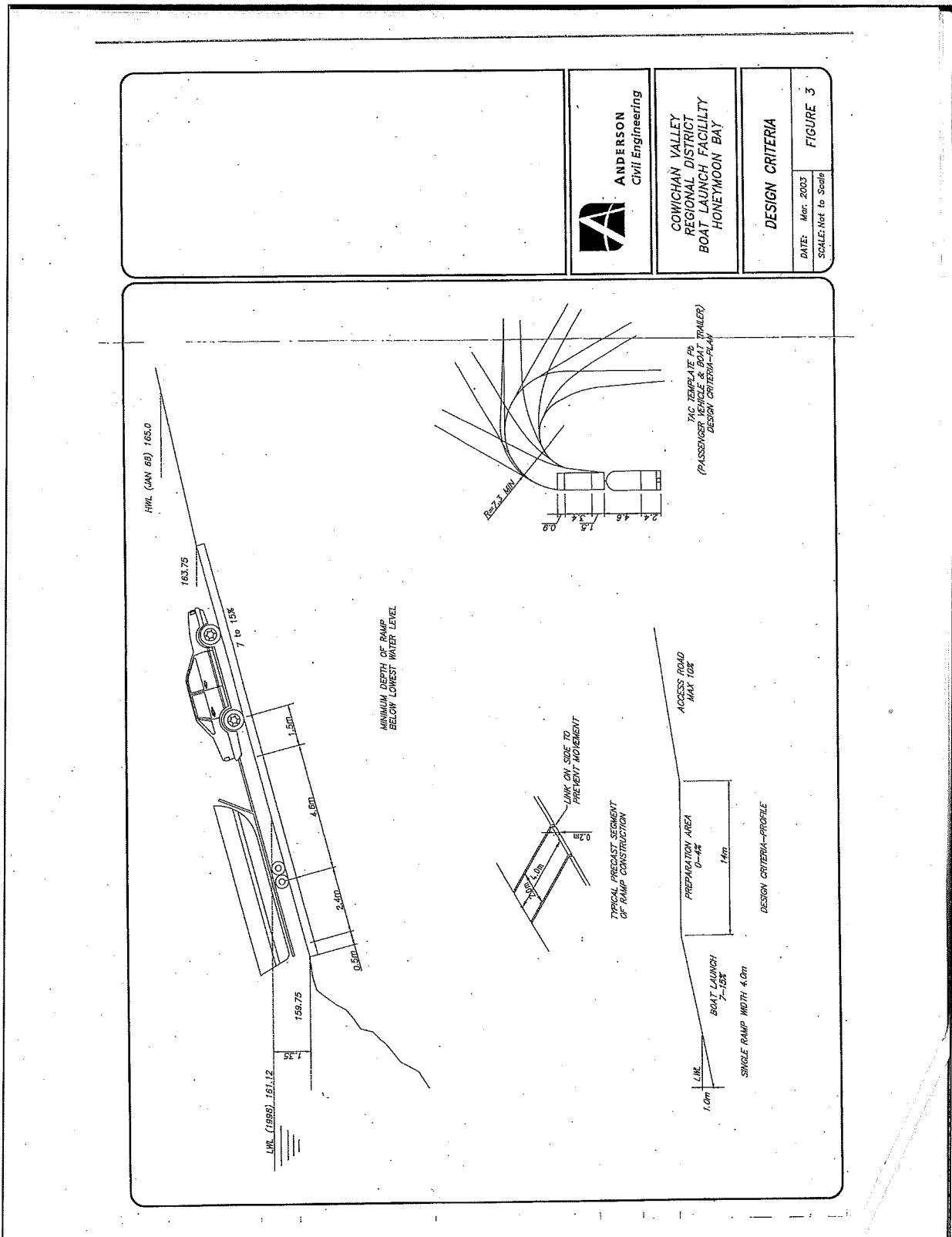
**PERMITTED ENCUMBRANCES**


272180G – Right of Way in favour of BC Hydro

M122890 – Covenant in favour of Province of British Columbia and the CVRD

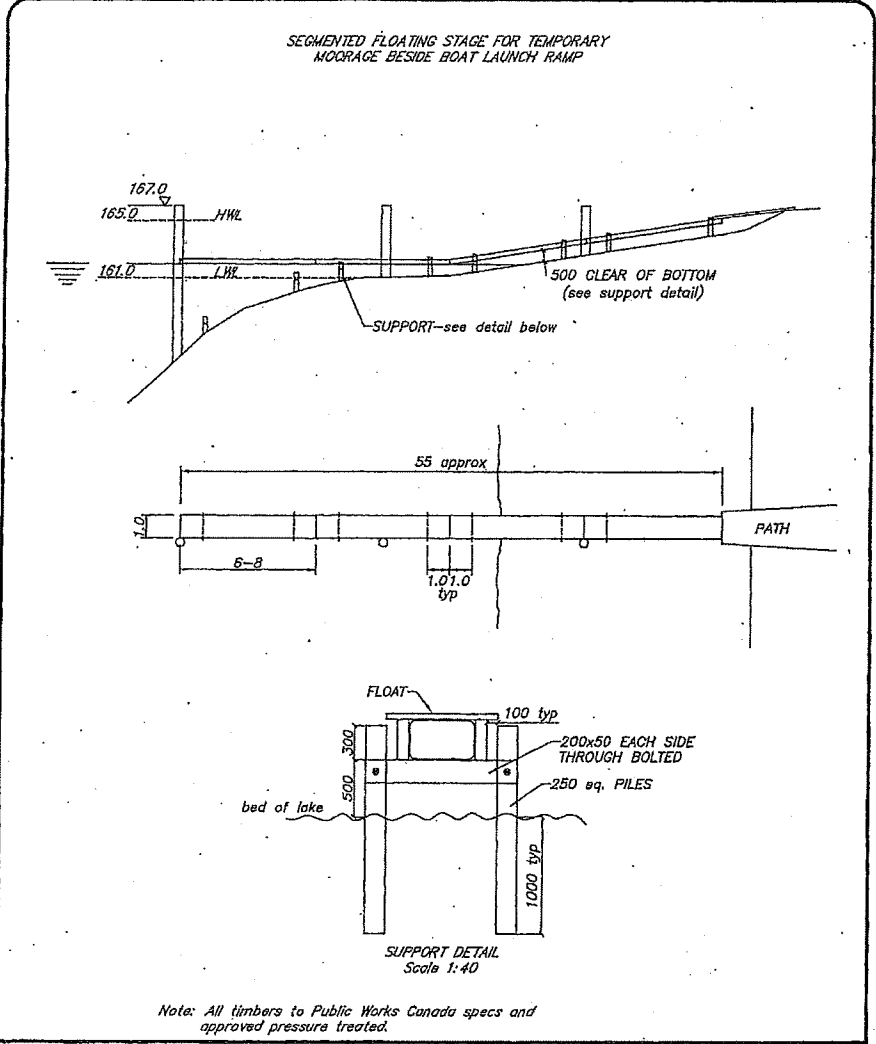
SCHEDULE "C"

PUBLIC BOAT LAUNCH CONCEPTUAL SKETCHES

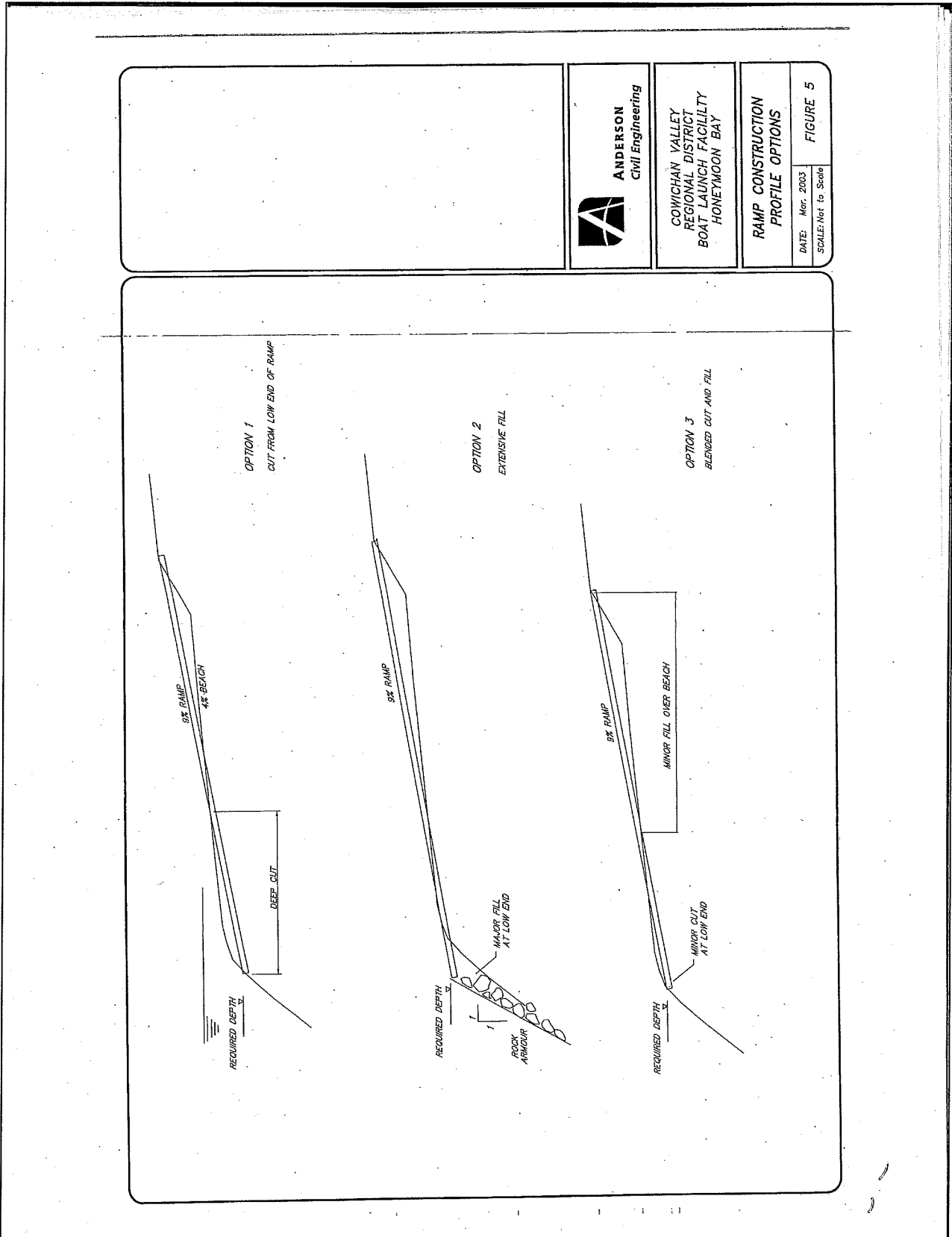


 <p><b>ANDERSON</b> Civil Engineering</p>	<p>COWICHAN VALLEY REGIONAL DISTRICT BOAT LAUNCH FACILITY HONEYMOON BAY</p>	<p><b>DESIGN CRITERIA</b></p>	DATE: Mar. 2003	FIGURE 3
			SCALE: Not to Scale	



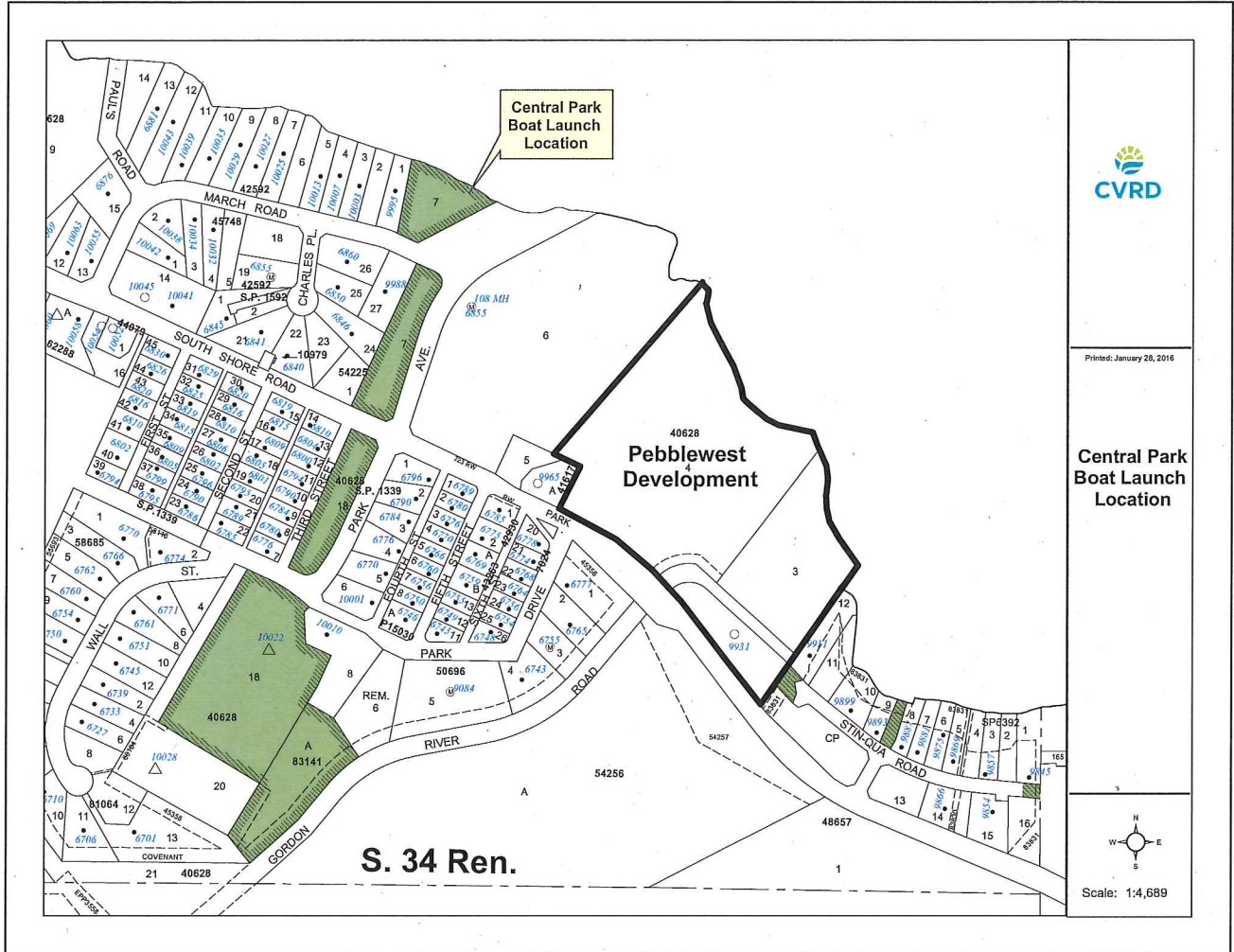


	<b>ANDERSON Civil Engineering</b>	<b>TEMPORARY MOORAGE</b>	
		COWICHAN VALLEY REGIONAL DISTRICT BOAT LAUNCH FACILITY HONEYMOON BAY	DATE: Mar. 2003 SCALE: 1:200
			<b>FIGURE 4</b>



SCHEDULE "D"

CENTRAL PARK BOAT LAUNCH LOCATION PLAN



Printed: January 28, 2016

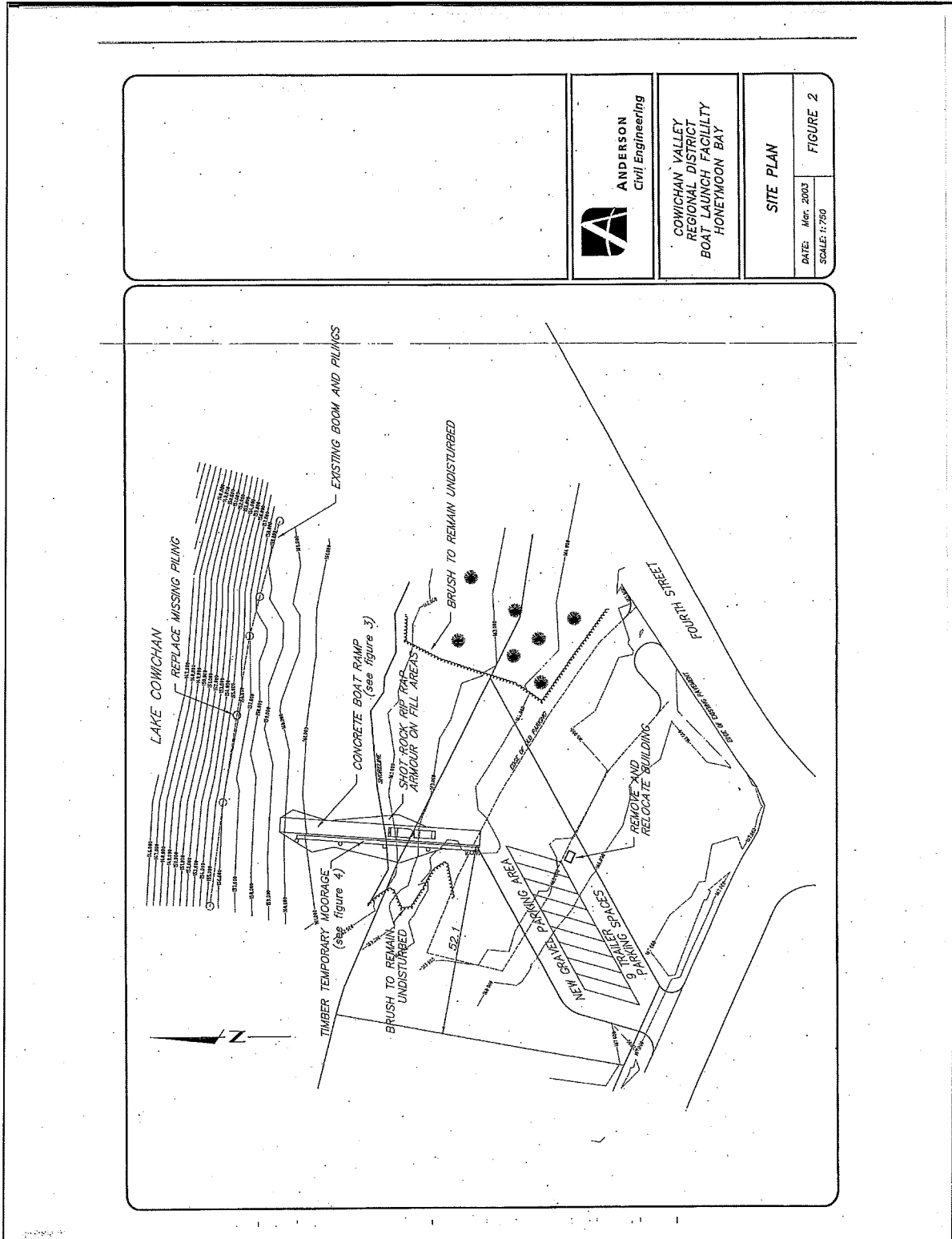
Central Park Boat Launch Location



Scale: 1:4,689

SCHEDULE "E"

NEW PARKING AREA



**SCHEDULE "F"**  
**STATUTORY RIGHT OF WAY**

TERMS OF INSTRUMENT - PART 2

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**WHEREAS:**

- A. The Transferor is the registered owner of the following land in the Province of British Columbia:

PID: 000-204-528

Lot 3, Section 34, Renfrew District, (Situate in Cowichan Lake District), Plan 40628

PID: 000-204-536

Lot 4, Section 34, Renfrew District, (Situate in Cowichan Lake District), Plan 40628

PID: 000-204-706

Lot 21, Sections 34 and 35, Renfrew District, (Situate in Cowichan Lake District), Plan 40628, Except Part in Plan VIP67301

(the "**Transferor's Lands**")

- B. The Transferee is the Cowichan Valley Regional District;
- C. The Transferee wishes to secure and maintain a public pedestrian walkway (the "**Pedestrian Walkway**") in perpetuity over a portion of the Transferor's Lands.
- D. Pursuant to section 218 of the *Land Title Act*, R.S.B.C. 1996, c. 250, the Transferor has agreed to grant a Statutory Right of Way on the terms and conditions hereinafter set forth.
- E. It is necessary for the operation and maintenance of the Transferee's undertaking of the provision of a pedestrian walkway for the use and enjoyment of the general public that a right of way be established in accordance with this document.

**NOW, THEREFORE, THIS INDENTURE WITNESSES** that in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada, now paid by the Transferee to the Transferor and other valuable consideration (the receipt and sufficiency of which is hereby acknowledged by the Transferor), and in consideration of the covenants hereinafter contained:

**1.0 THE TRANSFEROR DOES HEREBY:**

- 1.1 grant, convey, confirm and transfer, in perpetuity to the Transferee, its successors and assigns, and all of its employees, agents, contractors, servants, licensees and all members of the public who might so desire, at all times by day or night, the full, free and uninterrupted right, licence, liberty, privilege, permission, easement and right of way, to



enter, use, go, return, pass over and across those portions of the Transferor's Lands shown in heavy outline on the Statutory Right of Way Plan registered in the Land Title Office under Plan number EPP\_\_\_\_\_, a reduced copy of which is attached as Schedule "A" to this Agreement (the "**Right of Way**"), on foot, by bicycle, motorized or non-motorized wheelchair or scooter for persons with limited mobility, and, in the case of the Transferee and its employees, agents and contractors, by vehicle and with equipment for the purpose of maintaining the Pedestrian Walkway; and

- 1.2 agree that, for the purpose of the rights granted under section 1.1 of this Agreement, the Transferee may but shall not be obliged to erect, place and maintain directional and informational signs, and any improvements necessary to facilitate access across the Right of Way including but not limited to paving, other surface or subsurface works, culverts to enclose drainage ditches, and similar works, within the Right of Way.

## **2.0 THE TRANSFEROR HEREBY COVENANTS:**

- 2.1 Not and not to permit any other person to, without the written consent of the Transferee first had and obtained, which consent will not be unreasonably withheld:
- (a) make, place, erect, install or maintain after the date hereof any building, structure, excavation, pile of material or other obstruction in, under or over the Right of Way so that it in any way interferes with or damages or prevents access along or over the Pedestrian Walkway as permitted herein;
  - (b) do any act or thing which will interfere with or injure the Pedestrian Walkway or the rights granted herein; and
  - (c) prevent the Transferee or any member of the public from peaceably holding and enjoying the rights hereby granted.

## **3.0 THE TRANSFEREE HEREBY COVENANTS:**

- 3.1 Insofar as it is practicable so to do, to exercise its rights hereunder in such a manner as to not to interfere unduly with the use of the Transferor's Lands;
- 3.2 To maintain or cause to be maintained all improvements constructed by the Transferee within the Right of Way in a reasonable state of repair;

## **4.0 THE PARTIES HERETO EACH COVENANT TO AND AGREE WITH THE OTHER, as follows:**

- 4.1 No part of the title in fee simple to the soil shall pass to or be vested in the Transferee under or by virtue of these presents and the Transferor may fully use and enjoy all of the Transferor's Lands subject only to the rights and restrictions herein contained.
- 4.2 Nothing in this Agreement shall be interpreted as restricting the Transferee's right to make rules or impose restrictions or prohibitions regarding use of the Pedestrian Walkway.

- 4.3 The covenants herein shall be covenants running with the land and that none of the covenants herein contained shall be personal or binding upon the parties hereto, save and except during the Transferor's ownership of any interest in the Transferor's Lands but that the Transferor's Lands, nevertheless, shall be and remain at all times charged herewith, even following subdivision thereof.
- 4.4 The parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary or desirable to give proper effect to the intention of this instrument.
- 4.5 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their successors and assigns and their heirs and administrators respectively.
- 4.6 Whenever the singular or masculine are used they shall be construed as including the plural, feminine or body corporate where the context requires.

#### 5.0 PRIORITY AGREEMENT

- 5.1 \*, the registered holder of a charge by way of \* against the Lands and registered under No. \_\_\_\_\_ (the "**Charge**") in the Land Title Office at Victoria, British Columbia, under number \*, for and in consideration of the sum of One (\$1.00) Dollar paid by the Transferee to the said Chargeholder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the within Statutory Right of Way shall be an encumbrance upon the Lands in priority to the Charge in the same manner and to the same effect as if it had been dated and registered prior to the Charge.

**IN WITNESS WHEREOF** the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1 and 2) attached hereto.

**SCHEDULE "A" to Statutory Right of Way – Pedestrian Walkway**  
**Statutory Right of Way Plan**



**Area F APC Minutes**

Date: 20 June 2016  
Time: 7 PM

**MINUTES** of the Electoral Area F Advisory Planning Commission held on the above noted date and time at the Upper Meeting Room of the Lake Cowichan Arena Complex

**PRESENT:**

Chairperson - Sharon  
Devana Vice Chairperson -  
Joe Allan Secretary - Peter  
Devana

Members - Jim Fielding, Mary Lowther, and Thor Repstock

**ALSO present:**

Alison Garnett - CVRD Planning  
Heather Kauer - CVRD Planning  
Mark Johnstone - Pebbles West Holdings Spokesperson  
Mike Achtem - Engineer for Active Earth Engineering Ltd

**Absent** - N/A

The Chair, Sharon Devana called the meeting to order at 7:03 PM , welcomed everyone, and asked them to introduce themselves.

**ACCEPTANCE OF MINUTES:**

It was Moved and Seconded that the minutes of the Area F APC meeting of 8 Feb 2016 be accepted.

**Motion1** carried

**ORDER OF BUSINESS:**

**Item 1** – To Revisit and make further Recommendations on the Rezoning Application # 02-F-08 RS located at 9931 South Shore Rd.

Alison Garnett made a short presentation explaining why the APC had been asked to revisit this application. Basically it was because the CVRD had received further information on problems with Soil Contamination and Remediation of same on subject property and the Electoral Area Service Commission had asked that it be referred back to the APC before they made their final decision on recommending approval or denial. The CVRD had written a report on the perceived problems, which all APC members had received for their background information along with other pertinent Maps and Documents.

Page 2

Following Ms Garnett's presentation, Mark Johnstone, Pebble West's Delegate Spokesperson, was asked to make his presentation stating their points of view and explanations of their plans to rectify the concerns of the CVRD. At the very beginning of his presentation he asked the APC whether we had read Pebble West's Rebuttal letter to the CVRD Report. This rebuttal letter was dated 13 June 2016. Since the APC had not received this important document, Mark read it to us verbatim. In this letter Pebble West's Provincially approved Environmental Consultant Firm, Active Earth Engineering Limited, representing Pebbles West, disagreed with the majority of conclusions that were made in the CVRD Report. This rebuttal letter was written by David Mitchell, P.Eng., CSAP Principal, Senior Engineer. Active Earth Engineering Ltd.

During the ensuing discussion, Mr. Mike Achtem, representing Active Earth Engineering, commented that he worked on the Area I Youbou development proposal which had the same, but more extensive, soil contamination problems which were remediated to a standard that met CVRD approval. He stated that this application is the same, only miniscule in comparison, and he did not understand the objections and concerns this time. After further discussion between all in attendance, the APC came to a consensus that we did not have the Technical Expertise to enable us to make any decision regarding Soil Contamination or Remediation and that we would only make recommendations on our normal mandate which is Land Usage. As a result the following Motion was made:

**Motion 2**

It was moved and seconded by Area F APC that we re-approve the Pebble West Rezoning Application and that the APC does not have the expertise to deal with the technical aspects of the contaminated soil issue.

Motion 2 - Carried

## New Business

There was no new business.

## Adjournment

**Motion 3**

There being no further business, a motion was made for adjournment and seconded.

Motion 3 - Carried

Meeting adjourned at 0853PM

Signed (Certified Authentic),

Peter N. Devana

Secretary

Copies to:

Area F APC members

Electoral Area Services Committee [ds@cvr.bc.ca](mailto:ds@cvr.bc.ca)

cc to CVRD Planner Alison Garnett

cc to Area F Director Ian Morrison

cc to Alternate Director Dave Darling







# STAFF REPORT TO COMMITTEE

<b>DATE OF REPORT</b>	June 14, 2017
<b>MEETING TYPE &amp; DATE</b>	Electoral Area Services Committee Meeting of June 21, 2017
<b>FROM:</b>	Development Services Division Land Use Services Department
<b>SUBJECT:</b>	"Development Application Procedures & Fees Amendment Bylaw" & "Sign Amendment Bylaw".
<b>FILE:</b>	Bylaw No. 4131; Bylaw No. 4132

## PURPOSE/INTRODUCTION

In an effort to improve, innovate and adapt to the changing needs and expectations of our community, the Development Services Division is recommending changes to Development Application Procedures & Fees Bylaw No. 3275 and Sign Bylaw No. 1095. These changes have been prompted by Staff's desire to streamline permitting processes, provide greater clarity to the development community on permitting requirements, and provide the general public with a clearer understanding of what development activities are proposed in their neighbourhood.

The Development Application Procedures & Fees Bylaw establishes procedures for processing permit applications, public notifications requirements, permit refusal and appeal, etc. The Bylaw also includes application forms, development application notification sign specifications and templates. As a result, an amendment is required to the Bylaw when any changes are proposed to application forms and other administrative aspects of the application process. This report outlines proposed amendments to the Development Application Procedures and Fees Bylaw to improve development application processes.

## RECOMMENDED RESOLUTION

That Development Application Procedures & Fees Amendment Bylaw No. 4131 and Sign Amendment Bylaw No. 4132 be forwarded to the Board for consideration of three readings and adoption.

## PROPOSAL

Staff are recommending bylaw amendments to Development Application Procedures & Fees Bylaw No. 3275 and Sign Bylaw No. 1095 in order to introduce new application forms and public notification signage.

### **New Application Forms:**

In an effort to streamline the permitting process, and provide greater clarity to land owners and the development community on permitting requirements, Staff are proposing to replace the existing application forms. Currently, Staff are finding that the majority of applications received are incomplete as the existing application forms do not clearly layout submission requirements. As a result, processing times for permits are commonly drawn-out. The new application forms provide greater clarity and detail. See Attachment A for an example of the new application forms.

The applications were drafted based on best practices from other local governments (i.e. Regional District of Nanaimo, City of Nanaimo, Municipality of North Cowichan, City of Surrey and the City of New Westminster) as well as consultation with Strategic Services. The key differences with the new applications forms includes:

1. Streamlining five application forms into one;
2. Providing a clear checklist of requirements;
3. Providing samples of a site plan and elevation drawings; and,
4. A list of common contacts.

In order to replace the existing application forms, bylaw amendments to remove the existing forms from Development Application Procedures & Fees Bylaw No. 3275 and Sign Bylaw No. 1095 need to be made. See the following section, 'Proposed Bylaw Amendments' for a summary of proposed amendments.

### **New Property Signage & Requirements**

The Development Application Procedures and Fees Procedures & Fees Bylaw requires an applicant to post a sign on the subject property for an application made to amend an Official Community Plan (OCP) or Zoning Bylaw, and for Development Variances Permits, Temporary Use and Special Event Permit applications. The purpose of the sign is to inform the general public of the proposed application and provide contact information for additional information. According to the Bylaw, signage is required to be posted throughout the Electoral Areas, with the exception of Electoral Area F – Cowichan Lake South/Skutz Falls.

Three amendments are proposed to streamline the property signage process. The first is to amend the look of the existing signs. Currently applicants are required to post a sign that is cluttered with information and does not meet the new CVRD corporate standard that is being rolled out for all Departments. As a result, a new sign is proposed which includes a revised look and only key information (see Attachment B).

The second proposed amendment is to increase the consistency throughout the region, by amending the Bylaw to require signs be posted throughout all Electoral Areas. As previously mentioned, Electoral Area F is currently exempt from posting any notification signage.

The final proposed amendment would be to remove the notification sign requirement for a development variance permit applications within all of the Electoral Areas. Based on a review of other local governments (i.e. Regional District of Nanaimo, City of Nanaimo, Municipality of North Cowichan, City of Surrey and the City of New Westminster), posting signage for variance application is not a requirement. The legislative requirement to notify the public is addressed through the requirement to send notification to surrounding property owners within 60 metres of the subject property. As Development Variance Permits typically have very localized impacts, notifications of adjacent owners and occupiers should generally ensure that those directly impacted are adequately notified.

In addition to the above noted amendments, the removal of the Fee Schedule from Sign Bylaw No. 1095 is proposed for consistency with Development Application Procedures & Fees Bylaw No. 3275.

### **PROPOSED BYLAW AMENDMENTS**

The following amendments are proposed to Development Application Procedures & Fees Bylaw No. 3275 (see Attachment C):

- Delete *Schedule A*: "Application forms", *Schedule C*: "sign specifications" and *Schedule D & E*: "sign information (sample)";
- Delete requirements for "development variance permit and a development permit that incorporates a variance" to erect a development application sign on a subject property.
- Require properties that lie within Electoral Area F of the CVRD to post development application signs;

The following amendments are proposed to Sign Bylaw No.1095 (see Attachment D):

- Delete Appendix A: “Application for Sign Permit”
- Delete Appendix B: “Application Fee Schedule”
- Remove all reference to Appendix A & B throughout Bylaw.

### FINANCIAL CONSIDERATIONS

The revised application forms have been completed in house by the Development Services Division. The draft application forms and property signage has been sent to a graphic designer who will finalize the documents to the CVRD Corporate standard.

### COMMUNICATION CONSIDERATIONS

The changes to the revised application forms and property signage are meant to improve external communications with staff and applicants.

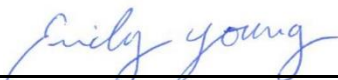
### STRATEGIC/BUSINESS PLAN CONSIDERATIONS

N/A


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, Procurement*)
- 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:

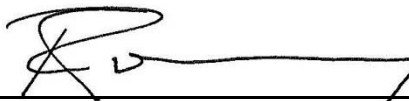


Emily Young, BA (Plan)  
Planning Technician

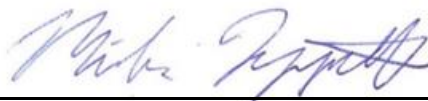


Kasia Biegun, BA, MPLAN  
Planner I

Reviewed by:



Rob Conway, MCIP, RPP  
Manager



Mike Tippett, MCIP, RPP  
A/General Manager

### ATTACHMENTS:

- Attachment A – Proposed Application Form
- Attachment B – Proposed Public Notification Signage
- Attachment C – Draft “CVRD Development Application Procedures & Fees Bylaw No. 4131”
- Attachment D – Draft “Sign Bylaw No. 4132”
- Attachment E – Existing “CVRD Development Application Procedures & Fees Bylaw No. 3275”
- Attachment F – Existing “Sign Bylaw No. 1095”

Example of Existing Land Use Services Application Form

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Schedule A to CVRD Bylaw No.3275 - Application Forms Page 2

**COWICHAN VALLEY REGIONAL DISTRICT**

**APPLICATION FOR DEVELOPMENT PERMIT**

1. Name of Owner(s): \_\_\_\_\_
2. Address of Owner(s): \_\_\_\_\_
3. Telephone No. of Owner(s): \_\_\_\_\_ fax: \_\_\_\_\_ email: \_\_\_\_\_
4. Name of Applicant: \_\_\_\_\_
5. Address of Applicant: \_\_\_\_\_
6. Telephone No. of Applicant: \_\_\_\_\_ fax: \_\_\_\_\_ email: \_\_\_\_\_
7. Legal Description of Property: \_\_\_\_\_  
\_\_\_\_\_
8. Civic Address of Property: \_\_\_\_\_
9. Size of Property: \_\_\_\_\_
10. Existing Use of Property: \_\_\_\_\_
11. Adjacent Land Use:
  - North: \_\_\_\_\_
  - South: \_\_\_\_\_
  - East: \_\_\_\_\_
  - West: \_\_\_\_\_
12. Zoning: \_\_\_\_\_
13. Official Plan Designation: \_\_\_\_\_
14. Proposed Use of Property: \_\_\_\_\_  
\_\_\_\_\_

(Additional written material may be attached)

15. Request for Variance (?): \_\_\_\_\_  
\_\_\_\_\_

Schedule A to CVRD Bylaw No.3275 - Application Forms Page 3

**DECLARATION PURSUANT TO THE ENVIRONMENTAL MANAGEMENT ACT**

I, \_\_\_\_\_, owner of land described above on this application form, hereby declare that the land which is the subject of this application has not to my knowledge been used for industrial or commercial activity as defined in the list of "industrial purposes and activities" (Schedule 2) of the *Contaminated Sites Regulation* (BC Reg. 375/96). I therefore declare that I am not required to submit a site profile under Section 20.11 or any other section of the *Environmental Management Act*.

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

**THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:**

- (a) One copy of the legal plan of the property
- (b) Scale plan of the property or properties showing true dimensions and shape of the property, the site location of proposed and existing buildings, the approximate location of the buildings on adjoining properties and, where applicable, additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. (Note: At least one copy of any submissions must be a maximum of 11"x17" in size.)
- (c) State of Title Certificate (available from the Land Titles Office, in Victoria or through a title search company, notary or lawyer) and copies of all easement, covenant and right-of-way documents etc. on the title.
- (d) Additional material, certified resolutions or comments in support of the application.
- (e) Payment of the applicable application fee (see fee schedule).
- (f) Completed Site Profile as per the Site Contamination Regulation of the *Environmental Management Act* (if required).

I HEREBY DECLARE that all the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge true and correct in all respects. I further declare that I am aware that should a development permit be issued, the CVRD is required by Section 927 of the *Local Government Act* to file notice of the issuance of the permit in the Land Title Office and that such notice will be filed against the title of the subject property.

**Personal Information Declaration:** This information is collected pursuant to Part 26 of the *Local Government Act* and CVRD Development Application Procedures and Fees Bylaw No. 3275. This information has been collected and may form part of the public record and may be included in a meeting agenda that is posted online when this matter is before the Board or a Committee of the Board. I hereby consent that all information, including personal information, contained in this document including all attachments may be made available to the public. Note: For more information on disclosure, contact the CVRD FOI Coordinator at 250-746-2507 or 1-800-665-3955.

\_\_\_\_\_  
Signature of Owner(s) \_\_\_\_\_  
Date

By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff and Advisory Planning Commission members as authorized by the Regional Board.



# Example of Proposed Land Use Services Application Form



**Development Services**  
www.cvrd.bc.ca | ds@cvrd.bc.ca

## Land Use & Development Application

*Please note: Incomplete applications will be returned to the applicant. No hand drawings will be accepted. Napkin plans will not suffice. Please no crayon, and remember your application is one of many that we receive, and will be processed in the order they are received. Do not staple or bind any plans or documents being submitted.*

I / We hereby apply under Part 14 of the Local Government Act for a;

- |   |  |
|---|--|
| <input type="checkbox"/> Development Permit               | <input type="checkbox"/> Rezoning                          |
| <input type="checkbox"/> Development Permit with Variance | <input type="checkbox"/> Official Community Plan Amendment |
| <input type="checkbox"/> Development Variance Permit      |  |

### Property Details

Civic Address \_\_\_\_\_ PID \_\_\_\_\_

Existing Use of Land \_\_\_\_\_

### Development Details

**Development Permit Area(s)**  
(Contact Planning staff if unknown)

**Purpose of Application**  
(Please provide a brief description of the proposed development)

<b>Office Use Only</b>	Date Received	Received By (In-person, email, mail)
	Receipt No.	
	Fees Paid: \$	

### CVRD Requirements

When providing Application Forms to the applicant, Regional District staff shall indicate which of the following attachments are required for this application. **Additional information may also be required at a later date.**

	Required	Received	Details
Basic Requirements	x		Complete Application Form
	x		Payment of Applicable Fees
	x		Current State of Title ( <i>issued within last 30 days</i> )
	x		Copy of all Charges to State of Title (rights-of-ways, easements, covenants)
Site Plan (see sample site plan)	x		11" x 17" Scaled and Dimensional Plan
	x		North Arrow and Scale
	x		Dimensions of Property Lines, Rights-of-Ways, Easements and Covenants
	x		Location and Dimensions of Existing and Proposed Buildings and Setbacks to lot Lines, Rights-of-Ways, Easements and Covenants
	x		Location of all Water Features, Including Streams, Wetlands, Ponds, Ditches, Ocean, Lakes on or Adjacent to Property
	x		Location of all Existing and Proposed Water Lines, Wells, Septic Fields, Sanitary Sewer and Storm Drains
			Natural & Finished Grades of Sites, at Buildings and Retaining Walls
			Location of Existing and Proposed Driveways and Pathways
			Stormwater Management Infrastructure and Impermeable Surfaces
			Above Ground Services, Equipment and Exterior Lighting Details
Elevation Drawings			Location, Numbering and Dimensions of all Vehicle and Bicycle Parking, Disables Persons' Parking, Vehicle Stops & Loading
			Other:
			Cross Sections
			All Four Elevations (front, rear and two sides)
			Exterior Finishes and Materials
			Height Dimensions (including height calculations)
Additional Information			Other:
			Archeological Assessment
			Development Rationale
			Environmental Assessment
			Erosion and Sediment Control Plan
			Geotechnical Report
			Parcel & Impervious Site Coverage Plan
			Landscaping Plan by a Qualified Professional
			Stormwater Management Plan
			Traffic Impact Assessment
			Riparian Area Assessment Report
		Other:	

# Example Proposed Land Use Services Application Form

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**Provincial Requirements** (This is not an exhaustive list; other provincial regulations may apply)

**Riparian Areas Regulation** Please indicate whether the development proposal involves residential, commercial, industrial uses, or includes the removal or alteration of any vegetation; soil disturbance; construction of buildings and structures; creation of impervious or semi-impervious surfaces; trails, roads, docks, wharves, bridges and, infrastructure and works of any kind - within:

yes no  
  30 metres of the high water mark of any water features

yes no  
  a ravine or within 30 metres of the top of a ravine bank

"Water features" includes; 1) a watercourse, whether it usually contains water or not; 2) a pond, lake, river, creek, or brook; 3) a ditch, spring, or wetland that is connected by surface flow to 1 or 2 above.

**Under the Riparian Areas Regulation of the Fish Protection Act, a riparian area assessment report may be required before this application can be processed (see Riparian Areas Regulation Brochure).**

**Contaminated Sites Profile** Pursuant to the *Environmental Management Act*, an applicant is required to submit a completed "Site Profile" for properties that are or were used for purposes indicated in Schedule 2 of the *Contaminated Sites Regulations*. Please indicate if:

yes no  
  the property has been used for commercial or industrial activities as defined in Schedule 2 (attached).

If you responded 'yes', you may be required to submit a Site Profile (available at the CVRD office). Please contact the Ministry of Environment for further information.

**Archaeological Resources** Are there archaeological sites or resources on the subject property?

yes no I don't know

If unsure, contact Planning staff. For further information refer to the Archaeology Branch of BC brochure.

**Common Contacts (subject to change without notice)**

BC Land Title & Survey Authority (LTSA)	1.877.577.5872
Ministry of Transportation and Infrastructure (Electoral Area G & H)	1.250.751.3246
Ministry of Transportation and Infrastructure (Electoral Area A, B, C, D, E, F & I)	1.250.952.4515
Front Counter BC (for any provincial application)	1.877.855.3222
Island Health (Health Protection & Environmental Services)	1.250.737.2010

Page 3 of 6

175 Ingram Street | Duncan, BC | V9L 1N8 Phone: 250.746.2620 | Toll Free: 1.800.665.3955 | Email: ds@cvrld.bc.ca

**Owner and Agent Contact Information**

Owner's Contact Information

Name of Owner	Phone Number
Address	City
Email	Postal Code

Agent's Contact Information

Name of Agent	Company
Address	Phone Number
Email	Postal Code

**Owner and Agent Declaration**

*The property described above is the subject of this application and is referred to herein as the 'subject property'. This application is made with my full knowledge and consent. I declare that the information submitted in support of the application is true and correct in all respects. By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff and Advisory Planning Commission members as authorized by the Regional Board.*

**Personal Information Declaration:** This information is collected pursuant to Part 14 of the *Local Government Act* and CVRD Development Application Procedures and Fees Bylaw No. 3275. This information has been collected and may form part of the public record and may be included in a meeting agenda that is posted online when this matter is before the Board or a Committee of the Board. I hereby consent that all information, including personal information, contained in this document including all attachments may be made available to the public. Note: For more information on disclosure, contact the CVRD FOI Coordinator at 250.746.2507 or 1.800.665.3955.

Owner's Declaration

Name of Owner (print)	Signature of Owner	Date
Name of Owner (print)	Signature of Owner	Date

Agent's Declaration

Signature of Agent	Date
--------------------	------

I the owner hereby give permission to \_\_\_\_\_ to act as my/our agent in all matters relating to this application.

Signature of Owner	Date
Signature of Owner	Date

Page 4 of 6

175 Ingram Street | Duncan, BC | V9L 1N8 Phone: 250.746.2620 | Toll Free: 1.800.665.3955 | Email: ds@cvrld.bc.ca

# Example Proposed Land Use Services Application Form

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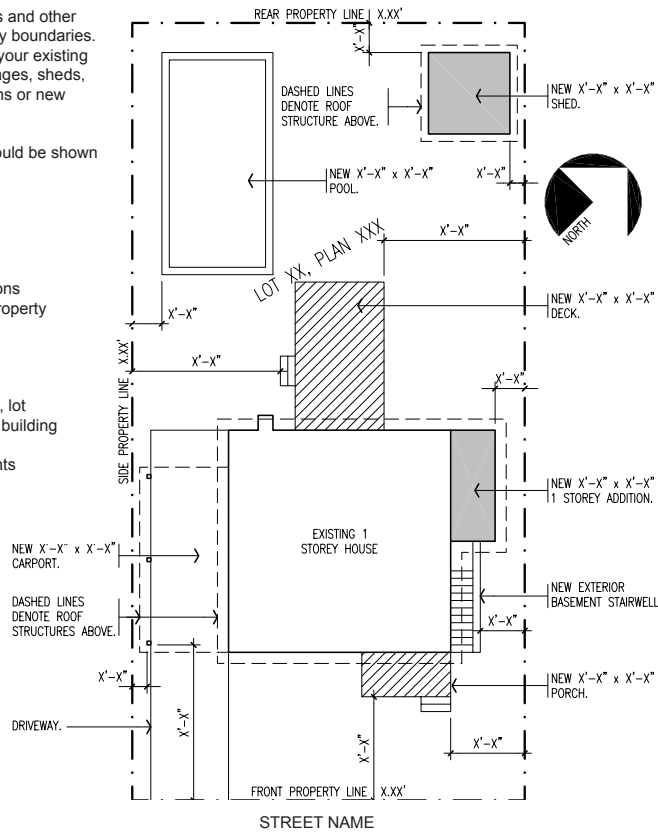


## Site Plan - Sample

A site plan identifies buildings and other features in relation to property boundaries. The site plan should identify your existing structures (ie. dwellings, garages, sheds, decks) and proposed additions or new structures.

The following information should be shown on a site plan:

- Title and scale
- Legal description
- Street name
- North arrow
- Property lines with dimensions
- Setbacks (distance) to all property lines from all existing and proposed structures
- Proposed construction (shaded or cross hatched)
- Overall building dimensions, lot coverage, new and existing building areas of all buildings
- Rights-of-way and easements



- Notes:**
1. Do not submit this sample drawing as part of your drawing package.
  2. Plans submitted for review are to be drawn at a recognized scale.
  3. Refer to the Electoral Area Zoning Bylaw for zoning requirements.

**Legend:**

X' - X", X", x.xx', xx Denotes information that is required on your site plan. This information consists of setbacks, dimensions and other elements.



## Elevation Drawings - Sample



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



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

Example of Existing Property Signage



**SCHEDULE C**

To CVRD BYLAW NO. 3275

Sign Specifications:

1. Sign Size:
  - 91 cm x 91 cm, minimum dimensions
2. Sign Material:
  - Corrugated plastic, plywood or other durable material
  - Colour: white background
3. Sign Lettering:
  - Block lettering in black paint or black vinyl
  - Major headings as per Schedule D: 7 cm letters (minimum)
  - Secondary headings as per Schedule D: 5 cm letters (minimum)
  - All other words: 4 mm (minimum)
4. Sign Content:
  - Sign content shall be substantially as shown on Schedule C, Page 2, or
  - Sign content may be varied from the above with the prior consent of the General Manager of Planning and Development or nominated designate, provided the sign meets all of the minimum requirements of this Schedule and adequately provides public notice.
5. Sign Installation
  - Notice of Development Application signs shall be installed in a sound manner, be capable of withstanding typical winds and weather, and be clearly legible from the fronting road right-of-way.



**SCHEDULE D**

To CVRD BYLAW NO. 3275

SCHEDULE D – Sign Information (sample)

Type: <b>DEVELOPMENT PERMIT with VARIANCE</b>		
<i>Applicant's name and address:</i> ABCD Developments Inc. PO Box 1234 Duncan, B.C. V0V 0V0 Tel: (250) 123-4567	<i>Subject property:</i> 9876 Somewhere Road Lot 1, Block B, Plan 785 B, Shawnigan Land District	<i>Parcel Area:</i> 2000 m <sup>2</sup> (1/2 acre)
<i>OCP Designation:</i> Residential	<i>Zoning :</i> R-3 Village Residential Serviced	<i>ALR:</i> Out <i>FLR:</i> Out
<i>Development Permit Area:</i> Yes		
<i>Summary:</i>		
<i>Map:</i>		

# Example of Proposed Property Signage

## LAND USE SERVICES

www.cvrld.bc.ca | ds@cvrd.bc.ca

### Notice of Rezoning Application Sign Specifications

Signage is required to be posted on the subject property to notify the public of the proposed rezoning application. The sign must be posted as soon as practical after the application has been made, and will be kept in place continuously until after the Board of Directors has made a final decision for the rezoning application.

- 1 SIGN SIZE**  
Minimum dimensions | 8 feet (244cm) x 4 feet (122cm)
- 2 SIGN MATERIAL**
  - Corrugated plastic or other durable material
  - Colour | White background
- 3 SIGN LETTERING**
  - Block Arial Capitals
  - Major heading | Minimum 6.4 cm letters
  - Secondary headings | Minimum 3.2 cm letters
  - All other words | Minimum 2.2 cm letters
- 4 SIGN CONTENT**
  - See example on page 2 for sign content
  - We recommend a draft of the sign be reviewed by a CVRD Planner prior to installation
- 5 SIGN INSTALLATION**
  - Sign should be clearly legible from the fronting road right-of-way
  - Sign should be installed in a sound matter, be capable of withstanding typical west coast weather

345

## DEVELOPMENT PROPOSAL

Property Address or Lot #

**TYPE:** REZONING APPLICATION  
**PROPOSAL:**

**APPLICANT:** Name  
Address  
Phone  
Email

**APPLICATION #:**

**FOR MORE INFORMATION PLEASE CONTACT:**

Land Use Services Department  
Phone | 250.746.2620  
1-800-665-3955  
Email | ds@cvrd.bc.ca

Subject Property Map

For information regarding the PUBLIC HEARING date, please contact the Land Use Services Department and quote application #.



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4131

#### A Bylaw to Amend Development Application Procedures & Fees Bylaw No. 3275

---

**WHEREAS** the Board of Directors of the Cowichan Valley Regional District established procedures and set fees for development applications under “CVRD Development Application Procedures & Fees Bylaw No. 3275”;

**AND WHEREAS** the Board wishes to amend Bylaw No. 3275 to improve development application processes;

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

#### 1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 4131 - Development Application Procedures & Fees Amendment Bylaw, 2017**".

#### 2. AMENDMENTS

a) That the text in Section 2 – Schedules be deleted and replaced with the following text:

The following Schedule is attached to, and forms part, of this bylaw:  
Schedule “A” – Fees.

b) That the existing Schedule “B” – Fee Schedules be renamed as Schedule “A” – Fees

c) That the wording of “Temporary Commercial/Industrial Use Permit” in subsection (b)(iii) of Section 3 – Scope be deleted and replaced with the following wording: ‘Temporary Use Permit’.

d) That the text in Section 5 – Fees be deleted and replaced with the following text: “Upon submission of an application, the applicant shall pay an application fee in the amount as set out in Schedule “A” to this bylaw.

e) That the text in Section 8.3 - Sign Requirements be deleted and replaced with the following text:

- a) The applicant, on those parcels subject to an amendment to:
- i) an official community plan or zoning bylaw.
  - ii) land use contract amendment.
  - iii) temporary use permit or special event temporary use permit.



- shall erect or cause to be erected a development application sign on the subject property.
- b) The development application sign shall be located in conformity with the following:
    - i) the bottom edge of the sign(s) shall be a minimum of 1 metre above the ground, and not more than 1.5 metres above the ground;
    - ii) one sign shall be located within 3 metres of the edge of pavement of any fronting road, or on the parcel boundary line, whichever makes the sign(s) more legible for passers-by;
    - iii) the sign(s) shall be located approximately at the mid-point along each fronting road or parcel boundary line, except where this requirement would have the effect of obscuring the sign.
  - c) The development application sign will be erected as soon as practical after application has been made, and shall be kept in place continuously, until the Board of Directors has rendered a final decision on the application. The General Manager of Land Use Services may require proof in a form acceptable to him or her that the sign has been posted as required by Section 8 of this bylaw.
  - f) That the existing Fee Schedule – Miscellaneous be deleted and replaced with the following:

## FEE SCHEDULE - MISCELLANEOUS

<u>TYPE OF APPLICATION</u>	<u>FEE</u>
<u>BOARD OF VARIANCE:</u>	<b>\$400</b>
<u>LAND USE CONTRACT AMENDMENT:</u>	Same as for rezoning amendment, development permit, development variance permit (whichever is applicable) plus advertising costs.
<u>TEMPORARY USE PERMIT:</u>	<b>\$1,000</b> plus advertising costs
<u>SPECIAL EVENT TEMPORARY USE PERMIT</u>	<b>\$300</b> plus advertising costs <b>\$100</b> for renewal
<u>LIQUOR LICENCE APPLICATION:</u>	<b>\$1,500</b> plus advertising costs
<u>LEGAL DOCUMENT COST:</u>	Any legal costs incurred by the Cowichan Valley Regional District in preparing legal documents such as covenants and development agreements associated with an application referred to in Schedule B will be borne by the applicant and paid prior to consideration of development approval.
<u>SIGN PERMIT (no applicable sign guidelines):</u>	<b>\$20</b> for signs smaller than 1 m <sup>2</sup> <b>\$40</b> for signs between 1 m <sup>2</sup> & 3 m <sup>2</sup> <b>\$1000</b> for signs larger than 3 m <sup>2</sup>
<u>OTHER:</u>	
CVRD Development Application Sign Deposit	<b>\$30</b>
CVRD File Review Fee	<b>\$150</b>
Restrictive Covenant Processing /Amendment Discharge Fee	<b>\$250</b>

**NOTE:**

1. In the event that the application is approved by the Board, a further charge of \$25. per parcel shall be payable at the time of, but prior to, issuance of the permit so as to cover the cost of filing notice at the Land Titles office.
2. If more than one parcel is the subject of the application, a separate permit application fee shall be required for each parcel unit/or for each building or dwelling if separate variances are required for each.

- 3. The applicant will be sent a first invoice for the anticipated cost of the advertising for the public hearing/notice. The public hearing/notice will not be scheduled until payment of the first invoice has been received, and payment of the final invoice must be received prior to the recommendation being forwarded to the Regional Board.
- 4. In a case where an application is withdrawn or turned down by the Board prior to the public notification process having commenced, a refund of \$100. shall be returned to the applicant.

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. 4132**

**A Bylaw to Amend Sign Bylaw No. 1095**

**WHEREAS** the Board of Directors of the Cowichan Valley Regional District established sign regulations within the boundaries of the electoral areas under “CVRD Sign Bylaw No. 1095, 1987”;

**AND WHEREAS** the Board wishes to amend Bylaw No. 1095 to provide consistency with Development Application Procedures & Fee Bylaw No. 3275;

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 4132 - Sign Amendment Bylaw, 2017**".

2. **AMENDMENTS**

a) That the text in Section 9.1 – Permits Required be deleted and replaced with the following text:

A sign permit must be applied for, and issued by the CVRD, prior to the construction, erection, alteration, repair, other than normal maintenance or re-location of any sign, except those exempted under this bylaw.

b) That the text in Section 9.2 – Permits Required be deleted and replaced with the following text:

Prior to the issuance of a sign permit, all applicable fees must be paid.

c) That Appendix A – Application For Sign Permit be deleted.

d) That Appendix B – Application Fee Schedule be deleted.

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. 3275**

**(As Amended by Bylaw No. 3808)**

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**BYLAW NO. 3275 – CVRD DEVELOPMENT APPLICATION PROCEDURES  
AND FEES BYLAW, 2009**

**CONSOLIDATED FOR CONVENIENCE ONLY**

The amendment bylaws listed below have been incorporated into enactment bylaw No. 3275 for convenience purposes only. Persons making use of the consolidated version of Bylaw No. 3275 are advised that it is not a legal document and that for the purpose of interpreting and applying the law, the original bylaws must be consulted. Certified copies of original bylaws are available through the Corporate Secretary's Office.

**AMENDMENT BYLAW**

**EFFECTIVE DATE**

3547  
3654  
3665  
3701  
3808

August 3, 2011  
November 14, 2012  
December 12, 2012  
May 8, 2013  
July 30, 2014





## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 3275

**A Bylaw to Establish Procedures to Amend an Official Community Plan or a Zoning Bylaw, Amend a Land Use Contract, Process an Agricultural Land Reserve Application or to Issue a Permit Under Part 26 of the *Local Government Act***

---

**WHEREAS** the Board of Directors of the Cowichan Valley Regional District has adopted official community plans, zoning bylaws, and land use contracts;

**AND WHEREAS** the Board has designated areas in the Official Community Plans within which temporary commercial and industrial permits and development permits are required;

**AND WHEREAS** the Board has a duty, under the *Agricultural Land Commission Act*, to provide information and a resolution regarding Agricultural Land Reserve applications in the CVRD;

**AND WHEREAS** the Board must, pursuant to Section 895 of the *Local Government Act*, by bylaw, establish procedures to amend a plan, bylaw or issue a permit;

**AND WHEREAS** the Board may, pursuant to Section 931 of the *Local Government Act*, by bylaw, impose fees for applications and inspections;

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

#### 1. **CITATION**

This bylaw may be cited for all purposes as the "**CVRD Development Application Procedures and Fees Bylaw No. 3275, 2009**".

#### 2. **SCHEDULES**

The following Schedules are attached to, and form part of, this bylaw:

- a) Schedule "A" – Application Forms
- b) Schedule "B" – Fee Schedules
- c) Schedule "C" – General Sign Specifications
- d) Schedule "D" – Sign Information

### 3. **SCOPE**

This bylaw shall apply to the following:

- a) Application, by a party other than the Regional District, for amendment to:
  - i) an Official Community Plan;
  - ii) a Zoning Bylaw; and
  - iii) a Land Use Contract.
- b) Applications, by a party other than the Regional District, for a:
  - i) Development Variance Permit;
  - ii) Development Permit;
  - iii) Temporary Commercial/Industrial Use Permit;
  - iv) Special Event Temporary Use Permit;
  - v) Board of Variance decision; and
  - vi) *Agricultural Land Commission Act* approval.
- c) Subdivision Application Fees pursuant to Section 931 of the *Local Government Act*.
- d) Discharge or consent to amendment of a Restrictive Covenant to which the CVRD is a signatory or named party.
- e) File review in response to a letter requesting a review of many aspects of a parcel's status such as: present or historical zoning, building permits, bylaw enforcement and other permits.
- f) Requests to extend the term limit of a Development Permit or Development Variance Permit.

### 4. **APPLICATIONS**

- a) Applications listed in Section 3 shall be made by the owner of the land involved, or by a person authorized by the owner.
- b) Applications for amendments or permits shall be made to the General Manager, Planning and Development Department of the CVRD, on the applicable form, attached hereto as Schedule "A" of this bylaw.

### 5. **FEES**

At the time of an application listed in Section 3, the applicant shall pay to the CVRD an application fee in the amount prescribed in Schedule "B" of this bylaw, or in accordance with any statute or regulation of British Columbia.

### 6. **STAFF DUTIES AND REPORTS**

- a) Applications shall be received by the General Manager of Planning and Development or a nominated designate;

- b) Where any application or administrative process would be within a Riparian Assessment Area pursuant to the *Riparian Areas Regulation* (RAR), the procedures set out therein shall be followed, without being subject to subsections c), d) and e) below;
- c) Unless subject to Section 7 of this bylaw, written reports prepared by staff of the Planning and Development Department shall be submitted to the appropriate Advisory Planning Commission (APC), or more than one APC, as specified in an Official Community Plan, for applications for OCP amendments, zoning amendments, and for development permits;
- d) Notwithstanding subsection c), development permit applications for the subdivision of less than three new lots will not be referred to the APC;
- e) In the case of development variance permits and Agricultural Land Reserve applications, these will not be sent to an Advisory Planning Commission unless the Director of the affected area specifically requests it, but will instead be the subject of a Planning and Development Department report to the Electoral Area Services Committee;
- f) Following step (c) above, once an APC has prepared a recommendation or comments on an application it has considered, Planning and Development Department staff will prepare a report to the Electoral Area Services Committee;
- g) The recommendation of the Electoral Area Services Committee will then be considered by the CVRD Board of Directors.

## 7. **DELEGATION OF DEVELOPMENT PERMIT APPLICATIONS**

The CVRD Board of Directors delegates the ability to issue development permits to the General Manager of Planning and Development in the following circumstances:

- a) where a development permit application has been made pursuant to a Riparian Areas Regulation Development Permit Area or exclusively pursuant to RAR Development Permit Area guidelines;
- b) where a development permit would be required only for a sign;
- c) where a development permit has been applied for in the Woodley Range Development Permit Area (Electoral Area H);
- d) where a development permit has been applied for in an Agricultural Protection Development Permit Area, or, for a multi-purpose development permit area, where the application is exclusively pursuant to agricultural protection guidelines;
- e) where a development permit has been applied for in a Marine Riparian Development Permit Area, or, for a multi-purpose development permit area, where the application is exclusively pursuant to marine riparian protection guidelines;
- f) where a development permit has been applied for to undertake development, excluding subdivision, of land upon which a single family dwelling or single detached dwelling is a principal permitted use, in the Aquatic Resource Protection Development Permit Area, Critical Habitat Protection Development Permit Area, Sensitive Lands Development Permit Area, Agricultural Protection Development Permit Area, or Rural Character Development Permit Area, in Electoral Area D (Cowichan Bay).

## 8. **PUBLIC NOTICE**

### 8.1 Statutory References

The public notice requirements for development applications are prescribed in Part 26 of the *Local Government Act*, as illustrated by the following table:

<b>APPLICATION TYPE</b>	<b>LOCAL GOV'T ACT SECTION</b>
Official Community Plan	875
Zoning Bylaw Amendments	903
Development Permits	920
Temporary Commercial/ Industrial Use Permits	921
Special Events Temporary Use Permits	921
Development Variance Permits	922
Land Use Contracts	930
Board of Variance	901

### 8.2 Public Notice Requirements

Public notice, in any case noted in Section 8.1 other than Development Permit applications that do not incorporate a variance, Board of Variance applications, and Special Event Temporary Use Permits that do not alter permitted use or density, when required to be mailed, shall be mailed or otherwise delivered to the owners and occupant of parcels located within 60 metres of the subject property.

### 8.3 Sign Requirement

- a) The applicant, on those parcels subject to an amendment to:
  - i) an official community plan or zoning bylaw;
  - ii) land use contract, temporary commercial or industrial use permit.
  - iii) development variance permit and a development permit that incorporates a variance
 shall erect or cause to be erected a development application sign on the subject property.
- b) The development application sign shall be of a form substantially in conformity with the specifications of Schedules "C" and "D", and located in conformity with the following:
  - i) the bottom edge of the sign(s) shall be a minimum of 1 metre above the ground, and not more than 1.5 metres above the ground;
  - ii) one sign shall be located within 3 metres of the edge of pavement of any fronting road, or on the parcel boundary line, whichever makes the sign(s) more legible for passers-by;
  - iii) the sign(s) shall be located approximately at the mid-point along each fronting road or parcel boundary line, except where this requirement would have the effect of obscuring the sign.
- c) Notwithstanding Section 8.3b, the development application sign for Special Event Temporary Use Permit applications shall be of a form substantially in conformity with the specifications of Schedule "C" and "E". Other requirements specified in subsection 8.3b apply.
- d) The development application sign will be erected as soon as practical after application has been made, and shall be kept in place continuously, until after the

Public Hearing, for a bylaw amendment, and until after Board of Directors has rendered a final decision, for a permit application. The General Manager of Planning and Development may require proof in a form acceptable to him that the sign has been posted as required by Section 8 of this bylaw.

- e) For the purposes of Section 8 of this bylaw, the CVRD may make a series of re-useable signs that conform to Schedules "C" and "D" available to applicants, for a fee as prescribed in Schedule "B".
- f) Notwithstanding anything to the contrary in this Bylaw, applicants whose properties lie within Electoral Area F of the CVRD are not required to post development application signs on their property in accordance with this Section.

#### 9. **PUBLIC HEARING**

In the case of applications for amendments to the official community plan and the zoning bylaw, public hearings are governed by Section 890 of the *Local Government Act*. In the absence of the public, a public hearing may be adjourned after a minimum of 15 minutes from the advertised time of commencement of the hearing.

#### 10. **PENALTY FOR POSTPONEMENT OF PUBLIC HEARING**

Any costs associated with the postponement of a hearing, due to failure of the applicant to comply with the requirements of this Bylaw, shall be paid by the applicant, in addition to application fees previously paid.

#### 11. **PROCEDURE AFTER PUBLIC HEARING**

The Board shall, after the public hearing, if any, proceed in accordance with Section 894 of the *Local Government Act*.

#### 12. **PERMIT - ISSUANCE OR REFUSAL**

The Board may, in the case of an application for a development variance permit, development permit, or temporary commercial use or industrial use permit:

- a) authorize the issuance of the permit; or
- b) authorize the issuance of the proposed permit as amended by the Board in its resolution; or
- c) table the permit; or
- d) refuse to authorize the issuance of the permit.

#### 13. **REFUSAL AND APPEAL**

- a) Where an application has been refused by the CVRD Board of Directors or the General Manager of Planning and Development, the General Manager of Planning and Development or a nominated designate shall notify the applicant in writing within 30 days immediately following the date of refusal.
- b) Where an application has been refused by the General Manager of Planning and Development, the applicant shall have the right to appeal the delegated decision to the CVRD Board of Directors.
- c) An applicant who wishes to appeal the decision of the General Manager of Planning and

Development shall submit an appeal request in writing to the General Manager of Planning and Development within 60 days of the date of the decision.

- d) Where an appeal request is received, the procedures set out in Section 6, Subsections c), d), e) and f) of this bylaw shall be followed.

#### 14. INACTIVE APPLICATION

Where an applicant under this Bylaw has not pursued the application for a period of twelve (12) months, after being asked by CVRD staff to provide further information or follow a procedure outlined in this Bylaw, the application is deemed to be inactive, and the file will be closed. If a partial fee refund is due under the Official Community Plan and Zoning Amendment refund policy, it will be issued at the time of file closure. **Approximately three (3) months before file closure or nine (9) months into an inactive period, a warning letter will be sent to the applicant advising them that their file is about to become inactive.**

#### 15. REFUND

No refunds are available for any type of applications upon which CVRD Staff have expended time in processing the application, except in accordance with the **Refund Policy** under **Schedule B to this Bylaw – Rezoning/Official Community Plan Fee Schedule**.

Where any type of application has been submitted along with the required fee, and the applicant withdraws an application before staff effort has been expended on the file, a 100% fee refund will be given to the applicant.

#### 16. REAPPLICATION

Subject to Section 895 of the *Local Government Act*, reapplication for an amendment or permit that has been refused by the Board shall not be considered within a 12 month period immediately following the date of refusal. The time period respecting reapplication may only be varied by an affirmative vote of at least two thirds of the Regional Board members eligible to vote on the reapplication.

#### 17. Permit Term Limit Extension

Development Permits and Development Variance Permits issued by the CVRD contain term limits, otherwise known as expiration dates. The term limit forms part of the Permit, and requests to extend the term limit is subject to approval by the CVRD Board or delegated authority.

Requests to amend the term limit of a Permit may be considered for a maximum two year extension, beyond which a new application for Development Permit or Development Variance Permit is required. A written rationale for the extension request must be submitted, accompanied by an application for Development Permit or Development Variance Permit form, a current State of Title Certificate, application fee, and updated project plans or drawings if applicable.

Where a first time, one-year extension request has been made, the CVRD Board of Directors delegates approval authority to the General Manager of Planning and Development. All other requests will be the subject of a Planning and Development



Department report to the Electoral Area Services Committee, with final consideration by the CVRD Board of Directors. Amended Permits require registration with the Land Titles Office.

18. **SEVERABILITY**

If any word, section, subsection, sentence, phrase, or schedule of this bylaw is for any reason held invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the portion that is invalid shall not affect the validity of the remainder of this bylaw.

19. **REPEAL**

Development Approvals Procedures Bylaw No. 2255, cited as "CVRD Development Approval Procedures Bylaw No. 2255, 2001"; and amendments thereto are hereby repealed.

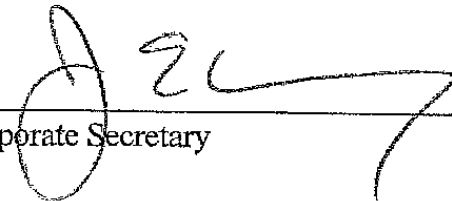
READ A FIRST TIME this 12<sup>th</sup> day of August, 2009.

READ A SECOND TIME this 12<sup>th</sup> day of August, 2009.

READ A THIRD TIME this 12<sup>th</sup> day of August, 2009.

ADOPTED this 12<sup>th</sup> day of August, 2009.

  
\_\_\_\_\_  
Chairperson

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





## **SCHEDULE A**

### **To CVRD BYLAW NO. 3275**

---

Includes the following Application Forms:

1. Application for Development Permit
2. Application for Development Variance Permit
3. Application for Rezoning and/or Official Plan Amendment, or Land Use Contract Amendment
4. Application for Temporary Use Permit
5. Application for Special Event Temporary Use Permit

COWICHAN VALLEY REGIONAL DISTRICT

APPLICATION FOR DEVELOPMENT PERMIT

1. Name of Owner(s): \_\_\_\_\_

2. Address of Owner(s): \_\_\_\_\_

3. Telephone No. of Owner(s): \_\_\_\_\_ fax: \_\_\_\_\_ email: \_\_\_\_\_

4. Name of Applicant: \_\_\_\_\_

5. Address of Applicant: \_\_\_\_\_

6. Telephone No. of Applicant: \_\_\_\_\_ fax: \_\_\_\_\_ email: \_\_\_\_\_

7. Legal Description of Property: \_\_\_\_\_

\_\_\_\_\_

8. Civic Address of Property: \_\_\_\_\_

9. Size of Property: \_\_\_\_\_

10. Existing Use of Property: \_\_\_\_\_

11. Adjacent Land Use:

North: \_\_\_\_\_

South: \_\_\_\_\_

East: \_\_\_\_\_

West: \_\_\_\_\_

12. Zoning: \_\_\_\_\_

13. Official Plan Designation: \_\_\_\_\_

14. Proposed Use of Property: \_\_\_\_\_

\_\_\_\_\_

(Additional written material may be attached)

15. Request for Variance (?): \_\_\_\_\_

\_\_\_\_\_

**DECLARATION PURSUANT TO THE ENVIRONMENTAL MANAGEMENT ACT**

I, \_\_\_\_\_, owner of land described above on this application form, hereby declare that the land which is the subject of this application has not to my knowledge been used for industrial or commercial activity as defined in the list of "industrial purposes and activities" (Schedule 2) of the *Contaminated Sites Regulation* (BC Reg. 375/96). I therefore declare that I am not required to submit a site profile under Section 20.11 or any other section of the *Environmental Management Act*.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:**

- (a) One copy of the legal plan of the property
- (b) Scale plan of the property or properties showing true dimensions and shape of the property, the site location of proposed and existing buildings, the approximate location of the buildings on adjoining properties and, where applicable, additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. (Note: At least one copy of any submissions must be a maximum of 11"x17" in size.)
- (c) State of Title Certificate (available from the Land Titles Office, in Victoria or through a title search company, notary or lawyer) and copies of all easement, covenant and right-of-way documents etc. on the title.
- (d) Additional material, certified resolutions or comments in support of the application.
- (e) Payment of the applicable application fee (see fee schedule).
- (f) Completed Site Profile as per the Site Contamination Regulation of the *Environmental Management Act* (if required).

I HEREBY DECLARE that all the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge true and correct in all respects. I further declare that I am aware that should a development permit be issued, the CVRD is required by Section 927 of the *Local Government Act* to file notice of the issuance of the permit in the Land Title Office and that such notice will be filed against the title of the subject property.

**Personal Information Declaration:** This information is collected pursuant to Part 26 of the *Local Government Act* and CVRD Development Application Procedures and Fees Bylaw No. 3275. This information has been collected and may form part of the public record and may be included in a meeting agenda that is posted online when this matter is before the Board or a Committee of the Board. I hereby consent that all information, including personal information, contained in this document including all attachments may be made available to the public. Note: For more information on disclosure, contact the CVRD FOI Coordinator at 250-746-2507 or 1-800-665-3955.

\_\_\_\_\_  
Signature of Owner(s)

\_\_\_\_\_  
Date

By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff and Advisory Planning Commission members as authorized by the Regional Board.

Where the applicant for development permit is not the owner of the subject property, the following consent form must be filled out by the registered owner(s) of the property:

I \_\_\_\_\_, the registered owner, of

\_\_\_\_\_

do hereby authorize \_\_\_\_\_, to act on my behalf with respect to the above described development permit, and I acknowledge that all correspondence and communications regarding this matter shall be between \_\_\_\_\_ and the Cowichan Valley Regional District.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Agent

Date \_\_\_\_\_

Date \_\_\_\_\_



<p><b>COWICHAN VALLEY REGIONAL DISTRICT</b></p> <p><b>APPLICATION FOR DEVELOPMENT VARIANCE PERMIT</b></p>
---

1. Name of Owner(s): \_\_\_\_\_
2. Address of Owner(s): \_\_\_\_\_
3. Telephone No. of Owner(s): \_\_\_\_\_ fax: \_\_\_\_\_ email: \_\_\_\_\_
4. Name of Applicant: \_\_\_\_\_
5. Address of Applicant: \_\_\_\_\_
6. Telephone No. of Applicant: \_\_\_\_\_ fax: \_\_\_\_\_ email: \_\_\_\_\_
7. Legal Description of Property: \_\_\_\_\_  
\_\_\_\_\_
8. Civic Address of Property: \_\_\_\_\_
9. Size of Property: \_\_\_\_\_
10. Existing Use of Property: \_\_\_\_\_
11. Adjacent Land Use:
  - North: \_\_\_\_\_
  - South: \_\_\_\_\_
  - East: \_\_\_\_\_
  - West: \_\_\_\_\_
12. Zoning: \_\_\_\_\_
13. Official Plan Designation: \_\_\_\_\_
14. Proposed Use of Property: \_\_\_\_\_  
\_\_\_\_\_
15. I require a variance to Section: \_\_\_\_\_ of CVRD Bylaw No. \_\_\_\_\_  
Which states \_\_\_\_\_
16. Indicate the extent of the variance requested and the justification for the proposed variance:  
\_\_\_\_\_  
\_\_\_\_\_

**DECLARATION PURSUANT TO THE ENVIRONMENTAL MANAGEMENT ACT**

I, \_\_\_\_\_, owner of land described above on this application form, hereby declare that the land which is the subject of this application has not to my knowledge been used for industrial or commercial activity as defined in the list of "industrial purposes and activities" (Schedule 2) of the *Contaminated Sites Regulation* (BC Reg. 375/96). I therefore declare that I am not required to submit a site profile under Section 20.11 or any other section of the *Environmental Management Act*.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:**

- (a) One copy of the legal plan of the property
- (b) Scale plan of the property or properties showing true dimensions and shape of the property, the site location of proposed and existing buildings, the approximate location of the buildings on adjoining properties and, where applicable, additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. (Note: At least one copy of any submissions must be a maximum of 11"x17" in size.)
- (c) State of Title Certificate (available from the Land Titles Office, in Victoria or through a title search company, notary or lawyer) and copies of all easement, covenant and right-of-way documents etc. on the title.
- (d) Additional material, certified resolutions or comments in support of the application.
- (e) Payment of the applicable application fee (see fee schedule).
- (f) Completed Site Profile as per the Site Contamination Regulation of the *Environmental Management Act* (if required).

I HEREBY DECLARE that all the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge true and correct in all respects. I further declare that I am aware that should a development permit be issued, the CVRD is required by Section 927 of the *Local Government Act* to file notice of the issuance of the permit in the Land Title Office and that such notice will be filed against the title of the subject property.

**Personal Information Declaration:** This information is collected pursuant to Part 26 of the *Local Government Act* and CVRD Development Application Procedures and Fees Bylaw No. 3275. This information has been collected and may form part of the public record and may be included in a meeting agenda that is posted online when this matter is before the Board or a Committee of the Board. I hereby consent that all information, including personal information, contained in this document including all attachments may be made available to the public. Note: For more information on disclosure, contact the CVRD FOI Coordinator at 250-746-2507 or 1-800-665-3955.

\_\_\_\_\_  
Signature of Owner(s)

\_\_\_\_\_  
Date

By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff and Advisory Planning Commission members as authorized by the Regional Board.

Where the applicant for development variance permit is not the owner of the subject property, the following consent form must be filled out by the registered owner(s) of the property:

I \_\_\_\_\_, the registered owner of

\_\_\_\_\_ do hereby authorize \_\_\_\_\_, to act on my behalf with respect to the above described development variance permit, and I acknowledge that all correspondence and communications regarding this matter shall be between \_\_\_\_\_ and the Cowichan Valley Regional District.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Agent

Date \_\_\_\_\_

Date \_\_\_\_\_

**COWICHAN VALLEY REGIONAL DISTRICT**

**APPLICATION FOR REZONING AND/OR**

**OFFICIAL PLAN AMENDMENT, LAND USE CONTRACT**

**AMENDMENT OR RURAL LAND USE BYLAW AMENDMENT**

1. Name of Owner(s): \_\_\_\_\_

2. Address of Owner(s): \_\_\_\_\_

3. Telephone No. of Owner(s): \_\_\_\_\_ fax: \_\_\_\_\_ email: \_\_\_\_\_

4. Name of Applicant: \_\_\_\_\_

5. Address of Applicant: \_\_\_\_\_

6. Telephone No. of Applicant: \_\_\_\_\_ fax: \_\_\_\_\_ email: \_\_\_\_\_

7. Legal Description of Property: \_\_\_\_\_

\_\_\_\_\_

8. Civic Address of Property: \_\_\_\_\_

9. Size of Property: \_\_\_\_\_

10. Amount of Property in ALR: \_\_\_\_\_ (if applicable)

11. Amount of Property in FLR: \_\_\_\_\_ (if applicable)

12. Use of Existing Property: \_\_\_\_\_

13. Adjacent Land Use:

North: \_\_\_\_\_

South: \_\_\_\_\_

East: \_\_\_\_\_

West: \_\_\_\_\_

14. Services Provided and/or proposed by applicant

Sewage Disposal \_\_\_\_\_

Water Supply \_\_\_\_\_

Road Access \_\_\_\_\_

Other \_\_\_\_\_

15. Existing Zoning: \_\_\_\_\_

16. Existing Official Community Plan Designation: \_\_\_\_\_

17. Proposed Zoning: \_\_\_\_\_

18. Proposed Official Plan Designation: \_\_\_\_\_

19. Bylaw text change requested (if applicable): \_\_\_\_\_

20. Proposed use and reasons for requesting the change:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DECLARATION PURSUANT TO THE ENVIRONMENTAL MANAGEMENT ACT**

I, \_\_\_\_\_, owner of land described above on this application form, hereby declare that the land which is the subject of this application has not to my knowledge been used for industrial or commercial activity as defined in the list of "industrial purposes and activities" (Schedule 2) of the *Contaminated Sites Regulation* (BC Reg. 375/96). I therefore declare that I am not required to submit a site profile under Section 20.11 or any other section of the *Environmental Management Act*.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:**

- (a) One copy of the legal plan of the property
- (b) Scale plan of the property or properties showing true dimensions and shape of the property, the site location of proposed and existing buildings, the approximate location of the buildings on adjoining properties and, where applicable, additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. (Note: At least one copy of any submissions must be a maximum of 11"x17" in size.)
- (c) State of Title Certificate (available from the Land Titles Office, in Victoria or through a title search company, notary or lawyer) and copies of all easement, covenant and right-of-way documents etc. on the title.
- (d) Additional material, certified resolutions or comments in support of the application.
- (e) Payment of the applicable application fee (see fee schedule).
- (f) Completed Site Profile as per the Site Contamination Regulation of the *Environmental Management Act* (if required).

I HEREBY DECLARE that all the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge true and correct in all respects. I further declare that I am aware that should a development permit be issued, the CVRD is required by Section 927 of the *Local Government Act* to file notice of the issuance of the permit in the Land Title Office and that such notice will be filed against the title of the subject property.

**Personal Information Declaration:** This information is collected pursuant to Part 26 of the *Local Government Act* and CVRD Development Application Procedures and Fees Bylaw No. 3275. This information has been collected and may form part of the public record and may be included in a meeting agenda that is posted online when this matter is before the Board or a Committee of the Board. I hereby consent that all information, including personal information, contained in this document including all attachments may be made available to the public. Note: For more information on disclosure, contact the CVRD FOI Coordinator at 250-746-2507 or 1-800-665-3955.

\_\_\_\_\_  
Signature of Owner(s)

\_\_\_\_\_  
Date

By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff and Advisory Planning Commission members as authorized by the Regional Board.

Where the applicant for re-zoning, plan amendment, land use contract amendment or rural land use bylaw amendment is not the owner of the subject property, the following consent form must be filled out by the registered owner(s) of the property:

I \_\_\_\_\_, the registered owner, of \_\_\_\_\_

do hereby authorize \_\_\_\_\_, to act on my behalf with respect to the above described rezoning/plan amendment, and I acknowledge that all correspondence and communications regarding this matter shall be between \_\_\_\_\_ and the Cowichan Valley Regional District.

\_\_\_\_\_  
Signature of Owner  
Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Agent  
Date \_\_\_\_\_



**COWICHAN VALLEY REGIONAL DISTRICT**

**APPLICATION FOR TEMPORARY USE PERMIT**

1. Name of Owner(s): \_\_\_\_\_
2. Address of Owner(s): \_\_\_\_\_
3. Telephone No. of Owner(s): \_\_\_\_\_ fax: \_\_\_\_\_ email: \_\_\_\_\_
4. Name of Applicant: \_\_\_\_\_
5. Address of Applicant: \_\_\_\_\_
6. Telephone No. of Applicant: \_\_\_\_\_ fax: \_\_\_\_\_ email: \_\_\_\_\_
7. Legal Description of Property: \_\_\_\_\_  
\_\_\_\_\_
8. Civic Address of Property: \_\_\_\_\_
9. Size of Property: \_\_\_\_\_
10. Amount of Property in ALR: \_\_\_\_\_ (if applicable)
11. Amount of Property in FLR: \_\_\_\_\_ (if applicable)
12. Use of Existing Property: \_\_\_\_\_
13. Adjacent Land Use:
  - North: \_\_\_\_\_
  - South: \_\_\_\_\_
  - East: \_\_\_\_\_
  - West: \_\_\_\_\_
14. Services Provided and/or proposed by applicant
  - Sewage Disposal \_\_\_\_\_
  - Water Supply \_\_\_\_\_
  - Road Access \_\_\_\_\_
  - Other \_\_\_\_\_
15. Existing Zoning: \_\_\_\_\_
16. Existing Official Community Plan Designation: \_\_\_\_\_
17. Proposed use and reasons for requesting a permit: \_\_\_\_\_  
\_\_\_\_\_

**THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:**

- (a) One copy of the legal plan of the property
- (b) Scale plan of the property or properties showing true dimensions and shape of the property, the site location of proposed and existing buildings, the approximate location of the buildings on adjoining properties and, where applicable, additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. (Note: At least one copy of any submissions must be a maximum of 11"x17" in size.)
- (c) State of Title Certificate (available from the Land Titles Office, in Victoria or through a title search company, notary or lawyer) and copies of all easement, covenant and right-of-way documents etc. on the title.
- (d) Additional material, certified resolutions or comments in support of the application.
- (e) Payment of the applicable application fee (see fee schedule).

I HEREBY DECLARE that all the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge true and correct in all respects. I further declare that I am aware that should a development permit be issued, the CVRD is required by Section 927 of the *Local Government Act* to file notice of the issuance of the permit in the Land Title Office and that such notice will be filed against the title of the subject property.

**Personal Information Declaration:** This information is collected pursuant to Part 26 of the *Local Government Act* and CVRD Development Application Procedures and Fees Bylaw No. 3275. This information has been collected and may form part of the public record and may be included in a meeting agenda that is posted online when this matter is before the Board or a Committee of the Board. I hereby consent that all information, including personal information, contained in this document including all attachments may be made available to the public. Note: For more information on disclosure, contact the CVRD FOI Coordinator at 250-746-2507 or 1-800-665-3955.

\_\_\_\_\_  
Signature of Owner(s)

\_\_\_\_\_  
Date

By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff and Advisory Planning Commission members as authorized by the Regional Board.

Where the applicant for a temporary use permit is not the owner of the subject property, the following consent form must be filled out by the registered owner(s) of the property:

I \_\_\_\_\_, the registered owner, of \_\_\_\_\_

do hereby authorize \_\_\_\_\_, to act on my behalf with respect to the above described temporary use permit, and I acknowledge that all correspondence and communications regarding this matter shall be between \_\_\_\_\_ and the Cowichan Valley Regional District.

\_\_\_\_\_  
Signature of Owner  
Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Agent  
Date \_\_\_\_\_

**COWICHAN VALLEY REGIONAL DISTRICT**

**APPLICATION FOR SPECIAL EVENT  
TEMPORARY USE PERMIT**

1. Name of Owner(s): \_\_\_\_\_

2. Address of Owner(s): \_\_\_\_\_

3. Telephone No. of Owner(s): \_\_\_\_\_ fax: \_\_\_\_\_ email: \_\_\_\_\_

4. Name of Applicant: \_\_\_\_\_

5. Address of Applicant: \_\_\_\_\_

6. Telephone No. of Applicant: \_\_\_\_\_ fax: \_\_\_\_\_ email: \_\_\_\_\_

7. Legal Description of Property: \_\_\_\_\_  
\_\_\_\_\_

8. Civic Address of Property: \_\_\_\_\_

9. Size of Property: \_\_\_\_\_

10. Existing Use of Property: \_\_\_\_\_

11. Existing Zoning: \_\_\_\_\_

12. Services Available:

Sewage Disposal \_\_\_\_\_

Water Supply \_\_\_\_\_

Road Access \_\_\_\_\_

Fire Protection \_\_\_\_\_

13. Description of Proposed Special Event(s):

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

14. Dates and Times of Proposed Special Event(s):

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

15. Anticipated Number of Attendees: \_\_\_\_\_

**THE FOLLOWING MUST BE INCLUDED WITH THIS APPLICATION:**

- (a) One copy of the legal plan of the property
- (b) Scale plan of the property or properties showing true dimensions and shape of the property, the site location of proposed and existing buildings, the approximate location of the buildings on adjoining properties and, where applicable, additional information such as dimensioned floor plans, elevations, watercourses, areas of standing water, etc. (Note: At least one copy of any submissions must be a maximum of 11"x17" in size.)
- (c) State of Title Certificate (available from the Land Titles Office, in Victoria or through a title search company, notary or lawyer) and copies of all easement, covenant and right-of-way documents etc. on the title.
- (d) Additional material, certified resolutions or comments in support of the application.
- (e) Payment of the applicable application fee (see fee schedule).

I HEREBY DECLARE that all the above statements and information contained in the material submitted in support of this application are, to the best of my knowledge true and correct in all respects. I further declare that I am aware that should a development permit be issued, the CVRD is required by Section 927 of the *Local Government Act* to file notice of the issuance of the permit in the Land Title Office and that such notice will be filed against the title of the subject property.

**Personal Information Declaration:** This information is collected pursuant to Part 26 of the *Local Government Act* and CVRD Development Application Procedures and Fees Bylaw No. 3275. This information has been collected and may form part of the public record and may be included in a meeting agenda that is posted online when this matter is before the Board or a Committee of the Board. I hereby consent that all information, including personal information, contained in this document including all attachments may be made available to the public. Note: For more information on disclosure, contact the CVRD FOI Coordinator at 250-746-2507 or 1-800-665-3955.

\_\_\_\_\_  
Signature of Owner(s)

\_\_\_\_\_  
Date

By completing this application form, the owner and/or applicant hereby is aware and authorizes site inspections to be conducted by Regional District staff and Advisory Planning Commission members as authorized by the Regional Board.

Where the applicant for a temporary use permit is not the owner of the subject property, the following consent form must be filled out by the registered owner(s) of the property:

I \_\_\_\_\_, the registered owner, of \_\_\_\_\_

do hereby authorize \_\_\_\_\_, to act on my behalf with respect to the above described temporary use permit, and I acknowledge that all correspondence and communications regarding this matter shall be between \_\_\_\_\_ and the Cowichan Valley Regional District.

\_\_\_\_\_  
Signature of Owner  
Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Agent  
Date \_\_\_\_\_



## SCHEDULE B

### To CVRD BYLAW NO. 3275

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Includes the following Fee Schedules:

1. Development Permit Fees
2. Development Variance Permit Fees
3. Rezoning/Official Plan Amendment Fees
4. Miscellaneous Fees
5. Subdivision Fees

## FEE SCHEDULE - DEVELOPMENT PERMIT

<u>TYPE OF GUIDELINES</u>	<u>FEE</u>
<u>Environmental Protection, Natural Hazard and RAR Guidelines Only:</u>	<b>\$200.00</b> , plus an additional \$200 for each new parcel or dwelling unit proposed
<u>Agricultural Protection Guidelines Only:</u>	<b>\$50.00</b> , plus an additional \$50 for each new parcel or dwelling unit proposed
<u>Sign Guidelines Only:</u>	<b>\$20.00</b> for signs less than 1 m <sup>2</sup> <b>\$40.00</b> for signs between 1 and 3 m <sup>2</sup> <b>\$100.00</b> for signs larger than 3 m <sup>2</sup>
<u>Multiple Family or Intensive Residential Form and Character Guidelines Only:</u>	<b>\$400.00</b> plus an additional \$200 for each new dwelling unit proposed
<u>Commercial or Industrial Form and Character Guidelines Only:</u>	<b>\$400.00</b> plus an additional \$100.00 for each additional 100 m <sup>2</sup> of gross floor area beyond the first 100 m <sup>2</sup>
<u>Development Permit Term Limit Extension</u>	<b>\$200.00</b>
<u>All Other Types of Guidelines:</u>	<b>\$200.00</b> an additional \$200 for each new parcel or dwelling unit proposed

### NOTES:

1. In the cases where environmental or geotechnical reports have been submitted by the applicant as part of an Application, these reports may require an independent review prior to any decision being made on a development permit. The applicant shall be required to pay the Regional District for the estimated costs of the independent review (up to \$5,000.00 maximum) before the review is undertaken.
2. The fees in the above schedule are not cumulative. That is, where a single development proposal is subject to more than one of the guideline categories listed above, the total application fee will be that which would be charged for the most expensive single guideline category.
3. In the event that the application is approved by the Regional Board, a further charge of \$25.00 per parcel shall be payable at the time of, but prior to, issuance of the permit so as to cover the cost of filing notice at the Land Titles office.
4. Where a development permit application also includes a proposed variance, an additional \$200.00 fee is required.



**FEE SCHEDULE - DEVELOPMENT VARIANCE PERMIT**

<b><u>TYPE OF APPLICATION</u></b>	<b><u>FEE</u></b>
<u>Development Variance Permit</u>	<b>\$600.00</b>
<u>Development Variance Permit Term Limit Extension</u>	<b>\$200.00</b>

## NOTE:

1. In the event that the application is approved by the Regional Board, a further charge of \$25. per parcel shall be payable at the time of but prior to the issuance of the permit so as to cover the cost of filing notice of the permit at the Land Titles office.
2. If more than one parcel is the subject of the application, a separate development variance permit application fee shall be required for each parcel and/or for each building or dwelling if separate variances are required for each.

## FEE SCHEDULE - REZONING/OFFICIAL PLAN AMENDMENT

### TYPE OF APPLICATION

### FEE

- |     |  |   |
|-----|--|---|
| (a) | OFFICIAL PLAN AMENDMENT, no new density:   | <b>\$2200.</b>  |
| (b) | OFFICIAL PLAN AMENDMENT, new density:  | <b>\$2200.</b> plus amounts shown in (e) and (f)  |
| (c) | OFFICIAL PLAN AMENDMENT COMBINED WITH ANY ZONING AMENDMENT:  | <b>\$2400.</b> plus amounts shown in (g) and (h) and (e) below, if applicable   |
| (d) | ZONING MAP AND/OR TEXT AMENDMENT:  | <b>\$2200.</b> plus amounts shown in (g) and (h) and (e) below, if applicable   |
| (e) | OFFICIAL PLAN AMENDMENT ONLY, ALLOWING 3 OR MORE NEW DWELLINGS OR PARCELS:   | an additional \$80. for each dwelling or parcel ("density unit") permitted by the amendment Bylaw <sup>4,5</sup>        |
| (f) | OFFICIAL PLAN AMENDMENT ONLY, ALLOWING FOR COMMERCIAL OR INDUSTRIAL: (for parcels 0.3 ha or greater in area):  | \$80. plus a further \$80. for each additional 0.1 ha of parcel area ("density unit") to be redesignated <sup>4,5</sup> |
| (g) | ZONING ALLOWING 3 OR MORE NEW DWELLINGS OR PARCELS:  | an additional \$120. for each dwelling or parcel ("density unit") permitted by the amendment Bylaw <sup>4</sup>         |
| (h) | ZONING FOR COMMERCIAL OR INDUSTRIAL: (for parcels 0.3 ha or greater in area)   | \$120. plus a further \$120. for each additional 0.1 ha ("density unit") of parcel area <sup>4</sup>                    |
| (i) | If more than one public hearing or public meeting is required by the CVRD Board, a fee of \$800 per public hearing or meeting is required, payable prior to scheduling of the second hearing or meeting. |   |

#### ENVIRONMENTAL/GEOTECHNICAL CONSULTANT FEE:

In the cases where environmental or geotechnical reports have been submitted by the applicant as part of an application, these reports may require an independent review prior to any decision being made on a development permit. The applicant shall be required to pay the Regional District for the estimated costs of the independent review (up to \$5,000. maximum) before the review is undertaken.

#### Notes and superscripts:

1. The application fees prescribed above shall be due upon application regardless of whether or not the rezoning/plan amendment application is approved.
2. **Refund Policy:** If an application for amendment of an Official Plan, Zoning or Land Use Contract is withdrawn, denied by the Board or deemed inactive in accordance with Section 14 of this Bylaw, in all cases prior to the CVRD having caused a Newspaper Notice to be published:
  - a full refund will be given only where the file has not been worked on at all by CVRD Development Services staff;
  - a refund of \$1,500. will be given to the applicant, in cases where the application fees were either \$2,200. or \$2,400.;
  - a refund of \$1,500. plus an additional 33% (percent) of additional "density unit" application fees paid will be given to the applicant.
3. All applications must be acted upon. Any rezoning application that has been inactive for more than one calendar year is considered defunct and closed unless otherwise determined by the Regional Board. Should the applicant wish to reactivate the file, he or she must re-apply and submit the required fees.

4. For residential development, the number of dwellings or parcels permitted shall be calculated by dividing the total area of the site to be rezoned by the maximum parcel or dwelling density allowed by the proposed zone regardless of the level of water or sewer servicing.
5. Where an OFFICIAL PLAN amendment application has been made that would affect use of land or density, and additional application fees of \$80 per "density unit" have been paid, a complementary ZONING BYLAW amendment application fee of \$2200 PLUS an additional application fee of \$40 per "density unit" must be paid, provided this occurs within 60 days of adoption of the OFFICIAL PLAN amendment. If the gap between the adoption of the OFFICIAL PLAN amendment and ZONING BYLAW amendment application is longer than 60 days, the ZONING BYLAW amendment application shall be treated as if it is an entirely new application, with full application fees being levied.

## FEE SCHEDULE - MISCELLANEOUS

<u>TYPE OF APPLICATION</u>	<u>FEE</u>
<u>BOARD OF VARIANCE:</u>	<b>\$400</b>
<u>LAND USE CONTRACT AMENDMENT:</u>	Same as for rezoning amendment, development permit, development variance permit (whichever is applicable) plus advertising costs.
<u>TEMPORARY USE PERMITS:</u>	<b>\$1,000</b> plus advertising costs
<u>SPECIAL EVENT TEMPORARY USE PERMIT</u>	<b>\$300</b> plus advertising costs <b>\$100</b> for renewal
<u>LIQUOR LICENCE APPLICATION:</u>	<b>\$1,500</b> plus advertising costs
<u>LEGAL DOCUMENT COST:</u>	Any legal costs incurred by the Cowichan Valley Regional District in preparing legal documents such as covenants and development agreements associated with an application referred to in Schedule B will be borne by the applicant and paid prior to consideration of development approval.
<u>OTHER:</u>	
CVRD Development Application Sign Deposit	<b>\$30</b>
CVRD File Review Fee	<b>\$150</b>
Restrictive Covenant Processing /Amendment Discharge Fee	<b>\$250</b>

**NOTE:**

1. In the event that the application is approved by the Regional Board, a further charge of \$25. per parcel shall be payable at the time of, but prior to, issuance of the permit so as to cover the cost of filing notice at the Land Titles office.
2. If more than one parcel is the subject of the application, a separate permit application fee shall be required for each parcel unit/or for each building or dwelling if separate variances are required for each.
3. The applicant will be sent a first invoice for the anticipated cost of the advertising for the public hearing/notice. The public hearing/notice will not be scheduled until payment of the first invoice has been received, and payment of the final invoice must be received prior to the recommendation being forwarded to the Regional Board.
4. In a case where an application is withdrawn or turned down by the Regional Board prior to the public notification process having commenced, a refund of \$100. shall be returned to the applicant.

## FEE SCHEDULE - SUBDIVISIONS

<u>TYPE OF APPLICATION</u>	<u>FEE</u>
<b>SUBDIVISIONS OR BOUNDARY ADJUSTMENT:</b>	<b>\$500</b> for boundary adjustment or first new lot, plus an additional \$500 for the second and every subsequent new parcel
<p>Prior to final approval and signature of a plan of subdivision by the Approving Officer, a fee of \$500 for every new parcel to be created shall be due and payable to the Cowichan Valley Regional District Development Services Department.</p> <p>Additional fees as shown below shall be due and payable to the Cowichan Valley Regional District Engineering Services Department for properties that are within an existing local service area or are proposed to become designated a local service area (water and/or sewer utility) under the jurisdiction of the Cowichan Valley Regional District, based on the following noted formula.</p>	
SUBDIVISIONS: SEWER UTILITY	<b>\$100. plus \$50.</b> for every new parcel within a sewer utility local service area owned and operated by the CVRD
SUBDIVISIONS: WATER UTILITY	<b>\$100. plus \$50.</b> for every new parcel within a water utility local service area owned and operated by the CVRD
SUBDIVISIONS: SEWER & WATER UTILITY	<b>\$200. plus \$50.</b> for every new parcel within water & sewer utilities local service area owned and operated by the CVRD



## SCHEDULE C

### To CVRD BYLAW NO. 3275

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#### **Sign Specifications:**

1. **Sign Size:**

- 91 cm x 91 cm, minimum dimensions

2. **Sign Material:**

- Corrugated plastic, plywood or other durable material
- Colour: white background

3. **Sign Lettering:**

- Block lettering in black paint or black vinyl
- Major headings as per Schedule D: 7 cm letters (minimum)
- Secondary headings as per Schedule D: 5 cm letters (minimum)
- All other words: 4 mm (minimum)

4. **Sign Content:**

- Sign content shall be substantially as shown on Schedule C, Page 2, or
- Sign content may be varied from the above with the prior consent of the General Manager of Planning and Development or nominated designate, provided the sign meets all of the minimum requirements of this Schedule and adequately provides public notice.

5. **Sign Installation**

- Notice of Development Application signs shall be installed in a sound manner, be capable of withstanding typical winds and weather, and be clearly legible from the fronting road right-of-way.

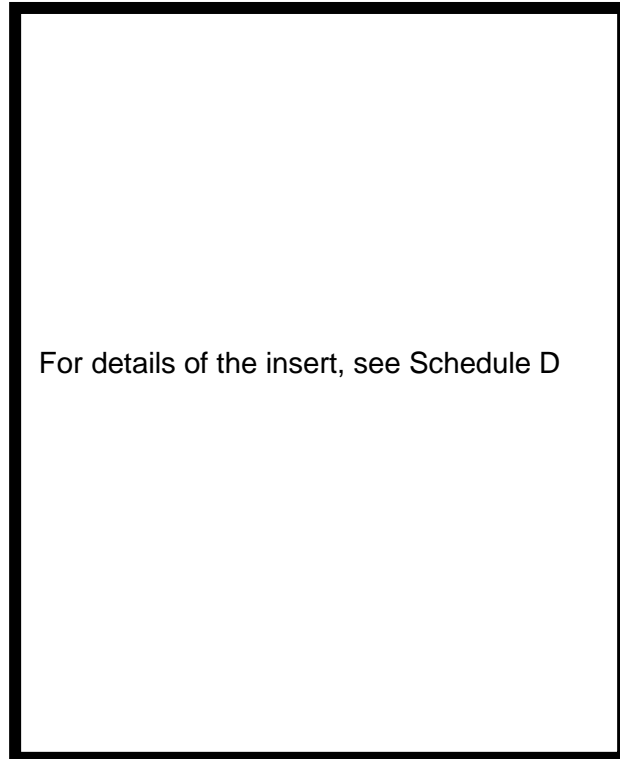




C·V·R·D

**NOTICE of DEVELOPMENT APPLICATION**

**AN APPLICATION HAS BEEN SUBMITTED TO THE  
COWICHAN VALLEY REGIONAL DISTRICT AS DESCRIBED BELOW:**



For details of the insert, see Schedule D

For further information, please contact:  
**Planning and Development Department**  
**COWICHAN VALLEY REGIONAL DISTRICT**  
175 Ingram Street, Duncan, BC V9L 1N8  
Telephone: (250) 746-2620 or 1-800-665-3955



## SCHEDULE D

To CVRD BYLAW NO. 3275

### SCHEDULE D – Sign Information (sample)

Type: <b>DEVELOPMENT PERMIT with VARIANCE</b>		
<b><i>Applicant's name and address:</i></b>  ABCD Developments Inc. PO Box 1234 Duncan, B.C. V0V 0V0 Tel: (250) 123-4567	<b><i>Subject property:</i></b>  9876 Somewhere Road  Lot 1, Block B, Plan 785 B, Shawnigan Land District	<b><i>Parcel Area:</i></b>  2000 m <sup>2</sup>  (1/2 acre)
<b><i>OCP Designation:</i></b> Residential  <b><i>Development Permit Area:</i></b> Yes	<b><i>Zoning :</i></b> R-3 Village Residential Serviced	<b><i>ALR:</i></b> Out  <b><i>FLR:</i></b> Out
<b><i>Summary:</i></b>		
<b><i>Map:</i></b>		



COWICHAN VALLEY REGIONAL DISTRICTBY-LAW NO. 1095

A bylaw to establish sign regulations within the boundaries of the electoral areas of the Cowichan Valley Regional District

WHEREAS pursuant to Section 967 of the Municipal Act, R.S.B.C., 1979, c.290 (The Act), the Regional Board may by bylaw establish regulations with respect to signs within the electoral areas of the Regional District;

AND WHEREAS the Regional Board has in the past adopted a sign bylaw pursuant to its Supplementary Letters Patent and pursuant to the former powers of the Municipal Act (Chapter 255) that being Sign Bylaw No. 374, 1978;

AND WHEREAS the Regional Board now deems it appropriate to adopt these existing sign regulations under the current provincial legislation that being Section 967 of the Act;

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 Municipal Act;

AND WHEREAS pursuant to Section 769 of the Act, a synopsis was published in The Citizen on September 20, 1987 setting forth details of the bylaw;

NOW THEREFORE the Regional Board in open meeting assembled enacts as follows:

1. That Cowichan Valley Regional District Sign Bylaw No. 374, 1978 be repealed.

2. That sign regulations applicable to all electoral areas of the Cowichan Valley Regional District be established as a bylaw of the Cowichan Valley Regional District as detailed in Schedule A which is attached to an forms an integral part of this bylaw.

3. This bylaw may be cited as the "Cowichan Valley Regional District Sign Bylaw No. 1095 , 1987".

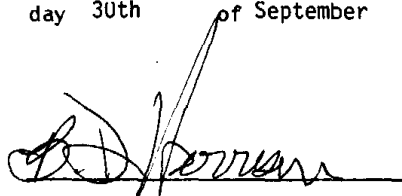
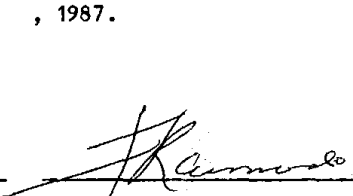
4. This By-law shall take effect upon its adoption by the Regional Board.

Read a first time this 22nd day of July , 1987.

Read a second time this 22nd day of July , 1987.

Read a third time this 30th day of September, 1987.

Reconsidered, adopted and finally passed this day 30th of September , 1987.

  
 CHAIRMAN
   
 SECRETARY

SCHEDULE "A"

PART:

1. SHORT TITLE
2. INTERPRETATION
3. APPLICATION
4. ESTABLISHMENT OF SCHEDULES
5. COMPREHENSIVE SIGN PLAN
6. SIGN SPECIFICATIONS
7. PROHIBITED SIGNS
8. GENERAL PROVISIONS
9. APPLICATION AND ISSUANCE OF PERMITS
10. APPEAL
11. MAINTENANCE AND REMOVAL OF SIGNS
12. PENALTY
13. CONSTRUCTION
14. EFFECTIVE DATE OF BY-LAW
- SCHEDULES 1-5



COWICHAN VALLEY REGIONAL DISTRICT  
BY-LAW NO. 1095

A by-law to effect sign regulations within  
the boundaries of all electoral areas of the  
Cowichan Valley Regional District

PART ONE - SHORT TITLE

- 1.1 This By-law may be cited as the "Cowichan Valley Regional District Sign By-law No. 1095, 1987, and further referred to as "this by-law".

PART TWO - INTERPRETATION

- 2.1 In this by-law, unless the context otherwise requires:

"ABANDONED SIGN" means a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product, or activity conducted or product available on the premises where such sign is displayed.

"ANIMATED SIGN" means any sign which includes action or motion changes of all or any part of the sign.

"APPROVAL" or "APPROVED" when used with reference to electrical equipment, means that a like model of such equipment has been submitted to the Canadian Standards Association Approvals Laboratories for examination and that the same has been recorded as approved by the Canadian Standards Association; or that such equipment has been approved pursuant to the provisions and regulations of the Electrical Energy Inspection Act. When such words are used with reference to any form of electrical construction or installation, they shall mean such construction or method of installation as shall be acceptable to the authority having jurisdiction.

"BACKGROUND AREA" means the entire area of a sign on which copy or message can be placed.

"BANNER SIGN" means a temporary sign composed of light weight or non-rigid material, such as cloth, canvas or similar fabric.

"BILLBOARD" means a third party off-premises sign that advertises goods, products, services or facilities, or directs persons to a different location from where the sign was installed and is greater than 1.85 sq. metres (20 sq.ft.).

"BUILDING FACE OR WALL" means all window and wall areas of a building in one plane or elevation.

"CANOPY SIGN" means a sign attached to or constructed in or on the face of a canopy.

"CLEARANCE" means the vertical distance between the lowest limit of a sign and finished grade immediately below.

"COPY AREA" means the actual area enclosed by the words, letters, and symbols of a sign.

"CORNER SITE" means and includes a site at the intersection or junction of two or more streets.

"ELECTRIC SIGN" means a sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

"FACE OF SIGN" means the entire area of sign on which copy could be placed.

"FACIA SIGN" means a wall sign and as well every sign attached to, marked or inscribed on, or erected or placed against a wall or other surface, whether forming part of a building or not and having the exposed face thereof on a plane approximately parallel to the plane of such wall and projecting not more than 38.1 cm (15 inches) from the face of such wall.

"FLASHING SIGN" means a sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted light source, but does not include an automatic changing sign such as public service time, or temperature and date sign, or electronically controlled message centre.

"FREE STANDING SIGN" means any sign, except billboards, supported independently of and visibly separated from a building or other structure and permanently fixed to the ground.

"FRONTAGE" means the length of the property line of any one premises parallel to and along each legally accessible public street, excluding a lane or alleyway, that it borders.

"GRADE" means the grade established by the Building Inspector at the property line.

"HEIGHT OF SIGN" means the vertical distance measured from the highest point of the sign to the nearest street grade.

"IDENTIFICATION SIGN" means a sign which is limited to the name, address, and number of a building, institution or person and to the activity carried on in the building or institution, or the occupation of the person.

"ILLUMINATED SIGN" (DIRECTLY ILLUMINATED) means any sign designated to give artificial light.

"ILLUMINATED SIGN" (INDIRECTLY OR EXTERNALLY ILLUMINATED)" means any sign which reflects from a source intentionally directed upon it.

"OWNER" means any person, corporation or agent controlling the property on which a sign is located.

"PAINTED WALL SIGN" means any sign painted upon any outside wall or other integral part of the building, without in each case the use of independent supports or frames therefore.

"PORTABLE SIGN" means any sign not permanently attached to the ground or to a building.

"PREMISES" means any area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit.

"PROJECTING SIGN" means any sign other than a wall, canopy or facia sign which is attached to and projects from a structure or building face or wall.

"ROOF" means the top enclosure of any building.

"ROOF LINE" means the line made by the intersection of the wall of the building with the roof of the building, on whichever face fronts the street.

"ROOF SIGN" means any sign erected upon, against, or directly above a roof or on top of or above a parapet of a building.

"SIGN" means any identification, description, illustration or device, illuminated or non-illuminated, which is visible from any public street and which directs attention to a product, place, activity, person, institution, business or solicitation, including any permanent installation, with the exception of displays and placards placed inside a window.

"SIGN AREA" means the entire area of a sign on which the copy area could be placed, including any frame or embellishment which forms an integral part of the display. In the case of a double face or a multiface sign, only half of the total area of all sign faces will be counted in sign area calculation.

"SIGN STRUCTURE" means any structure which supports, has supported, or is capable of supporting a sign, including decorative cover.

"STREET" means and includes public road, highway, bridge, viaduct, lane and sidewalk, and any other way normally open to the use of the public, but does not include a private right of way on private property.

"SUPERGRAPHIC" means a graphical design, painted or attached to a structure, which does not convey a defined advertising message.

"TEMPORARY SIGN" means any sign which is not permanently installed or affixed to any sign structure or building.

"THIRD PARTY ADVERTISING" means content on a sign which directs attention to products sold or services provided which cannot be considered as the principal product sold or principal services on the premises at which the sign is located.

"THIRD PARTY SIGN" means a sign which directs attention to a business, commodity, service or entertainment which is conducted, sold or offered elsewhere than on the premises at which the sign is located.

"VERTICAL SIGN" means a sign the vertical dimension of which is greater than its maximum horizontal dimension.

"WINDOW SIGN" means any sign either painted on or attached to, or installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

"ZONE" means the zone established in the Zoning Schedules of the Zoning By-laws of the Cowichan Valley Regional District.

### PART THREE - APPLICATION

- 3.1 This by-law shall be applicable to all electoral areas of the Cowichan Valley Regional District as defined in the Letters Patent and amendments thereto.
- 3.2 Subject to Section 140 of the Motor Vehicle Act and the provisions of the Highways Act, no person shall erect or place any sign which does not conform in all respects with the provisions of this by-law or any other by-law of the Cowichan Valley Regional District applicable thereto.
- 3.3 Signs that are not specified in this by-law are prohibited in the Cowichan Valley Regional District.
- 3.4 Every sign shall be maintained at all times in a safe condition and free from any defect whatsoever.

3.5 This by-law shall not apply to:

- (a) signs installed by the Ministry of Transportation and Highways;
- (b) street decorations installed or authorized by the Regional Board of the Cowichan Valley Regional District;
- (c) signs required by any Elections Act.

3.6 Metric units are used for all measurements in this by-law. The approximate equivalent of those units in currently used units of Canada measure (feet, gallons, etc.) are shown in brackets following each metric measurement, and such bracketed figures are included for convenience only and do not form part of this by-law.

#### PART FOUR - ESTABLISHMENT OF SCHEDULES

Signs shall be permitted as set forth in sign Schedules "1" to "5" inclusive, which are hereby made and declared to be an integral part of this by-law. These schedules shall apply to the Regional District Zones (as identified in the Zoning By-laws of the Cowichan Valley Regional District) according to the following:

SCHEDULE "1"  
RESIDENTIAL AND INSTITUTIONAL AREAS  
including all "R" and "P" zones

SCHEDULE "2"  
AGRICULTURAL AREAS  
including all "A" zones

SCHEDULE "3"  
COMMERCIAL AREAS  
including all "C" zones

SCHEDULE "4"  
INDUSTRIAL AREAS  
including all "I"

SCHEDULE "5"  
WATERFRONT AREAS  
including all "W" zones

#### PART FIVE - COMPREHENSIVE SIGN PLAN

5.1 A development of 2 hectares (5 acres) or more, and of sufficient complexity to form a comprehensive development unit (eg: shopping center, major office complex, industrial park) and is composed of one continuous parcel, may apply to the Regional Board of the Cowichan Valley Regional District for exception of this sign schedule for a Comprehensive Sign Plan. Such plan submitted for approval shall include the location, size, height, colour, lighting and orientation of all signs. Exceptions to this sign schedule may only be granted if the sign areas, numbers and concentration for the plan as a whole, conforms to the intent of this by-law and such exception results in an improved relationship between various parts of the plan.

PART SIX - SIGN SPECIFICATION

6.1 FACIA SIGNS

Signable Area

(a) The signable area of a facia sign shall be the space between the lower and upper limits on the face of the building as defined below:

- (i) the lower limit shall be the lintel or window head of the first storey but in no case shall it be lower than 2.7 metres (9 feet) from the finished grade immediately below;
- (ii) the upper limit shall be the window sill of the floor immediately above the lower limit and in the absence of a window 0.76 metres (2.5 feet) above such floor;
- (iii) in the case of a one storey building, the upper limit shall be the roof line or 0.9 metres (3 feet) maximum above the roof line if there is a parapet.

Sign Area

(b) For permitted sign area, see sign schedule for particular zone where sign is located.

(c) Identification wall signs with non-illuminated letters not higher than 7.6 cm (3 inches) up to a total of 0.37 square metres (4 square feet) in area for each premises shall be exempted from area calculations.

(d) Only the frontage on which the sign is located shall be used for sign area calculation.

Projection

(e) A facia sign shall not project beyond 38 cm (15 inches) from the building face and shall not extend above the sill of any window or above guard rails or balustrades immediately above such sign.

(f) Lamps and fixtures used to illuminate a facia sign shall not project more than 0.60 metres (2 feet) beyond building faces and shall have a minimum clearance of 2.7 metres (9 feet).

Location

(g) A facia sign located above the permitted signable area shall only be permitted under the following conditions:

- (i) when the content of a sign consists of prestigious advertising, such as logo and names of buildings or principal tenants and date of erection; and
- (ii) when a sign, in the form of individual letters, symbols and logos, is directly attached to, or inscribed on the building face;
- (iii) no more than one sign per building face and a maximum of four per building, provided that all such signs are identical.

(h) A facia sign may be permitted below the signable area when the Building Inspector can be assured that the public is satisfactorily protected from the sign and the sign is entirely over private property, and provided the permissible signable area is not exceeded.

6.2 PROJECTING SIGN

Sign Area

(a) For permitted sign area, see sign schedules for particular zone where sign is located.

(b) Only the frontage of the first storey premises on which the sign is located shall be used for sign area calculation.

When a projecting sign is located at the corner of a building on a corner site, it shall be placed at equal angles to the building faces that form the building corner. The sign area for such sign shall be calculated on the basis of the larger of the two frontages.

#### Projection

(c) A projecting sign may project 7.6 cm (3 inches) for every 0.3 metres (1 ft.) distance between the sign and the nearest intersecting property line of the premises, and the distance between the sign and building wall.

#### Clearance

(d) A minimum clearance of 2.7 metres (9 feet) above the street grade shall be maintained. However, the clearance shall be 3.0 metres (10 feet) if the projection is over 1.2 metres (4 feet).

#### Location

(e) A projecting sign shall be placed at right angles to the building face to which it is attached.

(f) For a building of two or more storeys, the top of a projecting sign shall not exceed 21.3 metres (70 feet) from the nearest grade or the roof line of the building, whichever is less.

For a one storey building, the top of the projecting sign shall not exceed 6 metres (20 feet) from the street grade or 1.8 metres (6 feet) above the roof line, whichever is less.

(g) No projecting sign shall be so placed unless the distance between such sign and the building wall to which it is attached is less than 30 cm (12 inches).

#### Sign Combination

(h) Businesses may combine their projecting signs to form one single sign, which sign area and projection shall be based on their combined frontages as though they were one.

### 6.3 FREE STANDING SIGN

#### Sign Area

(a) For permitted sign area, see sign schedules for particular zone where sign is located.

(b) More than one free standing sign shall be permitted per frontage, provided that free standing signs are 36.57 metres (120 feet) apart, unless otherwise specified in this by-law.

(c) For a free standing sign where the message is located not less than 2.7 metres (9 feet) above grade, the lower 2.7 metres (9 feet) of such sign may be considered as an element within the landscaping and may be excluded from the sign area calculation.

#### Clearance

(d) When the clearance of a free standing sign is less than 2.4 metres (8 feet), the ground underneath shall be guarded against the passage of vehicles and pedestrians to maintain public safety.

(e) When a free standing sign projects over a vehicular traffic area such as parking lot aisles or driveways, a minimum clearance of 4.2 metres (14 feet) shall be maintained.

#### Location

(f) All signs shall be erected and contained within the boundaries of the parcel of land the sign is to be located upon, unless otherwise specified in this by-law.



**Height Limitation**

(g) The maximum height of a free standing sign shall be 10.6 metres (35 feet).

**Support Structure**

(h) For a free standing sign no guy wires shall be used. The support structure shall form an integral part of the design.

**Sign Combination**

(i) Businesses may combine their free standing signs to form one single sign.

**6.4 CANOPY SIGN****Sign Area**

(a) For permitted sign area, see sign schedules for particular district where sign is located.

(b) The area of a sign located on either side of a canopy shall not exceed half the area of a sign located on the front of a canopy.

For a semi-circular canopy, the centre half of the perimeter shall be counted as the front of the canopy.

**Vertical Dimension**

(c) The vertical dimension of a canopy sign shall not exceed 0.6 metres (2 feet).

**Location**

(d) Canopy signs shall be directly attached to the apron of the canopy but shall not:

- (i) have a clearance of less than 2.7 metres (9 feet); and
- (ii) project 38 cm (15 inches) horizontally beyond the apron of the canopy.

(e) Signs shall only be permitted on a canopy if the projection of the canopy is more than 0.9 metres (3 feet).

**6.5 THIRD PARTY SIGN****Sign Area and Requirements**

(a) For permitted sign area and requirements, see sign schedules for particular zone where sign is permitted.

**PART SEVEN - PROHIBITED SIGNS****7.1 The following signs are prohibited:**

- a) flashing signs
- b) animated signs
- c) roof signs
- d) billboards

**PART EIGHT - GENERAL PROVISIONS**

8.1 No free standing sign and projecting sign shall be used at the same time on the same frontage or site except where otherwise specified.

8.2 No third party sign shall be permitted except where otherwise specified. Third party advertising on non-third party signs shall not exceed 30% of the copy area.

8.3 No sign painted directly on a wall shall be permitted except as provided in Section 6.1 (g).

- 8.4 Except where permitted in this by-law, no sign shall be fixed, attached on or painted onto a fence or board, trees, posts and poles or any other structure which is visible from the street.
- 8.5 Clock and temperature indicators shall be permitted in all areas except Residential zones.
- 8.6 When a three dimensional sign has no easily measurable faces, the sign area of the said sign shall be half the sum of the area of the vertical faces of the smallest right angled rectangle encompassing the sign.
- 8.7 When a sign cannot be clearly defined as any of the sign types in Section 6, or being a combination of two or more sign types, the Building Inspector shall decide on the sign type and the control applicable.
- 8.8 No sign, guy, stay or attachment thereto, shall be erected, placed or maintained by any person in such a manner as to contact or interfere with any electric light, power, telephone or telegraph wires, or their supports. A clearance of at least 0.6 metres (2 feet) shall be maintained between the outer edge of any sign and the nearest wire hereinbefore mentioned, or their supports. No sign or structure shall be placed or installed in such a manner that any portion of the sign or its supports will interfere in any way with the free use of any fire escape, exit or stand pipe.
- 8.9 For non-conforming commercial or industrial uses in Residential zones that existed on the date of the passing of this by-law or due to a zoning change shall be permitted to have signs as if the premises were located in a Commercial zone. (Schedule 3).

#### PART NINE - APPLICATION AND ISSUANCE OF PERMITS

##### 9.1 PERMITS REQUIRED

Before any person shall construct, erect, alter, repair other than normal maintenance, or re-locate any sign, except those exempted under this bylaw, he shall make application in writing to the Building Inspector or other person as may be delegated by the Regional Board on an application form generally in keeping with the Application for Sign Permit attached as Appendix A.

- 9.2 Prior to the issuance of a sign permit as approved, the applicant shall submit to the Regional District a sign permit application fee as specified in Appendix B.
- 9.3 The Regional District may as a condition of granting a sign permit require the applicant to affix to the face of the sign a small sign identification sticker as supplied by the Regional District so as to attest to the fact that the sign has been approved under this bylaw. In cases where it is deemed by the Building Inspector or other person named to administer this bylaw that it is inappropriate to affix this identification sticker to the face of the sign directly, it will be necessary for the identification marking to be clearly displayed in some other convenient location as is agreed to by the applicant and the person authorized by the CVRD to issue the sign permit and this location shall be duly noted on the approved sign permit application.

##### 9.4 NO ERECTION BEFORE PERMITS

- a) The applicant for a sign permit shall in no case proceed with the construction, erection, alteration and re-location of such sign until the details as hereinbefore provided shall have been approved and the permit granted.
- b) In the event that the erection or connection of any sign shall be commenced without a permit having previously been obtained, then the fee for obtaining such permit shall be double the amount which would have been payable had such a permit been obtained before commencement of such work.

## 9.5 INTERFERENCE WITH TRAFFIC LIGHTS

If, in the opinion of the Ministry of Transportation and Highways, there is any likelihood of a sign interfering or otherwise obstructing traffic lights, or in any way interfering with visibility from the street, the Building Inspector shall refuse the permit on recommendation of the Ministry of Transportation and Highways.

## 9.6 OFFENSIVE SIGNS

No permit shall be granted for the construction or erection of any sign, if in the opinion of the Building Inspector it will be unsightly, grotesque, or offensive in character. The Building Inspector shall refer the matter to the Regional Board.

## PART TEN - APPEAL AND SEVERABILITY

### 10.1 APPEAL

In cases where an application for a sign permit has been rejected due to non-compliance with the provisions of this bylaw, the applicant may apply to the Regional Board to vary the bylaw's requirements by means of a development variance permit application pursuant to Section 974 of the Municipal Act.

### 10.2 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this by-law is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this by-law.

## PART ELEVEN - MAINTENANCE AND REMOVAL OF SIGNS

### 11.1 MAINTENANCE

Every sign in the Regional District shall be maintained in good structural condition at all times. All signs shall be kept clean and neatly painted, including all metal parts and supports. The Building Inspector or his representative shall have the authority to order painting, repair, alteration or removal of signs which become dilapidated or are abandoned, or which constitute a physical hazard to public safety.

### 11.2 REMOVAL OF DANGEROUS SIGNS

If, in the opinion of the Building Inspector, any sign is in such a condition as to be in immediate danger of falling or is an immediate menace to the safety of persons, the Building Inspector may give notice in writing to the owner of such sign to remove the same within 24 hours. It shall be the duty of such owner to remove such sign in accordance with the said notice. If the owner of the sign cannot be located, or if he refuses to comply with the order, the Building Inspector may have the offending sign removed.

### 11.3 REPAIR OR REMOVAL OF DEFECTIVE AND NON-CONFORMING SIGNS

If any sign, when erected or after modification, does not conform in any respect with the provisions of this by-law or any other by-law applicable thereto, or if any sign is in any unsafe or defective condition, the Building Inspector may give written notice to the owner of such sign to repair or remove the said sign within a period of fourteen days. It shall be the duty of such owner to repair or remove such sign in accordance with the said notice. If this notice is not adhered to or if the owner of the sign cannot be located, the Building Inspector may have the offending sign removed.

### 11.4 REMOVAL OF ABANDONED SIGN

When a sign no longer correctly directs or attempts to induce any person; advertises a bona fide business, lessor, owner, product or activity conducted; or product available; on the premises where such a sign is displayed, the owner shall remove the sign within 30 days from the date of the receipt of notice of such removal from the Building Inspector.

11.5 REMOVAL OF CAMPAIGN AND REAL ESTATE SIGNS

Political signs, real estate signs and similar temporary signs which are installed on any property shall be removed within 14 days of the termination of the event for which the signs are erected, by the owner of such signs, or owner of the property in which the sign is erected, failing which the Building Inspector may have such signs removed and destroyed.

Notwithstanding the above provisions, the Regional Board may, by resolution, permit the placing of signs or devices of a type specified in the resolution for the period of time fixed thereby.

11.6 COST OF REMOVAL AND MAINTENANCE

The cost of such painting, cleaning, removal, transportation and storage of such sign under Section 11, when certified by the Building Inspector, shall be a debt due and recoverable from the owner by the Regional District in any court of competent jurisdiction.

PART TWELVE - PENALTY

12.1 VIOLATION OF THIS BY-LAW LIABLE TO PENALTIES

Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention of or in violation of any of the provisions of this by-law or who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, or who does any act which violates any of the provisions of this by-law is guilty of an offence against this by-law and liable to the penalties hereby imposed. Each day that a violation is permitted to exist shall constitute a separate offence.

12.2 FINES AND PENALTIES

Every person who commits an offence against this by-law is liable to a fine and penalty of not more than \$500.00 and not less than \$50.00 for each offence, and in default of payment thereof or, in the alternative, to imprisonment for any period not exceeding two months.

12.3 FINES FOR CONTINUING OFFENCE

Every person who commits an offence of a continuing nature is liable to a fine not exceeding \$50.00 for each day such offence is continued.

PART THIRTEEN - CONSTRUCTION

13.1 GENERAL

(a) Signs and sign structures shall be designed and constructed as herein provided and in accordance with the National Building Code of Canada, to resist wind, seismic, and dead loads. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof.

(b) No sign shall be attached to or hung from any building until all wall and roof attachments for the same have been approved by the Building Inspector.

PART FOURTEEN - EFFECTIVE DATE OF BY-LAW

14.1 This bylaw shall come into force and take effect on and after the date of the final passing hereof.

14.2 Any existing sign which does not conform to the provisions of this by-law, on the prescribed date pursuant to Section 14.1, shall on or before three (3) years from that date be removed or made to conform.

## SCHEDULE "1" - RESIDENTIAL, INSTITUTIONAL AREAS

## (A) PERMITTED SIGNS

The following signs shall be allowed without requiring a permit:

1. Official public notice.
2. Signs required by law.
3. One non-illuminated on premises identification fascia sign not exceeding 0.27 sq. metres (3 sq. ft.)
4. One directional sign per entrance such as "Parking", "Entrance", "Exit", not exceeding 0.18 sq. metres ( 2 sq. ft.).
5. One non-illuminated temporary real estate sign (ie: for sale or lease sign) not exceeding 0.55 sq. metres (6 sq. ft.) and a height of 1.82 metres (6 feet). Such sign may be attached to a fence or hoarding.
6. Temporary construction signs not exceeding 9.29 sq. metres (100 sq. ft.). They may be attached to a fence or hoarding.
7. "No Trespass" or other warning signs not exceeding 0.18 sq. metres (2 sq. ft.).
8. Temporary display of a patriotic, religious, charitable or civic character; when the display time exceeds 30 days, the number, size and time period will be subject to prior approval from the Building Inspector.
9. Temporary signs related to political campaigns or civic non-commercial health, safety or welfare campaigns, provided the signs are removed within two weeks after the conclusion of the campaign. Such signs shall be free standing having a maximum size of 0.55 sq. metres (6 sq. ft.).
10. Commemorative plaques and cornerstones (of non-advertising nature).
11. Flags or emblems of patriotic, civic, educational or religious organizations.
12. One identification or bulletin board not exceeding 1.11 sq. metres (12 sq. ft.) and a height of 1.82 metres (6 feet) for religious and institutional and civic organizations (ie: churches, schools, community centres, parks and on properties used for that purpose, stadiums, libraries, museums, etc.) subject to compliance with yard requirements of any applicable Cowichan Valley Regional District Zoning By-law as amended, with the exception that it may be located in the front yard.

## (B) SIGN REQUIREMENTS

1. All signs permitted by this Schedule shall be erected within the boundaries of the parcel of land the sign is to be erected upon.

## SCHEDULE "2" - AGRICULTURAL AREAS

## (A) PERMITTED SIGNS

1. Signs as permitted in Schedule "1" except the maximum area of a directional sign shall be 0.55 sq. metres (6 sq. ft.).
2. One non-illuminated temporary real estate sign not exceeding 3.71 sq. metres (40 sq.ft.). A permit will not be required. Such sign may be attached to a fence or hoarding.
3. Facia projecting, free standing, and canopy signs shall be permitted, however, third party signs shall be permitted only as necessary for the direction to a permitted use and present only the names of the use and direction instructions.

## (B) SIGN REQUIREMENTS

1. Signs shall conform to all specifications as set forth in Sections 6 and 8.
2. Notwithstanding the above:

## Sign Area

- (a) The sign area for a facia, projecting, free standing, or canopy sign shall not exceed 1.85 square metres (20 sq.ft.).
- (b) The sign area for a third party sign shall not exceed 0.74 square metres (8 sq.ft.).



## SCHEDULE "3" - COMMERCIAL AREAS

## (A) PERMITTED SIGNS

1. Signs as permitted in Schedule "1" except the maximum area of a directional sign shall be 0.55 square metres (6 sq. ft.).
2. Facia, projecting, freestanding, canopy and third party signs.
3. One non-illuminated temporary real estate sign not exceeding 3.71 square metres (40 sq. ft.). A permit will not be required. Such sign may be attached to a fence or hoarding.

## (B) SIGN REQUIREMENTS

1. Signs shall conform to all specifications as set forth in Sections 6 and 8.
2. Notwithstanding the above:

## Sign Area

a) Facia Signs: the copy area shall not exceed twenty percent (20%) of the sign area. However, this percentage may be increased to thirty percent (30%) if there are no projecting signs and up to fifty percent (50%) if there are no projecting, freestanding and canopy signs. In no case shall the copy area exceed 0.185 square metres (2 sq. ft.) per lineal 0.30 metre (per lineal foot) of the frontage of the premises.

b) Projecting Signs: the sign area shall not exceed 0.09 square metres (1 sq. ft.) per lineal 0.30 metre (per lineal foot) frontage to a maximum of 2.78 square metres (30 sq. ft.) in C-1 zones. In all other commercial zones the sign area shall not exceed 0.18 square metres (2 sq. ft.) per lineal 0.03 metre (per lineal foot) frontage to a maximum of 3.71 square metres (40 sq. ft.).

c) Free standing Signs: the sign area shall not exceed 0.185 square metres (2 sq. ft.) per lineal 0.30 metre (per lineal foot) frontage. Any one free standing sign shall not exceed a maximum sign area of 5.94 square metres (64 sq. ft.).

d) Canopy Signs: the sign area shall not exceed 0.092 square metres (1 sq. ft.) per lineal 0.30 metre (per lineal foot) of canopy frontage.

e) Third Party Signs: the sign area shall not exceed 1.85 square metres (20 sq. ft.).

## SCHEDULE "4" - INDUSTRIAL AREAS

## (A) PERMITTED SIGNS

1. Signs as permitted in Schedule "1" except the area of a directional sign shall be 0.55 square metres (6 sq. ft.).
2. Facia, projecting, free standing, canopy and third party signs.
3. One non-illuminated temporary real estate sign not exceeding 3.71 square metres (40 sq. ft.). A permit will not be required. Such sign may be attached to a fence or hoarding.

## (B) SIGN REQUIREMENTS

1. Signs shall conform to all specifications in Sections 6 and 8.
2. Notwithstanding the above:

## Sign Area

a) Facia Signs: the copy area shall not exceed twenty percent (20%) of the sign area. However, this percentage may be increased to thirty percent (30%) if there are no projecting signs and up to fifty percent (50%) if there are no projecting, freestanding and canopy signs. In no case shall the copy area exceed 0.185 square metres (2 sq. ft.) per lineal 0.30 metre (per lineal foot) of the frontage of the premises.

b) Projecting Signs: the sign area shall not exceed 0.09 square metres (1 sq. ft.) per lineal 0.30 metre (per lineal foot) frontage to a maximum of 3.71 square metres (40 sq. ft.).

c) Free standing Signs: the sign area shall not exceed 0.185 square metres (2 sq. ft.) per lineal 0.30 metre (per lineal foot) frontage. Any one free standing sign shall not exceed a maximum sign area of 13.93 square metres (150 sq. ft.).

d) Canopy Signs: the sign area shall not exceed 0.09 square metres (1 sq. ft.) per lineal 0.30 metre (per lineal foot) of canopy frontage.

e) Third Party Signs: the sign area shall not exceed 1.85 square metres (20 sq. ft.).

## SCHEDULE "5" - WATERFRONT AREAS

## (A) PERMITTED SIGNS

1. Signs as permitted in Schedule "1" except the maximum area of a directional sign, shall be 0.55 square metres (6 sq. ft.).
2. Facia, projecting, free standing, canopy, and third party signs.

## (B) SIGN REQUIREMENTS

1. Signs shall conform to all specifications in Section 6 and 8.
2. Notwithstanding the above:

## Sign Area

- a) Facia Sign: the copy area shall not exceed fifteen percent (15%) of the sign area. However, this percentage may be increased to twenty percent (20%) if there are no projecting signs and up to thirty percent (30%) if there are no projecting, free standing and canopy signs. In no case shall the copy area exceed 0.18 square metres (2 sq. ft.) per lineal 0.30 metre (per lineal foot) of the frontage of the premises.
- b) Projecting Signs: the sign area shall not exceed 5.57 square metres (60 sq. ft.).
- c) Free standing Signs: The sign area shall not exceed 5.57 square metres (60 sq. ft.).
- d) Canopy Signs: the sign area shall not exceed 0.04 square metres (1/2 sq. ft.) per lineal 0.30 metre (per lineal foot) of canopy frontage.
- e) Third Party Signs: the sign area shall not exceed 0.92 square metres (10 sq. ft.).

APPLICATION FOR SIGN PERMIT

PERMIT NO. \_\_\_\_\_

PLEASE PRINT LEGIBLE OR TYPE

I HEREBY MAKE APPLICATION UNDER THE PROVISIONS OF COWICHAN VALLEY REGIONAL DISTRICT SIGN BYLAW FOR PERMISSION TO (ERECT), (ALTER) A SIGN ON (check one)

a) A road right-of-way in a location shown on the attached sketch.

b) Property legally described as: \_\_\_\_\_

Property address \_\_\_\_\_

TYPE OF SIGN: FACIA  PROJECTING  FREE-STANDING  CANOPY SIGN

THIRD PARTY SIGN

AREA OF SIGN: \_\_\_\_\_ HEIGHT OF SIGN: \_\_\_\_\_

LOCATION OF SIGN: PLEASE PROVIDE ACCURATE SCALE DIAGRAM AND SITE PLAN

SIGN OWNER'S NAME: \_\_\_\_\_ SIGNATURE \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CONTRACTORS NAME (if applicable): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SIGNATURE OF THE OWNER OF THE PROPERTY UPON WHICH THE SIGN IS TO BE PLACED:

\_\_\_\_\_  
Owner

I HEREBY AGREE TO CONFORM TO ALL THE REQUIREMENTS OF THE SAID BYLAWS AND ALL OTHER STATUTES AND BYLAWS IN FORCE AT THE TIME OF CONSTRUCTION IN THE COWICHAN VALLEY REGIONAL DISTRICT AND TO INDEMNIFY AND KEEP HARMLESS THE COWICHAN VALLEY REGIONAL DISTRICT AGAINST ALL CLAIMS, LIABILITIES, JUDGEMENTS, COSTS AND EXPENSES OF WHATSOEVER KIND, WHICH MAY IN ANY WAY ACCRUE AGAINST THE SAID REGIONAL DISTRICT IN CONSEQUENCE OF, AND INCIDENTAL TO, THE GRANTING OF THIS APPLICATION FOR PERMIT.

SIGNATURE OF APPLICANT OR AGENT \_\_\_\_\_ APPLICATION DATE \_\_\_\_\_

ADDRESS \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_

NOTE: The issuance of a Cowichan Valley Regional District Sign Permit in no way relieves a person from the sign regulations of the Ministry of Transportation and Highways.

\*\*\*\*\*

FOR OFFICE USE ONLY

SIGN PERMIT FEE \$ \_\_\_\_\_

PAID \_\_\_\_\_ PERMIT NO. \_\_\_\_\_

SIGN PERMIT AUTHORIZED \_\_\_\_\_  YES  NO

APPROVED BY \_\_\_\_\_ POSITION \_\_\_\_\_

SIGN IDENTIFICATION STICKER ISSUED

COMMENTS: \_\_\_\_\_

## APPENDIX B

APPLICATION FEE SCHEDULE  
RESPECTING CVRD SIGN BYLAW NO. 1095 , 1987

<u>Size of Sign Area<sup>1</sup></u>	<u>Permit Fee<sup>2</sup></u>
0.75 sq. metres (8 sq. ft.) or less	\$10.00
0.75 sq. metres to 3.0 sq.m. (8 sq.ft. to 32 sq.ft.)	\$25.00
greater than 3.0 sq. metres (over 32.0 sq. ft.)	\$75.00

<sup>1</sup> All imperial measurements are approximations and provided for information purposes only.

<sup>2</sup> A penalty fee of an additional \$25.00 or double the required permit fee (whichever is greater) is applicable for any sign erected prior to obtaining an approved sign permit.

NOTE: The above listed application fees are non-refundable except for cases in which the sign has not as yet been erected (or located on site) and the applicant submits a request for refund in writing within 14 days of approval stating that he/she wants to have his/her sign permit application cancelled.







# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** June 13, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 21, 2017

**FROM:** Parks & Trails Division  
Land Use Services Department

**SUBJECT:** Request for Proposal No. 2017-PRK-001 - Playground Design/Build

**FILE:**

## PURPOSE/INTRODUCTION

The purpose of this report is outline the process and results of the Request for Proposal (RFP), and to seek approval for a non-low bid award.

## RECOMMENDED RESOLUTION

That it be recommended to the Board that a non-low bid award in the amount of \$113,666 plus GST be awarded to Habitat Systems Inc. based on their proposal dated April 19, 2017, submitted in response to Request for Proposals No. 2017-PRK-001 for replacement of park playgrounds in Electoral Areas B, C, and E.

## BACKGROUND

In April 2017, a Request for Proposals (RFP) was issued that sought proposals for the replacement of aged playground equipment in three parks, one each located in Electoral Areas B, C, and E. This followed initial consultation with the respective Parks Commissions for these Electoral Areas on the planned capital replacement of the playgrounds due to age and Canadian Standards Association Playground Safety Guidelines compliance. Although these are three separate projects with three separate budgets residing in their respective budget functions, staff bundled all three under one RFP for two primary reasons. Firstly, staff time is significantly reduced by the issuance of a single RFP, and secondly, to maximize the economies of scale and collective savings potential to individual budgets through the supply and installation of multiple playground structures concurrently by a single supplier.

The budget for each project was disclosed to the proponents to ensure proposals received were not above the approved budgets. The RFP scoring was based on the following five weighted criteria:

Detailed Requirements and Play Value - 40 pts

Supply and Install Schedule – 20 pts

Profile and Relevant Experience – 15 pts

Pricing - 15 pts

Warranty – 10 pts.

Seven proposals were received, with Habitat Systems Inc. scoring the highest combined total of 87.5 out of a possible 100. They also scored the highest for “Detailed Requirements and Play Value”, the most heavily weighted criterion.

**ANALYSIS**

Habitat Systems combined pricing for all three projects is \$113,666 plus GST. In addition, Habitat Systems has offered an additional \$5,000 plus GST of play equipment should they be awarded all three projects, a direct benefit of economy of scale. The combined pricing for all three projects from the lowest bids is \$107,609, a difference of \$6,057 plus GST. Factoring in the additional equipment proposed by Habitat Systems effectively reduces this difference to \$1,057. As play value is considered more important than pricing in the RFP, staff are recommending a non-low bid award to Habitat Systems Inc., the highest scoring proponent.

**FINANCIAL CONSIDERATIONS**

The following 2017 budgets have capital funding approved for playground replacements:

- Function 232 (Shawnigan Lake) - \$35,000 in Capital Funds
- Function 233 (Cobble Hill) - \$67,000 in Capital Funds inclusive of other improvements scheduled for William Shearing Park in 2017
- Function 235 (Sahtlam, Glenora, Cowichan Station) - \$55,000 in Capital Funds inclusive of other improvements scheduled for Maple Wood Park in 2017

**COMMUNICATION CONSIDERATIONS**

Project notice boards will be placed in each of the parks in advance of the projects commencing to advise park users of the replacement of playgrounds, which at this time is scheduled for late summer pending Board approval. The replacement of playgrounds at William Shearing and Maplewood Parks follows consultation with the local neighbourhoods by way of community surveys requesting input on park amenity improvements.

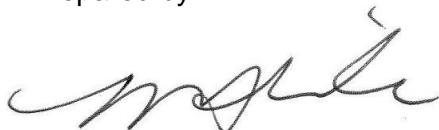
**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

Regional Strategic Focus Area #3 – Sound Fiscal Management.

Referred to (upon completion):

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



Michael Miller  
Capital Projects Specialist

Reviewed by:



Brian Farquhar  
Manager



Mike Tippett, MCIP, RPP  
A/General Manager



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** June 13, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 21, 2017

**FROM:** Parks & Trails Division  
Land Use Services Department

**SUBJECT:** Saddleview Estates 5 lot subdivision: Lot Transfer to CVRD

**FILE:** 01-E-10SA Creative Engineering for Caromar Sales Ltd

## PURPOSE/INTRODUCTION

The purpose of this report is to select a parcel for transfer to the CVRD as per Area E – Cowichan Station/Sahtlam/Glenora Zoning No. 1840 and to obtain approval to sell the parcel following transfer of ownership to the Regional District.

## RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That Lot 5 from Subdivision Application No. 01-E-10SA (Saddleview Estates) be selected as the parcel to be transferred to the Regional District as per the terms and conditions outlined in "CVRD Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840, 1998"; and
2. That, following transfer of ownership to the Regional District, Lot 5 from Subdivision Application No. 01-E-10SA (Saddleview Estates) be listed for public sale and the proceeds of the sale be deposited equally into the Electoral Area E and Electoral Area F community parks statutory reserve funds.

## BACKGROUND

The development known as Saddleview Estates was rezoned in 2007 (*"CVRD Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Caromar Sales) Bylaw No. 2909*) as an R-5 Comprehensive Zone containing a density bonus provision, whereby for every 4 parcels created in excess of 22 parcels, one of the parcels must be transferred to the CVRD. The funds from the sale of the lots are directed to the provision of fire protection services or community parks purposes (Attachment A). By 2015, 23 lots had been created and one lot was transferred to the CVRD with the proceeds allocated to the fire protective services (Sahtlam Fire Hall) per the direction of the Board.

Board Resolution #07-433-4 states that the funds derived from the second and additional lots are to be allocated equally between the Electoral Area E Community Parks Statutory Reserve Fund and the Electoral Area F Community Parks Statutory Reserve Fund. The expenditure of funds will be limited to within the broader Sahtlam community of Areas E and F (See Attachment B).

The transferred parcels must be selected by the CVRD, being neither the most valuable nor least valuable of the lots within the proposed subdivision as stated in the bylaw.

## ANALYSIS

A five (5) lot subdivision plan has been submitted along with a valuation from Pemberton Holmes of the proposed lots (see Attachment C). Based on exclusion of the least valuable and most valuable lots and a site visit conducted by CVRD staff, either Lot 5 or Lot 6 would be acceptable for transfer to the CVRD as they are of the midrange value. As Board Resolution #07-433-4 states the future lot allocations are to be split equally between the Electoral Area E and F Parks

statutory reserve funds staff recommend that Lot 5 be received and the proceeds from the sale of the lot be split equally between the two electoral areas. This takes into consideration that it may take years before the next lot is transferred to the CVRD and the market value may fluctuate in the future.

**FINANCIAL CONSIDERATIONS**

Funds derived from the sale of the lot would be allocated to both the Area E and Area F Parks Statutory Reserve Funds. The current market value of the lot estimated by Pemberton Homes is \$210,000.

**COMMUNICATION CONSIDERATIONS**

N/A

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

N/A

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, Procurement*)
- 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:



Tanya Soroka, MCIP, RPP  
Parks & Trails Planner

Reviewed by:



Brian Farquhar  
Manager



Mike Tippett, MCIP, RPP  
A/General Manager

**ATTACHMENTS:**

- Attachment A – Zoning Bylaw No.1840
- Attachment B – Board Resolution #07-433-4
- Attachment C – Valuation of proposed lots and proposed subdivision plan

8.9 R-5 ZONE – COMPREHENSIVE DEVELOPMENT RESIDENTIAL

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in the R-5 Zone:

(a) Permitted Uses

The following uses, plus the uses permitted under Section 4.4, and no other uses, are permitted in the R-5 Zone:

- (1) One single family dwelling per parcel;
- (2) Agriculture, horticulture, including horse riding arena and boarding stable, subject to Section 8.9(b)(4) below;
- (3) Home occupation;
- (4) Bed and Breakfast accommodation;
- (5) Daycare, nursery school accessory to a residential use;
- (6) Secondary suite or small suite.

(b) Conditions of Use:

For any parcel in the R-5 Zone:

- (1) the parcel coverage for buildings and structures shall not exceed 20 percent;
- (2) the height of all buildings and structures shall not exceed 10 metres;
- (3) the minimum setbacks for the types of parcel lines set out in Column I of this Section are listed for the residential, agricultural and accessory uses in Columns II, III and IV:

COLUMN I Type of Parcel Line	COLUMN II Residential Use Setbacks	COLUMN III Agricultural Use and accessory to Agricultural Use Setbacks	COLUMN IV Accessory to Residential Use
Front	7.5 metres	30 metres	7.5 metres
Interior Side	3.0 metres	15 metres	1.0 metres
Exterior Side	4.5 metres	15 metres	4.5 metres
Rear	4.5 metres	15 metres	1.0 metres

- (4) Horse riding arenas and boarding stables are only permitted on parcels of land that exceed 3 hectares in area.

(c) Density and Density Bonus

Subject to Part 12, the following regulations apply in the R-5 Zone:

- (1) The number of parcels that may be created by subdivision in the R-5 zone must not exceed 22, including any remainder parcel.
- (2) Despite Section 8.9(c)(1), the number of parcels that may be created by subdivision in the R-5 zone may be increased to 50 if the conditions in Sections 8.9(c)(6) through (8) are met.
- (3) Density averaging is permitted, provided that the average density in any subdivision, excluding any remainder parcel, does not exceed one parcel per 1.6 hectares of gross land area.
- (4) The minimum parcel area for the purposes of s.946(4) of the *Local Government Act* is 25 hectares.
- (5) The minimum parcel area is 1 hectare.
- (6) In respect of each 4 parcels created in excess of 22, one of the parcels must be transferred to the Regional District in fee simple for nominal consideration, free and clear of all encumbrances of a financial nature, including mortgages, assignments of rents, options to purchase and rights of first refusal, and all other encumbrances including any statutory building scheme not specifically approved in writing by the Regional District, to be used for the purposes set out in Section 8.9(c)(10), and the costs of transfer including the Regional District's actual, reasonable legal costs must be paid by the subdivider.
- (7) Each parcel transferred to the regional district must be selected by the Regional District on the basis of the proposed plan of subdivision, being neither the most valuable nor the least valuable of the lots in the proposed subdivision.
- (8) Each parcel transferred to the regional district must be fully provided with hydro, cable and telephone service and highway frontage improvements to the standard provided in the rest of the subdivision, as well as a driveway to the property line, all as determined by an inspection of the parcel by the Regional District prior to the transfer. The subdivider must also provide to the Regional District proof of potable water and on-site sewage disposal capability, each as required by the local health authority or the subdivision approving officer. No parcel transferred to the Regional District may be a strata lot.
- (9) In the event that a particular subdivision creates a number of parcels producing a fraction of a parcel to be transferred under Section 8.9(c)(6), the subdivider must transfer a parcel in relation to the fraction, with the obligation to transfer parcels under this Section being adjusted upon subsequent subdivision so that the total number of parcels transferred to the Regional District under this Section does not exceed 7.
- (10) The parcels transferred to the Regional District under Section 8.9(c)(6) must be used for:
  - i. the provision of fire protection services, including the sale of one or more of the parcels and the deposit of the proceeds into the Sahtlam Fire Protection Service Area statutory reserve fund; or
  - ii. community park purposes, including the sale of one or more of the parcels and the deposit of the proceeds into an Electoral Area E or Electoral Area F community parks statutory reserve fund.



(07-433)



It was moved and seconded:

4. That the methodology for receipt of funds derived from the sale of lots transferred in fee simple to the CVRD as outlined in proposed Bylaw No. 2909 (Caromar Sales) be as follows:

- Funds derived from the first lot acquired and subsequently sold under direction of the Board be allocated to the Sahtlam Fire Protection Service Area statutory reserve fund, and,
- Funds derived from the second and all additional lots acquired and subsequently sold under direction of the Board be allocated equally between the Electoral Area E Community Parks statutory reserve fund and the Electoral Area F Community Parks statutory reserve fund.

And furthermore, that expenditure of funds derived through the sale of such lots be limited to within the broader Sahtlam community of Electoral Areas E and F.

Opposed: Director Duncan

**MOTION CARRIED**

(07-434)

It was moved and seconded:

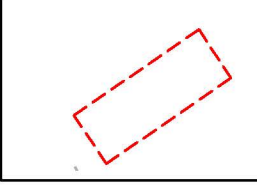
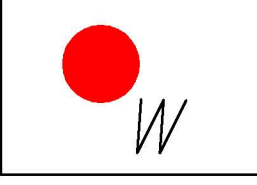
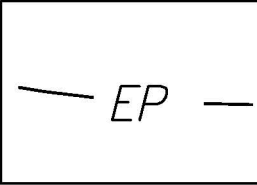
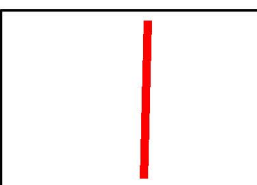
7. That the development application review procedures specified in Bylaw No. 2255 be modified for Rezoning Application No. 4-B-RS (Ted Stevens) to require a public meeting prior to review of the application by government agencies and the Area B Advisory Planning Commission; and further that all Electoral Area Directors be encouraged to attend the public meeting.

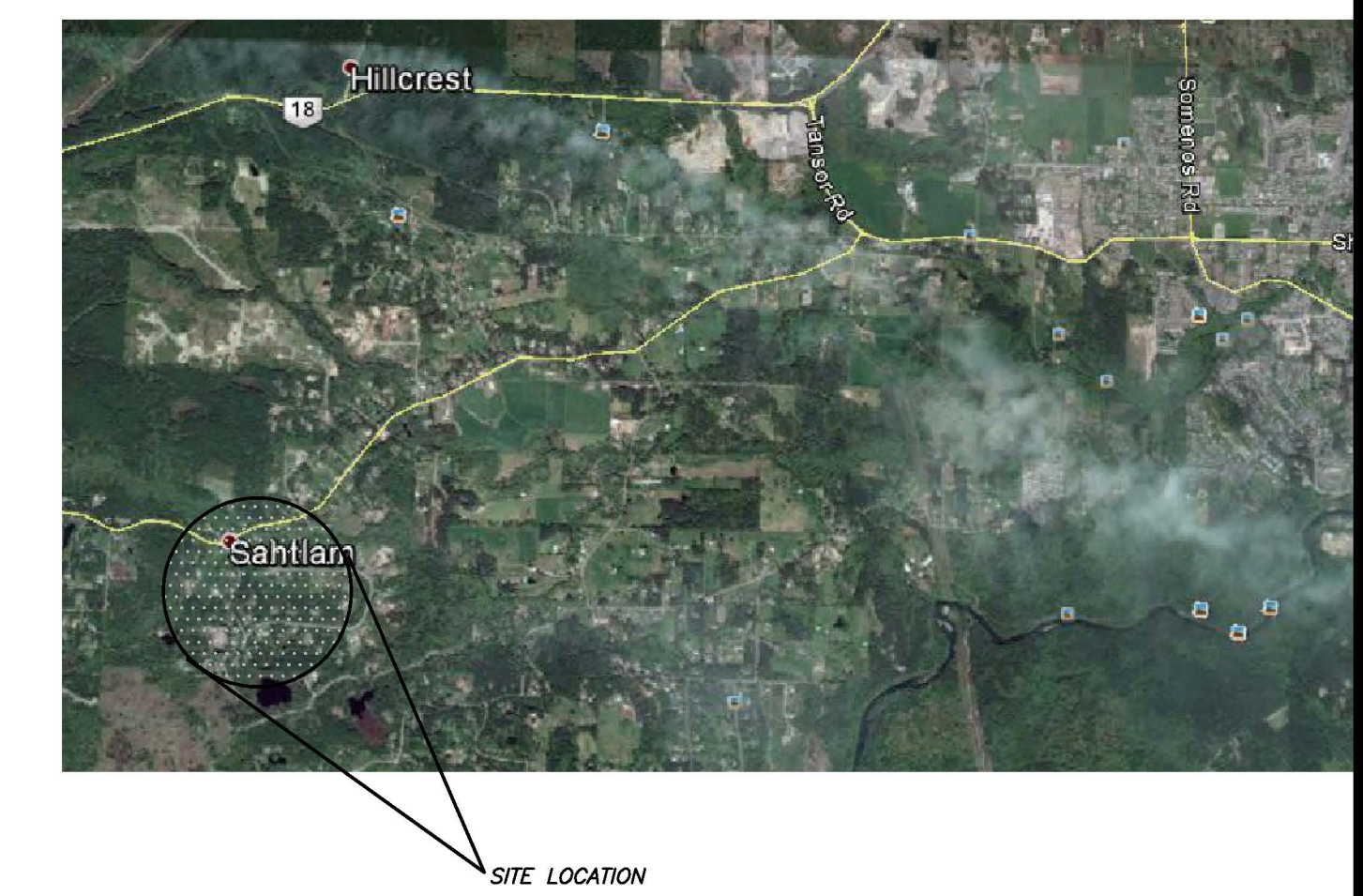
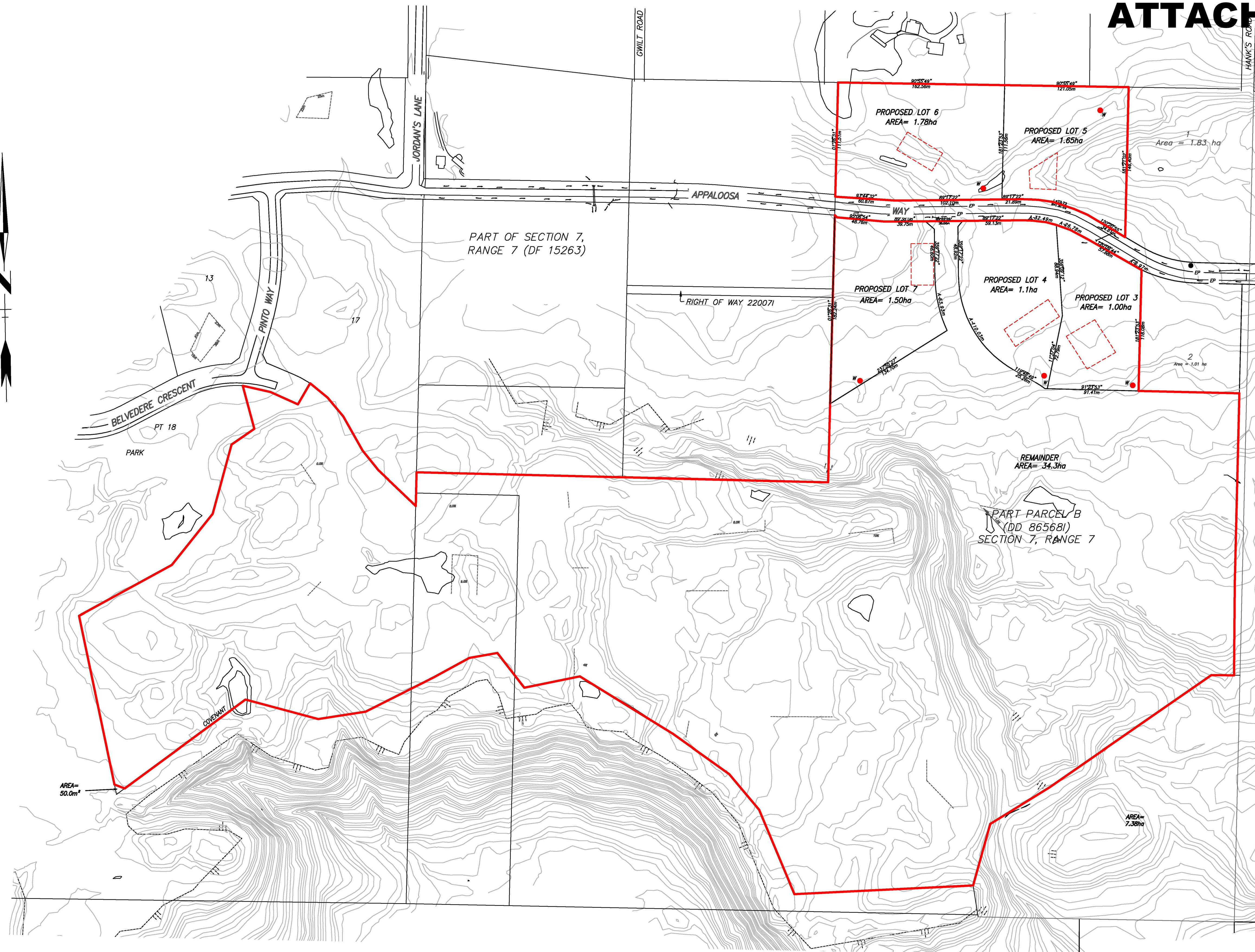
8. That Development Permit Application No. 1-G-07DP be approved once the zoning amendment Bylaw No. 2975 to allow mini-storage and outdoor storage has been adopted and that the Planning Division be authorized to issue a Development Permit to Wayne Murphy on behalf of Dave Mohr with respect to Lot 16, District Lot 72, Oyster Land District, Plan 8793 Except that Part in Plan 895 RW that would allow two new mini-storage buildings to be developed in accordance with the Commercial Development Permit Guidelines of Official Community Plan Bylaw No. 2500



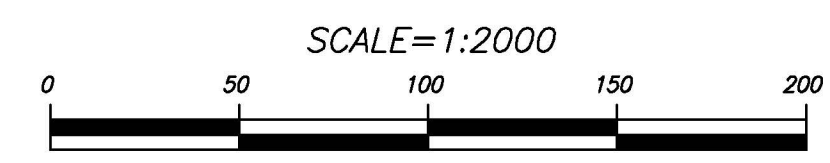
# ATTACHMENT C

## LEGEND

-  PROPOSED SEPTIC AREA
-  EXISTING WELL SITE
-  EDGE OF EXISTING PAVEMENT
-  BOUNDARY OF PROPOSED SUBDIVISION



KEY PLAN



CLIENT:	CAROMAR LANDS	
SHEET TITLE:	PLAN OF PROPOSED SUBDIVISION OF REM PARCEL B (DD 865681) SECTION 7, RANGE 6 SAHTLAM DISTRICT	
<b>COWICHAN ENGINEERING SERVICES LTD.</b> 715 CANADA AVENUE DUNCAN, BC V9L 1V1 cowichanengineering@shaw.ca	DRAWN: CW	DATE: 16/01/
	CHECKED: CW	FILE: 1046-L
	SCALE: 1:2000	DWG: 1046-C-PLA
		LAYOUT:

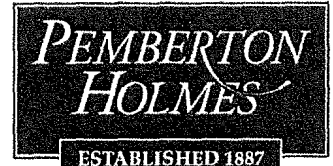
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R10





150-805 CLOVERDALE AVENUE  
VICTORIA, BC V8X 2S9 CANADA  
TELEPHONE (250) 384-8214  
TOLL-FREE 1-800-665-5303  
FAX (250) 380-6355  
E-MAIL  
service@pembertonholmes.bc.ca

To the Directors at Caromar Sales Ltd;  
June 1<sup>st</sup>/2017

Dan Johnson and the writer (Gary McInnis) walked all the lots and spent a lot of time considering what the values would be in today's market based on all the info we have.

The development and roadwork completed to date,, has not, in our view appreciably changed the ratings of preference which we initially had believed these properties would realize. That said, we have also factored in, the increase in values the current market reflects on sales yields.

We feel that the values listed below represent current market value.

At this time, suggested Price Points are as follows:

Lot 3 - \$202K

Lot 4 - \$200K

Lot 5 - \$210

Lot 6 - \$215K

Lot 7 - \$225K

As always, the final listing price is the decision of the Directors of Caromar Sales Ltd.

Best Regards, Gary McInnis and Dan Johnson REALTORS® Pemberton Holmes Real Estate.  
Victoria Head Office and Duncan Regional Office.





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** June 12, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 21, 2017

**FROM:** Parks & Trails Division  
Land Use Services Department

**SUBJECT:** Update on the Empress Park Subdivision and Disposal process -  
Electoral Area B, Shawnigan Lake

**FILE:**

## PURPOSE/INTRODUCTION

The purpose is to report back to the Board on the Empress Park subdivision and disposal process further to the October 14, 2015, Board Resolution No. 15-534-6.

## RECOMMENDED RESOLUTION

For Direction.

## BACKGROUND

Much of the background of this property is outlined in the Electoral Area Services Committee Report dated September 24, 2015 (See Attachment A). Out of this report, Board Resolution No. 15-534-6 was passed with a number of recommendations. One of the recommendations was "That Covenants K87397, K87399 and K8824 registered on title for Empress Park be released".

In 2016 the Parks & Trails Division hired a surveyor to prepare a boundary adjustment subdivision plan for the Empress Park parcels to create two residential sized lots for sale/disposal. This plan was submitted to the Ministry of Transportation and Infrastructure who then issued a preliminary Layout Approval (PLA) to the CVRD. One of the requirements under the PLA was that the three covenant easements (K87397, K87399 and K8824) were to be released from title prior to subdivision approval. Covenants K87397 and K87399 were released but the third Covenant, K8824, that is in favour of the Burnham Mobile Home Park was not. The owners of the easement declined the request by the CVRD to release, as it is for a backup septic field that may be needed in the future although staff has determined it is a redundant backup reserve. The owners did mention that they may consider releasing the easement if they received financial compensation of some kind. There were no further discussions regarding a contribution amount.

## ANALYSIS

The Empress Park subdivision process has halted due to the fact that the easement cannot be released. At this time there are two options identified that the Board may wish to consider:

1. Cease the subdivision and disposal process on Empress Park until such time as the owners of the Burnham Mobile Home Park agree to release the covenant registered on the parkland.
2. Enter into formal negotiations with the owners of the Burnham Mobile Home Park to negotiate a mutually agreeable financial compensation to remove the easement from Empress Park.

If Option 1 is considered there would be no real setback for the Parks & Trails Division as the trail connection through Empress Park can still be constructed to link Empress Road to the subdivision to the south. If Option 2 is considered there may be limitations on the amount of financial compensation that could be negotiated as there is currently no money in the budget.

**FINANCIAL CONSIDERATIONS**

There is no money currently available in the budget for a financial contribution.

**COMMUNICATION CONSIDERATIONS**

If determined by the Board, discussions will be held with the owners of the Burnham Mobile Home Park.

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

N/A

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:



Tanya Soroka, MCIP, RPP  
Parks & Trails Planner

Reviewed by:



Brian Farquhar  
Manager



Mike Tippett, MCIP, RPP  
A/General Manager

**ATTACHMENTS:**

Attachment A – EASC Report Dated September 24, 2015





# COMMITTEE REPORT

<b>DATE OF REPORT</b>	September 24, 2015
<b>MEETING TYPE &amp; DATE</b>	Electoral Area Services Committee Meeting of October 6, 2015
<b>FROM:</b>	Parks & Trails Division Planning & Development Department
<b>SUBJECT:</b>	Empress Park Disposal
<b>FILE:</b>	1-B-14SA

## PURPOSE/INTRODUCTION

The purpose of this report is to report back on the Empress Park Disposal Bylaw No. 3926 referred to staff from the Board meeting of September 16, 2015.

## RECOMMENDED RESOLUTION

That it be recommended to the Board

1. That following the adoption of Bylaw No. 3926, without amendment, a property line boundary adjustment be completed for Empress Park located in Electoral Area B - Shawnigan Lake to create a 0.4 hectare lot and a 0.57 hectare lot for disposal.
2. That the condition of sale of the 0.57 hectare lot require that the purchaser agree to subdivide off and transfer or dedicate a 0.12 hectare strip of land to the Regional District for trail purposes.
3. That a real estate agent be retained to market the sale of the Empress Park surplus properties, and that the Board Chair and Corporate Secretary be authorized to sign the necessary documents for the disposition of these properties.
4. That Covenants K87397, K87399 and K8824 registered on title for Empress Park be released.
5. That an amended Section 941 parkland dedication under the *Local Government Act* be approved for a 6 metre trail corridor dedication within the pending subdivision located at 1721 Northgate Road in Shawnigan Lake just south of Empress Park.

## BACKGROUND

The Board at its regular meeting of September 9, 2015 passed the following resolution:

*"That "CVRD Bylaw No. 3926 - Park Land Disposal (Empress Park) Bylaw, 2015", be referred to staff to discuss options for keeping a tract of land to act as a trail buffer."*

Empress Park is comprised of two irregularly shaped properties totally 0.92 hectares, with Empress Road to the north and developed residential properties to the immediate west and east. To the south of the park is a 15 lot residential development pending final approval on Northgate Road that is subject to issuance of a development permit by the CVRD (see Attachment A – Location Map).

In 2013, the Northgate Road residential subdivision development proposal was initially referred to the Regional District from the Ministry of Transportation and Infrastructure for review, inclusive of requirements for parkland dedication under §419 in 941 of the *Local Government Act*. The

Shawnigan Lake Parks Commission, upon reviewing the proposed residential development and other community parkland interests, recommended at their meeting of April 17, 2014 the CVRD require cash in-lieu to meet the requirements of Section 941. This recommendation was supported by the adopted *2010 Shawnigan Lake Community Parks and Trails Master Plan*, which identified Empress Park as surplus to local community park needs. The developer of the Northgate Road subdivision was informed at the time of the cash-in-lieu requirement under Section 941 arising from the Shawnigan Lake Park Commission review and recommendation. The cash-in-lieu remains payable prior to final subdivision approval and currently is calculated at \$24,350, based on the 2015 BC Assessment value of the overall property.

In response to the Board's referral of the matter back to staff to assess option(s) to retain a portion of the Empress Park properties for a trail corridor or buffer, the developer of the Northgate Road residential subdivision was contacted to explore whether or not at this late stage in the development an amendment to the previous decision for cash-in-lieu under Section 941 could be considered. The only value to the local community to a trail corridor would be if it connected through to the new public road being constructed within the Northgate Road subdivision to the south. If the developer were not interested in amending the agreed upon cash-in-lieu to allow for a dedication of lands within the development as park/trail, there would be no reason to retain a portion of the Empress Park properties for a trail corridor/buffer, as such a corridor would only dead-end at private property next to the existing park.

#### ANALYSIS

While it is late in the residential subdivision process to be requesting a change in the park dedication requirements, the developer is amendable to provide a 6 metre wide trail corridor between proposed residential lots 7 and 8 as a link between Northgate Road and Empress Park. This would require a reduction in the size of both lots 7 and 8 below the minimum lot size permitted under the R-2 Zone (Suburban Residential) of Shawnigan Lake Zoning Bylaw No. 985; however general subdivision provisions of the bylaw permit the reduction of lots by up to ten percent of the minimum lot size if the remainder lands created through this lot size reduction is dedicated for park or public amenity purposes. In this case, the developer would reduce the size of residential lots 7 and 8 in order to provide sufficient land area to create a 6 metre wide trail corridor (approximately 0.12 hectares in area). There would be costs incurred by the developer to undertake the lot layout redesign, surveying and subdivision plan amendments.

In exchange for agreeing to a Section 941 park dedication amendment request at this late stage, the developer has stated the CVRD would have to agree that the 6 metre wide trail corridor dedication would meet all of the park requirements under Section 941 of the *Local Government Act* and that there will be no cash-in-lieu as currently required. This park dedication amendment opportunity was referred to the September 17, 2015 Shawnigan Lake Parks Commission meeting for consideration and the Parks Commission made the following recommendation:

*The Parks Commission supports the 6 metre wide trail corridor between Lots 7 and 8 as the full park commitment for the 1721 Northgate subdivision, and the Commission agrees to receiving less than 5% park dedication or cash in lieu as required under Section 941 of the Local Government Act for the subdivision application located at 1721 Northgate Road in Shawnigan Lake.*

At the request of the Legislative Services Division, the option to retain a section of the Empress Park properties for a trail corridor was referred to CVRD's solicitor, given the stage at which the Alternative Approval Process (AAP) is currently at for disposal of these properties. If a trail corridor were subdivided off prior to establishing two lots for sale, CVRD's lawyer advises that Empress Park Disposal Bylaw No. 3926 would have to be amended and the AAP undertaken again, as this would be considered a significant change to the original intent of the AAP just completed. While reducing the area of parkland to be disposed of might appear uncontroversial, this would also have the potential to reduce the proceeds of disposition and hence the amount of

money that would be paid into the Shawnigan Lake Community Parks Parkland Acquisition Reserve Fund. This would be deemed to represent a substantive change from what the electors are expecting. The timeframe for repeating an AAP process is estimated at three months from time of a Board decision to undertake; however a further delay would be likely so as to not extend an AAP over the yearend holiday break.

Alternatively, CVRD's solicitor suggests that it would be consistent with Bylaw No. 3926 to proceed with the sale of the two Empress Park properties as originally planned, with a condition of sale on one lot requiring the purchaser to agree to subdivide off and dedicate, or transfer back, to the CVRD a strip of land for trail purposes. It would be important, however, to ensure that the net proceeds of sale were substantially the same as if the whole Empress Park had been sold. This option would allow the Regional District to proceed at this time with a property boundary adjustment to create a 0.4 hectare lot and a 0.57 hectare lot, with the intent that the sale conditions of the 0.57 hectare lot would require that a 0.12 hectare strip of land be dedicated to the Regional District for park purposes at time of sale. If the CVRD were unable to find a buyer agreeable to such condition within a reasonable timeframe of marketing the property, the Regional District could resort to amending Bylaw No. 3926 and proceeding through a new AAP process for approval of the amendment to remove 0.12 hectares for a trail corridor and selling off a stand-alone 0.45 hectare property.

The summary of options that could be considered are:

#### **Option A**

That Bylaw No. 3926 be amended to authorize retention of a 0.12 hectare portion of Empress Park for park purposes, and that a new Alternative Approval Process be initiated to obtain electoral approval to the amended bylaw.

And furthermore, that following adoption of Bylaw No. 3926 by the Board as amended, a portion of Empress Park located in Electoral Area B - Shawnigan Lake be retained for a trail corridor with two additional residential lots being created for disposal;

#### **Option B**

That following the adoption of Empress Park Disposal Bylaw No. 3926 by the Board, without amendment, a boundary adjustment takes place for Empress Park located in Electoral Area B - Shawnigan Lake to create a 0.4 hectare lot and a 0.57 hectare lot for disposal.

And furthermore, that as a condition of sale of the 0.57 hectare lot the purchaser would need to agree to subdivide off and transfer or dedicate a 0.12 hectare strip of land to the Regional District for trail purposes.

#### **Option C**

That following the adoption of Empress Park Disposal Bylaw No. 3926 by the Board, the two Empress Park properties be disposed, with no retention of land for a community trail, and furthermore, the developer of 1721 Northgate Road be advised that the *LGA Section 941* cash in-lieu requirement as previously determined by the Regional District remains in place as a condition of subdivision approval.

Option B is recommended at this time.

In addition, prior to the subdivision and sale of the surplus parkland three covenants that are registered on these properties will need to be released. Two of the covenants are jointly in favour of the Province and the CVRD. An approval in principal was received from the Provincial Approving Officer in May 2015 to release the covenants in favour of the Province. The covenants were tied into the original Burnham subdivision in the 1980's and the conditions required of the

covenants have since been addressed. The third covenant is solely held by the CVRD on the two the properties. Board approval is required to release all three registered covenants.

**FINANCIAL CONSIDERATIONS**

There will be a cost to the CVRD to release the covenants on title of Empress Park and to go through the subdivision and disposal process. All costs will be recovered from the sale of the properties. Retaining a section of the Empress Park properties for a trail corridor and amending the Section 941 requirements for the subdivision development at 1721 Northgate Road as agreeable to by the developer would require forgoing a cash in-lieu contribution under *Section 941* of the *LGA* in the amount of approximately \$24,350 to the Shawnigan Lake Community Park Land (5%) Reserve Fund based on the 2015 property assessment value.

**COMMUNICATION CONSIDERATIONS**

The properties would be listed for sale through a licensed realtor, which would provide for maximum market exposure to potential buyers.

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

N/A

Prepared by:

  
\_\_\_\_\_  
Tanya Soroka  
Parks & Trails Planner

Reviewed by:

  
\_\_\_\_\_  
Brian Farquhar  
Manager

  
\_\_\_\_\_  
Mike Tippett, MCIP, RPP  
Deputy General Manager

Corporate Services Review:

  
\_\_\_\_\_  
Mark Kueber, CPA, CGA  
General Manager

**ATTACHMENTS:**

Attachment A - Location Map

# Cobble Hill Mountain Regional Recreation Area



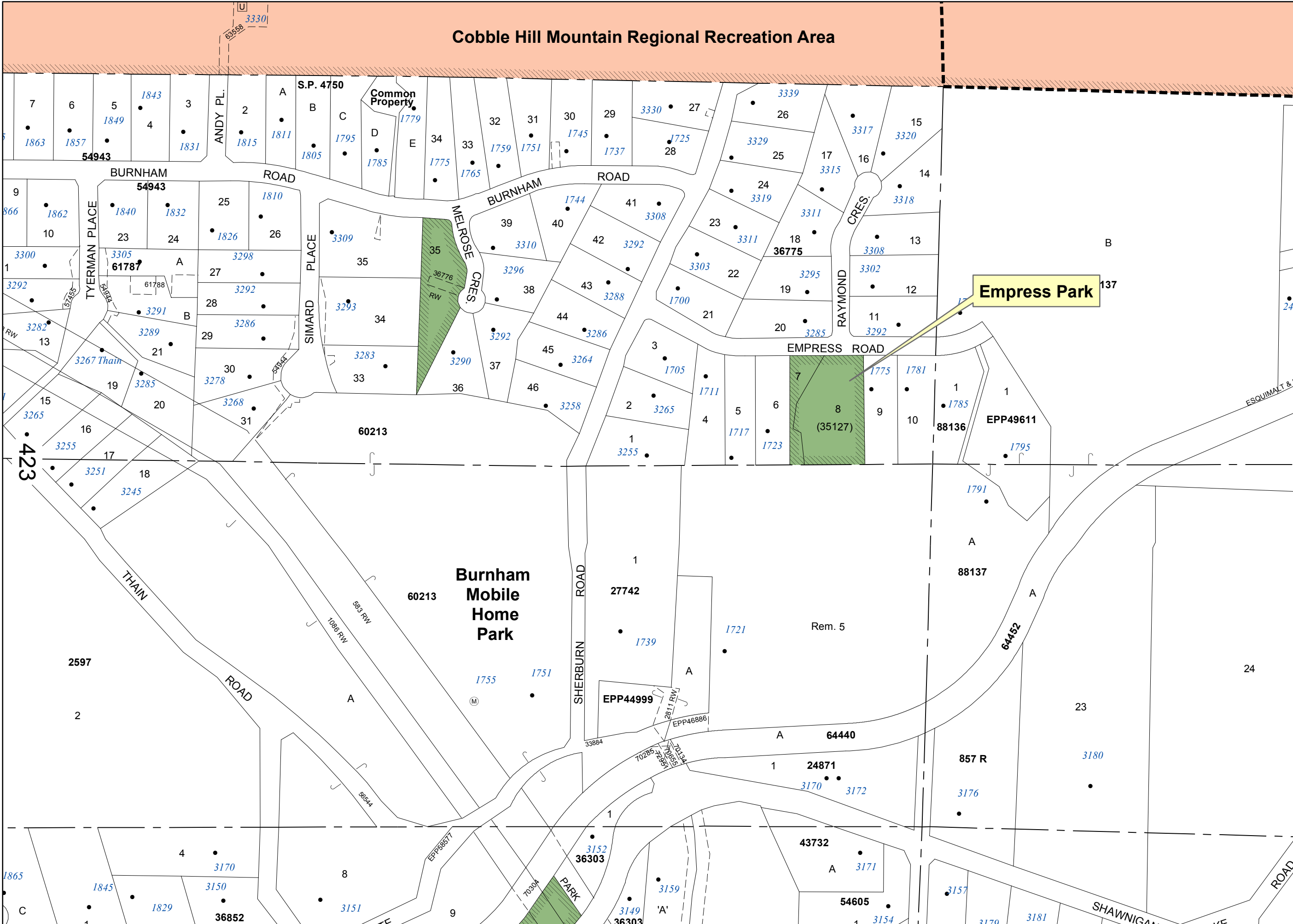
This map is compiled from various sources for internal use and is designed for reference purposes only.

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.

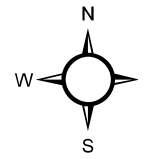
**The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.**

Printed: June 2, 2017



**Empress Park**

**Empress Park**  
**Electoral Area B**  
**Shawnigan Lake**



**R11**

Scale: 1:3,7







**MEMORANDUM**

**DATE:** June 7, 2017

**TO:** Ross Blackwell, General Manager, Land Use Services Department


**FROM:** Grant Breckenridge, RBO, Chief Building Inspector, Inspections & Enforcement Division

**SUBJECT:** BUILDING REPORT FOR THE MONTH OF MAY, 2017

There were 46 Building Permits and 0 Demolition Permit(s) issued during the month of May with a total value of \$7,509,235

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				1,521,910	100,000		5	30	1,621,910	21,238,415
"B"				1,010,025	66,000		8	47	1,076,025	5,505,665
"C"					397,520	25,000	4	19	422,520	1,419,220
"D"	80,000			1,104,570	132,680		8	19	1,317,250	2,889,945
"E"	150,000			212,890	196,150	400,000	9	24	959,040	3,122,920
"F"					105,600		1	10	105,600	997,720
"G"				280,030	24,960		3	16	304,990	1,528,102
"H"				460,080	71,800	5,000	4	12	536,880	1,780,700
"I"				1,158,780	6,240		4	10	1,165,020	2,334,190
<b>Total</b>	<b>\$ 230,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>5,748,285</b>	<b>1,100,950</b>	<b>430,000</b>	<b>46</b>	<b>187</b>	<b>7,509,235</b>	<b>40,816,877</b>

425



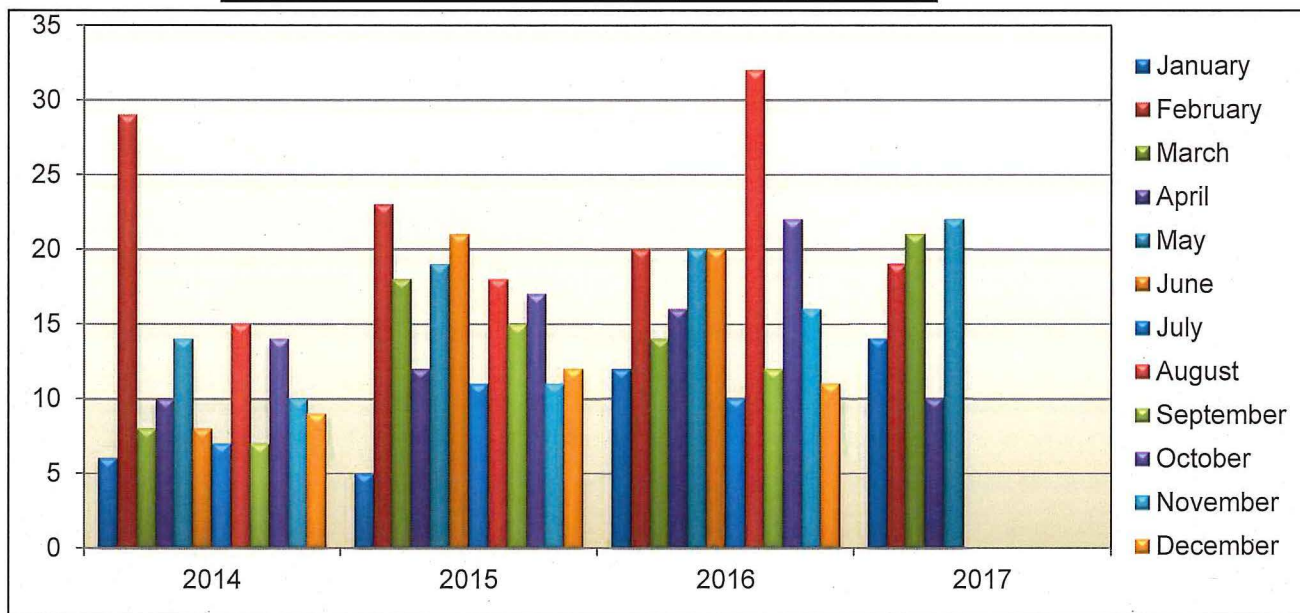
G. Breckenridge, RBO  
 Chief Building Inspector, Inspections & Enforcement Division  
 Land Use Services Department  
 GB/lar

**NOTE:** For a comparison of New Housing Starts from 2014 to 2017, see page 2  
 For a comparison of Total Number of Building Permits from 2014 to 2017, see page 3



### TOTAL OF NEW HOUSING STARTS

	2014	2015	2016	2017
January	6	5	12	14
February	29	23	20	19
March	8	18	14	21
April	10	12	16	10
May	14	19	20	22
June	8	21	20	
July	7	11	10	
August	15	18	32	
September	7	15	12	
October	14	17	22	
November	10	11	16	
December	9	12	11	
<b>YTD Totals</b>	<b>137</b>	<b>182</b>	<b>205</b>	<b>86</b>

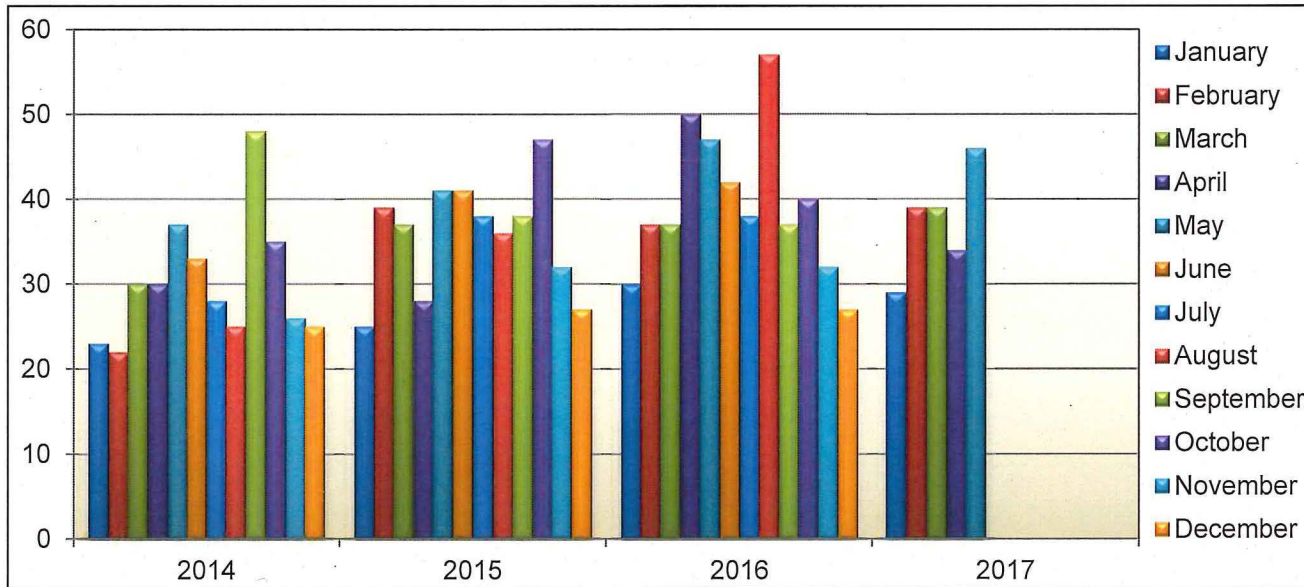


426



### TOTAL BUILDING PERMITS ISSUED

	2014	2015	2016	2017
January	23	25	30	29
February	22	39	37	39
March	30	37	37	39
April	30	28	50	34
May	37	41	47	46
June	33	41	42	
July	28	38	38	
August	25	36	57	
September	48	38	37	
October	35	47	40	
November	26	32	32	
December	25	27	27	
<b>YTD Totals</b>	<b>362</b>	<b>429</b>	<b>474</b>	<b>187</b>



427

# 320 – Building Inspections Report – May 2017

Participating Areas All Electoral Areas

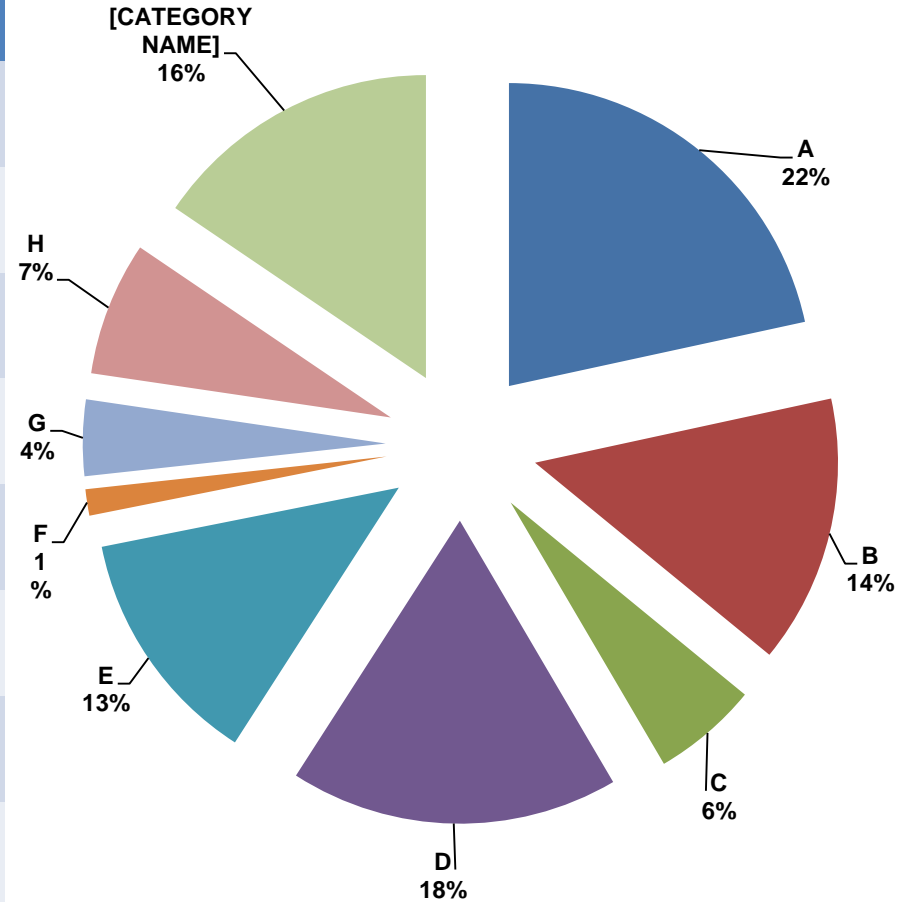
Purpose: Monthly review of building permits and new housing starts for May 2017

## Permit Breakdown per electoral area

Electoral Area	Permits issued	Value	% for the month
A	5	1,621,910	22%
B	8	1,076,025	14%
C	4	422,520	6%
D	8	1,317,250	18%
E	9	959,040	13%
F	1	105,600	1%
G	3	304,990	4%
H	4	536,880	7%
I	4	1,165,020	16%

428

## New Building Permits



## 320 – Building Inspections Report – May 2017

**Participating Areas** All Electoral Areas

**Purpose:** Monthly review of building permits and new housing starts for May 2017

### What's happening in your area?:

#### Highs and lows

Area A: 22% of the total building permit revenue  
Area D: Had 0 permits in April, 8 permits in May

➤ Area: F had one new permit in May 2017, 1% of the monthly total

#### Trends and reasons

➤ Area E had large permits issued for commercial and agricultural buildings

429

#### Total Building Values

➤ Month: \$7,509,235 for May 2017

➤ Year: \$40,816,877 in building value, leading to;  
➤ \$408,168 in building permit revenue, compared to \$310,379 in 2016

#### New house Starts

➤ 86 for the year; increase of 4 on 2016

#### Building Permits issued

➤ 187 for the year; 14 less than in 2016

➤ 46 Permits issued in May  
➤ Total of 414 inspections generated for May  
➤ Total for the year: 1683 building inspections for the year





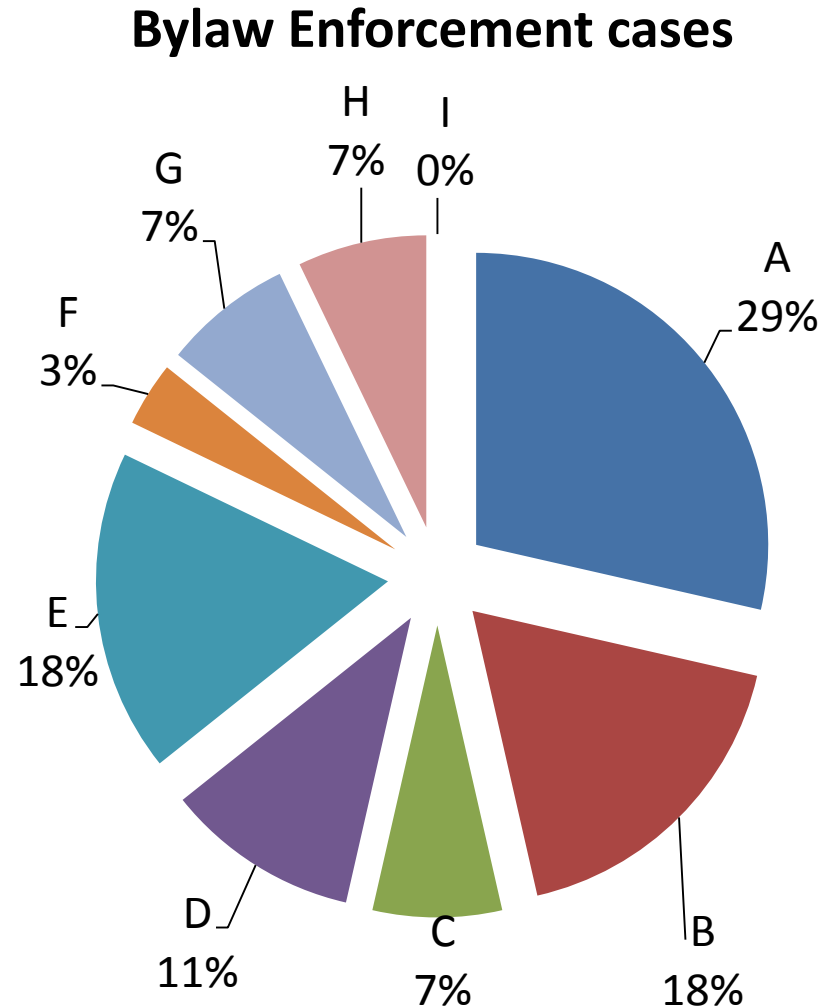
# 320 – Bylaw Enforcement Report – May 2017

Participating Areas – All electoral areas

Purpose – Monthly review of Bylaw Enforcement files

431

Electoral Area	Monthly Files	Percentage	Year total
A	8	29%	25
B	5	18%	35
C	2	7%	13
D	3	11%	11
E	5	18%	23
F	1	4%	7
G	2	7%	5
H	2	7%	8
I	0	0%	7



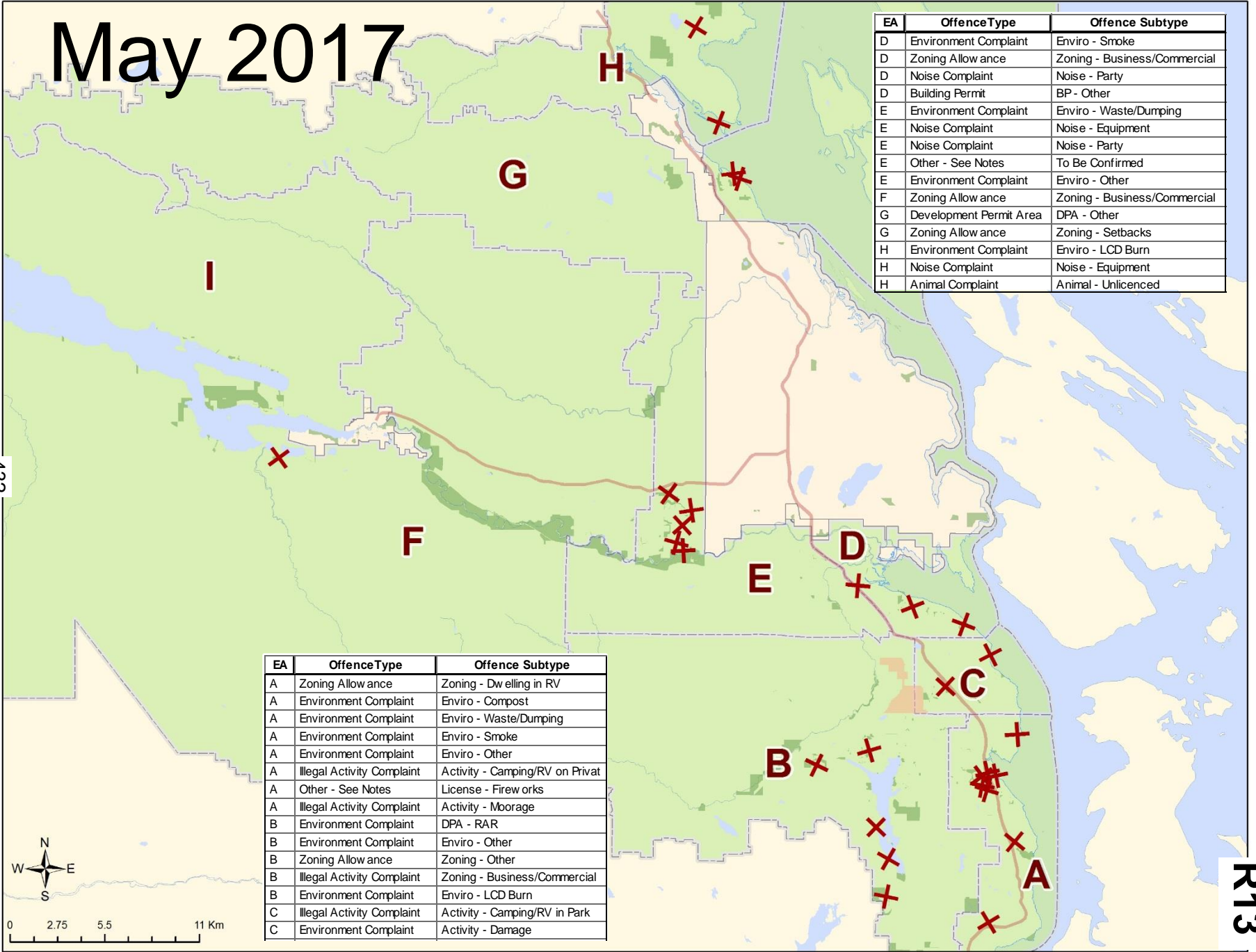
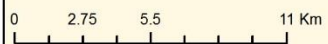
R13

# May 2017

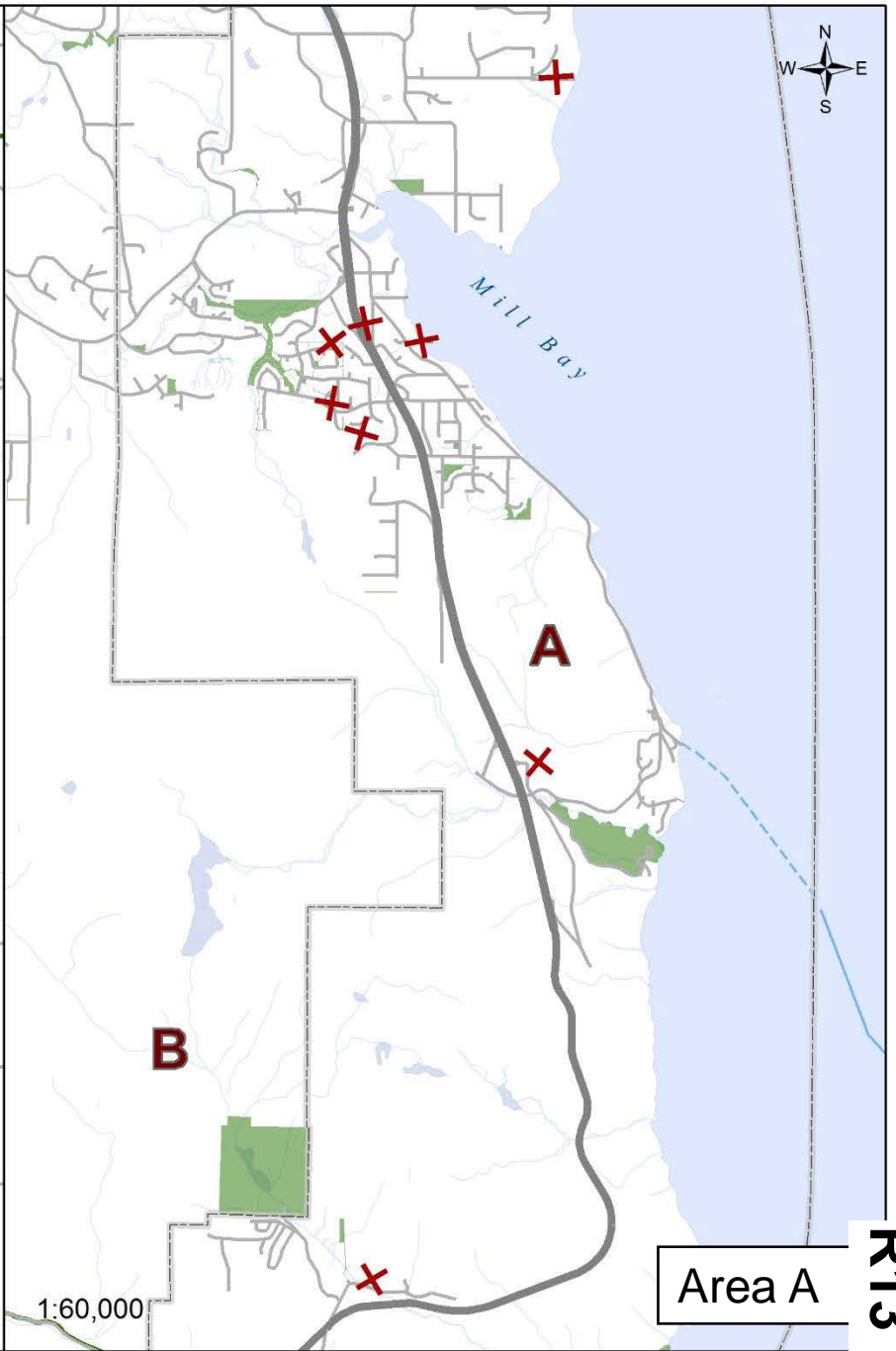
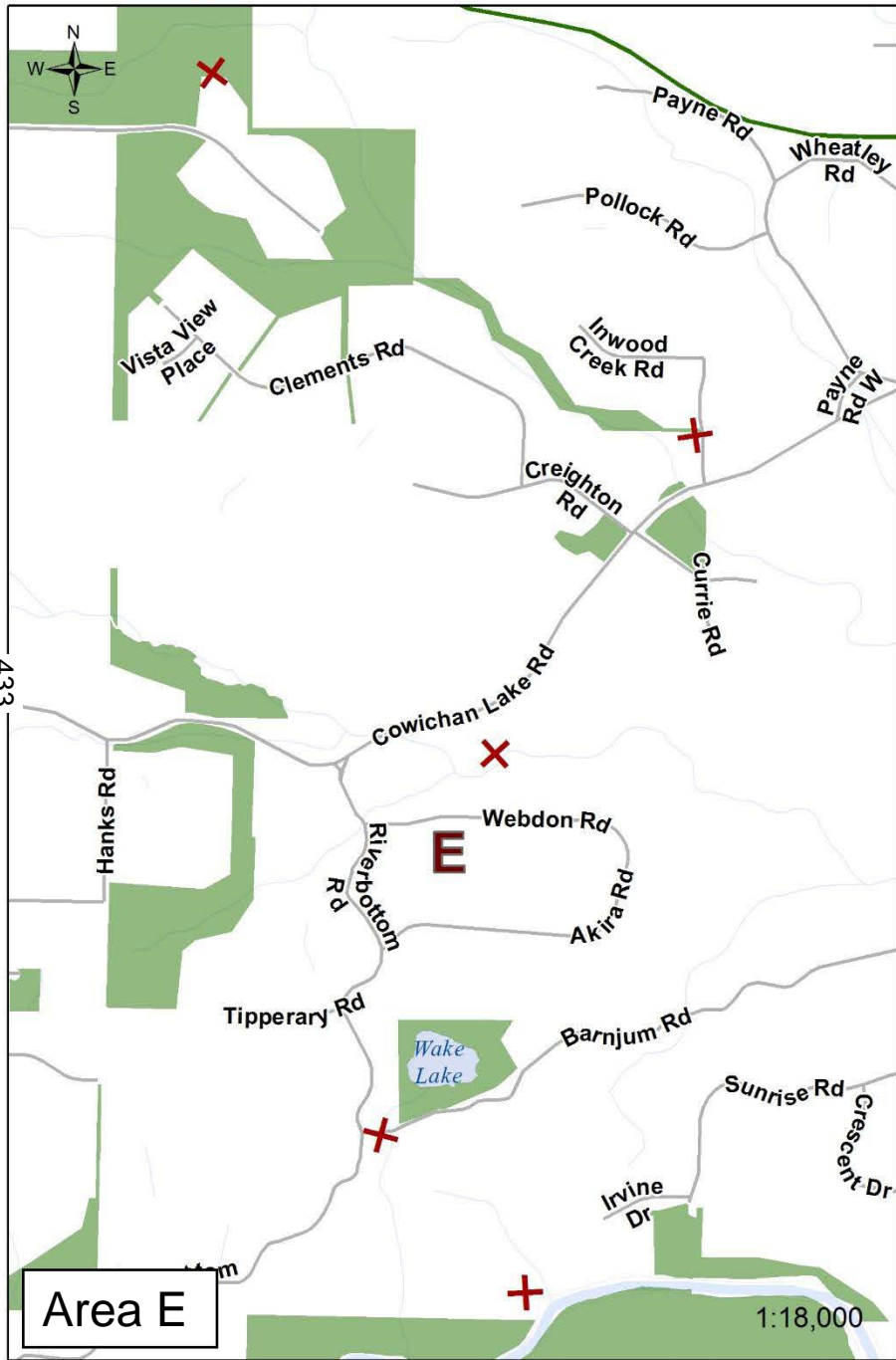
432

EA	OffenceType	Offence Subtype
D	Environment Complaint	Enviro - Smoke
D	Zoning Allow ance	Zoning - Business/Commercial
D	Noise Complaint	Noise - Party
D	Building Permit	BP - Other
E	Environment Complaint	Enviro - Waste/Dumping
E	Noise Complaint	Noise - Equipment
E	Noise Complaint	Noise - Party
E	Other - See Notes	To Be Confirmed
E	Environment Complaint	Enviro - Other
F	Zoning Allow ance	Zoning - Business/Commercial
G	Development Permit Area	DPA - Other
G	Zoning Allow ance	Zoning - Setbacks
H	Environment Complaint	Enviro - LCD Burn
H	Noise Complaint	Noise - Equipment
H	Animal Complaint	Animal - Unlicensed

EA	OffenceType	Offence Subtype
A	Zoning Allow ance	Zoning - Dw elling in RV
A	Environment Complaint	Enviro - Compost
A	Environment Complaint	Enviro - Waste/Dumping
A	Environment Complaint	Enviro - Smoke
A	Environment Complaint	Enviro - Other
A	Illegal Activity Complaint	Activity - Camping/RV on Privat
A	Other - See Notes	License - Firew orks
A	Illegal Activity Complaint	Activity - Moorage
B	Environment Complaint	DPA - RAR
B	Environment Complaint	Enviro - Other
B	Zoning Allow ance	Zoning - Other
B	Illegal Activity Complaint	Zoning - Business/Commercial
B	Environment Complaint	Enviro - LCD Burn
C	Illegal Activity Complaint	Activity - Camping/RV in Park
C	Environment Complaint	Activity - Damage



R13



433

Area E

Area A

R13

## What is happening in your area?

Area B had the highest number of cases opened with 9 each equaling 31%

Area G had the fewest cases with 0.

## Types of issues –

Burning x 4

Camping / RV x 2

Fireworks x 1

Dog complaints x 1

Zoning x 5

Noise x 4

Environmental x 4

Dumping: 2

434 Illegal moorage (boat): 1

RAR: 1

Other x 4

## Open vs Closed

Total number of enquires (calls, emails, front desk): 174

Total cases opened: 28

Cases concluded: 40

Total cases opened this year: 134

Total cases closed this year: 91 (68%)



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** June 13, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of June 21, 2017

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

**SUBJECT:** Ticketing Bylaw Amendments

**FILE:**

## PURPOSE/INTRODUCTION

The purpose of this report is to bring forward for consideration the proposed administrative amendments to Schedule 2 of CVRD Ticketing Bylaw No. 3209, following the recent amendments to CVRD Building Bylaw No. 3422.

## RECOMMENDED RESOLUTION

That it be recommended to the Board that Schedule 2 of CVRD Ticketing Bylaw No. 3209 be amended as set out in the May 29, 2017, Staff Report from the Inspections & Enforcement Division to reflect recent amendments to CVRD Building Regulation Bylaw No. 3422.

## BACKGROUND

CVRD Building Regulation Bylaw No. 3422 was recently amended and includes the ability to enforce the following offences using Municipal Ticket Information:

1. "A person, contractor or owner who continues performing work once a stop work order has been issued, other than to address what has been specified, commits an offence;
2. A person, contractor or owner who proceeds without a required building inspection, commits an offence; and
3. A person, contractor or owner who repeatedly commits infractions against this bylaw or the *Building Code* commits an offence."

Schedule 2 of CVRD Ticketing Bylaw No. 3209 requires an amendment to include the above offences.

## ANALYSIS

Amendments to Schedule 2 of CVRD Ticketing Bylaw No. 3209, reflect the wording of Building Regulation Bylaw No. 3422, and the following are suggested for the "Designated Offence" wording to be added to Schedule 2:

1. Work contrary to Stop Work Order;
2. Work performed without required building inspection; and
3. Repeated infractions contrary to bylaw or *BC Building Code*.

The new offences have a fine of \$1,000.

The following wording within the offences section should be amended:

1. Notice tampered should be amended to "Stop Work Order tampered";
2. Work with non-approved plans should be amended to "Work performed without required professional's report";
3. Work after Cessation order should be amended to "Work contrary to Stop Work Order"; and

All offences have a fine of \$1,000.

The following designated offences should be removed from Schedule 2:

1. Work without permit (being replaced by double permit fee); and
2. Use contrary to occupancy certificate (duplication).

Designated offence	Section	Fine
Work without permit		Double permit fee
No demolition permit		\$1,000
Use without occupancy certificate		\$1,000
Use contrary to occupancy certificate		\$1,000
Stop work order tampered		\$1,000
Work performed without required professional's report		\$1,000
Work contrary to stop work order		\$1,000
Work performed without required building inspection		\$1,000
Repeated infractions contrary to bylaw or BC Building Code		\$1,000

**FINANCIAL CONSIDERATIONS**

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

**COMMUNICATION CONSIDERATIONS**

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

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

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:

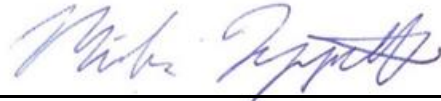


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Robert Blackmore, BSc., MSc.  
Manager

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Not Applicable  
Not Applicable



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Mike Tippett, MCIP, RPP  
A/General Manager





## **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





COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director Davis Area A

Grantee: \_\_\_\_\_ Grant Amount \$ 1,000.00

NAME: Mill Bay Community League

ADDRESS: Box 84, Mill Bay, BC  
VOR 2PO

Contact Phone No: Sandy Welbo 250-743-3158

PURPOSE OF GRANT: Canada 150 Dance

REQUESTED BY: *[Signature]*  
Director's Signature

ACCOUNT NO.	AMOUNT
<u>01-2-1950-0183-111</u>	<u>1000.00</u>

**FOR FINANCE USE ONLY**

BUDGET APPROVAL *[Signature]*

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

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



# MILL BAY COMMUNITY LEAGUE

BOX 84

MILL BAY, B.C. V0R 2P0

CVRD  
RECEIVED  
MAY 11 2017

2017 May 09

Mr. Kerry Davis

CVRD Area A Director, Mill Bay-Malahat

**RE: Canada 150 Celebration**


Dear Sir:

The Mill Bay Community League is planning a celebratory event to be held on July 01, 2017 to commemorate Canada's 150<sup>th</sup> birthday. This event--a multi-community dance--will take place at Kerry Park Recreation Centre. Neighbouring communities are invited, and have expressed eagerness to participate together with Mill Bay.

The League is hereby requesting a grant-in-aid in the amount of \$1,000 to help defray the costs associated with this important and historical event.

Thank you most sincerely for your assistance in this matter.

Sincerely,

  
Gerry Harrison, Secretary

For: Sandy Webb, President

Mill Bay Community League ([mbclsec@shaw.ca](mailto:mbclsec@shaw.ca))

SW/gh

Received by: <i>Frances</i>	Copies to: <i>D. Davis</i>
Date: _____	
By (name): _____	
By (signature): <i>[Signature]</i>	File: _____
File # _____	