



ELECTORAL AREA SERVICES COMMITTEE MEETING AGENDA

WEDNESDAY, MAY 3, 2017
BOARD ROOM
175 INGRAM STREET, DUNCAN, BC

1:30 PM

	<u>PAGE</u>
1. <u>APPROVAL OF AGENDA</u>	
2. <u>ADOPTION OF MINUTES</u>	
M1 Regular Electoral Area Services Committee meeting of April 19, 2017	1
Recommendation It was moved and seconded that the minutes of the Regular Electoral Area Services Committee meeting of April 19, 2017, be adopted.	
3. <u>BUSINESS ARISING FROM THE MINUTES</u>	
4. <u>DELEGATIONS</u>	
D1 Mark Clavora, Tercel Court Group, Re: Occupancy Permit, 604 Tercel Court	7
5. <u>CORRESPONDENCE</u>	
C1 Grant-in-Aid Request, Electoral Area E - Cowichan Station/Sahtlam/Glenora, Re: Cowichan Valley Naturalist's Society	9
Recommendation That it be recommended to the Board that a Grant-in-Aid, Electoral Area E - Cowichan Station/Sahtlam/Glenora, in the amount of \$500 be provided to Cowichan Valley Naturalist's Society, to assist with the community led initiative to control invasive species (Knotweed).	
C2 Grant-in-Aid Request, Electoral Area E - Cowichan Station/Sahtam/Glenora, Re: Frances Kelsey Secondary School Dry Grad 2017 Committee	11
Recommendation That it be recommended to the Board that a Grant-in-Aid, Electoral Area E - Cowichan Station/Sahtlam/Glenora, in the amount of \$100 be provided to Frances Kelsey Secondary School Dry Grad 2017 Committee to support its 2017 Dry Grad Celebration.	

- C3 Grant-in-Aid Request, Electoral Area A - Mill Bay/Malahat, Re: Cobble Hill Event Society 13

Recommendation That it be recommended to the Board that a Grant-in-Aid, Electoral Area A - Mill Bay/Malahat, in the amount of \$1,000 be provided to Cobble Hill Event Society to assist the Farmer's Market and Live Music events.

6. **INFORMATION**

- IN1 Area C Parks Commission Minutes - March 6, 2017 15

Recommendation For information.

7. **REPORTS**

- R1 Application No. 01-E-17DP/VAR - Report from Development Services Division 17

Recommendation That it be recommended to the Board that Application No. 01-E-17DP/VAR (5920 Clements Road) and a variance to Section 5.2 (e) from 100 m² to 133 m² be approved for a residential accessory building in the Agricultural Protection Development Permit Area (DPA).

- R2 Application No. 02-B-17DP/VAR - Report from Development Services Division 25

Recommendation That it be recommended to the Board

1. That Development Permit with Variance Application No. 02-B-17DP/VAR (2054 Butler Road) be approved;
2. That Section 5.14(a) of Zoning Bylaw No. 985 be varied to decrease the setback from a watercourse from 15 metres to 7.5 metres; and
3. That the General Manager of Land Use Services be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No. 3510.

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- R3 Application No. 02-H-16RS - Report from Development Services Division 77
- Recommendation** That it be recommended to the Board:
1. That the Official Community Plan and Zoning Amendment Bylaws for Application No. 02-H-16RS (PID: 008-477-043) be forwarded to the Board for consideration of 1st and 2nd Reading;
 2. That the referrals to Ministry of Transportation and Infrastructure, North Oyster Volunteer Fire Department, Island Health, Regional District of Nanaimo, and Nanaimo Airport Commission be accepted;
 3. That a public hearing be scheduled with Directors from Electoral Areas H, G and A as delegates.
- R4 10298 South Shore Road - Permanent Change to a Liquor Licence - March Meadows Golf Club, Report from Inspection & Enforcement Division 109
- Recommendation** That it be recommended to the Board that the Cowichan Valley Regional District wishes to “opt out” of providing comment to the Liquor Control and Licencing Branch with regard to the application for a Permanent Change to a Liquor Licence for increased liquor service hours by March Meadows Golf Club (liquor licence 177851) located at 10298 South Shore Road, Honeymoon Bay (Area F).
- R5 Shawnigan Pavilion Project Proposal - Elsie Miles Park - Report from Parks & Trails Division 117
- Recommendation** That it be recommended to the Board:
1. That the proposal received from the Rotary Club of South Cowichan (Mill Bay) dated April 19, 2017, to construct and dedicate to the CVRD an open air multi-use timber structure at Elsie Miles Park (Shawnigan Lake) be approved;
 2. That a Federal Gas Tax Program Community Works Funding Agreement in the amount of \$100,000 for the Shawnigan Lake Pavilion construction project be entered into with the South Cowichan Rotary Club Foundation;
 3. That up to \$48,000 from the Function 232 (Shawnigan Lake Community Parks) budget for the Shawnigan Lake Pavilion construction project be approved.

R6 Request to Close a Portion of Watson Road - Report from Development Services Division 143

Recommendation That it be recommended to the Board that the request to close the portion of Watson Road between Heigh Street and Fisher Road on June 3 and 4, 2017 be supported.

R7 Requisition Limit Increase - Electoral Area I - Youbou/Meade Creek Critical Location Streetlighting Service Establishment Bylaw 2144 - Report from Water Management Division 147

Recommendation That it be recommended to the Board:
1. That a bylaw be prepared to amend "CVRD Bylaw No. 2144 – Electoral Area I – Youbou/Meade Creek Critical Location Streetlighting Service Bylaw", to increase the maximum annual requisition limit from \$1,245 to \$1,555.
2. That the Critical Street Lighting Area I amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

R8 Requisition Limit Increase - Arbutus Mountain Estates Water System Service Area Establishment Bylaw 2987 - Electoral Area B - Report from Water Management Division 149

Recommendation That it be recommended to the Board:
1. That a bylaw be prepared to amend "CVRD Bylaw No. 2987 – Arbutus Mountain Estates Water System Service Establishment Bylaw 2007", to increase the maximum annual requisition limit from \$90,000 to \$112,410; and.
2. That the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

R9 Shawnigan Lake North Water System Management Bylaw Amendment - Report from Water Management Division 151

Recommendation That CVRD Bylaw No. 4114 – Shawnigan Lake North Water System Management Amendment Bylaw, 2017 be forwarded to the Board for consideration of three readings and adoption.

R10 Innova Strategy Group Report - Director for Water Management Division - Report from Water Management Division 157

Recommendation That it be recommended to the Board that staff:

1. Proceed with establishment of a water and wastewater Utility Commission;
2. Develop a financial strategy for adjusting utility customer rates to achieve sustainable operational income for each utility system and add the cost for long term asset replacement, once established;
3. Develop a water and wastewater utility Acquisition Policy and extend the existing utility takeover moratorium until the acquisition policy is complete and the backlog of work be addressed;
4. Develop and implement a Utility Information Technology Strategy and plan;
5. Develop an internal and external Communication Plan; and
6. Prepare a business case and job description for hiring a qualified journeyman electrician/instrumentation and an assistant superintendent of outside operations in the 2018 budget and a temporary engineering technologist.

8. UNFINISHED BUSINESS

UB1 Development Variance Permit Application No. 01-D-16DVP (4370 Kingscote Road) - Report from Development Services Division referred from April 5, 2017, EASC meeting, including supplemental information provided by the applicant. 161

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

9. NEW BUSINESS

NB1 Saltair Water System Management Bylaw Amendment, Overage Policy - Report from Water Management Division 177

Recommendation That Saltair Water System Management Amendment Bylaw No. 4103 be forwarded to the Board for consideration of three readings and adoption.

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 meeting of April 19, 2017

CS R1 - Report from Community & Regional Planning Division, Re: Law Enforcement
{Sub (1)(f)}

CS NB1 - Verbal Report from Manager, Development Services Division, Re: Litigation
{Sub (1)(g)}

12. ADJOURNMENT

The next Electoral Area Services Committee Meeting will be held Wednesday, May 17, 2017 at 1:30 PM, in the Board Room, 175 Ingram Street, Duncan, BC.

Committee Members

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

Director K. Davis
Director M. Dorey
Director S. Furstenu

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

Minutes of the Electoral Area Services Committee Meeting held on Wednesday, April 19, 2017, in the Board Room, 175 Ingram Street, Duncan BC at 1:30 PM.

PRESENT: Director I. Morrison
 Director M. Clement <1:31 PM to 3:23 PM>
 Director M. Dorey
 Director S. Furstenau <after 1:33 PM>
 Director K. Kuhn <until 4:23 PM>
 Director M. Marcotte
 Director A. Nicholson
 Alternate Director A. Bomford
 Alternate Director B. Salmon <after 1:33 PM>

ALSO PRESENT: B. Carruthers, Chief Administrative Officer
 M. Tippett, Manager, Regional & Community Planning
 R. Conway, Manager, Development Services
 R. Blackmore, Manager, Inspection & Enforcement
 B. Dennison, Manager, Water Management
 C. Lockery, Manager, Strategic Services
 J. deJong, Fire Rescue Services Coordinator
 G. Breckenridge, Chief Building Inspector
 N. Morano, Bylaw Enforcement Officer
 B. Suderman, Planner III
 R. Rondeau, Planner I
 K. Biegun, Planner I
 J. Hughes, Recording Secretary

ABSENT: Director K. Davis
 Director L. Iannidinaro

1:31 PM Director Clement entered the meeting at :1:31 PM

APPROVAL OF AGENDA

It was moved and seconded that the agenda be amended by extending the Delegate's time period, Item D1; Supplemental Information, Item R1; four New Business Items; and the addition of Background Information, Item CSR2:

- D1 Extension of Delegate time period;**
- R1 Application No. 01-C-17DVP (449 Seaview Way) – Supplemental Information from the Applicant – Neighbour Consultation;**
- NB1 Brentwood College Regatta, 2735 Mt. Baker Road – Fireworks Display – Report from Inspection & Enforcement Division;**
- NB2 Grant-in-Aid Request – Electoral Area I – Youbou/Meade Creek, Re: Cowichan Valley Community Radio Society;**
- NB3 Grant-in-Aid Request – Electoral Area I – Youbou/Meade Creek, Re: Lake Cowichan School;**

NB4 Grant-in-Aid Request – Electoral Area I – Youbou/Meade Creek, Re: Cowichan Lake District Chamber of Commerce;

CSR2 Verbal Report from Manager, Inspection & Enforcement Division, Background Information {Sub (1)(g)}; and

that the agenda, as amended, be approved.

Director Kuhn was absent during the vote

MOTION CARRIED

ADOPTION OF MINUTES

M1 Regular Electoral Area Services Committee meeting of April 5, 2017

It was moved and seconded that the minutes of the Regular Electoral Area Services Committee meeting of April 5, 2017 be adopted.

MOTION CARRIED

1:33 PM Director Furstenau and Alternate Director Salmon entered the meeting at 1:33 PM

DELEGATIONS

D1 Isabel Rimmer, President, Sahtlam Neighbourhood Association, Re: Update – Noise and Environment Issues - Vancouver Island Motorsport Circuit

Isabel Rimmer, President, Sahtlam Neighbourhood Association, and Mariah Wallener, resident of Electoral Area E, provided a PowerPoint presentation that outlined their history of events with Vancouver Island Motorsport Circuit (operated by GAIN) and the Municipality of North Cowichan, including perceived issues with noise and environment.

Chair Morrison stated that the Municipality of North Cowichan has been invited to appear before the CVRD Electoral Area Services Committee regarding reported issues associated with Vancouver Island Motorsport Circuit, and that the CVRD is awaiting their response.

CORRESPONDENCE

C1 Grant-in-Aid Request, Electoral Area C - Cobble Hill, Re: Cowichan Station Area Association

It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area C - Cobble Hill, in the amount of \$500 be provided to Cowichan Station Area Association to support the Koksilah Ecosystem-based Analysis Project.

MOTION CARRIED

- C2** Grant-in-Aid Request, Electoral Area D - Cowichan Bay, Re: Frances Kelsey Secondary School Dry Grad 2017

It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area D - Cowichan Bay, in the amount of \$500 be provided to Frances Kelsey Secondary School Dry Grad 2017 to support its Dry Grad Celebrations.

MOTION CARRIED

INFORMATION

- IN1** The following items 1 through 3 were received for information:
1. Area D - Advisory Planning Commission Minutes - March 30, 2017;
 2. Area D - Parks Commission Minutes - March 20, 2017; and
 3. Area F - Parks Commission Minutes - February 2, 2017.

REPORTS

- R1** Application No. 01-C-17DVP (449 Seaview Way) - Report from Development Services Division

It was moved and seconded that it be recommended to the Board that Application No. 01-C-17DVP (449 Seaview Way) to vary Section 11.1(5) of Zoning Bylaw No. 3520 to reduce the interior side parcel line setback from 2 metres to 1.72 metres be approved.

MOTION CARRIED

- R2** Additional Plumbing Fixtures Request at 2390 Renfrew Road (Area B) - Report from Inspection & Enforcement Division

It was moved and seconded that it be recommended to the Board that the request by the property owner of 2390 Shawnigan Lake Road to allow three washroom fixtures on the upper floor of an accessory building, in addition to the tap washroom fixtures on the main floor of the accessory building, be approved.

Director Clement was absent during the vote

MOTION CARRIED

- R3** March 2017 Building Report - Verbal Report from Robert Blackmore, Manager, Inspections & Enforcement Division, was received for information.

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

- R5** Inclusion into the Malahat Fire Protection Service Area, Lot 5, Goldstream Heights Road - Report from Public Safety Division

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

- 1. That the Certificate of Sufficiency, confirming that the sufficient petition requesting inclusion into the Malahat Fire Protection Service Area is sufficient, be received; and**
- 2. That Cowichan Valley Regional District Bylaw No. 2414 Malahat Fire Protection Service Establishment Bylaw, 2003 be amended to include the property described as PID 029-941-997, Lot 5, Plan: EPP 60055 and that the amended bylaw be forwarded to the Board for consideration of three readings and adoption.**

MOTION CARRIED

- R6** Gas Tax - Community Works Funds Phase 1.0 Remaining Funds - Report from General Manager, Engineering Services Department

It was moved and seconded it be recommended to the Board that unspent funds from Community Works Funds 1.0, in the amount of \$16,671, be approved for energy efficiency upgrades at the Honeymoon Bay Fire Hall.

MOTION CARRIED

- R7** Youbou Water System Emergency Reservoir Repair - Report from Water Management Division, was received for information.

MOTION CARRIED

- R8** Proposed Soil Deposit Bylaw - Report from Inspection & Enforcement Division, was received for information.

It was moved and seconded that that it be recommended to the Board that the CVRD host a multi-agency meeting, as soon as possible, with the Ministry of Environment, Ministry of Forest, Lands and Natural Resources, Department of Fisheries and Oceans, Ministry of Transportation & Infrastructure and Ministry of Energy and Mines, to work on immediate solutions regarding soil deposition in the South Cowichan area.

MOTION CARRIED

UNFINISHED BUSINESS

It was moved and seconded that Rezoning Application No. 1-E-16RS (Hols) be referred back to the Electoral Area E – Cowichan Station/Sahtlam/Glenora Advisory Planning Commission.

MOTION CARRIED

NEW BUSINESS

NB1 Brentwood College Regatta, 2735 Mt. Baker Road - Fireworks Display - Report from Inspection & Enforcement Division

It was moved and seconded that it be recommended to the Board that the Fireworks Discharge Permit be authorized by the Manager of Inspections & Enforcement for the Brentwood College Regatta event located at/near 2735 Mt. Baker Road on April 28, 2017.

MOTION CARRIED

NB2 Grant-in-Aid Request, Electoral Area I - Youbou/Meade Creek, Re: Cowichan Valley Community Radio Society

It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area I - Youbou/Meade Creek, in the amount of \$500 be provided to Cowichan Valley Community Radio Society to support Summer Nights Concerts.

MOTION CARRIED

NB3 Grant-in-Aid Request, Electoral Area I - Youbou/Meade Creek, Re: Lake Cowichan School

It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area I – Youbou/Meade Creek, in the amount of \$500 be provided to Lake Cowichan School for a Bursary to a 2017 graduating student.

MOTION CARRIED

NB4 Grant-in-Aid Request, Electoral Area I - Youbou/Meade Creek, Re: Cowichan Lake District Chamber of Commerce

It was moved and seconded that it be recommended to the Board that a Grant-in-Aid, Electoral Area I - Youbou/Meade Creek, in the amount of \$7,500 be provided to Cowichan Lake District Chamber of Commerce to support the Visitor Centre.

MOTION CARRIED

CLOSED SESSION

3:22 PM It was moved and seconded that the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90 {Sub (1)(g)} Potential Litigation.

MOTION CARRIED

3:23 PM Director Clement left the meeting at 3:23 PM.

RISE FROM CLOSED SESSION

4:26 PM It was moved and seconded that the Committee rise without report, and return to the open portion of the meeting.

MOTION CARRIED

ADJOURNMENT

4:27 PM It was moved and seconded that the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 4:27 PM.

Chair

Recording Secretary

Jennifer Hughes

From: Mark Clavora <clavora@shaw.ca>
Sent: Thursday, April 13, 2017 12:38 PM
To: Jennifer Hughes
Subject: Re: Online Form Submittal: Electoral Area Services Committee

Importance: High

Hello Jennifer,

Please place my request on the May 3rd EASC Agenda.

Thank you,

Mark Clavora

On Apr 13, 2017, at 12:31 PM, Jennifer Hughes <jhughes@cvrld.bc.ca> wrote:

Attention: Mark Clavora,

Your Delegation Request received today (Thursday, April 13, 2017, at 11:15 a.m.) to appear before the Electoral Area Services Committee (EASC) on April 19, 2017, has been received. Unfortunately, we are unable to place your request on the April 19th Agenda as it was received past the deadline requirement to Appear as a Delegation. CVRD Bylaw No. 2922 states "An individual or a delegation may address the Committee at a meeting provided written application on a prescribed form has been received by the office of primary responsibility by 1:30 p.m., one week prior to the meeting." The next scheduled EASC meeting is Wednesday, May 3, 2017, at 1:30 p.m. Please confirm as soon as possible that you would like me to place your Delegation Request on the May 3rd EASC Agenda.

Jennifer Hughes,
Acting Administrative Supervisor
Land Use Services Department
Cowichan Valley Regional District
175 Ingram Street, Duncan, BC, V9L 1N8
E-mail: jhughes@cvrld.bc.ca
Tel: 250.746.2604 Toll Free: 1.800.665.3955 Fax: 250.746.2621

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From: noreply@civicplus.com [<mailto:noreply@civicplus.com>]
Sent: Thursday, April 13, 2017 11:15 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 4/19/2017

Contact Information

Contact Name Mark Clavora

Representing Tercel Court Group

Number Attending 4

Address 608 Tercel Court

City Mill Bay

Province British Columbia

Postal Code V0R 2P4

Telephone Number 2509292814

Reply Email clavora@shaw.ca

Presentation Topic and Nature of Request We have been advised by Kerry Davis to submit an application to be heard at the next EASC meeting so our issue can be put on the agenda for the following Board Meeting. The issue is the house at 604 Tercel Court is over height, yet the CVRD Building Inspection Department issued an occupancy permit based on the last of four surveys. The initial survey clearly states the building was over height. We have had much communication with Kerry Davis regarding this issue but have not moved forward.

Do you have a PowerPoint presentation? No

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



CVRD RECEIVED APR 19 2017

Finance Division COWICHAN VALLEY REGIONAL DISTRICT

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

Submitted by Director Nicholson Area E

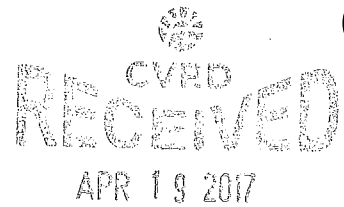
Grantee: Genevieve Singleton Grant Amount \$ 500.00
NAME: Cowichan Valley Naturalists' Society
ADDRESS: 6-55 Station Street
Duncan V9L 1M2
Contact Phone No: 250 701 1054
PURPOSE OF GRANT: To assist with community led initiative to control invasive species (Ratweed) in local pr.
REQUESTED BY: [Signature] Director's Signature

Table with 2 columns: ACCOUNT NO. (01-2-1950-0379-115) and AMOUNT (500.00)

FOR FINANCE USE ONLY
BUDGET APPROVAL [Signature]

Approval at Regional Board Meeting of _____

Finance Authorization _____



COWICHAN VALLEY REGIONAL DISTRICT

Finance Division

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

Submitted by Director Nicholson Area E

Grantee: Madelaine McLeod, Chair Grant Amount \$ 100.00

NAME: Frances Kelsey Sec. School Dry Grad 2017 Committee

ADDRESS: Box 279 Mill Bay BC VOR 1 P0

Contact Phone No: 250 746 7804

PURPOSE OF GRANT: Support for 2017 Dry Grad Celebration

REQUESTED BY: [Signature]
Director's Signature

ACCOUNT NO.	AMOUNT
<u>01-2-1950-0161-115</u>	<u>100.00</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

Approval at Regional Board Meeting of _____

Finance Authorization _____



COWICHAN VALLEY REGIONAL DISTRICT

APR 24 2017

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

Finance Division

Submitted by Director Davis Area A

Grantee: _____ Grant Amount \$ 1,000.00

NAME: Cobble Hill Event Society (CHES)

ADDRESS: 1373 Bowler Crescent
Cobble Hill, BC
V0R 1L2

Contact Phone No: John Baty 250-415-3106

PURPOSE OF GRANT: Assistance for Farmers' Market and
Live Music events

REQUESTED BY: [Signature]
 Director's Signature

ACCOUNT NO.	AMOUNT
<u>01-2-1950-0422 - 111</u>	<u>1000.00</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL [Signature]

Approval at Regional Board Meeting of _____

Finance Authorization _____

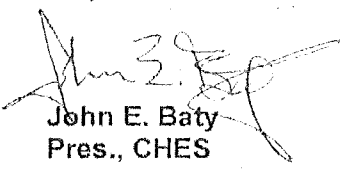


April 2, 2017

Dear Kerry,

In response to your suggestion, I am writing a letter of request for a \$1000 grant to assist the Cobble Hill Event Society (CHES) as we move into our second year of providing free events for Cobble Hill and other South Cowichan residents. I have included a description of events that gives an idea of what has been and what shall be (please note the Market revision in this version). As well, I have modified the calendar of events to illustrate the majority demographic for each event. Hopefully, this will give a clear picture of events in which your residents can take part. As a final note, I am happy to inform you that it is now probable that the membership definition of CHES will change in order to involve 'fans' from outside of Cobble Hill too.

I thank you for considering this request and am confident that such support will help enrich the lives of Mill Bay residents!



John E. Baty
Pres., CHES



MINUTES
Cobble Hill Parks Commission Meeting
Monday, March 6, 2017
Youth Hall 3665 Watson Avenue, Cobble Hill, BC

Present: John Krug - Chair, Jennifer Symons, Bill Turner, Annie Ingraham, Gord Dickenson, Alan Seal, Ruth Koehn, Lynn Wilson
 Also present: Matteus Clement – Regional Director Area “C”, Cobble Hill
 Regrets: Dennis Cage, Shelley Balme

John Krug Called the meeting to order at 7:02 p.m.

Moved/seconded *that the agenda is approved as circulated.* Carried

Moved/seconded *that the minutes of the January 18, 2017, are approved as circulated.*
 Carried (February regular meeting cancelled due to snow conditions.)

Business arising From the Minutes:

- Cobble Hill Common – Development of the park has been placed on hold until after the Cobble Hill Fair (3rd week in August)
- Proposed Bylaw 4066 – Moved/seconded *that the Cobble Hill Parks Commission does not support passage of proposed Bylaw 4066.* Carried. All Parks Commission members’ terms end December 31, 2017.

Reports: Traffic Study – small park Fisher Road – Discussion

Correspondence: E-mail from Graham Gidden regarding Cobble Hill Mountain Bike Race March 26th and a running race April 8th on Cobble Hill Mountain.

Director’s Report: Director Clements reported on Cobble Hill Parks issues.

Adjournment: 8:30 p.m.

The next meeting of the Cobble Hill Parks Commission will be Monday, April 3rd at 7:00 p.m.

Submitted by John Krug



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 21, 2017
MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 3, 2017
FROM: Development Services Division
 Land Use Services Department
SUBJECT: Development Variance Permit Application No. 01-E-17DP/VAR (5920 Clements Road)
FILE: 01-E-17DP/VAR

PURPOSE/INTRODUCTION

The purpose of this report is to request a variance to Section 5.2 (e) of CVRD Bylaw No. 1840 which limits the size of any accessory building to 100 m². This application is proposing a building of 133 m².

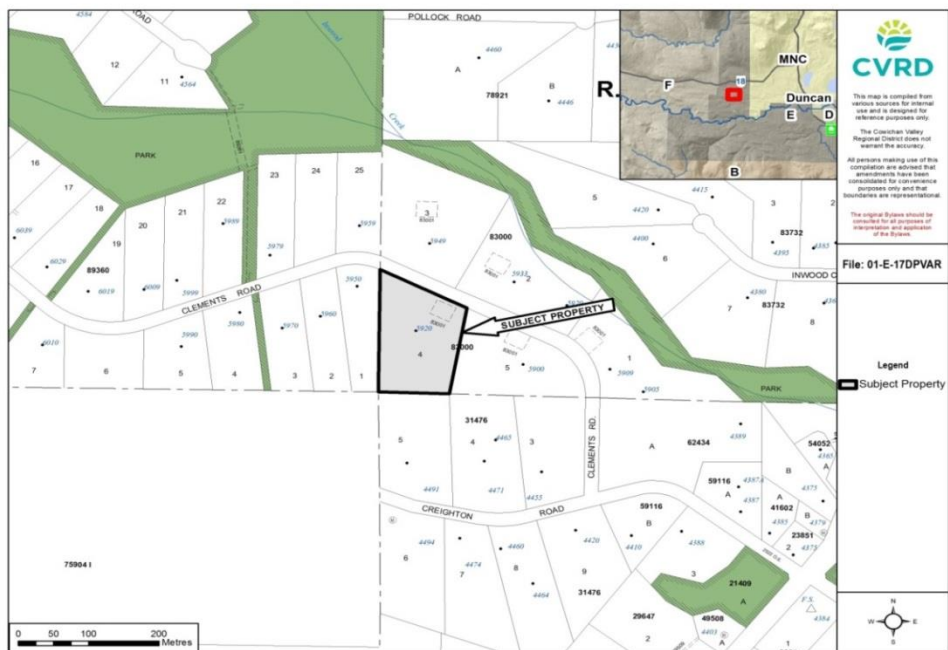
RECOMMENDED RESOLUTION

That it be recommended to the Board that Application No. 01-E-17DP/VAR (5920 Clements Road) and a variance to Section 5.2 (e) from 100 m² to 133 m² be approved for a residential accessory building in the Agricultural Protection Development Permit Area (DPA).

BACKGROUND

The Electoral Area E Zoning Bylaw has been in effect since 1998. Section 5.2 of the Bylaw states that “no accessory building nor accessory structure shall be larger than 100 square metres.”

LOCATION MAP



APPLICATION SUMMARY

The application requests to construct an accessory building in the Agricultural protection DPA and increases the size of an accessory building from 100 m² to 133 m² to accommodate storage for a classic car and boat.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**Surrounding Property Owner Notification and Response:**

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

OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

The property is within the Agricultural Protection Development Permit Area (DPA) and as such is required to comply with those policies. The DPA looks to protect agricultural land by restricting the placement of a building on highly productive soils. The subject soils have been designated as "5TP" of the Agricultural Land Commissions - Agricultural Capability Classification.

Class 5 has "limitations that restrict its capability to producing perennial forage crops or other specifically adapted crops." The "T" would represent topographic issues or concerns, and the "P" represents stoniness. The designation of the soil conditions, of this subject property, severely limits its agricultural capability.

The siting of the proposed building is located along the existing driveway and within required setbacks.

PLANNING ANALYSIS

The intention of Section 5.2 (e) of Bylaw No. 1840 is to limit the size of accessory structures so that they are ancillary to principal residential dwellings. However the regulation appears to be excessively restrictive, particularly on larger rural properties where accessory buildings larger than 100 m² are common. No other Electoral Area Zoning Bylaw has a comparable restriction on the size of accessory buildings and the CVRD regularly receives applications to vary this regulation. With the upcoming Zoning Bylaw review and update it is expected the regulation will be amended or reviewed.

The proposed structure is a modest increase to what is permitted by the bylaw and is still accessory in scale and character to the principal dwelling.

The recommendation is to approve Option 1 below.

OPTIONS**Options:**

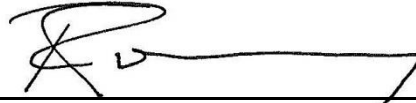
1. That Application No. 01-E-17DP/VAR (5920 Clements Road) and a variance to Section 5.2 (e) from 100 m² to 133 m² be approved.
2. That Application No. 01-E-17DP/VAR (5920 Clements Road) and a variance to Section 5.2 (e) from 100 m² to 133 m² be denied.

Prepared by:

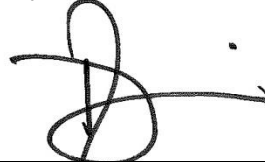


Emily Young, BA (Plan)
Planning Technician

Reviewed by:



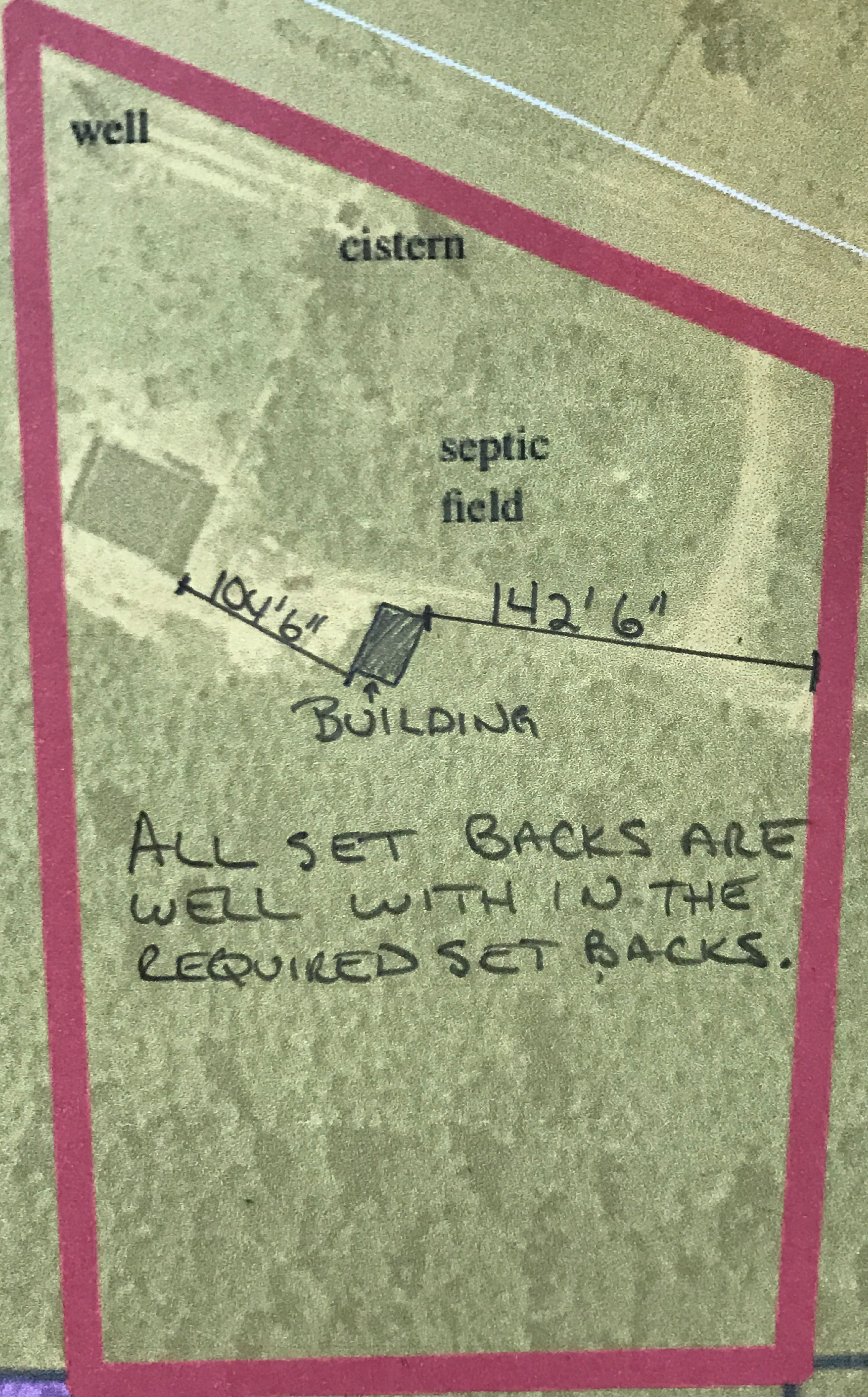
Rob Conway, MCIP, RPP
Manager



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

ATTACHMENTS:

- Attachment A – Site Plan
- Attachment B – Excerpt of Section 5.2 (e)
- Attachment C – Agricultural Capability Map
- Attachment D – Draft Development Permit



well

cistern

septic
field

104'6"

142'6"

BUILDING

ALL SET BACKS ARE
WELL WITH IN THE
REQUIRED SET BACKS.

PART FIVE**GENERAL REQUIREMENTS**

5.1 Applicability

Except as otherwise specified in this bylaw, all provisions of Part Five apply to all zones established under this bylaw.

5.2 Accessory Buildings and Structures

- (a) *Buildings and structures accessory to principal uses* are permitted in any zone.
- (b) No *accessory building or structure* shall be situated on a *parcel* unless the *principal building*, to which the *accessory building* is incidental, has been erected or will be erected simultaneously with the *accessory building* on the same *parcel*.
 - (i) Notwithstanding Section 5.2.b, one small *accessory building or structure* may be permitted for storage purposes but shall not exceed 28 sq. m. of gross floor area.
- (c) Notwithstanding Section 5.2(b) and 5.2(b)(i), an *accessory building* may be situated on a *parcel contiguous* to a *parcel* on which the *principal building* is situated.
- (d) An *accessory building* shall not be used as a *dwelling or sleeping unit* except as otherwise provided for in this bylaw.
- (e) No *accessory building* nor *accessory structure* shall be larger than 100 square metres.
- (f) One greenhouse, not exceeding 25 square metres in *floor area* shall be permitted per *parcel* as an *accessory residential structure*. Greenhouses exceeding 25 square metres in *floor area* shall be considered as *agricultural buildings* and shall respect the relevant agricultural building setbacks from parcel lines.

ATTACHMENT C



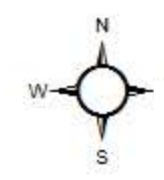
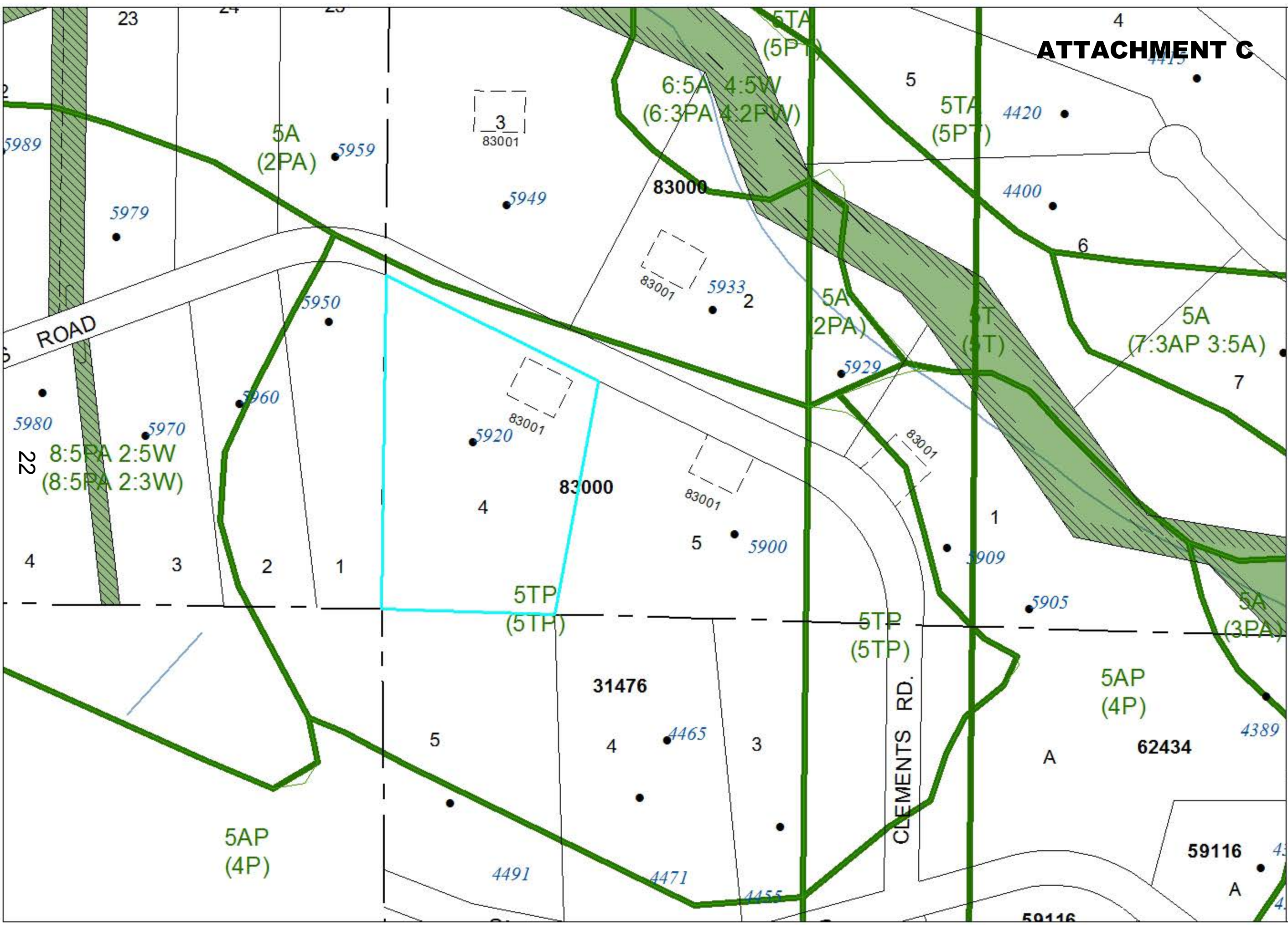
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The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Printed: April 20, 2017



Scale: 1:2,000

R1



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

FILE
NO: 01-E-17DP/VAR
DATE: 21/04/17

REGISTERED PROPERTY OWNER:

MICHAEL & MORGAN QUESNEL
5920 CLEMENTS
DUNCAN, BC V9L 6T8

1. This Development 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 Permit applies to any and all buildings, structures and other development located on those lands within the Regional District as described below (legal description):
LOT 4, SECTION 10, RANGE 9, SAHTLAM DISTRICT, PLAN VIP83000, (PID: 027-043-789)
- 3 Authorization is hereby given to vary Section 5.2 (e) of Zoning Bylaw No. 1840 to increase the size of an accessory building from 100 m² to 133 m²

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. The following Schedules are attached:

Schedule A – Site Plan

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

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY SECTION 7(a) OF CVRD DEVELOPMENT APPLICATION AND PROCEDURES AND FEES BYLAW NO. 3275.

Ross Blackwell, MCIP, RPP, General Manager
Planning & Development Department

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

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

Owner/Agent (signature)

Witness (signature)

Print Name

Print Name

Date

Date



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 24, 2017

MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 3, 2017

FROM: Development Services Division
Land Use Services Department

SUBJECT: Development Permit with Variance Application No. 02-B-17DP/VAR
(2054 Butler Road)

FILE: 02-B-17DP/VAR

PURPOSE/INTRODUCTION

The purpose of this report is to consider a Development Permit with Variance application to permit construction of a dwelling within the 15 metre watercourse setback specified in Zoning Bylaw No. 985.

RECOMMENDED RESOLUTION

That it be recommended to the Board

1. That Development Permit with Variance Application No. 02-B-17DP/VAR (2054 Butler Road) be approved;
2. That Section 5.14(a) of Zoning Bylaw No. 985 be varied to decrease the setback from a watercourse from 15 metres to 7.5 metres;
3. That the General Manager of Land Use Services be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No. 3510.

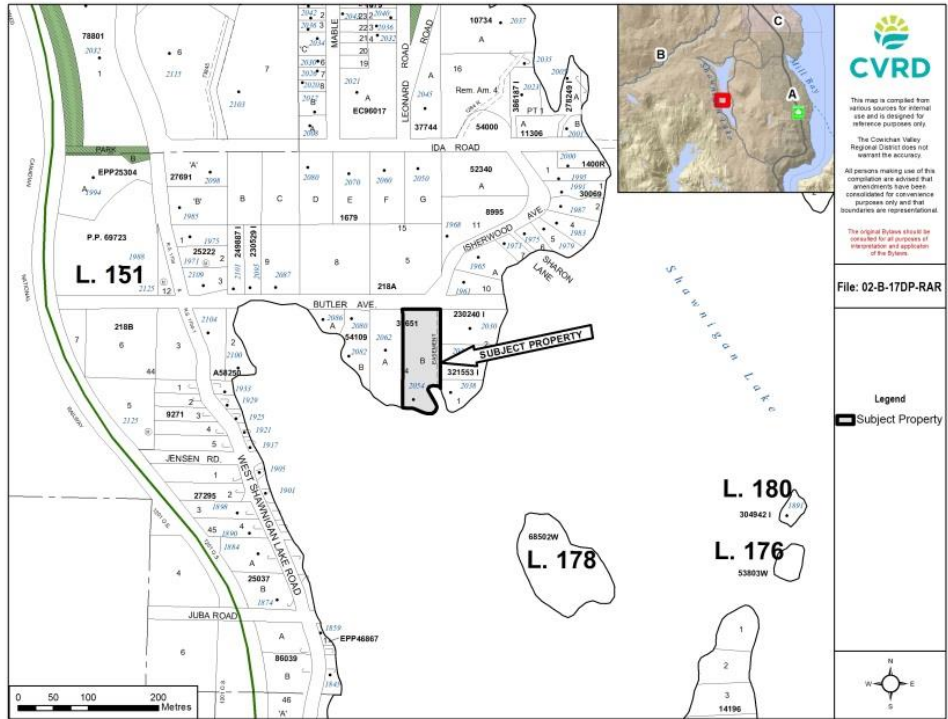
BACKGROUND

<u>Location of Subject Property:</u>	2054 Butler Road
<u>Legal Description:</u>	Lot B, Shawnigan Suburban Lots, Malahat District, Plan 39651 (PID: 000-959-201)
<u>Size of Parcel:</u>	0.7382 ha (1.8 acres)
<u>Zoning:</u>	R-2
<u>Plan Designation:</u>	Rural Residential
<u>Use of Property:</u>	Residential
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	Septic
<u>Fire Protection:</u>	Shawnigan Lake Improvement District
<u>Agricultural Land Reserve:</u>	N/a
<u>Archaeological Sites:</u>	None identified

Environmentally Sensitive Areas:

Shawnigan Lake shoreline riparian area

LOCATION MAP



APPLICATION SUMMARY

There is an existing residence on the property that the owners would like to remove in order to build a new home. The new home would be partially on the existing footprint within 15 metres of the lake, and partially outside the 15 metre watercourse setback. The new dwelling is proposed to extend northward of the existing footprint. A Development Permit with Variance is required as portions of the existing and proposed footprint are within 15 metres of the high water mark of Shawnigan Lake.

The existing deck, located 1.5 metres from the lake, will remain. The existing dwelling, portions of which are currently located as close as 5.5 metres of the natural boundary, will be removed. The applicants are proposing to locate their new dwelling 6.1 metres further from the lake than the current footprint.

The dwelling would now be a minimum of 7.5 metres from the lake at its closest locations. There is currently a covenant prohibiting building, filling and removal of vegetation applied to lands 7.5 metres from the lake. This was placed on the property when it was subdivided in 1983. The dwelling pre-dates the covenant.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

Surrounding Property Owner Notification and Response:

A total of 37 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

Any new development within 30 metres of the lake requires a Development Permit pursuant to the Riparian Areas Regulation.

A Development Permit had been approved by the Board for this proposal in July 2013, however as the applicants did not proceed with construction as outlined in their letter of rationale (Attachment E), or request an extension, the Development Permit expired.

Development Permit Area (Riparian Protection Guidelines – Freshwater)

The applicants have provided a riparian areas regulation report prepared by a QEP, who indicated the following:

- The Streamside Protection and Enhancement Area (SPEA) for this shoreline is 15 metres;
- The existing house is on a rocky knoll that does not support riparian vegetation, and therefore reconstruction will have no negative impact on the riparian area;
- The proposed expansion of the new dwelling to the north will be primarily constructed on the existing gravel and bedrock parking and driveway area;
- There is a healthy, well-established riparian area along the shoreline and in the inlet;
- Two managed access points exist, which protect the riparian area from being damaged or trampled. These consist of a narrow gravel footpath and a ramp down to the dock, and a short narrow path to provide access to the lake in a shallow water location;
- Development is proposed within the SPEA and the 15 metre Zoning Bylaw setback, however in order to compensate for this, the applicants have proposed to add an equivalent area of 105 m² to the SPEA, which will protect an existing stand of conifers on the west side;
- The proposed SPEA bend would not reduce the existing site vegetation, but would protect riparian vegetation (stand of conifer trees);
- No vegetation removal is required for the proposal, with the exception of one small (12 cm) cedar tree.

Zoning

Section 5.14(a) of Zoning Bylaw No. 985 specifies a setback of 15 metres from the lake, and the applicants are requesting a minimum 7.5 metres.

Floodplain Construction Elevation

The floodplain construction elevation for Shawnigan Lake is 119.2 metres, and the underside of any habitable floor is required to be above this elevation.

PLANNING ANALYSIS

From a policy perspective, the Land Use Services Department and the guidelines of the Development Permit Area generally discourage development within the SPEA and the 15 metre setback from the lake. When re-development is proposed, and particularly with construction of a new foundation, this is an opportunity to bring development into compliance with current regulations.

When the former application was considered, staff recommended denial as the property is 0.7382 ha (1.8 acres), and is not constrained by topography or other natural factors that would restrict redevelopment of the dwelling to its existing footprint. There is room on the property to develop outside the SPEA, however this would require removal of trees, and set the house back from the owners' preferred location near the lake. Additionally, staff were concerned that the proposed dwelling is a two-storey structure which would increase the profile of the dwelling when viewed from the lake. Currently, there is a modest cabin, and staff is concerned that re-development with a larger structure will give the appearance to the public and other lakeshore owners that re-development very close to the lakeshore is acceptable.

The Riparian Areas Regulation report supported the proposal, and noted that the existing and proposed dwelling are located on a rocky knoll which will have no negative impact to the existing riparian vegetation, and is situated mostly on disturbed area (gravel parking/driveway area). To compensate for the intrusion into the SPEA, the applicants propose to include a 105 m² stand of conifers on the west side of the property within the SPEA.

The applicants have proposed an improvement to the current situation by placing the new dwelling further from the lake than the existing and have requested consideration as a Development Permit had formerly been approved by the Regional District Board.

Although a new application was required as a result of the former Development Permit with Variance expiring, staff is acknowledging that the proposal did receive former approval from the Board, and that in doing so, the application was deemed to have met the guidelines.

Option 1 is recommended.

OPTIONS

Option 1:

That it be recommended to the Board

1. That Development Permit with Variance Application No. 02-B-17DP/VAR (2054 Butler Road) be approved;
2. That Section 5.14(a) of Zoning Bylaw No. 985 be varied to decrease the setback from a watercourse from 15 metres to 7.5 metres;
3. That the General Manager of Land Use Services be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No. 3510.

Option 2:

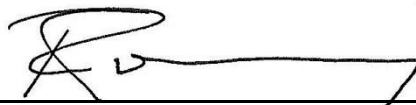
That it be recommended to the Board that Development Permit with Variance Application No. 02-B-17DP/VAR (2054 Butler Road) be denied based on stated inconsistency with specific guidelines.

Prepared by:

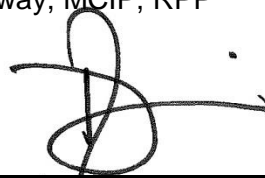


Rachelle Rondeau, MCIP, RPP
Planner II

Reviewed by:



Rob Conway, MCIP, RPP
Manager



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

ATTACHMENTS:

- Attachment A – Zoning Map
- Attachment B – Orthophoto Map
- Attachment C – Site Plan
- Attachment D – Riparian Areas Regulation Report
- Attachment E – Letter of Rationale
- Attachment F – Draft Development Permit



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The Cowichan Valley Regional District does not warrant the accuracy.

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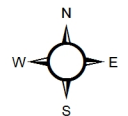
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 02-B-17DP-RAR

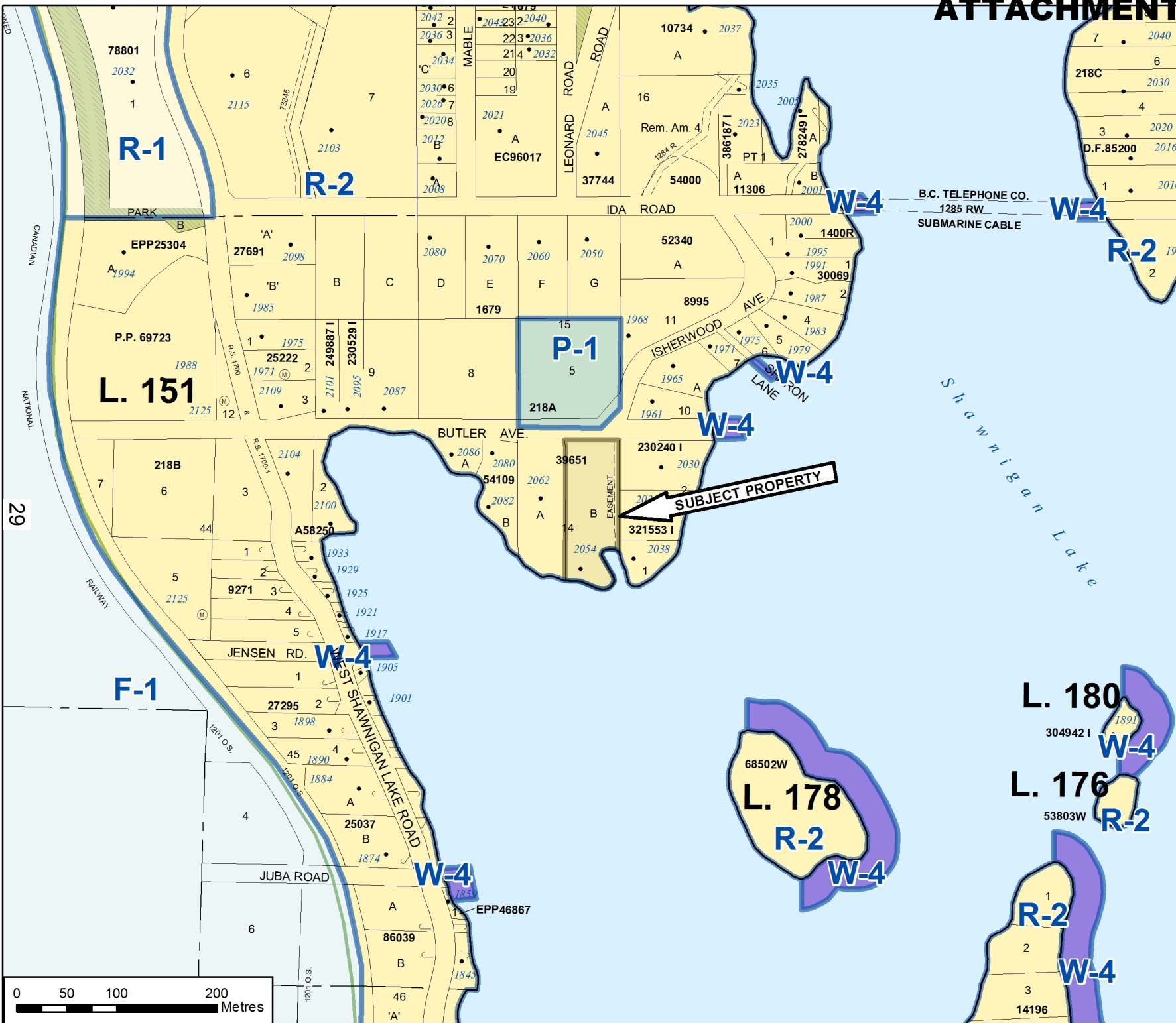
ZONING

Legend

- Subject Property
- Zoning B



R2





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

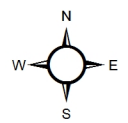
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File: 02-B-17DP-RAR

TRIM Orthophoto (2014)





PLAN

39651

PART 2

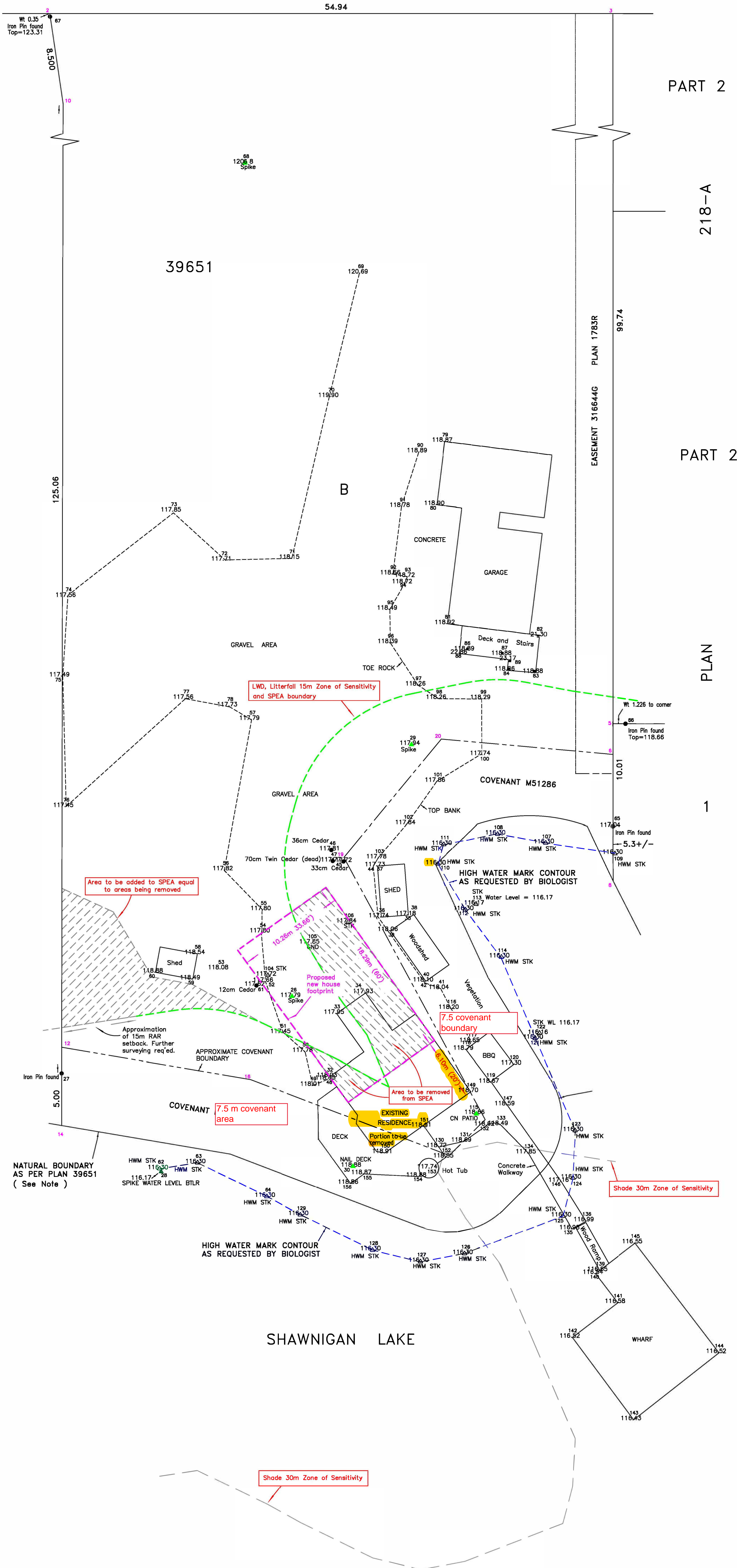
218-A

PART 2

PLAN

1

NOTE : ELEVATIONS ARE TO GEOTETIC DATUM
 THIS PLAN IS BASED ON CURRENT FIELD SURVEY AND DIMENSIONS OF REGISTERED SURVEY PLAN
 THE NATURAL BOUNDARY AS PER PLAN 39651 IS NOT NECESSARILY THE LEGAL BOUNDARY OF THE LOT. EROSION OR ACCRETION MAY HAVE ALTERED THIS LEGAL BOUNDARY
 THE DECIMAL POINT OF THE ELEVATION DENOTES THE LOCATION OF THE SHOT TAKEN
 GND DENOTES EXISTING GROUND
 STK DENOTES 1" X 2" NUMBERED WOOD STAKE



J.C. Anderson and Associates
 SURVEYORS ENGINEERS
 VICTORIA NANAIMO PARKSVILLE

SITE PLAN	
AT 2054 BUTLER AVENUE	
LEGAL : LOT B, SHAWNIGAN SUBURBAN LOTS, MALAHAT DISTRICT, PLAN 39651	
DRAWN BY : DBL	PROJECT SURVEYOR : D.J.R. CARRIER
SCALE : 1 : 200	DATE : FEB. 28, 2013.
CLIENT : MR. GARY HENSHAW	
OUR FILE : 27921	REVISION : REV

Shawnigan Lake 2054 Butler Road

Riparian Areas Regulation Assessment



Prepared for: Mr. Gary Henshaw

April 2013



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

Date

I. Primary QEP Information

First Name	William		Middle Name	Patrick	
Last Name	Lucey				
Designation	R.P.Bio.		Company	Aqua-Tex Scientific Consulting Ltd.	
Registration #	1467		Email	aqua-tex@islandnet.com	
Address	390 7 th Avenue				
City	Kimberley	Postal/Zip	V1A 2Z7	Phone #	250-427-5906
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	Gary		Middle Name		
Last Name	Henshaw				
Company	Not Applicable				
Phone #	(250) 743-9813		Email:	glhenshaw@mac.com	
Address	2054 Butler Avenue RR 3				
City	Shawnigan Lake	Postal/Zip:	V0R 2W3		
Prov/state	B.C.	Country:	Canada		

IV. Development Information

Development Type	Single Family Residential				
Area of Development (ha)	0.0093	Riparian Length (m)	68		
Lot Area (ha)	0.74	Nature of Development	Redevelopment		
Proposed Start Date	April 2013	Proposed End Date	April 2014		

V. Location of Proposed Development

Street Address (or nearest town)	Shawnigan Lake				
Local Government	Cowichan Valley Regional District		City	Shawnigan Lake	
Stream Name	Shawnigan Lake				
Legal Description (PID)	000-959-201		Region	1- Vancouver Island	
Stream/River Type	Lake		DFO Area	18-Vancouver Island	
Watershed Code	920-235800				
Latitude	48°	37'	02"	Longitude	123° 38' 28"

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed. Insert that form immediately after this page.

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

1.1 Fisheries Resources and Geographical Context

1.1.1. Shawnigan Lake

Shawnigan Lake is located on Southern Vancouver Island within the Shawnigan Lake watershed (watershed code 920-235800). Shawnigan Lake covers an area of 537 hectares (25 km perimeter) and has a mean depth of 12m and a maximum depth of 50m (MoE, 2012).

This lake is a well-known recreational lake and provides habitat for numerous fish species. According to the Ministry of Environment's Fisheries Inventory Summary System, Shawnigan Lake is home to the following fish species (MOE, 2012): Atlantic Salmon (*Salmo salar*), Brook Trout (*Salvelinus fontinalis*), Brown Catfish (*Ameiurus nebulosus*), Cutthroat Trout (*Oncorhynchus clarkii*), Coho Salmon (*Oncorhynchus kisutch*), Dolly Varden (*Salvelinus malma malma*), Kokanee (*Oncorhynchus nerka*), Lake Whitefish (*Coregonus clupeaformis*), Prickly Sculpin (*Cottus asper*), Rainbow Trout (*Oncorhynchus mykiss*), Threespine Stickleback (*Gasterosteus aculeatus*), and Yellow Perch (*Perca flavescens*).

Because Shawnigan Lake has a controlled outlet at its northeast corner, the High Water Mark for the lake is at an elevation of 116.3m (Lucey, 2011).

The property in question, 2054 Butler Avenue, is found midway along the western shore of the lake (Figure 1 and Figure 2). The property is on a small bay and consists of a rocky promontory which projects southward into the lake.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

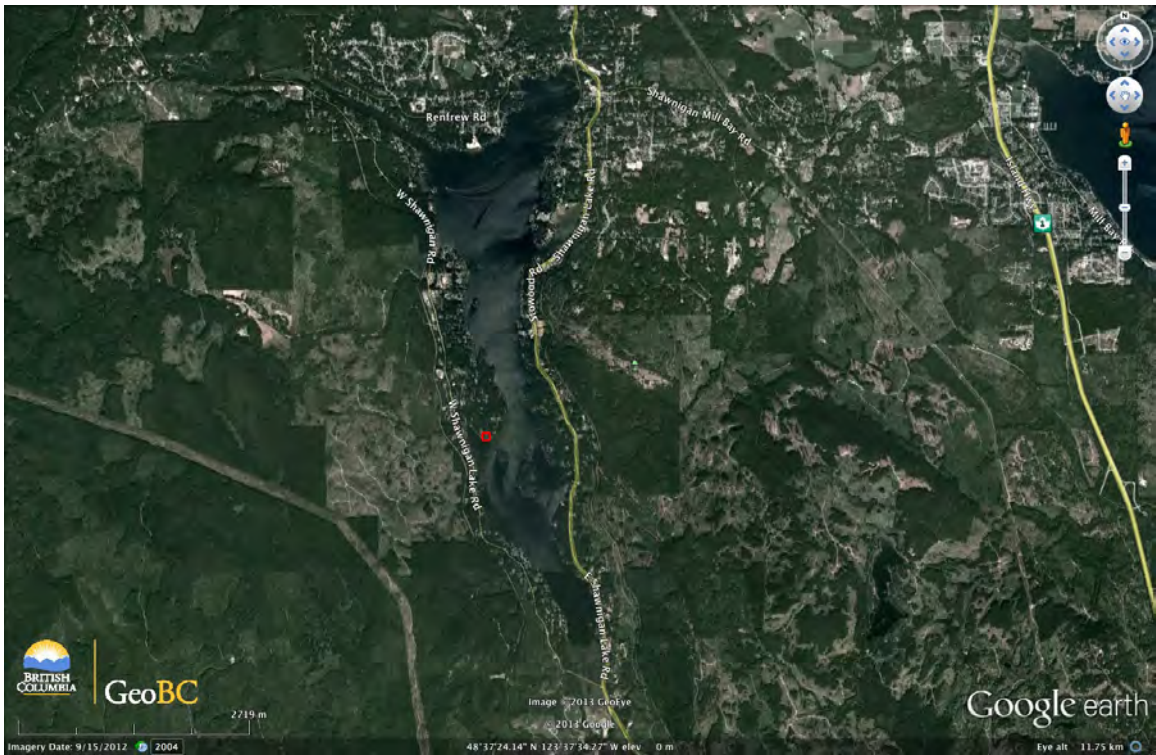


Figure 1: Key location map of the 2054 Butler Avenue (red box) on the western edge of Shawnigan Lake.
Image Source: Google Earth.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Figure 2. Aerial photograph showing the approximate property boundary of 2054 Butler Avenue. Image Source: CRD Natural Areas Atlas.



Figure 3. Aerial view of the dense shoreline riparian vegetation surrounding the rocky knoll promontory. Note the extensive gravel driveway and parking area immediately north of the existing house. Contrast the dense native riparian-wetland vegetation and conifer cover on the property with that of the development immediately adjacent to the west.

1.2 Observations of Shawnigan Lake

Shawnigan Lake

The southern portion of the subject property is bounded by Shawnigan Lake. A small inlet of the lake snakes north along the southeast corner of the property.

There is a well-established, vigorous riparian area that includes the following plant species: Douglas fir (*Pseudotsuga menziesii*), shore pine (*Pinus contorta var. contorta*), western redcedar (*Thuja plicata*), red osier dogwood (*Cornus stolonifera*), nootka rose (*Rosa nutkana*), hardhack (*Spirea douglasii*), and sedges (*Carex* ssp.).

Other vegetation on the property includes: Saskatoon (*Amelanchier alnifolia*), dull Oregon grape (*Mahonia nervosa*), red alder (*Alnus rubra*), arbutus (*Arbutus menziesii*), sweet gale (*Myrica gale*), evergreen blackberry (*Rubus laciniatus*), red huckleberry (*Vaccinium parvifolium*), lady fern (*Athyrium filix-femina*), and cascara (*Rhamnus purshiana*).

The riparian plant community along the southern shoreline is lush and has been untouched for decades. The vegetation is healthy and the riparian area is widening toward the lake, as new colonizer plants trap sediment and create new riparian soil conditions. This portion of the lake's riparian plant community would be considered to be in a high state of "Proper Functioning Condition". The majority of the shoreline trees are mature conifers and their root masses provide shoreline soil stability. Two managed access points to the lake protect the remaining riparian area from trampling: 1) a narrow gravel footpath and a ramp down to a dock; 2) a short narrow path to provide access for launching kayaks and inner tubes in a shallow location (see photographs in Section 6). The latter access point provides a safe and shallow entry into the lake for children and is designed to permit a child to play in the shallows; the remaining shoreline, and the water surrounding the wharf is deep and unsafe for children since they cannot walk from the lake directly onto the land without becoming entangled in the dense riparian vegetation that dominates the shoreline. These two small access points on the shoreline have resulted in the riparian vegetation having been left in an undisturbed state, for decades by the current owners.

The inlet on the southeast side of the property has been left undisturbed and the riparian vegetation has become thick with well-established root systems. Over the years, it has slowly begun filling in.

Overall, the riparian zone of this site provides a range of stable aquatic habitat, as well as habitat for fish. A dense periphyton community on the extensive surfaces of the plant stems provides food for invertebrates, and the density of the plant community across the entire property protects the banks from erosion and soil loss. The broad, dense riparian-wetland vegetation extends the entire length of the property's shoreline, and creates a very high surface-to-volume ratio that promotes a rich primary and secondary periphyton community. This biomass is a rich food source that supports a wide range of aquatic and terrestrial species. The dense shoreline vegetation, submerged for most of the year, also provides a vital *refugium* for many species which otherwise would be subjected to high rates of predation.

1.3 Description of Proposed Development and Timeline

This detailed RAR assessment is required to permit the replacement of the existing house at the southern tip of the property. The existing house has reached the end of its structural lifespan and cannot be restored since the extent of any renovation would require the building armature to be completely replaced. In consultation with the architect, the recommendation is that the existing building must be completely replaced. Therefore, the property owner has sought to rebuild on the existing footprint and in order to accommodate children and grandchildren, proposes to extend the new building north (landward) beyond the existing footprint. The land to the north of the house, where the addition is proposed, currently consists of a gravel driveway and parking area. This extension would lie on the existing gravel parking and driveway surface.

Covenant

There is an existing covenant on the property which protects a 7.5 m-wide strip of land along the shoreline. The existing house predates the covenant. It was built upon a rocky knoll, on a small footprint, with the surrounding upslope coniferous vegetation having been left undisturbed for decades. The existing house lies almost completely outside of the covenanted area (see appended covenant M51286, April 18, 1983). The existing deck, small patio, BBQ area, hot tub, and two woodsheds all lie within the 7.5m covenant; however, all these structures have been constructed on bedrock and do not affect the riparian-wetland vegetation. These structures are a part of the original dwelling and pre-date the covenant, established in 1983 (pers. comm., homeowner). The proposed new house would be constructed on the existing foundation and the expansion, to the north, would lie completely outside of the covenanted area. The existing deck and other outbuildings would be retained on their existing footprints and would remain unchanged from their current configuration.

SPEA

The footprint of the existing house lies almost entirely within the SPEA. The proposed redevelopment will use the same footprint as the current residence. By using the same footprint, construction activities will not have any effect on the existing dense, properly functioning riparian-wetland community. The proposed expansion of the new dwelling, to the north, will be constructed almost entirely on the existing gravel and bedrock parking and driveway area. The proposed dwelling is designed to have zero affect on any vegetation on the property other than a single small (12cm) cedar tree. The replacement of the existing parking and drive-lane will not require any additional parking since adequate parking already exists to the north of the proposed new building footprint.

The portion of the proposed dwelling expansion, together with that portion of the existing building, which lies within the SPEA is 105m² (See Site Plan in Section 3). The proposed new dwelling footprint does not contain any vegetation other than a single 12cm cedar tree, and thus, does not change the vegetation profile. The 105m² SPEA intrusion will be compensated for with an equivalent addition to the SPEA along the southwestern property boundary. The SPEA bend will result in the permanent protection of an existing conifer stand of an equal area (105m²); this protected stand will maintain an existing, well-established, vegetation buffer with the adjacent property (see Figure 3). This SPEA

bend will replace 105m² of non-vegetated landscape with 105m² of mature upslope vegetation.

The bending of the SPEA will require the approval of the CVRD under a Zoning Bylaw variance. No riparian vegetation will be removed or impacted by the redevelopment, as the proposed area is currently a gravel driveway/parking area, and a significant area of mature vegetation will be protected by the SPEA bend.

The proposed timeline for construction, per this Riparian Area Assessment, is June 2013 to December 2014.

Summary of Rationale for this Project

- The existing house is within the SPEA, but is on a rocky knoll that does not support riparian vegetation.
- The proposed expanded footprint for the new house includes the old footprint and a portion of the present driveway and parking area that is already devegetated and rocky.
- There is a lush riparian area, not within the SPEA, that is presently not protected. This area is equivalent to the area of the new footprint which compensates for both the expansion and the pre-existing footprint. This requires a “SPEA bend”.
- A “SPEA bend” would not reduce the existing site vegetation, but would protect riparian vegetation that is currently not protected.
- If the house were required to be moved upslope away from the lake, this would not protect additional riparian vegetation, but would require the removal of large mature conifers that shade the site and provide valuable bird habitat.
- A letter of flex is not yet available from the CVRD; while initial conversations with the Area Director and staff have been positive, the CVRD will not issue a letter until approval or approval-in-principle is received from the Ministry.

Section 1 References

B.C. Ministry of Environment. Fisheries Inventory Data Queries. FISS Report Generator. Data Query performed for Shawnigan Lake watershed. April 11, 2013.

Lucey, W.P. (2011). Riparian Area Regulation Assessment Report: 1585 West Shawnigan Lake Road. Prepared for Michael Jawl by Aqua-Tex Scientific Consulting. Riparian Area Regulation assessment number 1878.

Prichard, D (work group leader). 1998. Riparian area management: a users guide to assessing Proper Functioning Condition and the supporting science for lotic areas. TR 1737-15. Bureau of Land Management, BLM/RS/ST-98/001+1737, National Applied Resource Sciences Center, Denver, CO. 126 pp.

Rosgen, D. 1996. Applied River Morphology. Wildland Hydrology, Pagosa Springs, CO. 352 pp.

Section 2. Results of Detailed Riparian Assessment

Shawnigan Lake

Refer to Chapter 3 of Assessment Methodology

Date: February 15, 2013

Description of Water bodies involved (number, type)

One lake

Stream	
Wetland	
Lake	X
Ditch	

Number of reaches

Reach #

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 upstream		
downstream		
Total: minus high /low mean		
Channel Type	R/P	C/P S/P

I, Wm. Patrick Lucey, RP Bio. 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 Gary Henshaw;

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.

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	
Polygon No:	<input type="text" value="1"/>		I, Wm. Patrick Lucey, RP Bio., hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Gary Henshaw</u> ; 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.	
SPVT Type	LC	SH		TR
				X
Polygon No:	<input type="text"/>		Method employed if other than TR	
SPVT Type	LC	SH	TR	
Polygon No:	<input type="text"/>		Method employed if other than TR	
SPVT Type	LC	SH	TR	
Polygon No:	<input type="text"/>		Method employed if other than TR	

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

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)	15m						
Litter fall and insect drop ZOS (m)	15m						
Shade ZOS (m) max	30m	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		
SPEA maximum	15m	(For ditch use table3-7)					

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)							
Litter fall and insect drop ZOS (m)							
Shade ZOS (m) max		South bank	Yes	<input type="text"/>	No	<input type="text"/>	
SPEA maximum		(For ditch use table3-7)					

Segment No:		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)							
Litter fall and insect drop ZOS (m)							
Shade ZOS (m) max		South bank	Yes	<input type="text"/>	No	<input type="text"/>	
SPEA maximum		(For ditch use table3-7)					

I, Wm. Patrick Lucey, R.P. Bio, hereby certify that:

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

Comments

- Provides habitat for numerous fish species
- The vegetation along the shore consists of the following species: Douglas fir (*Pseudotsuga menziesii*), shore pine (*Pinus contorta var. contorta*), western redcedar (*Thuja plicata*), red osier dogwood (*Cornus stolonifera*), nootka rose (*Rosa nutkana*), hardhack (*Spirea douglasii*), and sedges (*Carex spp.*).
- Other vegetation on the property includes: Saskatoon (*Amelanchier alnifolia*), dull Oregon grape (*Mahonia nervosa*), red alder (*Alnus rubra*), arbutus (*Arbutus menziesii*), sweet gale (*Myrica gale*), evergreen blackberry (*Rubus laciniatus*), red huckleberry (*Vaccinium parvifolium*), lady fern (*Athyrium filix-femina*), and cascara (*Rhamnus purshiana*).
- A small inlet of the lake, located on the southeast property boundary, is slowly filling in.

Section 3. Site Plan



PLAN

39651

PART 2

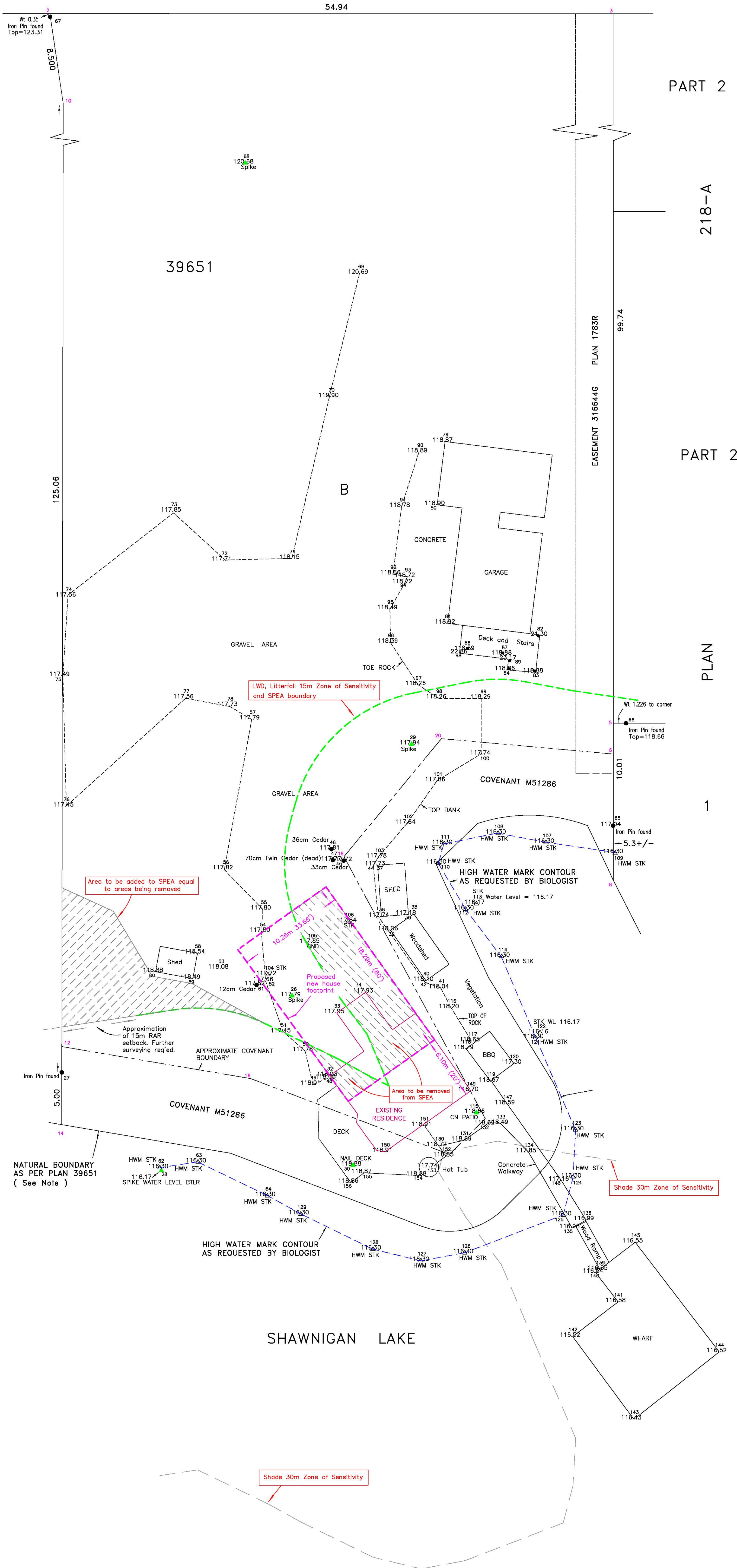
218-A

PART 2

PLAN

1

NOTE : ELEVATIONS ARE TO GEOTETIC DATUM
 THIS PLAN IS BASED ON CURRENT FIELD SURVEY AND DIMENSIONS OF REGISTERED SURVEY PLAN
 THE NATURAL BOUNDARY AS PER PLAN 39651 IS NOT NECESSARILY THE LEGAL BOUNDARY OF THE LOT. EROSION OR ACCRETION MAY HAVE ALTERED THIS LEGAL BOUNDARY
 THE DECIMAL POINT OF THE ELEVATION DENOTES THE LOCATION OF THE SHOT TAKEN
 GND DENOTES EXISTING GROUND
 STK DENOTES 1" X 2" NUMBERED WOOD STAKE



F.C. Anderson and Associates
 SURVEYORS ENGINEERS
 VICTORIA NANAIMO PARKSVILLE

SITE PLAN	
AT 2054 BUTLER AVENUE	
LEGAL : LOT B, SHAWNIGAN SUBURBAN LOTS, MALAHAT DISTRICT, PLAN 39651	
DRAWN BY : DBL	PROJECT SURVEYOR : D.R. CARRIER
SCALE : 1 : 200	DATE : FEB. 26, 2013.
CLIENT : MR. GARY HENSHAW	
OUR FILE : 27921	REVISION : REV

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.

1. Danger Trees	
I, <u>Wm. Patrick Lucey,RP Bio.</u> , hereby certify that:	
a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;	
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Gary Henshaw</u> ;	
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	
I, <u>Wm. Patrick Lucey,RP Bio.</u> , hereby certify that:	
a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;	
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Gary Henshaw</u> ;	
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
d. Slope Stability	
I, <u>Wm. Patrick Lucey,RP Bio.</u> , hereby certify that:	
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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	
e. Protection of Trees	
I, <u>Wm. Patrick Lucey,RP Bio.</u> , hereby certify that:	
a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;	
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Gary Henshaw</u> ;	
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
d. Encroachment	
I, <u>Wm. Patrick Lucey,RP Bio.</u> , hereby certify that:	
a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;	
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer, <u>Gary Henshaw</u> ;	
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
e. Sediment and Erosion Control	
I, <u>Wm. Patrick Lucey,RP Bio.</u> , hereby certify that:	
a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;	
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Gary Henshaw</u> ;	
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
d. Stormwater Management	
I, <u>Wm. Patrick Lucey,RP Bio.</u> , hereby certify that:	
a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;	
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Gary Henshaw</u> ;	
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
e. Floodplain Concerns (highly mobile channel)	
I, <u>Wm. Patrick Lucey,RP Bio.</u> , hereby certify that:	
a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;	
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Gary Henshaw</u> ;	
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

Measures – Danger Trees in the SPEA

The coniferous and deciduous trees alongside the assessed shoreline appear to be in good health. The land to the north of the house, where the addition is proposed, currently consists of a gravel driveway and parking area. The homeowners have carefully managed the riparian area for many years and mitigated any danger trees that might affect the home or parking area as they became apparent. On the edge of the gravel parking area, adjacent to the woodshed, is a copse of three cedar trees, one of which is dead (70cm) while two smaller cedars (33-36cm) are alive and will not be disturbed by the construction. The large dead cedar will be topped if necessary and retained as a wildlife tree.

No arborist's report on danger trees (or windthrow, as noted in the next section below) has been conducted to-date, because the specific building design does not intrude into the treed zone; thus, it is not anticipated at this time that there are any new danger trees within the SPEA that might require 'danger tree' management (e.g., thinning, topping, limbing, *et cetera*).

In the event that any trees become hazardous in the future, they can be managed so as to maximize their benefit to aquatic and terrestrial ecosystems, while minimizing their risk to people and property. Wherever possible, some or all of the tree should be left to decompose on site, especially in the SPEA to provide woody debris on the ground as small mammal and amphibian habitat and to provide a substrate for mosses.

Some of the possible management options for hazardous trees include:

- topping and/or pruning, to prevent dead branches from falling on people or property;
- where necessary, cutting most of the tree down, while leaving a large section of trunk still standing, to provide wildlife habitat/food;
- pushing a tree over and into the stream and/or SPEA, preferably with its root wad intact, so as to augment the supply of large wood. The root wad helps to anchor the tree against the bank and provides micro-sites for terrestrial wildlife among the roots and in the depression.

Measures – Windthrow

Windthrow (trees knocked over due to wind) can be a risk to people and property, and if excessive, can result in a loss of function of riparian vegetation in the SPEA. Windthrow is especially a risk where the adjacent forest has been cleared, leaving the remaining trees more vulnerable.

The land to the north of the house, where the addition is proposed, currently consists of a gravel driveway and parking area. No tree clearing is proposed (with the exception of a single 12cm cedar tree) and no modification to any existing trees is contemplated; thus there will be no change to the present windfirm status of the shoreline vegetation. The large trees on the site have been standing, undisturbed, for decades and the new construction will not result in soil disturbance to the zone surrounding the existing trees.

It should be noted that since the proposed dwelling will be constructed on the existing foundation, and the expansion is proposed for an existing gravel parking and driveway area, no tree roots will be disturbed nor will there be any removal or addition of fill on the site.

Some tree mortality is expected in functional ecosystems, and isolated cases are not necessarily a cause for concern. Fallen trees should therefore not be removed from the SPEA unless they present a safety risk.

Measures – Slope Stability

The building envelope is relatively flat and the site is part of a rocky promontory. Slope stability is not an issue.

Measures – Protection of Trees in the SPEA

During construction, trees in the SPEA will be protected by ensuring that the SPEA is well-marked and that personnel and equipment do not encroach into this area. Particular attention will be paid to adjacent trees to ensure that root zones are not damaged and construction crews will be briefed on the tree protection program.

As mentioned previously, construction will be occurring in an area that is currently a gravel driveway/parking area. Trees in the SPEA are not at risk of disturbance as they are situated well away from the building site.

Monitoring will be conducted during construction phases, to ensure that the trees are adequately protected.

Measures – Preventing Encroachment in the SPEA

Encroachment can cause disturbance of the riparian vegetation in the SPEA through trampling, unsanctioned trails and dumping of yard waste, etc. This will be prevented during construction through the use of temporary **fencing or flagging and signage**. The house shares a common driveway with the neighbours, and there is limited space to park vehicles. No excavation is required, therefore the only “equipment” on site will be vehicles delivering building materials and tools. Care will be taken to ensure that no building materials are stored within the SPEA.

Post-construction, a low fence will be installed to protect the new area being added to the SPEA (SPEA “bend”), wherever this can be accomplished without unduly disturbing the riparian vegetation. The homeowners have a long history of protecting the riparian area, as demonstrated by the lush riparian plants currently surrounding their property.

Measures – Sediment and Erosion Control During Construction

The requirement for erosion and sediment control on this site is very minimal, since there will be very limited soil-disturbing activities. No excavation is proposed, and no fill is required. The footprint of the proposed house will be part of the existing house footprint or driveway footprint. There will be no additional services installed that would require trenching, because the house is on an existing well and septic system.

Measures that should be implemented during construction include:

- Always maintaining a clean and organized work area.
- Covering dumpsters to prevent wind from blowing loose material on to the site.
- Disposal and on-site temporary storage facilities should be located at convenient sites to ensure efficient collection of waste materials.
- Pooling of water on sites where leaching of pollutants from stored materials is possible (e.g. stockpiled materials) should be prevented.
- Source control should include frequent collection and disposal of oil and oily wastes, site debris, and cleaning materials.
- Avoid the unnecessary use of water for cleaning to minimize the subsequent need for treatment of suspended solids.
- Minimize wastes and properly dispose of or recycle all wastes, in a manner compliant with the CVRD and MoE regulations and/or guidelines.
- When building with concrete aggregate (if applicable), wash fines to the side, to straw bales or to a sediment basin.
- Construction workers should not wash fresh concrete mortar into any areas that could drain to the lake. Wash water must be contained and pumped out for proper disposal.
- Keep paints, solvents, chemicals, waste containers, and soiled rags covered from the rain.
- Keep residue such as paint chips from entering puddles that could be washed to the lake or riparian zone
- Ensure the regular inspection of sediment control structures as part of the construction program.

Weekly inspections, combined with photopoint monitoring, are recommended as a means to monitor and document the effectiveness of the erosion and sediment control plan. See Section 5 of this report for a more detailed description about environmental monitoring procedures recommended for this project.

Measures – Stormwater Management

Stormwater is not expected to be a concern on this site as an existing footprint is being utilized and stormwater contributions will remain the same as at present. All rainwater flows across naturally across the site through the well-vegetated riparian area before reaching the lake.

Measures – Floodplain Concerns

The proposed building footprint lies well above the Provincial and the CVRD designated Flood Construction level (FCL). The new house will be slightly higher in elevation than the existing house and the lake level is regulated by the outlet weir. There are no floodplain concerns

Section 4 References

British Columbia Ministry of Environment. 2002. Stormwater Planning: a Guidebook for British Columbia. <http://www.env.gov.bc.ca/epd/epdpa/mpp/stormwater/stormwater.html>

Department of Fisheries and Oceans Canada. 1992. Land Development Guidelines for the Protection of Aquatic Habitat.

United States Environmental Protection Agency (EPA). 1992. Storm water management for industrial activities: developing pollution prevention plans and best management practices. EPA-833-R-92-005.

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.

During construction monitoring will take place on a weekly basis to ensure that the worksite is kept clean, that the SPEA remains well-marked, and no encroachment into the SPEA occurs. We recommend using photopoint monitoring: marking camera locations and taking a baseline set of photographs prior to construction (Hall, 2001). Repeat photographs can then be taken for comparison from the same camera location during construction. A camera (digital or 35 mm) that has a date and time stamp should be used. It is critical to ensure that the date and time are correct on the camera. If a date/time stamped camera is not used a data board must be included in the photo. We recommend taking photographs weekly during site inspections.

Site inspections

In addition to photopoint monitoring, the site should be inspected on a weekly basis and after every rainstorm of 13 mm (1/2") or greater to ensure that no erosion or sedimentation is occurring and that the riparian zone and water quality of the lake are protected. The site inspections should include repeat photographs from each camera location as well as candid photographs showing activities of interest and the general condition of the site. While there will be few soil-disturbing activities, it is best to conduct such activities during the dry months and not during the rainy fall/winter period. This will minimize both the risk to lake and cost to the owner. The site inspection should be undertaken by a third party not otherwise directly involved in the site activities.

When a deficiency is noted it should immediately be brought to the attention of the owner and construction crew, together with recommended mitigation measures.

Site inspections should be conducted using a standardized checklist. The checklist should be signed and kept on file so that is available if requested by regulatory agencies.

Post-Development Report

The developer is required under the RAR to have a QEP conduct a site assessment following development, at the developer's expense. This is to ensure that the developer has followed the recommendations and measures to protect the SPEA contained in this report.

A physical inspection of the site and the SPEA will be conducted, to ensure that no damage has occurred or is anticipated and the required management practices have been carried out. A checklist will be drafted, with each of the measures and monitoring requirements listed above, and accompanying documentation will be attached, such as a summary of the results of the monitoring and photographs. The QEP will then file a post-development report on behalf of the developer, submitted through the Ministry of Environment Notification System, after the development has been completed. This report will document that the required measures and conditions outlined in this report have been implemented, as per Section 5(a) of the Riparian Area Regulation.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

References:

Hall, F.C., 2001. Ground-based photographic monitoring. Gen. Tech. Rep. PNW-GTR-503. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 340 p. <http://www.fs.fed.us/pnw/pubs/gtr503/>

Section 6. Photos



Figure 4. Photograph of the riparian zone taken from the existing dock (Photograph taken March 2, 2012).

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

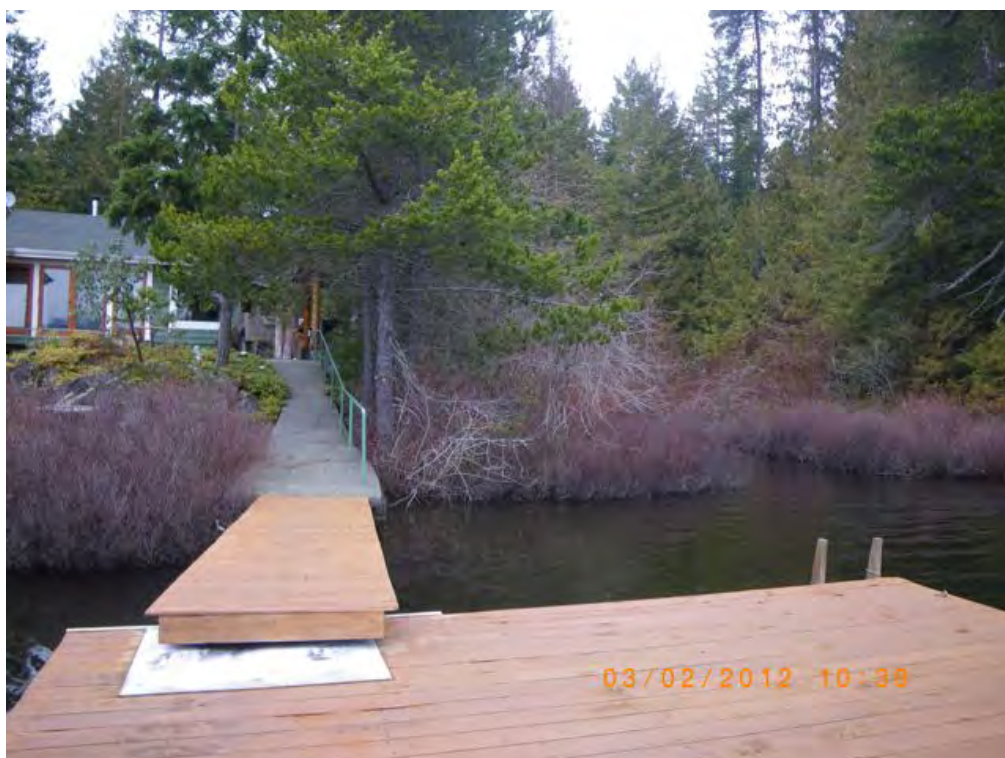


Figure 5. Photograph of the riparian zone taken from the existing dock. Note the single access point (walkway) through the riparian zone. (Photograph taken March 2, 2012).



Figure 6. Photograph of the riparian zone taken from the existing dock showing the entrance to the inlet (Photograph taken March 2, 2012).

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Figure 7. Photograph of the existing house and deck that extend into the SPEA (Photograph taken June 22, 2012).



Figure 8. Photograph shows a cluster of danger trees located within the SPEA that were removed several years ago following the advice of an arborist (pers. comm., homeowner) (Photograph taken June 22, 2012).

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Figure 9. Photograph of the north side of the existing house and the location of the proposed building extension in the gravel parking area. An existing shed and BBQ area are visible to the left of the house (Photograph taken June 22, 2012).



Figure 10. Photograph of the north side of the existing house and the location of the proposed building extension in the gravel parking area. The proposed area to be added to the SPEA is the treed area to the right of the house, adjacent to an existing shed (Photograph taken June 22, 2012).

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Figure 11. Photograph of the treed area to the west of the existing house to be added to the SPEA in exchange for a portion of the existing house and gravel parking area to be removed (Photograph taken April 12, 2013).



Figure 12. Photograph of the treed area to the west of the existing house to be added to the SPEA in exchange for a portion of the existing house and gravel parking area to be removed (Photograph taken April 12, 2013).

Section 7. Professional Opinion

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

Date

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

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

- a) if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR** (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.]

Appendix 1: Fisheries Inventory

Fisheries Inventory - FISS Fish Distributions Report

93 record(s) matched your query.

Report created on : Thu Apr 11 10:50:26 PDT 2013

Your report was based on the following criteria:

Gazetted Name/Alias : shawnigan lake

Ordered By : [Gazetted Name](#)

Gazetted Name	Region	Code	Species Name	Stock Type	Stock Char	Stock Management Name	Class	Activity	Map 1	Point 1	Type 1	Map 2	Point 2	Type 2	Refs And Dates
SHAWNIGAN LAKE	1	AS	Atlantic Salmon	NOT SPECIF	Not Specif	2077	Hatchery production	OBL Fish observed at this point or zone		306313	W				(REL-SUM, no date)
SHAWNIGAN LAKE	1	BH	Catfish (General)	NOT SPECIF	Not Specif		Not Specified	OBL Fish observed at this point or zone		306313	W				(BCLKS-732, 01-APR-1957)
SHAWNIGAN LAKE	1	BNH	Brown Catfish (formerly Brown Bullhead)	NOT SPECIF	Not Specif		Not Specified	OBL Fish observed at this point or zone		306313	W				(BCLKS-730, 10-MAY-1969) (BCLKS-732, 01-APR-1957) (BCLKS-733, 26-JUL-1957)
SHAWNIGAN LAKE	1	CAS	Prickly Sculpin	NOT SPECIF	Not Specif		Not Specified	OBL Fish observed at this point or zone		306313	W				(BCLKS-730, 10-MAY-1969) (BCLKS-732, 01-APR-1957) (BCLKS-733, 26-JUL-1957)
SHAWNIGAN LAKE	1	CO	Coho Salmon	NOT SPECIF	Anadromous		Not Specified	OBL Fish observed at this point or zone		306313	W				(BCLKS-732, 01-APR-1957)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Adfluvial		Augmented	OBL Fish observed at this point or zone		306313	W				(14-9, 01-JAN-1993)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Anadromous		Not Specified	OBL Fish observed at this point or zone		306313	W				(BCLKS-732, 01-APR-1957)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1131	Hatchery production	OBL Fish observed at this point or zone		306313	W				(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1916	Hatchery production	OBL Fish observed at this point or zone		306313	W				(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1917	Hatchery production	OBL Fish observed at this point or zone		306313	W				(REL-SUM, no date)

SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1918	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1919	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1920	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1921	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1922	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1923	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1924	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1925	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1926	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1927	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1928	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1929	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	1930	Hatchery production	OBL Fish observed at this point or	306313 W	(REL-SUM, no date)

SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	2031	Hatchery production	zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	2055	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	2066	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	2077	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	2077	Not Specified	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	545	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif	653	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	CT	Cutthroat Trout	NOT SPECIF	Not Specif		Not Specified	OBL Fish observed at this point or zone	306313 W	(BCLKS-730, 10-MAY-1969 (BCLKS-731, 09-MAY-1984 (BCLKS-733, 26-JUL-1957) (BCLKS-734, 15-SEP-1982)
SHAWNIGAN LAKE	1	DV	Dolly Varden	NOT SPECIF	Not Specif	2041	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	EB	Brook Trout	NOT SPECIF	Not Specif	2039	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	EB	Brook Trout	NOT SPECIF	Not Specif	2077	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	KO	Kokanee	NOT SPECIF	Anadromous		Not Specified	OBL Fish observed at this point or zone	306313 W	(BCLKS-732, 01-APR-1957)
SHAWNIGAN LAKE	1	KO	Kokanee	NOT SPECIF	Not Specif		Not Specified	OBL Fish observed at this point or	306313 W	(BCLKS-730, 10-MAY-1969 (BCLKS-734, 15-SEP-1982)

SHAWNIGAN LAKE	1	KO	Kokanee	NOT SPECIF	Resident		Wild indigenous	zone OBL Fish observed at this point or zone	306313 W	(14-9, 01-JAN-1993)
SHAWNIGAN LAKE	1	LW	Lake Whitefish	NOT SPECIF	Not Specif	2060	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Adfluvial		Augmented	OBL Fish observed at this point or zone	306313 W	(14-9, 01-JAN-1993) (17-1, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Anadromous		Not Specified	OBL Fish observed at this point or zone	306313 W	(BCLKS-732, 01-APR-1957)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	106	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	118	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	1297	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	1377	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	1387	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	1401	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	1402	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	1403	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	1435	Hatchery production	OBL Fish observed at this	306313 W	(REL-SUM, no date)

SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	1438	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	1450	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	1464	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	1465	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	1983	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	1984	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	1985	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	1986	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	2000	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	2001	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	2005	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	2007	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	2016	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)

SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	2017	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	2018	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	2021	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	2036	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	2055	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	2077	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	2077	Not Specified	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	2101	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	253	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	254	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	255	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	2562	Hatchery production	point or zone OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE								OBL Fish		

LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	3842	Hatchery production	observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	4262	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	5002	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	616	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	775	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	776	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	777	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	778	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	94	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	95	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	96	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif	997	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	RB	Rainbow Trout	NOT SPECIF	Not Specif		Not Specified	OBL Fish observed at this point or	306313 W	(BCLKS-733, 26-JUL-1957) (BCLKS-734, 15-SEP-1982)

SHAWNIGAN LAKE	1	SMB	Smallmouth Bass	NOT SPECIF	Not Specif		Not Specified	zone OBL Fish observed at this point or zone	306313 W	(HQ2022, 01-FEB-2001)
SHAWNIGAN LAKE	1	SP	Unidentified Species	NOT SPECIF	Anadromous		Not Specified	OBL Fish observed at this point or zone	306313 W	(BCLKS-732, 01-APR-1957)
SHAWNIGAN LAKE	1	TR	Unidentifiable Trout - only fry <70mm in length	NOT SPECIF	Not Specif	2041	Hatchery production	OBL Fish observed at this point or zone	306313 W	(REL-SUM, no date)
SHAWNIGAN LAKE	1	TR	Unidentifiable Trout - only fry <70mm in length	NOT SPECIF	Not Specif		Not Specified	OBL Fish observed at this point or zone	306313 W	(SISSM01, 01-JAN-1995)
SHAWNIGAN LAKE	1	TSB	Threespine Stickleback	NOT SPECIF	Not Specif		Not Specified	OBL Fish observed at this point or zone	306313 W	(BCLKS-731, 09-MAY-1984)
SHAWNIGAN LAKE	1	YP	Yellow Perch	NOT SPECIF	Fluvial		Wild indigenous	OBL Fish observed at this point or zone	306313 W	(HQ2020, 01-FEB-2001)

Download this information as a .csv file

[Top of Page](#)

Appendix 2: Covenant

Full name, address and telephone number of person presenting application:-
JAMES R. CLAPP
Barrister & Solicitor
2nd Flr. 1144 Fort Street
Victoria, B.C. V8V 3K8
388-5266

Signature of Authorized Agent.

Mortimer & Associates
P.O. Box 425
Duncan, B.C. V9L 3X8

Ken Mortimer

M5/286

COVENANT

THIS AGREEMENT made this 18th day of April, 1983.

BETWEEN:

MARGARET ISABEL GRANT, of 406, 1875 Lansdowne Road, Victoria, B.C. V8P 1A9 (hereinafter called "the Covenantor")

OF THE FIRST PART

AND:

HER MAJESTY THE QUEEN, in the Right of the Province of British Columbia, as represented by the Minister of Transportation and Highways (hereinafter called "the Covenantee")

OF THE SECOND PART

AND:

HER MAJESTY THE QUEEN, in the Right of the Province of British Columbia, as represented by the Minister of Environment (hereinafter called "the Covenantee")

OF THE THIRD PART

WHEREAS the Covenantor is the registered owner of all that certain parcel and tract of land lying, being and situate in the Victoria Assessment District and Koksilah Valley Hospital Improvement District No. 19 in the Province of British Columbia, and more particularly known and described as:-

Lots 3 and 4, Block 14, Shawnigan Suburban Lots, Malahat District, Plan 218-A

(Section 36)

(hereinafter called "the said lands")

AND WHEREAS the Covenantee, as a condition to granting its approval to a Plan of Subdivision of the said lands, a print of which is annexed hereto, has requested the Covenantor to enter into a Restrictive Covenant on the terms and conditions hereinafter contained, pursuant to Section 215 of the Land Title Act, Revised Statutes Chapter 219 and amendments thereto.

NOW THEREFORE WITNESSETH that in consideration of these presents and the sum of One (\$1.00) Dollar of lawful money of Canada and other good and valuable consideration now paid by the Covenantee to the Covenantor, the receipt of which is hereby acknowledged, the Covenantor does hereby covenant and agree as follows:-

1. No building filling or removal of vegetation shall be done without the prior written permission of the Regional Manager of the Fish and Wildlife Branch Ministry on those parts of Lots A and B as shown on a Subdivision Plan of Lots 3 and 4, Block 14, Shawnigan Suburban Lots, Malahat District, Plan 218-A and signed as completed by Richard A. H. Mortimer, B.C.L.S. on the 14th day of March, 1983 lying within 7.5 meters of the

BRITISH COLUMBIA B.C. 17 MAY 83 10

MEMORANDUM OF REGISTRATION on application of the day and time

REGISTER, Registered Land Title

Handwritten initials

- 2 -

51286

natural boundary of Shawnigan Lake as shown on the aforesaid Subdivision Plan.

IT IS MUTUALLY understood and agreed that this Agreement shall be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Covenantor has hereunto executed this Agreement as of the day and year first above written.

SIGNED in the presence of:-

L. W. Roberts

LEWIS W. ROBERTS
BARRISTER & SOLICITOR
1144 Fort Street
Victoria, B.C. V8V 2K8
366-5265

Margaret I. Grant
Margaret Isabel Grant.

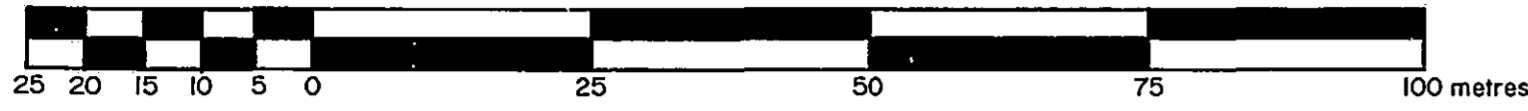
This is the instrument creating the condition or covenant entered into under Section 215 of the Land Title Act by the registered owner referred to herein and shown on the Print of the Plan annexed hereto and initialled by me.

Janet A. [Signature]
Approving Officer
Ministry of Transportation and Highways.

SUBDIVISION PLAN OF LOTS 3 & 4, BLOCK 14, SHAWNIGAN SUBURBAN LOTS, MALAHAT DISTRICT, PLAN 218-A.

PLAN 39651

Scale 1 : 750



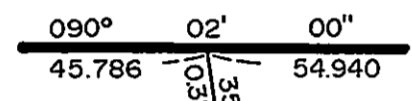
LEGEND

Astronomic bearings are derived from Plan 1783 R.

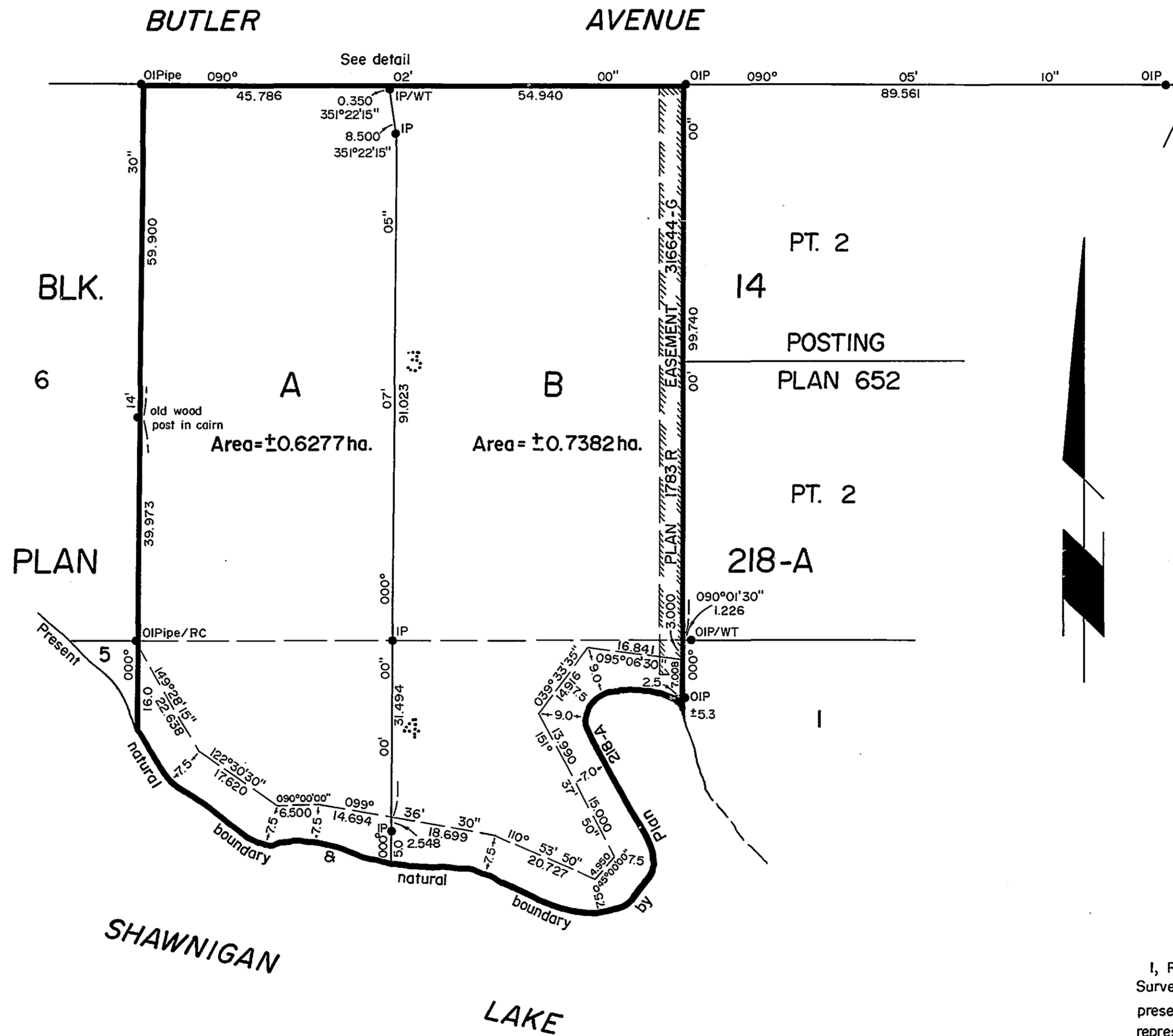
- OIP denotes iron post found.
- IP " standard iron post set.
- RC " rock cairn found.
- WT " witness.

All distances are in metres.

02



DETAIL (Not to scale)



M51285
yIP
A/Deputy

Deposited in the Land Title Office at Victoria, B.C., this 19th day of May, 1983.



Approved under the Land Title Act this 10th day of May, 1983.

David A. Ram
Approving Officer for the Ministry of Transportation and Highways.

The Registered Owner designated hereon declares that she has entered into a covenant in favour of the Crown under Section 215 of the Land Title Act.

R.R.

Margaret I. Grant
Margaret Isabel Grant

R. de Courci
Witness

LEWIS W. ROBERTS
BARRISTER & SOLICITOR
Occupation 1144 Fort Street
Victoria, B.C. V8V 3K8
388-5266

Address

I, Richard A.H. Mortimer, British Columbia Land Surveyor, of City of Duncan, certify that I was present at and did personally superintend the survey represented by this plan and that the survey and plan are correct. The said survey was completed on the 14th day of March, 1983.

Richard A.H. Mortimer
B.C.L.S.

THIS PLAN LIES WITHIN THE COWICHAN VALLEY REGIONAL DISTRICT.

MORTIMER & ASSOCIATES
P.O. Box 425, 3-281 Canada Ave.
Duncan, B.C., V9L 3X8. 748-4332

FILE 82-849

R2

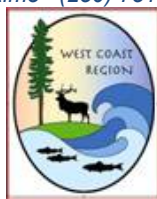
"Caskey, Marlene FLNR:EX" <Marlene.Caskey@gov.bc.ca>
To: "Aqua-Tex Scientific" <aqua-tex@islandnet.com>
RE: 2054 Butler Avenue RAR- Shawnigan

3 May, 2013 5:17 PM

1 Attachment, 4 KB

I have no objections to the SPEA bending, with protection of the grove of trees to compensate for the replacement of the old house and expansion as proposed.

P. Marlene Caskey, B.Sc., R.P.Bio
Senior Urban Ecosystem Biologist
MFLNRO, West Coast Region
Nanaimo (250) 751-3220



From: Aqua-Tex Scientific [mailto:aqua-tex@islandnet.com]
Sent: Friday, May 3, 2013 10:53 AM
To: Caskey, Marlene FLNR:EX
Cc: Aqua-Tex Scientific
Subject: 2054 Butler Avenue RAR- Shawnigan

Marlene

As you know, we have been working on the project at 2054 Butler Ave on Shawnigan Lake for quite awhile. I think we have finally figured out a SPEA bend solution that solves the problem. The only wrinkle is a chicken-and-egg question about who approves the SPEA bend: CVRD wants your sanction first, but the RAR guidelines ask for the local government letter to be included with the RAR.

Before we upload this, can you please give it your review? I think given that the increased footprint is all on existing gravel driveway, and the new SPEA area is mature healthy riparian area, it is a good compromise.

Thanks,

Cori

Cori L. Barraclough, M.Sc., R.P.Bio., PMP
Aqua-Tex Scientific Consulting Ltd.
201- 3690 Shelbourne St. Victoria BC
V8P 4H2
Tel: (250) 598-0266; Fax (250) 598-0263

390 7th Ave Kimberley BC V1A 2Z7
Tel (250) 427-0260; Fax (250) 427-0280
aqua-tex@islandnet.com



Cowichan Valley Regional District
Land Use Services Department
175 Ingram Street, Duncan BC V9L 1N8

April 7, 2017

Attention: Rachele Rondeau and CVRD Board of Director's

Re: 2054 Butler Road, Shawnigan Lake – G & L Henshaw Residence

We are the owners of the above noted property.

On August 9, 2013 we received an approved "Development Permit with Variance" from the CVRD Board of Directors to proceed with our plans to renovate our home and property. At that time we intended to commence building by Spring 2014, but unfortunately had to delay due to family financial problems and the unexpected death of one of our immediate family members. These unforeseen circumstances put a hold on building our house.

Now that we are in a position again to commence with our plans to build, we went to apply for building permits only to be told that our approved "Development Permit with Variance" had expired and would be declined when resubmitted. We are kindly asking the CVRD Board to reinstate our Approved Development Permit as we feel the circumstances are the same as they were in 2013. We have invested a substantial amount of time and resources in order to meet and exceed CVRD's requests in relation to the environment and house plan and hope that this will factor in the decision to reinstate our permit.

A few issues we would like to clarify regarding the previously Approved Development Permit:

- We do not feel CVRD's report clearly outlined that our proposed new home is set back an additional 6m from the existing house on the Lake front. This was done in order to further protect the Lake's riparian zone.
- Along with the previous owners, we have taken great care to keep the riparian zone among the frontage and east side of our property untouched to further encroach into the Lake and along the shore to create additional natural habitats.

We kindly ask you to further review this application and are looking forward to a positive outcome for all parties.

Should you have any questions or require further clarification, please call Gary on his cell phone at 250-889-1445.

Thank you,

A large, stylized handwritten signature in black ink, appearing to be "G. Henshaw".

Gary and Lynn Henshaw
2054 Butler Road
Shawnigan Lake, BC



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT WITH VARIANCE

FILE NO: 02-B-17DP/VAR

DATE: _____

REGISTERED PROPERTY OWNER(S):

PATRICIA LYNN HENSHAW

1. This Development Permit with Variance is issued subject to compliance with all of the bylaws of the Cowichan Valley Regional District (CVRD) applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with Variance applies to and only to those lands within the Regional District described below (legal description):

*Lot B, Shawnigan Suburban Lots, Malahat District, Plan 39651
(PID: 000-959-201)*
3. Section 5.14 of Bylaw No. 985 is varied to permit construction of a dwelling on its existing footprint 7.5 metres from the natural boundary as per Plan 39651, and in accordance with Schedules A, B and C.
4. Construction shall be carried out subject to the following condition(s):
 - *Development shall be carried out in strict compliance with RAR Report No. 2749 prepared by Patrick Lucey, RP Bio., dated April 12, 2013;*
 - *Protection of the SPEA with signage and fencing during the construction phase of the project;*
 - *Inclusion of a 105 m² area of land consisting of a stand of conifer trees on the south east side of the property within the SPEA.*
 - *No disturbance, removal of vegetation or alteration of land can occur within the SPEA or the additional SPEA area.*
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

6. The following Schedules are attached:

Schedule A – Site Plan

Schedule B – Riparian Areas Regulation Assessment Report No. 2749, prepared by Patrick Lucey, RP Bio., dated April 12, 2013

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

ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE Xst DAY OF MONTH 2013.

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

I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit with Variance 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 PATRICIA LYNN HENSHAW 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 April 24, 2017

MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 3, 2017

FROM: Development Services Division
Land Use Services Department

SUBJECT: Official Community Plan Amendment and Rezoning Application No. 02-H-16RS (PID: 008-477-043)

FILE: 02-H-16RS

PURPOSE/INTRODUCTION

The purpose of this report is to consider an application to amend the Official Community Plan from Suburban Residential to Commercial, and rezone the subject property from R-2 (Suburban Residential) to a new C-2A Local Commercial Zone.

RECOMMENDED RESOLUTION

That it be recommended to the Board:

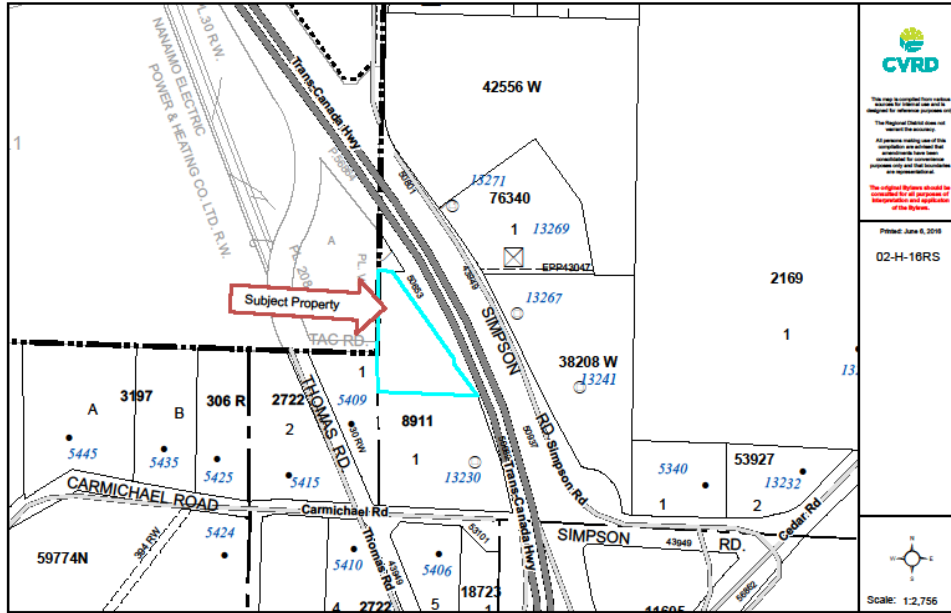
1. That the Official Community Plan and Zoning Amendment Bylaws for Application No. 02-H-16RS (PID: 008-477-043) be forwarded to the Board for consideration of 1st and 2nd Reading;
2. That the referrals to Ministry of Transportation and Infrastructure, North Oyster Volunteer Fire Department, Island Health, Regional District of Nanaimo, and Nanaimo Airport Commission be accepted;
3. That a public hearing be scheduled with Directors from Electoral Areas H, G and A as delegates.

BACKGROUND

<u>Location:</u>	Vacant lot north of 13230 Trans-Canada Highway
<u>Legal description:</u>	The South 10 Chains of the West 10 Chains of District Lot 9 Oyster District Except Part in Plan 8911 and Except that Part Lying to the East of the Easterly Boundary of Plan 1157 RW and Except Part in Plan 50653 (PID: 008-477-043)
<u>Agent:</u>	Dick Deschamps
<u>Owner:</u>	0394357 BC Ltd
<u>Size of Land Parcel:</u>	Approximately 0.4 ha
<u>Use of Property:</u>	Vacant
<u>Use of Surrounding Properties:</u>	North – Gravel pit South – Restaurant C-2 Zone East – Trans- Canada Highway West – Residential and gravel pit
<u>Road Access:</u>	Via easement over neighbouring property or Tac Road. No access from the Trans-Canada Highway
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	On site disposal
<u>Environmentally Sensitive Areas:</u>	None
<u>Fire Protection:</u>	North Oyster Volunteer Fire Department
<u>Wildfire Hazard Rating:</u>	Moderate

Existing Plan Designation: Suburban Residential
Proposed Plan Designation: Commercial
Existing Zoning: R-2
Proposed Zoning: New C-2A Local Commercial Zone

LOCATION MAP



APPLICATION SUMMARY

The subject property is a residentially zoned parcel, approximately 0.4 hectares (1 acre) in size, adjacent to the Trans-Canada Highway near the intersection of the Highway and Simpson Road/Cedar Road and Carmichael Road.

The property is vacant, and is generally cleared of vegetation. This application proposes to amend the Official Community Plan and rezone the subject property from residential to commercial. There are currently no defined plans for the property, however the applicants would like to rezone the property in order to provide better opportunities for the site as it is not ideal for residential use and they own the adjacent property to the south which is zoned C-2 (Local Commercial). A combination of retail sales, mini-golf, and artisan craft sales are ideas.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

No concerns were presented from the referral agencies noted below (Attachment D):

- Island Health;
- Ministry of Transportation and Infrastructure;
- North Oyster Volunteer Fire Department; and
- Regional District of Nanaimo;
- CVRD Parks & Trails Division;
- Public Safety Division;
- Engineering Services Department.

The Advisory Planning Commission (APC) conducted a site visit as part of their review, and recommended that the application to rezone from R-2 to C-2 be approved. Since the time that the APC reviewed the original application, two additional uses: artisan studio and commercial recreation and entertainment, have been added to the proposed list of permitted uses as the C-2 Zone is itself quite limited in terms of commercial uses.

OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

The subject property is designated Suburban Residential within the North Oyster/Diamond Official Community Plan (OCP).

The OCP states the following with regards to expansion of local commercial areas:

The development of additional lands for Local Commercial purposes may not be considered unless the following criteria are met:

- i) The proposed use will not generate excessive levels of traffic on minor local roads;*
- ii) Existing view from surrounding properties will not be adversely affected any more than they would be by residential use;*
- iii) Public access to the water shall not be reduced;*
- iv) The site may be developed in harmony with the character of the surrounding area (i.e. small in size, unobtrusive signage and lighting, adequate landscaping and screening etc.); and*
- v) The site is to be adequately serviced by a potable water supply, sewage disposal system and off-street parking.*

Zoning

The subject property is within an area of established commercial and industrial uses located near a controlled highway intersection. The OCP encourages clustering of service (auto-related) commercial zoning near the intersection of the Trans-Canada Highway and Carmichael Road (subject area), and discourages spot zoning along the highway.

The majority of properties within the immediate area of this intersection with the Trans-Canada Highway are zoned commercial or industrial so there should be little risk of this rezoning causing or encouraging commercial sprawl along the highway and into nearby residential areas.

Neighbouring properties to the north are located within the Regional District of Nanaimo, who indicated they had no concerns with the application. The adjacent parcel to the west is zoned residential, and would be conceivable that the landowners apply to rezone at some point in the future, at which point, however, the CVRD would evaluate it upon its merits.

Development Permit Area(s)

The property is within the Cassidy Aquifer Development Permit Area, and prior to any new construction, a Development Permit is required. The Cassidy Aquifer is classified as an environmentally sensitive area within the OCP due to the fact that it is at a shallow depth, which makes it susceptible to contamination. Numerous objectives and policies within the plan intend to protect the Cassidy aquifer from contamination including the Development Permit Area Guidelines.

Additionally, if the application proceeds, staff recommend that a new development permit area be established to guide form and character of any new commercial development. Currently, Electoral Area H does not have a commercial form and character development permit area, however as properties become developed on the Trans-Canada Highway, it is recommended that they be reviewed for their building design, landscaping, screening, lighting, parking areas, signage etc. This is consistent with other Electoral Areas with lands fronting the Trans-Canada Highway.

Additionally, through the Area H OCP review process, it will be proposed that all commercial

properties in Electoral Area H have a commercial development permit area applied to them.

PLANNING ANALYSIS

The application meets the criterion noted above with respect to designating additional lands for Local Commercial purposes, with the exception perhaps that since there is no direct access from the Trans-Canada Highway to the property, traffic to the property will travel over Carmichael Road (which is the same as the existing commercial site). The applicant desires to use Tac Road for the commercial access which will result in vehicles traveling over Thomas Road to access Tac, which are local roads.

Local commercial uses are appropriate to the site, and the inclusion of “artisan studio” is proposed to allow the applicants flexibility in making objects that can be sold from the site. This would be required to be in a building, and is defined to produce and sell arts and crafts not mass-produced goods such as manufacturing. For reference, please see Attachment G – Draft Zoning Amendment Bylaw.

Additionally, to allow for the introduction of a tourist/recreational component e.g. mini-golf, it is proposed that “commercial recreation and entertainment” be added to the permitted uses.

The proposed OCP amendment and rezoning would increase the viability of this area as a local commercial node with perhaps a tourist destination. It is within an area generally developed for commercial or light industrial uses (Cold Star and Schnitzer Steel are located across the highway) and is adjacent to established local commercial C-2 Zoned property.

To provide a transition between the proposed commercially zoned property, and the residential parcel to the west, the new commercial Development Permit Area would specify buffering requirements from adjacent residential or non-commercial properties.

Staff recommend Option 1.

OPTIONS

Option 1:

That it be recommended to the Board:

1. That the Official Community Plan and Zoning Amendment Bylaws for Application No. 02-H-16RS (PID: 008-477-043) be forwarded to the Board for consideration of 1st and 2nd Reading;
2. That the referrals to Ministry of Transportation and Infrastructure, North Oyster Volunteer Fire Department, Island Health, Regional District of Nanaimo, and Nanaimo Airport Commission be accepted; and
3. That a public hearing be scheduled with Directors from Electoral Areas H, G and A as delegates.

Option 2:

That Rezoning Application 02-H-16RS (PID: 008-477-043) be denied and a partial refund be provided to the applicant in accordance with the CVRD’s Development Application Procedures and Fees Bylaw.

Prepared by:

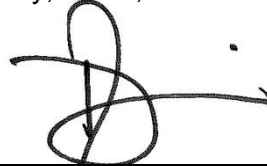
Reviewed by:



Rachelle Rondeau, MCIP, RPP
Planner II



Rob Conway, MCIP, RPP
Manager



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

ATTACHMENTS:

- Attachment A - OCP Map
- Attachment B - Zoning Map
- Attachment C - Orthophoto
- Attachment D – Referral Agency Comments
- Attachment E – Advisory Planning Commission Minutes
- Attachment F – Existing R-2 Zone, Bylaw No. 1020
- Attachment G – Draft Zoning Amendment Bylaw



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.

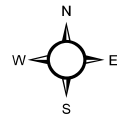
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 02-H-16RS

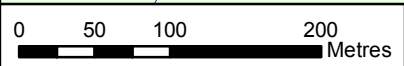
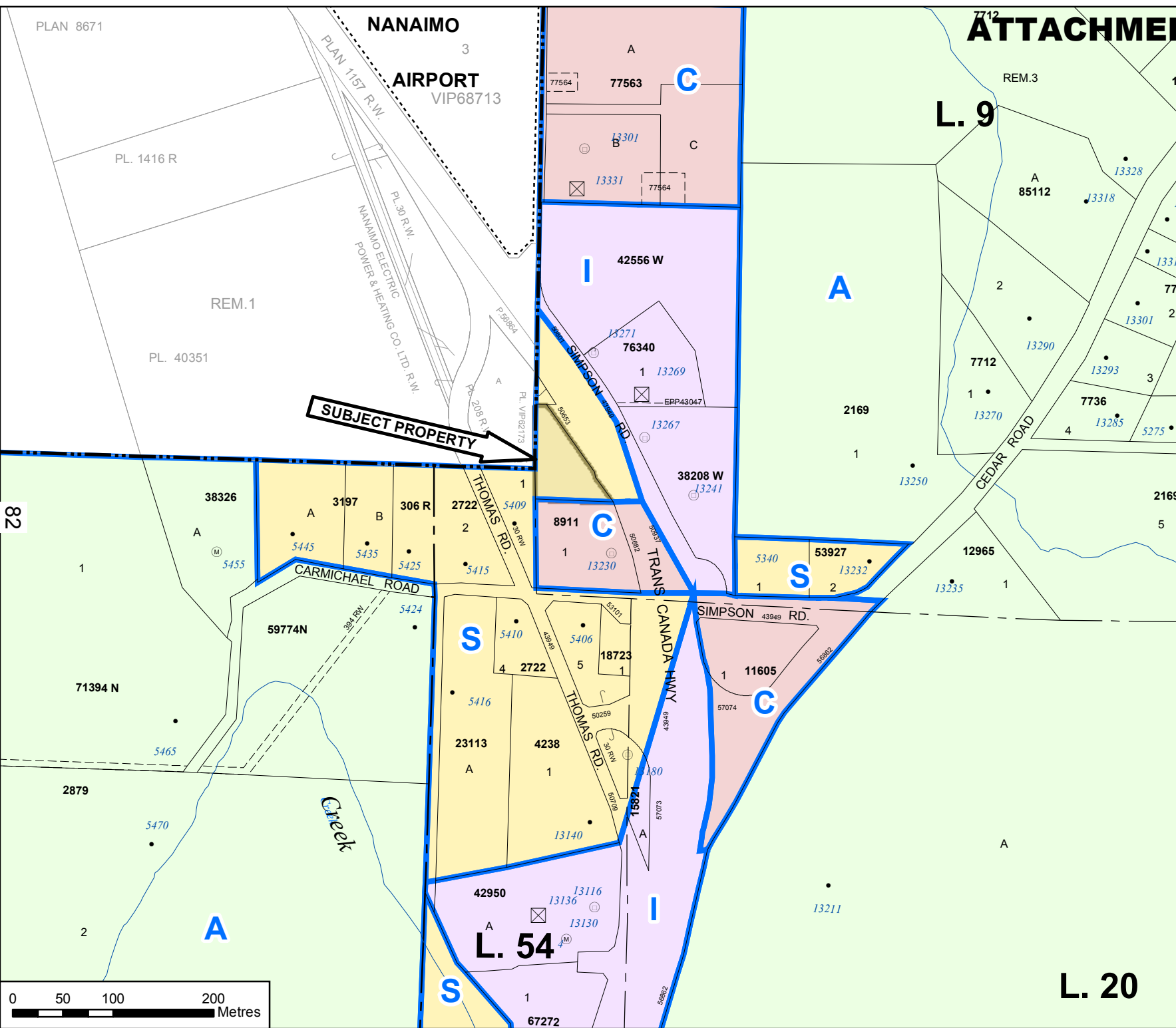
OCP

Legend

- Subject Property
- OCP H



R3





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

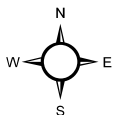
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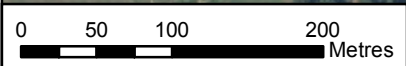
**TRIM
Orthophoto
(2014)**



R3



84





Nanaimo Airport
P.O. Box 149 3350 Spitfire Rd
Cassidy, BC Canada V0R 1H0
Phone (250) 245-2157

March 10, 2017

Planner, Development Services Division
Cowichan Valley Regional District
Planning and Development Department
175 Ingram Street
Duncan, BC, V9L 1N8

Attention: Rachelle Rondeau

Subject: Rezoning Amendment Referrals

Dear Rachelle,

We appreciate the extension granted to allow us time to respond to the two rezoning requests identified in your email(s) to Lisa Martin at NAI Commercial (Chakalaka Market at 13230 Trans-Canada Highway and Schnitzer Steel, CVRD File No. 03-H-16RS). Our comments and concerns are as follows:

1. Chakalaka Market and vacant lot directly to the north

Comments: **Approval recommended subject to conditions below**

- Activities and/or structures that may interfere with aviation activities and safety are not permitted. Examples of this are obstacles that exceed Transport Canada regulated obstacle and height thresholds, reflective surfaces or smoke that may interfere with pilot vision, garbage and/or litter that could pose a direct hazard to aircraft or indirectly by way of attracting birds or wildlife, etc.

2. Schnitzer Steel, CVRD File No. 03-H-16RS

Comments: **Approval recommended subject to conditions below**

- Activities and/or structures that may interfere with aviation activities and safety are not permitted. Examples of this are obstacles that exceed Transport Canada regulated obstacle and height thresholds, reflective surfaces or smoke that may interfere with pilot vision, garbage and/or litter that could pose a direct hazard to aircraft or indirectly by way of attracting birds or wildlife, etc.

(continued)

Additional comments regarding this application:

- The Nanaimo Airport Commission takes a proactive approach in maintaining good stewardship of the underground aquifer on airport property and is aware that nearby property owners may be concerned about the storage of batteries and/or other types of hazardous waste.

Please don't hesitate to contact me if you have any questions or concerns regarding this matter.

Sincerely,



Jeff Sandford
Business Systems Manager
Nanaimo Airport Commission
Telephone: (250) 245-2157 Ext. 318

Cc: Michael Hooper, CEO, Nanaimo Airport Commission

Rachelle Rondeau

From: Holm, Jeremy <JHolm@rdn.bc.ca>
Sent: Wednesday, November 16, 2016 8:35 AM
To: Rachelle Rondeau
Subject: RE: Rezoning referral - Trans-Canada Highway

Hi Rachelle,

Thanks for the opportunity to comment on this amendment application. From a staff perspective, the RDN's interests are unaffected by the proposal.

Regards;
Jeremy

Jeremy Holm, RPP, MCIP
Manager, Current Planning
Regional District of Nanaimo
jholm@rdn.bc.ca
250-390-6510

This email is confidential and may be privileged; it is for the use of the named recipient(s) only. If you are not an intended recipient of this email, please notify the sender immediately and do not copy or disclose its contents to any person or body. Any use of this email by an unintended recipient is prohibited. The accuracy or completeness of the information attached to, or disclosed in this email is not guaranteed by the sender.

From: Rachelle Rondeau [<mailto:rrondeau@cvrld.bc.ca>]
Sent: Tuesday, November 01, 2016 2:13 PM
To: Limshue, Frank
Subject: Rezoning referral - Trans-Canada Highway

Hi Frank,

As discussed, please see attached referral request form and background memo.

If you wish to provide comments on behalf of the RDN that would be great, or if not would you be able to provide information on the surrounding land use, and current/anticipated land uses and ALR interface?

Thank you,
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@cvrld.bc.ca
Tel: 250.746.2620 Toll Free: 1.800.665.3955 Fax: 250.746.2621



C·V·R·D

MEMORANDUM

DATE: Aug 16, 2016 **FILE No:** 02-H-16RS (Deschamps for 0394357 BC LTD.)

TO: Rachelle Rondeau, Planner, Development Services Division

FROM: Conrad Cowan, Manager, Public Safety Division

SUBJECT: Bylaw Amendment Referral Form No. **02-H-16RS (Deschamps for 0394357 BC LTD)** – Public Safety Application Review

In review of the Bylaw Amendment Referral Form No. 02-H-16RS (Deschamps for the following comments are made regarding the proposed amendment:

- ✓ 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:

- ✓ 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,

Conrad Cowan


RECEIVED
 AUG 18 2016

Finance Division



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: July 29, 2016
CVRD File No.: 02-H-16RS
(Deschamps for 0394357 BC LTD.)

This application proposes to amend the Official Community Plan designation from residential to commercial, and to rezone the subject property from R-2 (Suburban Residential) to C-2 (Local Commercial)

General Property Location: Vacant lot north of 13230 Trans-Canada Highway

Legal Descriptions: The South 10 Chains of the West 10 Chains of District Lot 9, Oyster District, Except Part In Plan 8911, and Except That Part Lying to the East of the Easterly Boundary of Plan 1157 RW, and Except Part in Plan 50653

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **Friday, August 26, 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
- Approval recommended subject to conditions below
- Interests unaffected
- Approval not recommended due to reasons outlined below

Signature _____
(sign and print)


Title Manager Public Safety
Conrad Cowan
Manager Public Safety Division

Contact No. 250-746,2562

① See attached.

This referral has been sent to the following agencies:

- Ministry of Transportation and Infrastructure (Nanaimo)
- North Oyster Volunteer Fire Department
- Island Health (Environmental Health/Nanaimo)
- Regional District of Nanaimo
- CVRD Parks & Trails Division
- CVRD Engineering Services Department
- CVRD Public Safety Division

	COWICHAN VALLEY REGIONAL DISTRICT 175 Ingram Street, Duncan, B.C. V9L 1N8 Tel: (250) 746-2620 Fax: (250) 746-2621
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Comments: (attach comments if more space required)

<input type="checkbox"/> Approval recommended for reasons outlined below	<input checked="" type="checkbox"/> Interests unaffected
<input type="checkbox"/> Approval recommended subject to conditions below	<input type="checkbox"/> Approval not recommended due to reasons outlined below

Signature *Glenn J. Gibson* Title EHO Contact No. 947 8222
(sign and print)
Glenn J. Gibson glenn.gibson@vha.ca

This referral has been sent to the following agencies:

<input checked="" type="checkbox"/> Ministry of Transportation and Infrastructure (Nanaimo) <input checked="" type="checkbox"/> North Oyster Volunteer Fire Department <input checked="" type="checkbox"/> Island Health (Environmental Health/Nanaimo) <input checked="" type="checkbox"/> Regional District of Nanaimo	<input checked="" type="checkbox"/> CVRD Parks & Trails Division <input checked="" type="checkbox"/> CVRD Engineering Services Department <input checked="" type="checkbox"/> CVRD Public Safety Division
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	COWICHAN VALLEY REGIONAL DISTRICT 175 Ingram Street, Duncan, B.C. V9L 1N8 Tel: (250) 746-2620 Fax: (250) 746-2621
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Comments: (attach comments if more space required)

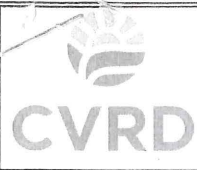
<input type="checkbox"/> Approval recommended for reasons outlined below <input checked="" type="checkbox"/> Approval recommended subject to conditions below	<input type="checkbox"/> Interests unaffected <input type="checkbox"/> Approval not recommended due to reasons outlined below
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Signature M. Fran (Morganne Franzen) Title District Development Technician Contact No. (250) 751-7090
(sign and print)

- No access to Subject Property off of Trans-Canada Highway.
 - Access to be by Reciprocal Easement Agreement
 - Any access to Subject Property will require a Commercial Access Permit from MOTI.

This referral has been sent to the following agencies:

<input checked="" type="checkbox"/> Ministry of Transportation and Infrastructure (Nanaimo) <input checked="" type="checkbox"/> North Oyster Volunteer Fire Department <input checked="" type="checkbox"/> Island Health (Environmental Health/Nanaimo) <input checked="" type="checkbox"/> Regional District of Nanaimo	<input checked="" type="checkbox"/> CVRD Parks & Trails Division <input checked="" type="checkbox"/> CVRD Engineering Services Department <input checked="" type="checkbox"/> CVRD Public Safety Division
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COWICHAN VALLEY REGIONAL DISTRICT
175 Ingram Street, Duncan, B.C. V9L 1N8
Tel: (250) 746-2620 Fax: (250) 746-2621

BYLAW AMENDMENT REFERRAL FORM	Date: July 29, 2016
	CVRD File No.: 02-H-16RS (Deschamps for 0394357 BC LTD.)

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Comments: (attach comments if more space required)

- | | |
|---|---|
| <input type="checkbox"/> Approval recommended for reasons outlined below | <input checked="" type="checkbox"/> Interests unaffected |
| <input type="checkbox"/> Approval recommended subject to conditions below | <input type="checkbox"/> Approval not recommended due to reasons outlined below |

Signature *Ahmedil-Jay* (sign and print) Title SR. ENGINEERING TECHNOLOGIST Contact No. 746-2536

Water Management's interests are unaffected as this property is not in a CVRD water or Sewer Service area.

This referral has been sent to the following agencies:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Ministry of Transportation and Infrastructure (Nanaimo) | <input checked="" type="checkbox"/> CVRD Parks & Trails Division |
| <input checked="" type="checkbox"/> North Oyster Volunteer Fire Department | <input checked="" type="checkbox"/> CVRD Engineering Services Department |
| <input checked="" type="checkbox"/> Island Health (Environmental Health/Duncan) | <input checked="" type="checkbox"/> CVRD Public Safety Division |
| <input checked="" type="checkbox"/> Regional District of Nanaimo | |



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: July 29, 2016

CVRD File No.: 02-H-16RS
(Deschamps for 0394357 BC LTD.)

This application proposes to amend the Official Community Plan designation from residential to commercial, and to rezone the subject property from R-2 (Suburban Residential) to C-2 (Local Commercial)

General Property Location: Vacant lot north of 13230 Trans-Canada Highway

Legal Descriptions: The South 10 Chains of the West 10 Chains of District Lot 9, Oyster District, Except Part In Plan 8911, and Except That Part Lying to the East of the Easterly Boundary of Plan 1157 RW, and Except Part in Plan 50653

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **Friday, August 26, 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 Parks + Trails Planner Contact No. _____
(sign and print)

This referral has been sent to the following agencies:

- Ministry of Transportation and Infrastructure (Nanaimo)
- North Oyster Volunteer Fire Department
- Island Health (Environmental Health/Nanaimo)
- Regional District of Nanaimo
- CVRD Parks & Trails Division
- CVRD Engineering Services Department
- CVRD Public Safety Division



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: July 29, 2016

CVRD File No.: 02-H-16RS
(Deschamps for 0394357 BC LTD.)

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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 *J. Hatami* Title GM, Eng. Contact No. XJ. 2538
(sign and print)

We have no objections to this application.

This referral has been sent to the following agencies:

- Ministry of Transportation and Infrastructure (Nanaimo)
- North Oyster Volunteer Fire Department
- Island Health (Environmental Health/Duncan)
- Regional District of Nanaimo
- CVRD Parks & Trails Division
- CVRD Engineering Services Department
- CVRD Public Safety Division

September 12, 2016

Meeting called to order 7:06 pm

ADOPTION OF AGENDA:**IT WAS MOVED AND SECONDED:**

**That the agenda be approved as presented with the addition of
#5 (c) – Cold star tour**

MOTION CARRIED

Minutes of the regular meeting of the North Oyster Advisory Commission held at the North Oyster Community Hall, on Monday, September 12, 2016.

PRESENT: Mike Fall, Jan Tukham, Chris Gerrand, John Hawthorn, Jody Shupe, Myfawnay Plecas, Cheryl Chapman

ABSENT: Allison Heikes, Assist. Director Daniels

ALSO PRESENT: Mary Marcotte, Director, Mike Tippent, Manager, Community & Regional Planning.

ADOPTION OF MINUTES:**IT WAS MOVED AND SECONDED:**

That the minutes from the meeting, June 22, 2015 as circulated be approved.

MOTION CARRIED**BUSINESS ARISING FROM THE MINUTES:**

A brief discussion regarding bylaw changes was had. Mike Tippett mentioned that his office and Mary Marcotte are currently reviewing and tidying up zoning bylaws.

DELEGATIONS:

Mr. Dick Deschamps was present representing the owner, 0394357 BC LTD

D1**02-H-16RS****Agent: Dick Deschamps**

A discussion with the Advisory Planning Commission was had. The agent indicated that there were no plans in place for development should this rezoning application from R2 to C2 be approved. The lot in question is approx.. 0.4 ha. The agent also mentioned there had been an offer to purchase the property as R2. The owner declined this, it was felt that if the land was rezoned it would significantly increase the value. The access to this property is from Tac Road, off of Thomas

Road.

MOTION:

IT WAS MOVED AND SECONDED:

That the advisory planning commission do a site visit. They will meet at the site, vacant lot north of 13230 Trans Canada Highway, at 2:00 pm, Tuesday, September 13, 2016.

MOTION CARRIED

Mr. Deschamps will also be present.

CORRESPONDENCE:

None

INFORMATION ITEMS:

None

REPORTS:

R1

None

MOTION:

UNFINISHED BUSINESS

NEW BUSINESS:

Election of Chairperson, Co-chairperson & Secretary for 2016

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

Cold Star Tour

Mike Tippet, will work on arranging a tour of this facility. The Advisory Planning Commission also requested that he investigate a tour of the Fortis LNG Plant, Mt. Hayes, Ninatti Road.

ADJORNMENT:
8:00 pm

IT WAS MOVED AND SECONDED:

That the meeting be adjourned.

MOTION CARRIED

The next meeting to be held October 3, 2016.

Jan Tukham, Secretary
September 12, 2016

Site Visit Meeting called to order 2:05 pm.

PRESENT: Chairperson Mike Fall, Co-Chairperson Chris Gerrand, Secretary Jan Tukham, John Hawthorn, Jody Shupe, Myfawnwy Plecas, Cheryl Chapman

ALSO PRESENT: Dick Deschamps

After walking the site, the agent, Dick Deschamps was asked if there were no plans for development why was this lot cleared? Mr. Deschamps replied that it was for financial reasons. A comment was also made by a Commission member that if rezoning was approved a precedent could be set. The access, Tac Road was pointed out. This road is blocked by a neighbor's vehicles and will need to be cleared for access.

MOTION:

IT WAS MOVED AND SECONDED:

That we table this decision regarding this rezoning until the next Advisory Planning Commission meeting, Monday, October 3, 2016.

CARRIED

**ADJOURNMENT:
3:00 PM**

IT WAS MOVED AND SECONDED:

That this site visit meeting be adjourned.

CARRIED

-+

Jan Tukham, Secretary
September 13, 2016

CORRESPONDENCE: None

INFORMATION ITEMS: None

REPORTS:
R1 None

MOTION:

UNFINISHED BUSINESS

NEW BUSINESS:
Election of Chairperson, Co-chairperson & Secretary for 2016

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

Cold Star Tour

Mike Tippet, will work on arranging a tour of this facility. The Advisory Planning Commission also requested that he investigate a tour of the Fortis LNG Plant, Mt. Hayes, Ninatti Road.

ADJORNMENT:
8:00 pm

IT WAS MOVED AND SECONDED:

That the meeting be adjourned.

MOTION CARRIED

The next meeting to be held October 3, 2016.

Jan Tukham, Secretary
September 12, 2016

Area H Advisory Planning Commission Minutes

October 3, 2016

Meeting called to order 7:20 pm

ADOPTION OF AGENDA:

**IT WAS MOVED AND SECONDED:
That the agenda be approved as presented.**

MOTION CARRIED

Minutes of the regular meeting of the North Oyster Advisory Commission held at the North Oyster Community Hall, on Monday, October 3, 2016.

PRESENT: Mike Fall, Jan Tukham, Chris Gerrand, John Hawthorn, Jody Shupe, Myfawnay Plecas, Cheryl Chapman

ABSENT: Allison Heikes, Director Mary Marcotte, & Assist. Director Daniels

ALSO PRESENT: Mr. Dick Deschamps representing the owner of 0394357 BC LTD, one member of the public

ADOPTION OF MINUTES:

IT WAS MOVED AND SECONDED:

That the minutes from the meeting, September 12, 2016 and the Site Visit minutes, September 13, 2016, as circulated be approved.

MOTION CARRIED

BUSINESS ARISING FROM THE MINUTES:

DELEGATIONS:

Mr. Dick Deschamps was present representing the owner, 0394357 BC LTD

D1

02-H-16RS

Agent: Dick Deschamps

A brief discussion this application was had. Questions such as how long have you owned this property?, why you have chosen to have this rezoned to C2?, what are your plans regarding development for this property?

MOTION:

IT WAS MOVED AND SECONDED:

We recommend that the zoning be changed from R-2 (suburban residential) to C-2 ((Local Commercial) as per the application with permitted uses indicated for the C-2 zoning.

MOTION CARRIED

CORRESPONDENCE:

None

INFORMATION ITEMS:

None

REPORTS:

R1

None

MOTION:

UNFINISHED BUSINESS

NEW BUSINESS:

None

8.2 R-2 ZONE SUBURBAN RESIDENTIAL

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

(a) Permitted Uses

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

1. One single family residential dwelling or mobile home;
2. Agriculture, horticulture, silviculture;
3. Home occupation;
4. Sale of products grown and reared on a farm;
5. Bed & breakfast accommodation;
6. Daycare, nursery school accessory to a dwelling;
7. Separate or secondary suite.

(b) Conditions of Use

For any parcel in an R-2 Zone:

1. The parcel coverage shall not exceed 20 percent for all buildings and structures except for greenhouses which shall not exceed a site coverage of 30 percent;
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Residential & Accessory Uses	COLUMN III Agricultural & Accessory Use
Front	7.5 metres	15 metres
Side (Interior or Exterior)	3.0 metres from one side parcel line and ten percent of the parcel width from the other parcel line up to a maximum of 3 metres	15 metres
Rear	4.5 metres	15 metres



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. XXXX

**A Bylaw For The Purpose Of Amending Zoning Bylaw No. 1020
Applicable To Electoral Area H – North Oyster/Diamond**

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 H – Cowichan Bay that being Zoning Bylaw No. 1020;

AND WHEREAS the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the *Act*;

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 1020;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. XXXX – Electoral Area H – North Oyster/Diamond Zoning Amendment Bylaw (Deschamps, 2017)**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 1020, as amended from time to time, is hereby amended in the following manner:

a) Part 3.1 is amended by adding the following new definitions:

“Artist studio” means the use of a building or portion thereof, used for the creation, display or sale of arts and crafts.”

“Commercial recreation and entertainment” means the use of land, buildings or structures for the purpose of operating a commercial recreation and entertainment business including bowling alleys, arcades, indoor and outdoor rock climbing facilities, dance halls, pools, skating rinks, mini-golf, and includes uses of a similar nature”

b) New Section 9.2 (C-2A (Local Commercial A) Zone is established and subsequent sections are re-numbered.

9.2 C2A – Local Commercial A Zone

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

(a) Permitted Uses

The following uses and no others are permitted in a C-2A Zone:

1. Artist Studio;
2. Bakeshop or confectionary whose products of which are retailed on the premises;
3. Barbershop, beauty parlour, shoe repair shop, electric and electronic shop;
4. Commercial entertainment and recreation;
5. Restaurant, excluding drive in;
6. Retail sales, excluding storage yard;
7. One single family residential dwelling per parcel accessory to and in addition to any of the above uses, provided that no portion of the first storey of a building used for commercial purposes may be used for residential purposes except in the case of a separate residential entrance r separate residential dwelling.
8. Separate or secondary suite.

(b) Conditions of Use

For any parcel in a C-2A Zone:

1. The parcel coverage shall not exceed 50 percent for all buildings and structures;
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

Column I Type of Parcel Line	Column II Buildings and Structures
Front	7.5 metres
Side (Exterior or Interior)	6.0 metres
Rear	6.0 metres where there is no rear lane and 6 metres from the centre line of the lane where a lane exists

- a) That Schedule B (Zoning Map) to Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020 is further amended by rezoning (The South 10 Chains of the West 10 Chains of District Lot 9 Oyster District Except Part in Plan 8911 and Except That Part Lying to the East of the Easterly Boundary of Plan 1157 RW and Except Part in Plan 50653 as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-XXXX, from C-2 to C-2A.

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this _____ day of _____, 2017.

READ A SECOND TIME this _____ day of _____, 2017.

READ A THIRD TIME this _____ day of _____, 2017

ADOPTED this _____ day of _____, 2017.

Chairperson

Secretary

DRAFT



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 24, 2017

MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 3, 2017

FROM: Inspection & Enforcement Division
Land Use Services Department

SUBJECT: 10298 South Shore Road – Permanent Change to a Liquor Licence –
March Meadows Golf Club

FILE: 2-F-17BE

PURPOSE/INTRODUCTION

The purpose of this report is to satisfy a Liquor Licence Application requirement for local government input submitted by March Meadows Golf Club in Honeymoon Bay (Area F).

RECOMMENDED RESOLUTION

That it be recommended to the Board that the Cowichan Valley Regional District wishes to “opt out” of providing comment to the Liquor Control and Licencing Branch with regard to the application for a Permanent Change to a Liquor Licence for increased liquor service hours by March Meadows Golf Club (liquor licence 177851) located at 10298 South Shore Road, Honeymoon Bay (Area F).

BACKGROUND

An application for a Permanent Change to a Liquor Licence has been submitted on April 6, 2017, by March Meadows Golf Club located at 10298 South Shore Road, Honeymoon Bay (Area F).

ANALYSIS

You may recall a recent Liquor Primary Structural Change application from March Meadows to increase the patron load which resulted in a resolution for the CVRD to “opt out” of that process. This application, similarly, requires input from local government in the form of a resolution. Essentially the request is for increasing the liquor service hours from 10am - midnight daily (except Sundays, 11 a.m. – midnight) to 9 a.m. – 1 a.m. daily. At this point, the CVRD must choose either to “opt out” of this process and entrust the Liquor Control and Licencing Branch (LCLB) to process the application entirely or “opt in” and provide comments to the LCLB.

If the CVRD chooses to “opt in” and provide comments, criteria will need to be taken into account including:

- The impact of noise on the community in the immediate vicinity of the establishment;
- The impact on the community if the application is approved; and
- (for a food primary regarding hours after midnight or patron-participation entertainment) whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

If the CVRD chooses to “opt out” of this process, there will be complete reliance on the LCLB to manage and take full responsibility of this licence. Choosing to “opt in” would require staff time to arrange the gathering and sorting of public input, which, to the best of the writer’s knowledge, has not been done before for this type of application. While the property is fairly rural, it is located between a large forestry parcel and a few residences that may be affected. This office has not received any complaints regarding noise at least during the career of the writer (14 years).

FINANCIAL CONSIDERATIONS

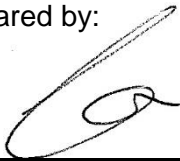
COMMUNICATION CONSIDERATIONS

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

Prepared by:

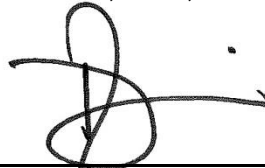


Nino Morano
Bylaw Enforcement Officer

Reviewed by:



Robert Blackmore, BSc., MSc.
Manager



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

ATTACHMENTS:

Attachment A - Application for a Permanent Change to a Liquor Licence



Liquor Control and Licensing Branch
 4th Floor, 3350 Douglas St, Victoria, BC V8W 9J8
 Mail PO Box 9292 Stn Provincial Govt, Victoria, BC V8W 9J8
 Phone 1 866 209-2111 Fax 250-952-7068

ATTACHMENT A R4

APPLICATION FOR A PERMANENT CHANGE TO A LIQUOR LICENCE ALL LICENCE TYPES

Liquor Control and Licensing Form LCLB005B

Instructions:

Complete all applicable fields and submit with the required documentation, if applicable, and payment as outlined in Part 9 of this application form. If you have any questions about this application, call Liquor Control and Licensing Branch (LCLB) toll-free at: 1 866 209-2111.

Licensee Information

Licensee name (as shown on licence): March Meadows Golf Club

Establishment name (as shown on licence): March Meadows Golf Club

Establishment Location address (as shown on licence):
 Street: 10298 South Shore Rd City: Honeymoon Bay Province: B.C. Postal Code: V0R1Y0

Mailing address: (All correspondence will go to this address)
 Street: Box 236 City: Honeymoon Bay Province: B.C. Postal Code: V0R1Y0

Business Tel with area code: 250-749-6241 Business Fax with area code:

Business e-mail: info@marchmeadowsgolf.com

Contact Name: Jason Chanasyk Title/Position: owner
last / first / middle

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

Contact Person

The applicant authorizes the person below to be the primary contact for the duration of the application process only.

Name: Jason Chanasyk Phone number: 778-908-4152

E-mail address: Jason@marchmeadowsgolf.com

Type of Change Requested

Please check (☑) appropriate box(es) below and provide licence numbers affected for each requested change. You may complete more than one change section on this form. An incomplete application will be held for a maximum of thirty (30) days. If still incomplete after the thirty (30) day period, the application may be terminated. See Part 12 for the approval process for the change you have requested.

Type of change requested	Licence numbers affected (Mandatory)	Job Number (Office Use Only)
<input type="checkbox"/> 1. Establishment/business or licence name change (p.2)		(C2-LIC) (sub)
<input type="checkbox"/> 2. Food-primary entertainment endorsement (p.2)		(C2-LIC) (sub)
<input type="checkbox"/> 3. Request for change in terms and conditions/request for discretion (p.2)		(C3-LIC) (sub)
<input type="checkbox"/> 4. Live theatres requesting liquor service (p. 2)		(C3-LIC) (sub)
<input checked="" type="checkbox"/> 5. Change to hours of liquor service (p.3)	<u>177 851</u>	(C3-LIC) (sub)
<input type="checkbox"/> 6. Catering endorsement (p.4)		(C3-LIC) (sub)
<input type="checkbox"/> 7. Temporary off-site sale endorsement (p.4)		(C2-LIC) (sub)

Applying for other permanent changes to your licence?

- To apply for alterations or additions to a licensed establishment (structural changes), use an *Application for a Structural Change*. For Liquor Primary and Liquor Primary Club, use form LCLB012A; for Food Primary, use LCLB012B; for Manufacturer and Winery Endorsements, use LCLB013; for Wine Store and Licensee Retail Store, use LCLB012C.
- To apply to have a third party operator operate your licensed establishment, use the *Application to Add or Change a Licensee's Third Party Operator* (LCLB026)
- To apply for a change to the shareholders, directors, licensee name or to add a receiver or executor, use the *Application for a Permanent Change to a Licensee* (LCLB005A).

Part 1: Establishment or Business Name Change and/or Licence Name Change

C2 - LIC

To be completed when the licensee wishes to change the name of an establishment or business and/or licence.

Note: If a name change results in a change in exterior signs, the signs are subject to branch approval.

Fee: \$220 per licence x licences = \$

Establishment or business name change:

Current establishment or business name as shown on licence:

Proposed name:

Licence name changes:

Licence #: Current licence name:

Proposed licence name:

Licence #: Current licence name:

Proposed licence name:

Attach the following:

Sketch or picture of the proposed establishment or business signage.

Also complete Parts 8 and 9

Part 2. Entertainment Endorsement (Food Primary licenses only)

C2 - LIC

According to the type of entertainment being applied for, complete below and attach required documents:

Patron participation entertainment endorsement (e.g., dance floor):

Note: Patron participation entertainment must end by midnight.

Fee: \$330 per licence x licences = \$

- Submit a letter of intent describing, in detail, the form of patron participation entertainment proposed and where it will take place in your restaurant.
- Request a local government/First Nation resolution commenting on the application (local government must complete Part 11 of this form. For further information on local government resolutions, read Part 10).

There are restrictions related to forms of entertainment, sound systems, etc. If you are uncertain about any of the details of your proposal, consult with licensing staff at LCLB in Victoria. (see contact information on page 1 of this form).

Note: When relocating a Food-Primary establishment: An endorsement for patron participation entertainment cannot transfer location without local government/First Nations comment and LCLB approval. This is required because the local government/First Nation must be provided an opportunity to reconsider the impact of the endorsement on the community given the establishment's new location. Use this form to reapply for the endorsement but do not pay the application fee(s).

Are you submitting an application to transfer the location of a Food Primary licence with this application? Yes No

Also complete Parts 8 and 9

Part 3. Request of Change in Terms and Conditions/Request for Discretion

C3 - LIC

This section may be used for requests to change the terms and conditions on a liquor licence including requests for discretion.

Depending on the nature of the licence change requested, local government/first nation (LG/FN) and public input may be required.

Complete A and B:

Fee: \$220 per licence x licences = \$

A) Type of Request:

- Hours extension outside permitted hours of liquor service - Also complete Part 5
- Change to event driven term and condition - requires LG/FN resolution - LG/FN must complete Part 11
- Change or close of primary business with a liquor licence onsite
- Other

B) Attach:

A letter of intent describing, in detail, the proposed change to your licence. To request discretion, provide a written submission detailing compelling reasons/exceptional circumstances for your request and why a request for discretion should be approved. All documentation to support your request for discretion must be submitted with this application.

Also complete Parts 8 and 9

Part 4. Live theatres requesting liquor service in conjunction with films/broadcasts

C3 - LIC Fee: \$330

Licensed live event theatres may apply for permission to serve liquor in conjunction with films and broadcasts. Please provide a written proposal detailing your request. LCLB will forward your application to your local government/first nation for comment. Consideration will also be given to the compliance history of the establishment.

Also complete Parts 8 and 9

Part 5. Change to Hours of Liquor Service

C3 - LIC

Licensees may apply to revise hours of liquor service, subject to any restrictions within the *Liquor Control and Licensing Act, Regulations*, branch policies and/or original terms and conditions of licensing.

Check (✓) the appropriate change, and provide the requested information and documents:

A) Food Primary

- Request to change hours of liquor service between 9am - midnight Fee: \$220 per licence x licences = \$
- complete proposed hours of liquor service table below
- Request to extend hours of liquor service between midnight - 4am Fee: \$330 per licence x licences = \$
- complete proposed hours of liquor service table below
- if requesting to extend hours outside of 9am - 4am, also complete Part 3
- request a local government resolution - local government must complete Part 11 of this form.

B) Liquor-Primary, manufacturer lounge or special event area

- Request to change the hours of liquor service within the hours currently approved:
 - complete proposed hours of liquor service table below Fee: \$220 per licence x licences = \$
- Request to change the hours of liquor service outside the hours currently approved:
 - complete proposed hours of liquor service table below Fee: \$330 per licence x licences = \$
 - if requesting to extend hours outside of 9am - 4am, also complete Part 3
 - request a local government resolution - local government must complete Part 11 of this form.

C) Licensee Retail Store/Wine Store

- Request to extend hours outside of 9am - 11pm
 - complete proposed hours in table below
 - complete Part 3

Complete the tables below, indicating current and proposed hours of liquor sales:

Current Hours of Liquor Service:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	10:00 Am	10:00 Am	10:00 Am	10:00 Am	10:00 Am	10:00 Am	10:00 Am
Closed	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight

Proposed Hours of Liquor Service:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	9:00 Am	9:00 Am	9:00 Am	9:00 Am	9:00 Am	9:00 Am	8:00 Am
Closed	1:00 Am	1:00 Am	1:00 Am	1:00 Am	1:00 Am	1:00 Am	1:00 Am

Note: When relocating a Food-Primary establishment: An endorsement for hours of liquor service after midnight cannot transfer location without local government/First Nations comment and LCLB approval. Use this form to reapply for the endorsement but do not pay the application fee(s).

Are you submitting an application to transfer the location of a Food Primary licence with this application? Yes No

Also complete Parts 8 and 9

Part 6. Request for Catering Endorsement (Food Primary and Liquor Primary licences only)

Food primary and liquor primary licensees (excluding liquor primary club licensees) may apply for a catering endorsement if they wish to be licensed to transport and sell liquor at catered events where they have been hired to provide food service. The catered events must be hosted by other people and must take place outside the 'red-lined area' (the area where liquor is sold, served and consumed) and generally away from the establishment. The caterer must be present for the duration of a catered event. Licences with a catering endorsement are subject to an annual licensing fee of \$100 in addition to the annual renewal fees.

Fee: \$330 per licence x licences = \$

To qualify for an endorsement the applicant must demonstrate at the time of inspection:

- Catering service is focused on the preparation and serving of food.
- The applicant has the personnel and infrastructure necessary to prepare and serve food at events hosted by others. This includes a requirement to have a full commercial kitchen at the applicant's existing licensed establishment.

Note: If a licence is approved with a catering endorsement, the licensee must notify LCLB of all catered events (except in private residences) using OneStop (www.bcbusinessregistry.ca). Some events may require approval from LCLB before the catered event can take place. Further information about how to notify LCLB will be provided by your local liquor inspector when they complete their final inspection.

LCLB will review your application and if approved you will be required to arrange a final inspection. If the liquor inspector is not satisfied with your kitchen equipment, food selection, advertising and staffing, you may be required to make changes and schedule a second (2nd) inspection to confirm you meet the requirements of a catering endorsement. A fee of \$200 will be charged if a second (2nd) inspection is required.

Also complete Parts 8 and 9

Part 7. Temporary Off-Site Sale Endorsement (Licensee Retail Store & Wine Store licences only)

Licensee retail store (LRS) licensees and wine store (WS) licensees may apply for a temporary off-site sale endorsement to permit the sale of packaged liquor in conjunction with a Special Event Permit (SEP) event that has a focus on food and/or beverage tasting (e.g., a wine festival).

A temporary off-site store can only operate during the festival days and hours but liquor sales cannot take place before 9am or after 11pm. The LRS or WS licensee must have an agreement with the SEP licensee and confirm with the SEP licensee that Local Government /First Nations permits the sale of packaged liquor products for off site consumption at the SEP event. Wine store licensees can only sell the range of products permitted by their store licence.

Note: If a licence is approved with a temporary off-site sale endorsement, the licensee must notify LCLB for each temporary off-site store they will be operating by submitting a complete Temporary Off-site Sale Authorization form (LCLB091) by fax or email 14 calendar days prior to the SEP event. A copy of LCLB091 form can be found on our website. An event specific authorization will be issued.

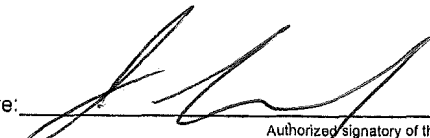
Also complete Parts 8 and 9

Part 8: Declaration

I understand and acknowledge:

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

Note: An agent, lawyer, or third party operator may not sign the declaration on behalf of the licensee.

Signature: 
Authorized signatory of the licensee

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

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

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

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

Part 9: Application Fees

Total Fee Submitted: \$ **\$330.00**

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

Payment is by (check) one:

- Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)
- Money order, payable to Minister of Finance
- Credit card: VISA MasterCard AMEX
 - I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.
 - I am submitting my application by fax or mail and have given my credit information in the space provided at the bottom of the page.

Part 10: Local Government/First Nation Resolutions: (Information for the Applicant)

For the following changes a resolution from your local government or First Nation, commenting on the application is required:

- Part 2: Food-primary patron participation entertainment endorsement, and
- Parts 5(A) and (B): Change to hours of sale
- Part 3: Change to event driven term and condition

Licensee responsibilities:

- Fill out appropriate change application sections in this form.
- Request your local government/First Nation to sign and date Part 11 of this form.
- Provide a photocopy of this form to the local government/First Nation and request that a resolution be provided within 90 days and sent directly to the Liquor Control and Licensing Branch, Victoria Head Office.
- Send the original form and application fees to the branch.
- The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the Branch within 90 days of the local government's receipt of your request.

Your local government/First Nation may decide that it does not wish to provide comment on your change request. If they indicate on the form that they opt out of providing comment, submit your application to LCLB.

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

Name of cardholder (as it appears on card):

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

Signature: _____

Part 11: Local Government/First Nation Confirmation of Receipt of Application

This application serves as notice from the Liquor Control and Licensing Branch (LCLB) that an application for one or more of the following changes to a liquor licence has been made within your community:

- Hours of liquor service past midnight for a food primary licence.
- Change to hours of liquor service for a liquor primary, liquor primary club, manufacturer lounge or special event endorsement
- Addition of patron participation entertainment endorsement for a food primary licence.
- Change to event driven term and condition.

Local government/First Nation (name):

Name of Official: Title/Position:
(last / first / middle)

Email: Phone:

Date Received:
(Day/Month/Year)

Signature of Official: _____

Check here if LG/FN will not be providing comment: Yes, opting out of comment

Note: The LG/FN cannot provide comment for their own application.

Is this establishment on Treaty First Nation land? Yes No

Instructions for Local Government/First Nation (LG/FN)

The Branch requests that you consider this application (application form and floor plan) and provide the Branch with a resolution within 90 days of the above received date. Alternatively, LG/FN can delegate staff with the authority to provide comment.

- The applicant will bring their completed application form to LG/FN.
- If there are any major issues (e.g. bylaws), LG/FN may hold off signing the application until the issues are resolved or they have a plan to deal with the issues.
- When LG/FN is comfortable with the application proceeding, LG/FN staff will sign above and return it to the applicant. LG/FN will keep a copy of the signed application form and all supporting documents.
- The applicant will submit the signed application package (with all required documents) to the Branch.
- Branch staff and LG/FN staff will advise each other if there are any concerns with the proposed application.

To provide a resolution or comment:

- Gather public input for the community in the immediate vicinity of the proposed endorsement service area(s).
- Consider these factors which must be taken into account when providing resolution/comment:
 - The location of the establishment.
 - The person capacity and hours of liquor service of the establishment.
- Provide a resolution/comment with comments on:
 - The impact of noise on nearby residents.
 - The impact on the community if the application is approved.
 - If the application is to amend a Food Primary licence, whether the amendment will result in the service area being operated in a matter that is contrary to primary purpose
 - The view of residents and a description of the method used to gather views.
 - The LG/FN recommendations (including whether or not the application be approved) and the reasons on which they are based.
- Provide any reports that are referenced in, or used to determine, the resolution/comment.
- If more than 90 days is required, provide a written request for extension to the Branch.
- If LG/FN opts out, or is the applicant, the Branch will gather public input and contact LG/FN staff for information to assist the Branch in considering the regulatory criteria.

If you have any questions, or the establishment is located on Treaty First Nation land, please call the Branch toll-free at 1-866-209-2111.



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 24, 2017

MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 3, 2017

FROM: Parks & Trails Division
Land Use Services Department

SUBJECT: Shawnigan Pavilion Project Proposal – Elsie Miles Park

FILE:

PURPOSE/INTRODUCTION

The purpose of this report is to seek direction on a proposal from the Rotary Club of South Cowichan (Mill Bay) for construction of an open air multi-use timber frame structure in Elsie Miles Park (Shawnigan Lake).

RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That the proposal received from the Rotary Club of South Cowichan (Mill Bay) dated April 19, 2017, to construct and dedicate to the CVRD an open air multi-use timber structure at Elsie Miles Park (Shawnigan Lake) be approved;
2. That a Federal Gas Tax Program Community Works Funding Agreement in the amount of \$100,000 for the Shawnigan Lake Pavilion construction project be entered into with the South Cowichan Rotary Club Foundation;
3. That up to \$48,000 from the Function 232 (Shawnigan Lake Community Parks) budget for the Shawnigan Lake Pavilion construction project be approved.

BACKGROUND

At the January 25, 2017, Special Board meeting the Elsie Miles Park Concept Plan was approved, which followed two years of community engagement develop priorities and direction for this park which is central to Shawnigan Lake Village. Included in the park concept plan is a multi-purpose outdoor shelter intended to provide year round use for park events, activities and programs. Through the volunteer-established Shawnigan Lake Village Development Committee working group, made up of local residents interested in the future vision for the village area, a sub-group was formed (Shawnigan Pavilion Steering Committee) with specific interest in undertaking development of the multi-purpose outdoor shelter in Elsie Miles Park as a community capacity-building project and opportunity to source local contributions and volunteer participation.

The Shawnigan Pavilion Steering Committee group has been actively meeting since early January on refining an open air multi-use timber frame structure design in keeping with the multi-purpose outdoor shelter envisioned in the adopted Elsie Miles Park Concept Plan. The Committee has also developed a detailed project scope, cost estimate and timeline for the project, with the technical support of MacDonald and Lawrence Timber Framing and Preston Timberworks in preparing detailed structural plans for the proposed pavilion. With this work underway the Committee has concurrently sourced donation commitments, both in terms of materials and labour contributions, for the project.

In order to proceed with the project proposal, the Shawnigan Pavilion Steering Committee group recognized that financial support would be required, as the total project value is estimated in the order of \$215,000. Furthermore, the group was advised that a non-profit society or like entity would also be required in order to receive donations, administer project cash flows and enter into agreements as needed. The Shawnigan Lake 117 ring Committee group approached the Rotary

Club of South Cowichan (Mill Bay), who has agreed to lead the proposed project in this capacity. The attached proposal for the Shawnigan Pavilion Project is therefore through the Rotary Club of South Cowichan (Mill Bay), in taking on the administrative and project coordinating role.

The specific request of the Rotary Club of South Shawnigan to the CVRD for the Shawnigan Lake Pavilion project as outlined in the attached proposal is summarized as follows:

- Approval of the Shawnigan Lake Pavilion project for Elsie Miles Park, inclusive of the pavilion design;
- Approval of a \$100,000 contribution from the Community Works Gas Tax Funding allocation to Shawnigan Lake for revitalization of Elsie Miles Park as a financial contribution to the Shawnigan Lake Pavilion project;
- Approval of a contribution of up to \$46,000 from the 2017 Shawnigan Lake Community Parks budget as a financial contribution to the Shawnigan Lake Pavilion project;
- Endorsement of a Sole Source Contract award by the Rotary Club of South Shawnigan (Mill Bay) to Macdonald and Lawrence Timber Framing in the amount of \$56,000 (excluding taxes) to work on the project in the capacity of Prime Contractor;
- Waiving of all CVRD permit fees applicable to the project as an in-kind contribution; and
- That upon completion of the project the structure would be transferred to the ownership of CVRD to operate and maintain as a public amenity in Elsie Miles Park.

The Rotary Club has advised if the project proposal is approved, that administratively the project will be set-up through the South Cowichan Rotary Club Foundation which is a registered charity.

ANALYSIS

The open air multi-use timber frame structure proposed for Elise Miles Park meets the objectives of the adopted Concept Plan for the park, inclusive of the proposed location to be built, the functionality to provide a covered outdoor space for a variety of uses year round, incorporation of heavy timbers and metal roof to increase the durability and longevity of the structure which has ongoing maintenance/cost benefits. The overall design and appearance of the structure is also well suited for the park and incorporates a theme-style that connects with features in Shawnigan Lake such as the historic Kinsol Trestle and other timbered structures in other CVRD community parks.

The proposed approach to complete construction of the timber frame structure is through a combination of hired contractors, purchased and donated materials and skilled/non-skilled volunteers. This approach raises issues in terms of liability and risk management, in particular through involvement of volunteers with the project. The understanding, based on the proposal received, is that through the retaining of MacDonald and Lawrence Timber Framing as the Prime Contractor under a Sole Source Contract, the timber framing company would be responsible for the engagement and supervision of skilled/unskilled volunteers.

The estimated value of the project, as noted in the submitted proposal attached, is in the order of \$215,206 (excluding taxes), which includes a volunteer effort contribution value of \$39,313 and donations/sponsorship valued at \$34,807. The balance of the project value of \$146,000 makes up the request of Rotary to the CVRD for funding, with \$100,000 in Gas Tax – Community Works Funds and up to \$46,000 from the Shawnigan Lake Community Parks (Function 232) 2017 budget. The timeline for completing the project, if approved, would be to commence in mid/late May and be substantially completed by the end of September. Contrary to many other CVRD

parks, undertaking this project in late spring/summer would actually have a lesser impact on park use, as Elsie Mile Park is less busy in summer (aside from the annual Canada Day Celebration event). The objective for the Canada Day Celebration event with the project would be to highlight the project under construction and use the opportunity for additional fundraising for the project and volunteer recruitment.

Parks & Trails Division staff have been involved with the Shawnigan Pavilion Steering Committee through the development of the project proposal and would continue to be involved with the Steering Committee and Rotary of South Cowichan (Mill Bay) if the project were approved to proceed. Staff time involvement is expected to be the same or more than if the project was to be designed and tendered as a CVRD project. However, it is recognized there is the opportunity for considerable community participation and engagement in the project with the approach proposed by Rotary/Steering Community. The project also provides for sourcing donations, for which it is understood Macdonald and Lawrence Timber Framing and TimberWest have made significant commitments for materials inclusive of milled timbers for major components of the structure.

If the project proposal is favourably considered by the Committee and Board to approve the project proposal, a Federal Gas Tax Program Community Works Funding Agreement between the Regional District and the Rotary Club of South Cowichan (Mill Bay) would be required. A draft agreement is included as an attachment. The Committee/Board also needs to consider approving contribution of up to an additional \$48,000 from the Shawnigan Lake Community Parks budget (Function 232), inclusive an estimated \$2,000 for building permit fees. A review of Building Regulation Bylaw No. 3422 has determined there is no provision for waiving of required permit fees and, therefore, the request of Rotary to waive such fees cannot be granted at this time. Approval of the project would also endorse issuance of a Sole Source Contract by the Rotary Club of South Cowichan (Mill Bay) to Macdonald and Lawrence Timber Framing in the amount of \$56,000 as Prime Contractor for the project. It would be the intention, if the project proposal as detailed were favourably considered, for staff to continue to work closely with Rotary and the Steering Committee to ensure the additional resources, donation contributions and volunteer efforts were substantially secured prior to the project proceeding.

FINANCIAL CONSIDERATIONS

The 2017 Shawnigan Lake Community Parks budget (Function 232) includes \$250,000 in approved Gas Tax Community Works Funds for the Phase I Elsie Miles Park Revitalization, which is inclusive of a new outdoor multi-purpose structure. The Board approved at their March 22, 2017, meeting amending the Five Year Financial Plan to include an additional \$50,000 in Revenues for Function 232 under Contribution from Developers, with these funds to be allocated Capital Funds in the budget for the Elsie Miles Park Revitalization Project.

COMMUNICATION CONSIDERATIONS

The CVRD will need to be involved with coordination of media/public messaging about the project as it relates to funding for the project, activities taking place within Elsie Miles Park and as required with the interests of third-parties involved with the project.

Per the terms of the Federal Gas Tax Program, a final report on the project will need to be completed by Rotary and provided to the CVRD for submission.

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

Electoral Strategic Focus Area #4 – Engaged Communities.

Referred to (upon completion):

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

Prepared by:

Reviewed by:



Brian Farquhar
Manager

Not Applicable
Not Applicable



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

ATTACHMENTS:

- Attachment A – Shawnigan Lake Pavilion Project Proposal – Rotary Club of South Cowichan
- Attachment B – Draft Federal Gas Tax Program Community Works Funding Agreement

BRIEFING NOTE

To: Cowichan Valley Regional District Board

From: Rotary Club of South Cowichan (Mill Bay)

Date: April 19, 2017

Subject: *Shawnigan Pavilion Project and CVRD Contribution Agreement for Gas Tax Funding*

Background & History

In 2014, the Cowichan Valley Regional District (CVRD) purchased Elsie Miles School property from SD79 with the intent of extending its facilities and developing it into a community park. At that time, a volunteer group of engaged citizens from the Shawnigan Lake community formed the Village Development Committee (VDC) to inform the vision for the development of this land. The VDC and CVRD planners have been formalizing the vision and have gained community input and feedback, which has resulted in the proposal for this project.

The VDC developed the plan for the first structure that will go onto the property, the “Shawnigan Pavilion” (Appendix A). The Shawnigan Pavilion is an open air multi-use timber frame structure that will be located on the East side of the park. It was identified that this structure will be eligible for a Federal Gas Tax Grant, and a Steering Committee was formed to guide its development and to secure the funding. The Steering Committee included members of the original VDC, the CVRD and later the Rotary Club was invited to become involved as a partner to provide leadership and support.

Discussion

The Shawnigan Pavilion project will be led by the Rotary Club and will be completed in accordance with the specifications determined by the Shawnigan Pavilion Steering Committee. Upon completion, the Shawnigan Pavilion will become an asset of the CVRD within Elsie Miles Park.

The Shawnigan Pavilion project is dependent on donors, volunteer effort and funding. The Steering Committee has appointed a Volunteer Coordinator who will ensure the organization, recruitment and management of the volunteer effort. Many volunteers have come forward, and some of these are skilled tradesmen who are willing to contribute labour.

There will be three main sources of funding for this project which include Federal Gas Tax program funding, Shawnigan Lake Parks Budget funding and community sponsors and donors. A detailed budget of this project is attached to the proposal in Appendix C. The full finished value of this project is budgeted at \$215,206 (before taxes). Sponsors, donors and volunteers have been secured to help with this community led project which have reduced the actual budget to \$146,000 (before taxes), which includes a 10% contingency.

Funding Sources:

Federal Gas Tax Program - \$100,000

Application is made by the Rotary Club to obtain \$100,000 in Federal Gas Tax Funding for this project (Appendix B). The application requires signing the CVRD Federal Gas Tax Program Community Works Funding Agreement (a.k.a. Contribution Agreement), which has been provided to Rotary in a standard template.

In order to commit to this project, the Rotary Club requires the following understanding regarding the Contribution Agreement template:

Item 3.2 – That both parties agree that the balance of funding for the project will be through up to an additional \$46,000 financial contribution from the CVRD’s Shawnigan Lake Community Parks budget, and the balance of the project will be completed through donations, in-kind contributions and volunteer effort

Item 3.3(b) – See notes re: Purchasing Policy Approval below

Item 4.3 – Phased prepayments will be provided by CVRD to the Rotary, in accordance with construction and cash flow schedule below. These prepayments will provide operating capital for the project, and may be provided through the Shawnigan Parks budget at the outset, if Gas Tax funding is only available on a reimbursement basis.

Item 9.1 – It is understood that volunteers will be working on this project under the supervision of qualified tradespeople.

Value of Sponsors, Donors and Volunteers - \$74,120

Sponsorships and material donations have been valued and budgeted at \$34,807.

Major donors for this project are currently MacDonald and Lawrence, and TimberWest, both of whom are donating significant building materials. The budgeted amount includes an assumption that the CVRD will waive permit fees of approximately \$2000.

Request for Confirmation: That CVRD will waive all permit fees for this project, valued at approximately \$2000.

Labour, provided by volunteer effort, has been valued and budgeted at \$39,313. The Rotary Club is an organization with strong experience and reputation for leading and managing community volunteer projects. The Rotary Club is confident that the volunteer labour requirements will be easily met for this project.

Shawnigan Lake Parks Budget Allocation - \$ 46,000

Application is made by the Rotary Club to obtain up to \$46,000 in Shawnigan Lake Parks Budget funding for this project.

The amount of the shortfall in budget funding, after sponsors, donations and volunteering, is \$45,672 which includes a construction contingency of 10%. There will be a continued effort by the Steering Committee to obtain sponsorship once the project is approved. A sponsorship campaign has been discussed, which will include a communications and a fundraising effort, in order to raise awareness, engage more of the community and to encourage ongoing donations. The proposed fundraising campaign includes a “Buy a Peg” program, which will allow people to buy a timber frame finishing peg, personalize it and hammer it into the structure. It is anticipated that there will be 200 pegs, sold at \$50 per peg, with a fundraising potential of \$10,000. In addition, a donor recognition kiosk has been designed with the project which will ensure that

significant donor/sponsor contributions are recognized in accordance with the sponsorship thresholds determined by the project team.

Request for Confirmation: That CVRD provide funding of \$46,000 for the Shawnigan Pavilion Project through the 2017 Shawnigan Lake Parks budget.

Note: Once the project is approved as proposed, scope changes will not be considered. If, for any reason, CVRD changes the scope or requirements of the project after approval, any cost or labour implications of CVRD change requests will be the sole responsibility of the CVRD. The Rotary Club does not have supplemental funding available to manage scope changes.

Purchasing Policy Approval:

Steve Lawrence, of Macdonald and Lawrence, has been a member of the original Village Development committee and has provided a significant amount of volunteer time and effort on this project. Macdonald and Lawrence are also donating a large portion of the timber materials for this project, and are qualified and professional construction experts. The decision to go forward on this project is contingent on Macdonald and Lawrence taking the role of Prime Contractor; there will be a formal contract between Rotary Club and Macdonald and Lawrence to provide the deliverables within the approved budget.

Request for Confirmation: That CVRD will approve that Macdonald and Lawrence be direct awarded the sole source contract for the purpose of providing the services of Prime Contractor on this project, for the value of \$56,000.

Cash Management and Advance Funding Schedule

The Rotary Foundation will open a dedicated bank account for the purpose of managing funds for this project. All funding and donations received will be deposited into the dedicated bank account and managed in accordance with the requirements in Item 3.5 of the Contribution Agreement. Donors will be provided with a tax receipt for contributions to the project, on request, and in accordance with *Revenue Canada guidelines*.

In accordance with the request to amend Item 4.3, it is requested that funds coming from CVRD for this project be provided to the Rotary Club in advance deposits, and in accordance with the construction schedule and project cash flow in Appendix C.

In summary, the request for advance payments for project funding are as follows:

May 15	\$25,000 (or as early as possible on board approval)
June 1	\$32,000
July 1	\$43,000
August 1	\$22,000
<u>September 1</u>	<u>\$24,000</u>
Total:	\$146,000

Appendix A – Concept and Design

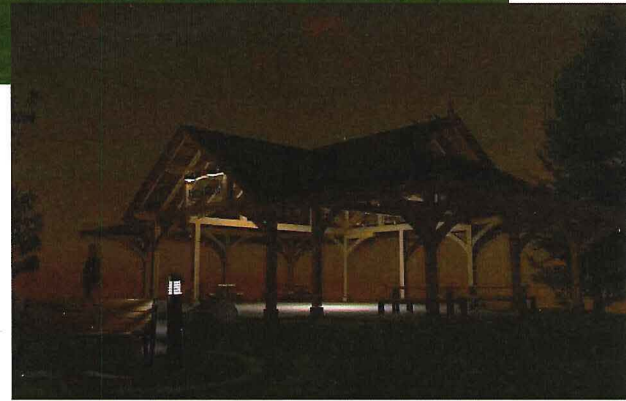
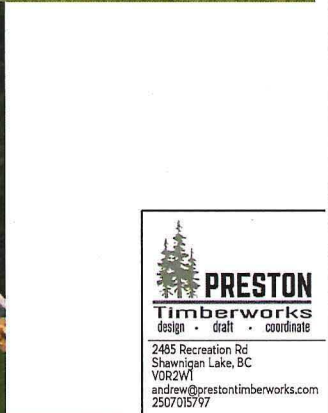
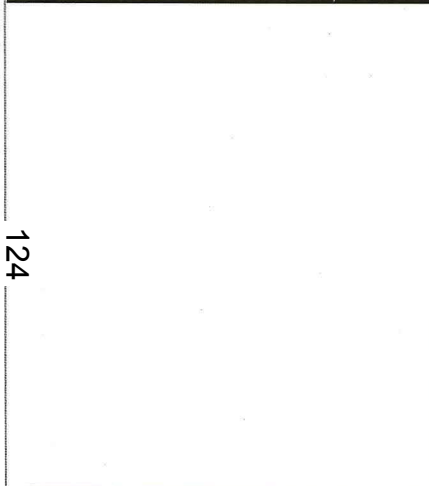
Appendix B – Proposal for Gas Tax Funding

Appendix C – Project Budget & Cash Flow

Appendix D - Project Timeline & Schedule



APPENDIX A - 8 pages



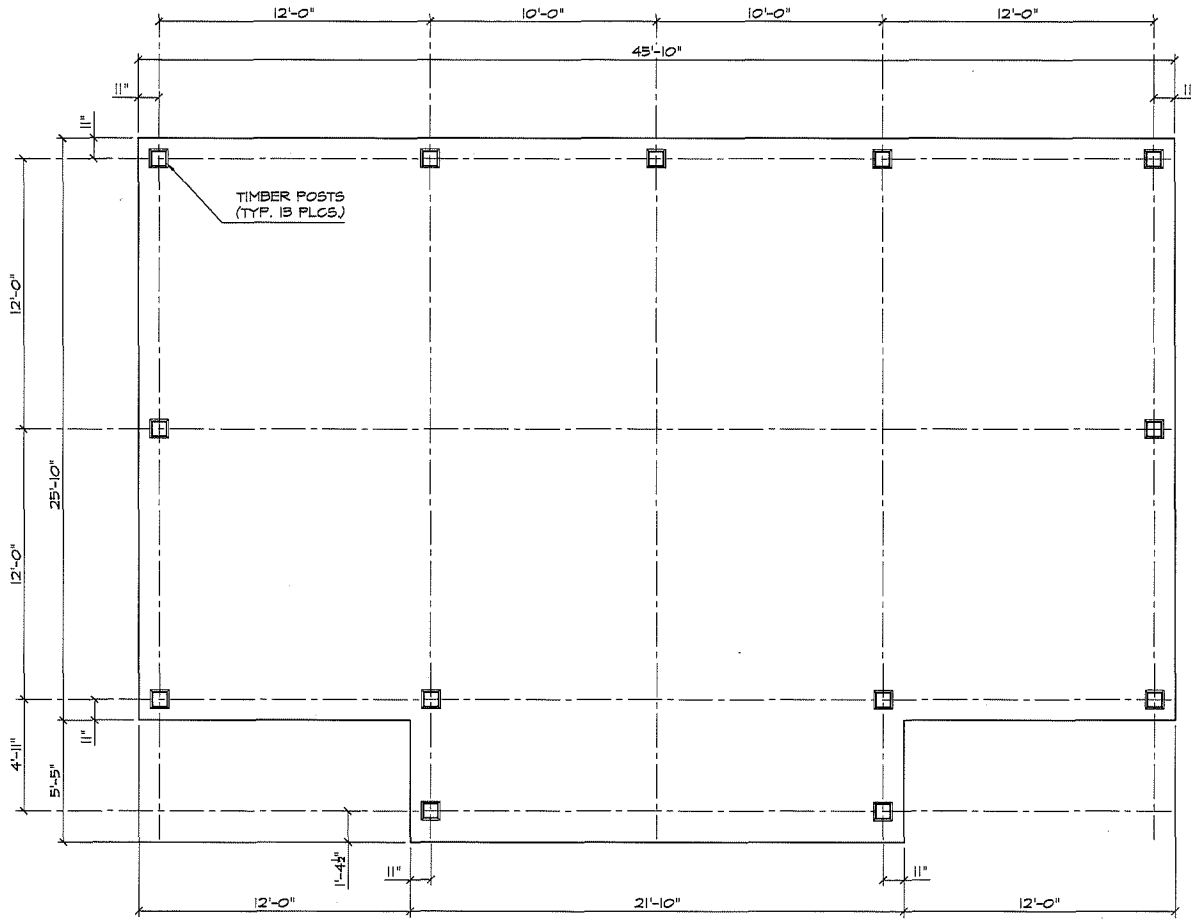
PRESTON
Timberworks
 design • draft • coordinate

2485 Recreation Rd
 Shawnigan Lake, BC
 V0R2W1
 andrew@prestontimberworks.com
 2507015797

PROJECT:
Elsie Miles Pavilion
 Shawnigan Lake,

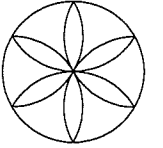
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 REVISIONS: _____

SCALE: _____
 SHEET TITLE
Concept
 SHEET NUMBER: **SK00**



POST & SLAB PLAN
 SCALE : 3/16" = 1'-0"

M&L



1451 Trowsse Rd.
 PO Box 10
 Cobble Hill B.C.
 VOR 1L0 Canada

REVISION NOTES
 INITIAL REVIEW
 20 MAR 2011

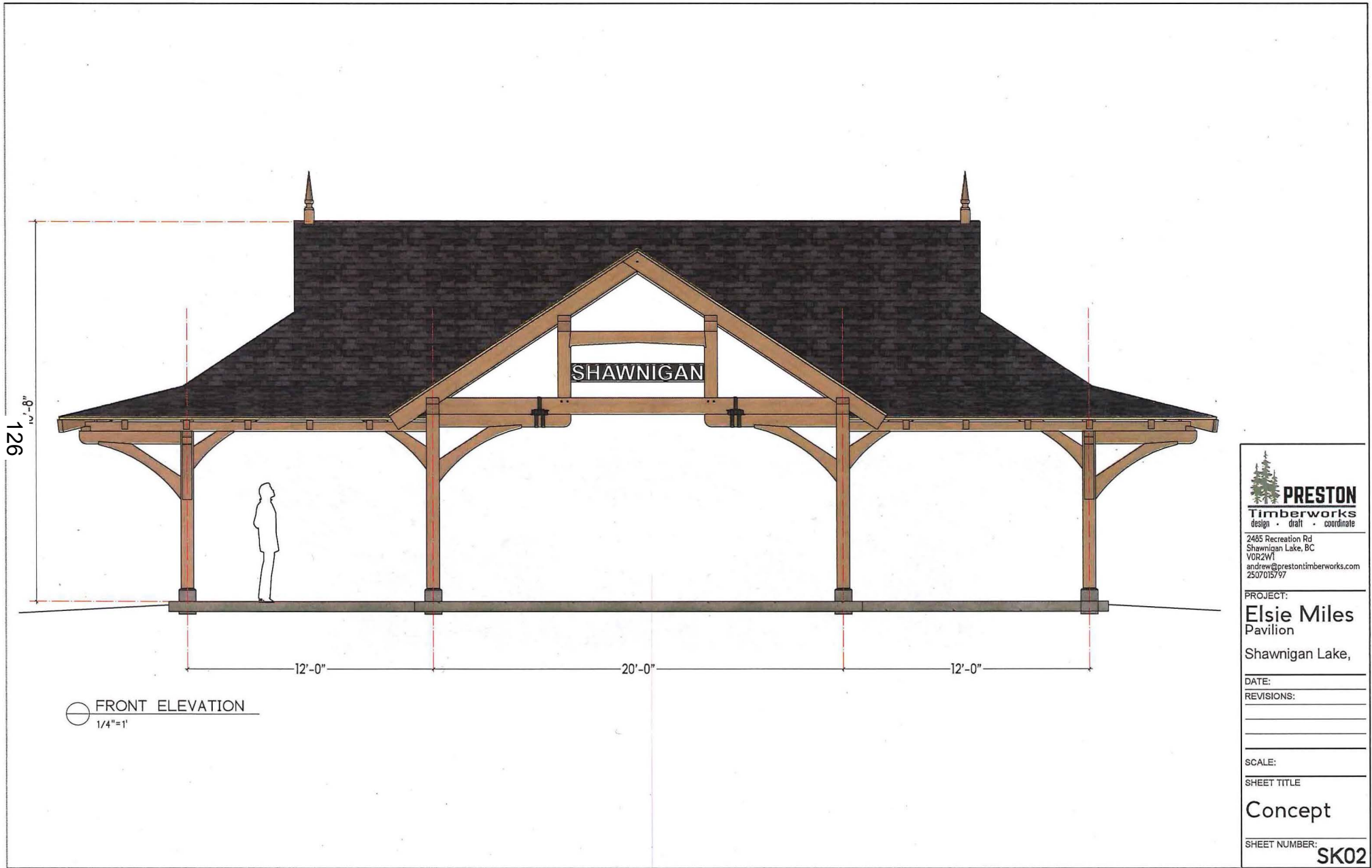
DESIGN BY: AP DRAWN BY: NP

ELSIE MILES
 PAVILION
 SHAWNIGAN LAKE BC

POST & SLAB
 PLAN

SCALE : 3/16" = 1'-0"

A1.1



PRESTON
 Timberworks
 design • draft • coordinate
 2485 Recreation Rd
 Shawnigan Lake, BC
 V0R2W1
 andrew@prestontimberworks.com
 2507015797

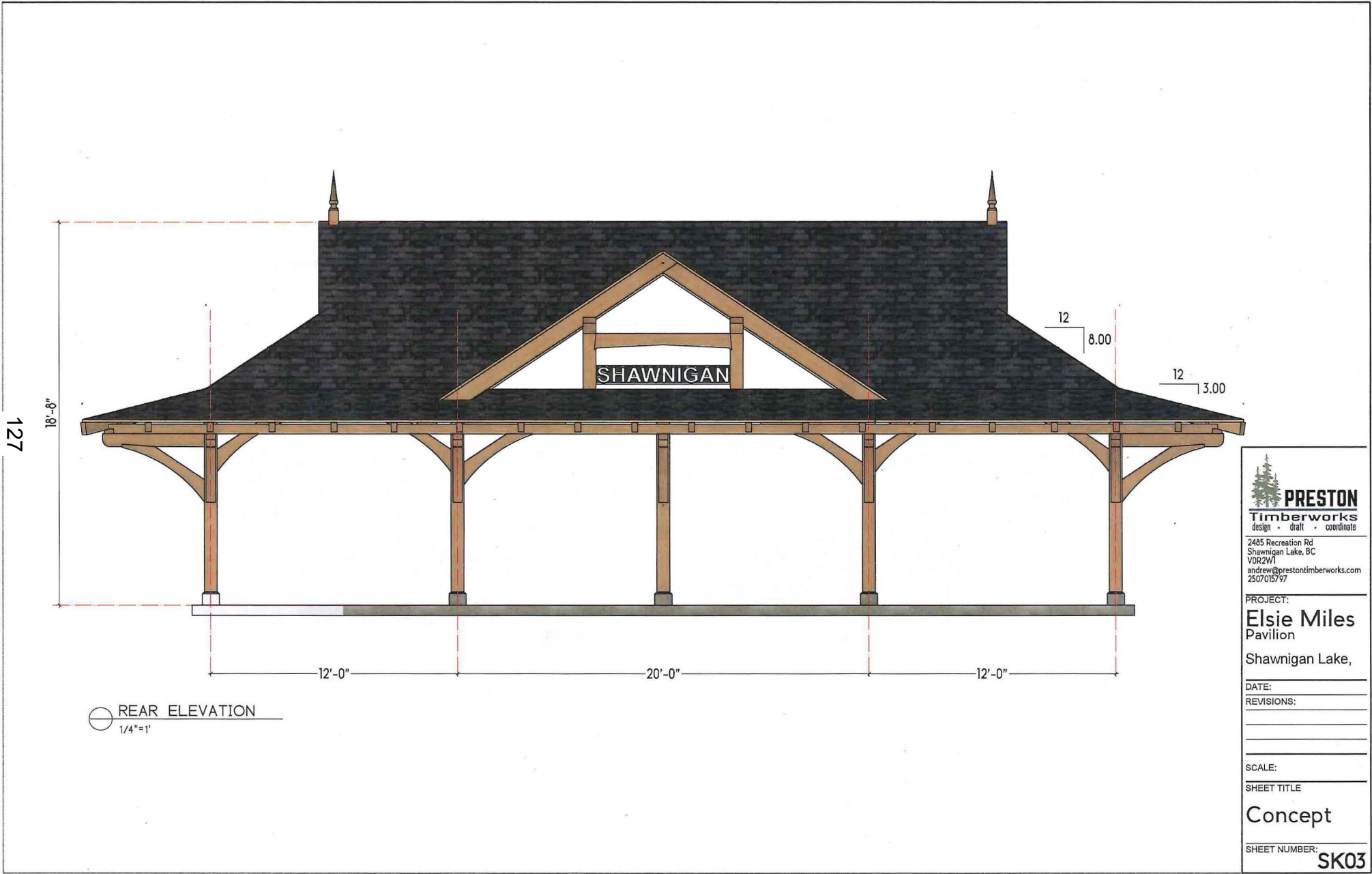
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 Shawnigan Lake,

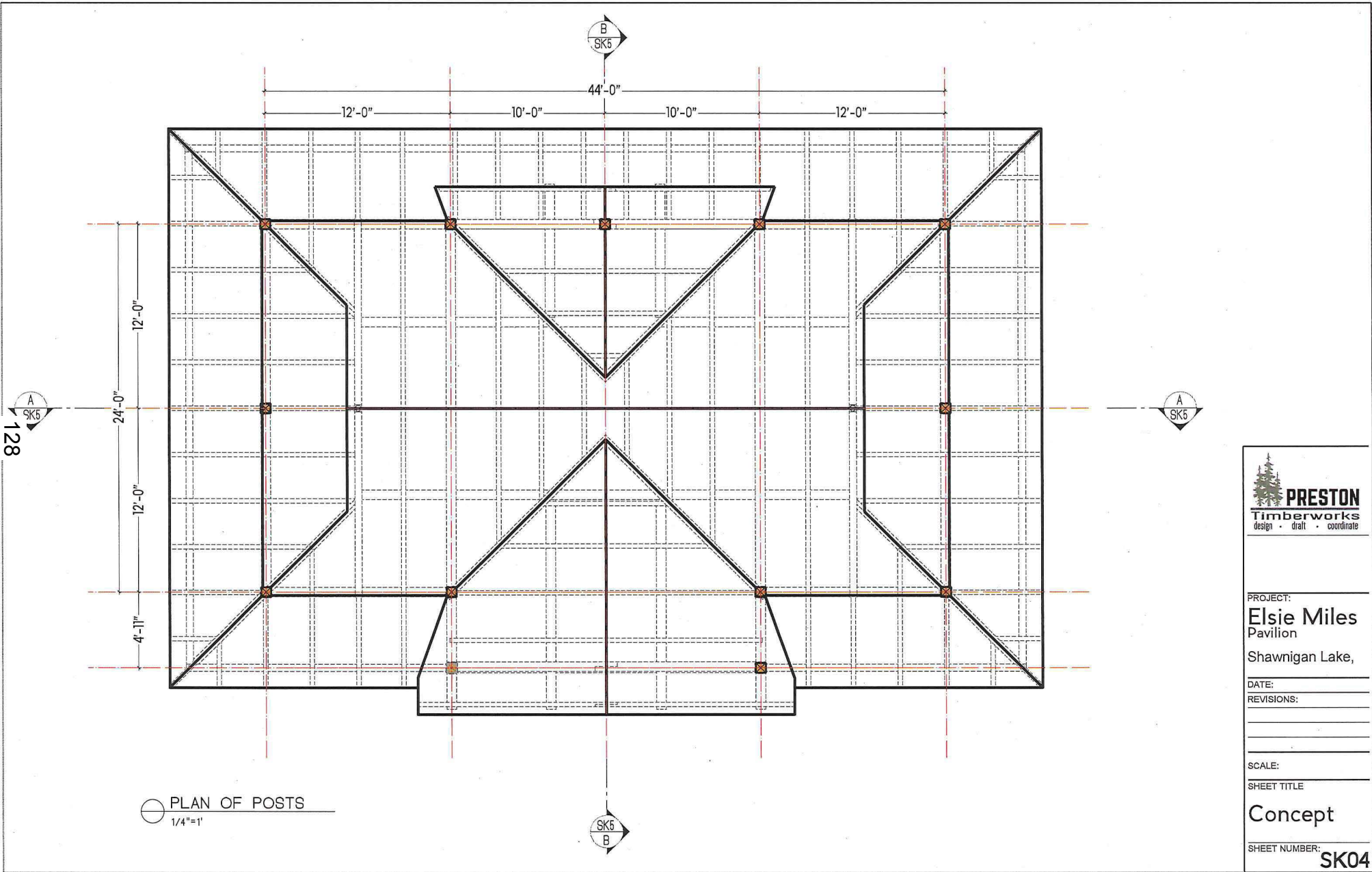
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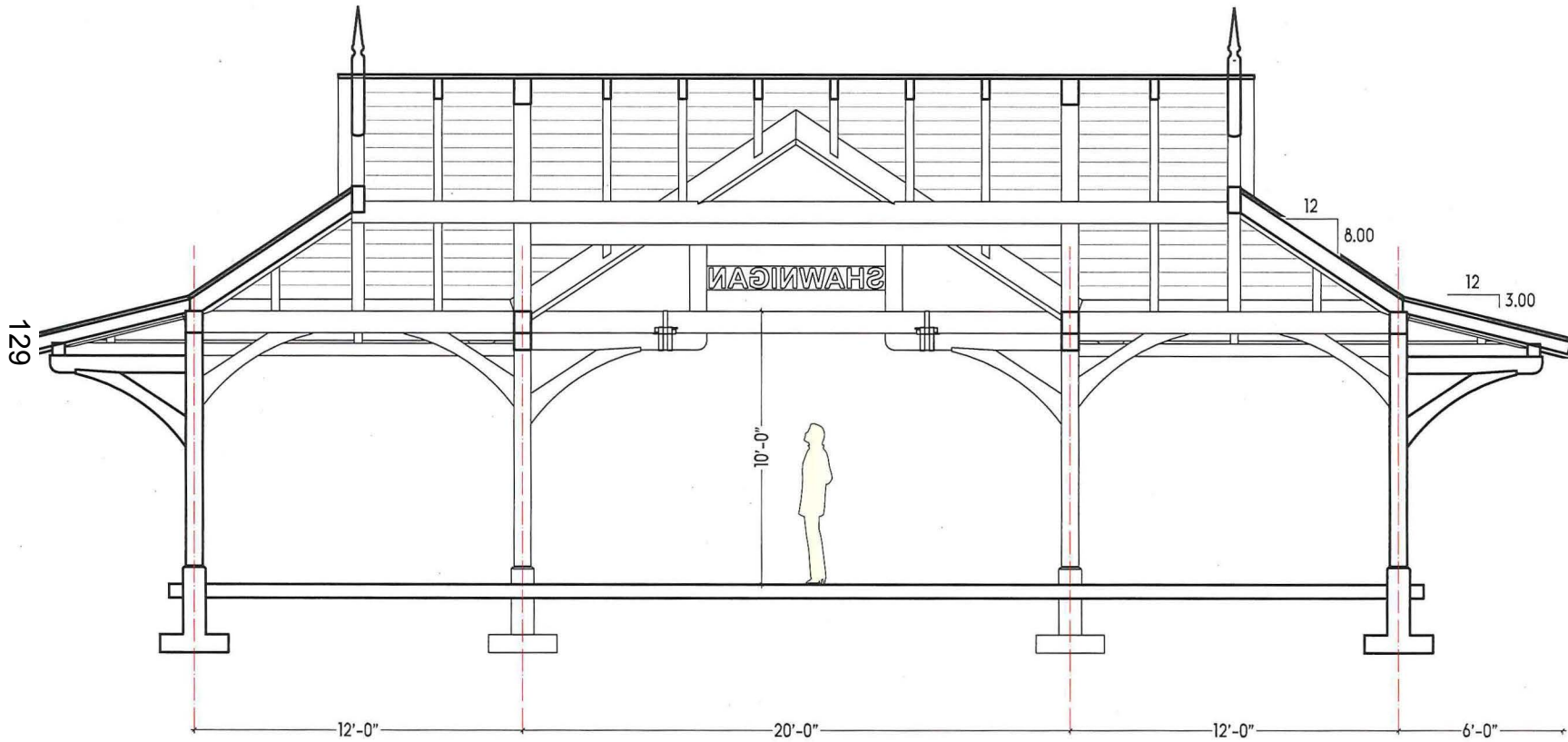
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Concept

SHEET NUMBER: **SK02**



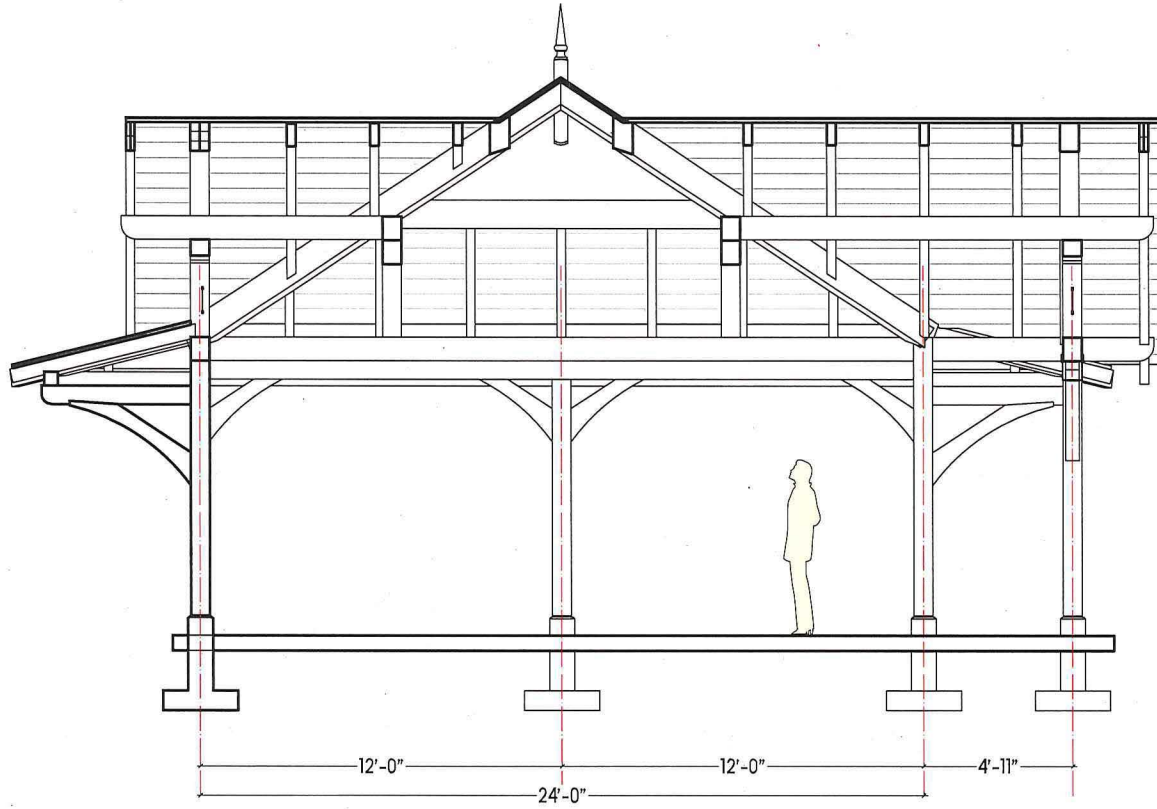




SECTION A-A
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DATE:	
REVISIONS:	
SCALE:	
SHEET TITLE	Concept
SHEET NUMBER:	SK05

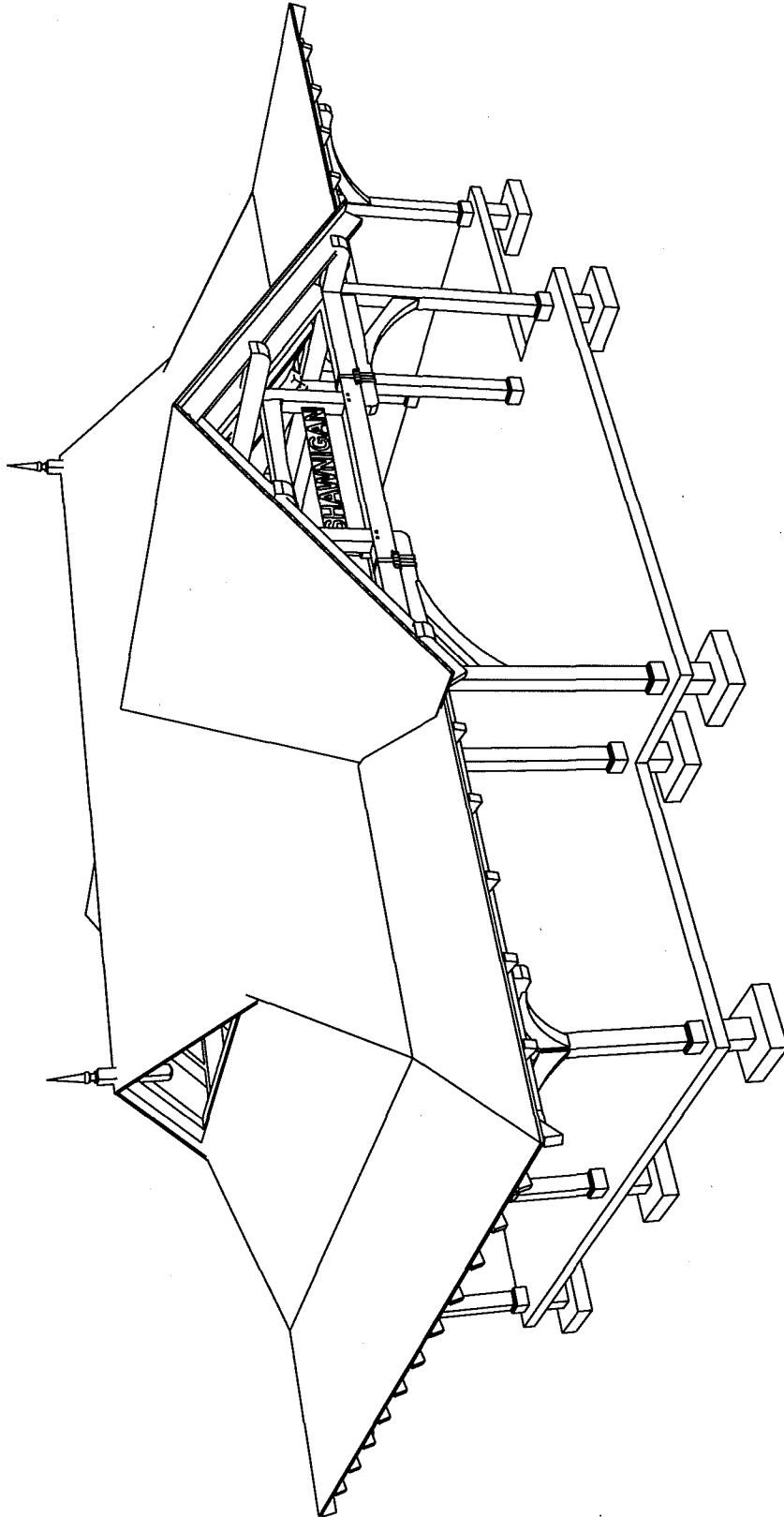
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SECTION B-B
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PROJECT:
Elsie Miles Pavilion
Shawnigan Lake,
DATE:
REVISIONS:
SCALE:
SHEET TITLE
Concept
SHEET NUMBER:
SK03

PROJECT:
Elsie Miles Pavilion
Shawnigan Lake,
DATE:
REVISIONS:
SCALE:
SHEET TITLE
Concept
SHEET NUMBER: SK01



APPENDIX B

PROPOSAL FOR COMMUNITY WORKS GAS TAX FUNDING

Project Title: **Shawnigan Pavilion Project**

Application Date: April 19, 2017

To: Cowichan Valley Regional District Board

From: Rotary Club of South Cowichan (Mill Bay)
PO Box 241, Cobble Hill, BC V0R 1L0

CVRD Supporting Director: Sonia Furstenuau, Area B

Rotary Club Board Authorized Shawnigan Pavilion Project Committee:

Name	Title	Email	Telephone
Sarah Malerby	Vice President	sarahmalerby@shaw.ca	250-882-5503
Andrew Higginson	President Elect	andrew@higginsonconsulting.ca	250-815-5115
Will Duggan	Member Advisor	will@creativewoodcraft.ca	250-701-1167

Project Objectives:

To provide an outdoor community gathering place and shelter within the new CVRD Elsie Miles park, in accordance with the design presented in Appendix A.

Project Timeline:

May to September 2017, in accordance with project timeline in Appendix D

Project Budget:

In accordance with project budget in Appendix C. Includes significant community sponsor, donor and volunteer contribution. Detailed project budget information and contribution agreement information on attached briefing note.

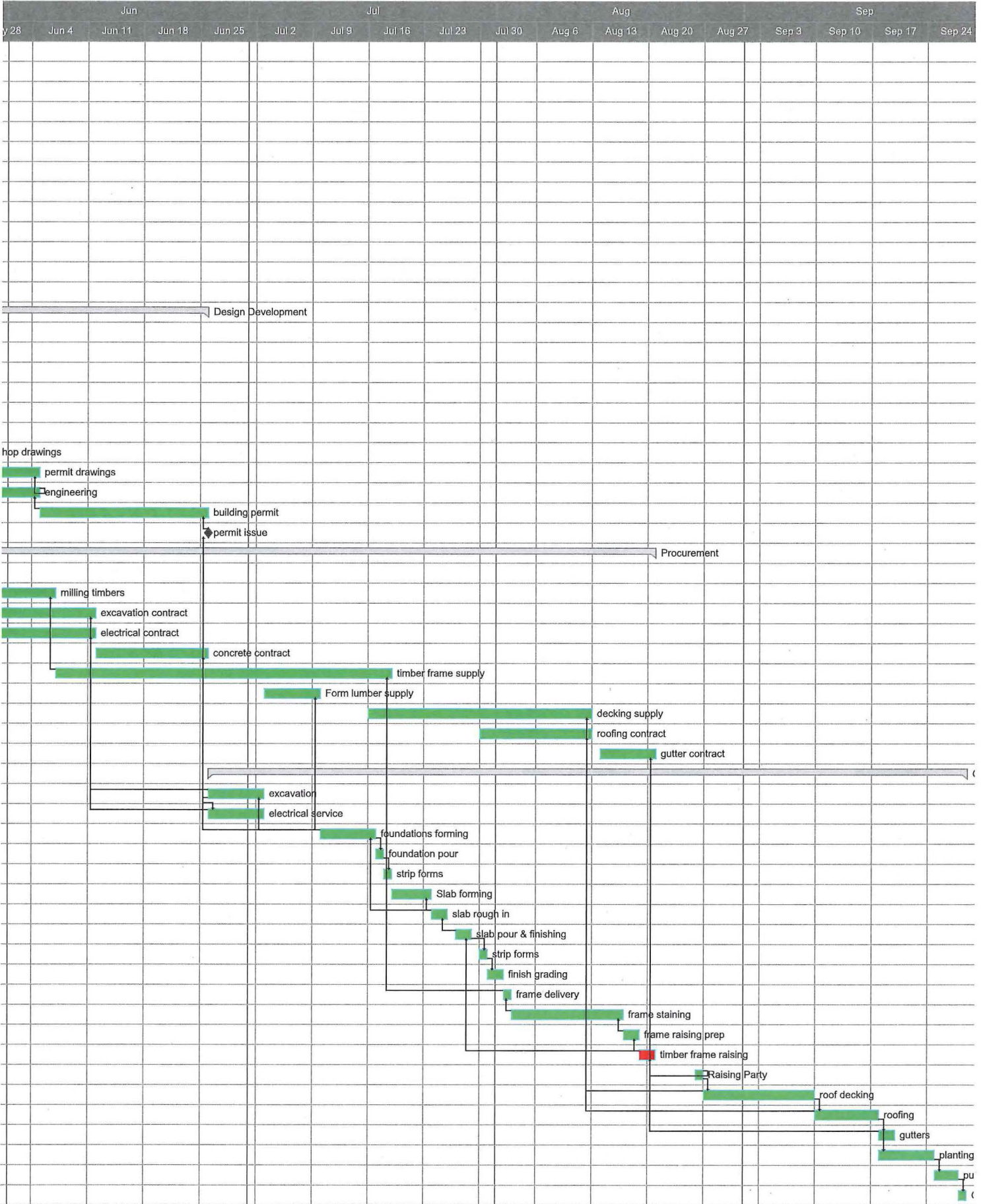
Project Impacts and Outcomes:

The Shawnigan Pavilion will provide significant environmental, economic and cultural benefits for the community of Shawnigan Lake. The pavilion has been designed to ensure that the space will support multi-use applications and will have a desirable ambience to attract consistent use. The pavilion will become a place for community members to gather for cultural or celebratory purposes, whether that be a music performance, an arts display, a market, meetings or special occasion celebrations. The pavilion is the first outdoor shelter in the Shawnigan Lake village, which will reduce carbon emissions by prevent community members who might have driven in their cars to use an outdoor shelter in another community. In addition, the pavilion will reduce the need for heating and lighting that would be required in an indoor gathering facility. It is expected that the Pavilion will encourage economic activity by providing a space that could host markets, performances or shows, that may attract more people to stay local, and also bring additional tourism to the Shawnigan Village.

APPENDIX C - SCHEDULE OF CASH FLOW

Advance Deposit Amounts	\$146,000		\$25,000	\$32,000	\$41,000	\$24,000	\$24,000	
Percentage of Total Project Expenditure			17%	22%	28%	16%	16%	100%
For planning purposes, this has been rounded up to \$146,000								

Task Name	Start	Finish	Duration	Apr							May			
				Apr 2	Apr 9	Apr 16	Apr 23	Apr 30	May 7	May 14	May 21	Ma		
Budget development	01/02/17	04/17/17	106d	Budget development										
1st draft budget	01/02/17	01/08/17	1w											
2nd draft budget	02/06/17	04/09/17	9w											
final budget	04/05/17	04/17/17	13d											
Funding development	01/09/17	05/15/17	127d	Funding development										
seek funding partners	01/09/17	04/09/17	13w											
Rotary board meeting	04/18/17	04/18/17	0											
Project proposal to CVRD	04/19/17	04/19/17	0											
CVRD staff report	04/19/17	04/19/17	1d											
Electoral area services meeting	05/03/17	05/03/17	1d											
CVRD board approval	05/12/17	05/12/17	1d											
Contribution agreement	05/15/17	05/15/17	1d											
Project Authorization	05/15/17	05/15/17	0											
Design Development	12/12/16	06/26/17	196d	Design Development										
concept design	12/12/16	12/18/16	1w											
rough stake building footprint	01/20/17	01/20/17	1d											
Geotech test pits	01/20/17	01/20/17	1d											
design review	03/30/17	04/12/17	2w											
survey	03/12/17	03/18/17	1w											
design revisions	04/13/17	04/17/17	5d											
shop drawings	05/16/17	05/29/17	2w											
permit drawings	05/26/17	06/04/17	10d											
engineering	05/22/17	06/04/17	2w											
building permit	06/05/17	06/25/17	3w											
permit issue	06/26/17	06/26/17	0											
Procurement	04/26/17	08/20/17	117d	Procurement										
Log supply	04/26/17	05/16/17	3w											
milling timbers	05/17/17	06/06/17	3w											
excavation contract	05/29/17	06/11/17	2w											
electrical contract	05/29/17	06/11/17	2w											
concrete contract	06/12/17	06/25/17	2w											
timber frame supply	06/07/17	07/18/17	6w											
Form lumber supply	07/03/17	07/09/17	1w											
decking supply	07/16/17	08/12/17	4w											
roofing contract	07/30/17	08/12/17	2w											
gutter contract	08/14/17	08/20/17	1w											
Construction	06/26/17	09/28/17	95d	Construction										
excavation	06/26/17	07/02/17	1w											
electrical service	06/26/17	07/02/17	1w											
foundations forming	07/10/17	07/16/17	1w											
foundation pour	07/17/17	07/17/17	1d											
strip forms	07/18/17	07/18/17	1d											
Slab forming	07/19/17	07/23/17	5d											
slab rough in	07/24/17	07/25/17	2d											
slab pour & finishing	07/27/17	07/28/17	2d											
strip forms	07/30/17	07/30/17	1d											
finish grading	07/31/17	08/01/17	2d											
frame delivery	08/02/17	08/02/17	1d											
frame staining	08/03/17	08/16/17	2w											
frame raising prep	08/17/17	08/18/17	2d											
timber frame raising	08/19/17	08/20/17	2d											
Raising Party	08/26/17	08/26/17	1d											
roof decking	08/27/17	09/09/17	2w											
roofing	09/10/17	09/17/17	8d											
gutters	09/18/17	09/19/17	2d											
planting	09/18/17	09/24/17	1w											
punch list	09/25/17	09/27/17	3d											
Grand opening	09/28/17	09/28/17	1d											





**Federal Gas Tax Program
Community Works Funding Agreement**

THIS AGREEMENT dated *(date to be inserted)*, 2017

BETWEEN:

COWICHAN VALLEY REGIONAL DISTRICT, a Regional District pursuant to the *Local Government Act*, and incorporated pursuant to the laws of the Province of British Columbia with a place of business at 175 Ingram Street, Duncan BC, V9L 1N8

(Hereafter referred to as “the CVRD”)

OF THE FIRST PART

AND:

SOUTH COWICHAN ROTARY CLUB FOUNDATION, *date of Society incorporation and legal address to be added*

(Hereafter referred to as “the Proponent”)

OF THE SECOND PART

WHEREAS:

- A. The CVRD has entered into an Agreement with the Union of British Columbia Municipalities (the “UBCM”) for the transfer of Federal Gas Tax Fund (GTF) in British Columbia revenues through the Community Works Fund program;
- B. The purpose of the program is to help communities build and revitalize their public infrastructure that supports national objectives of productivity and economic growth, a clean environment and strong cities and communities; and
- C. The CVRD wishes to contribute funds to the **Elsie Miles Park Shawnigan Pavilion Project** (“the Project”) through the Community Works Fund.

NOW THEREFORE the parties enter into the following agreement:

1. TERM

This Agreement shall commence on *(date to be inserted)* 2017 and expire 90 days following the completion of the project.

2. RESPONSIBILITIES

The Proponent shall employ, discharge, supervise, and pay all volunteers, employees or contractors considered by the Proponent to be necessary for the efficient completion of the Project, and in so doing, shall abide by all employment laws currently in force in the Province of British Columbia.

3. FUNDING CONDITIONS

3.1 The Proponent agrees to receive Community Works funding from the CVRD in a manner consistent with the terms of this Agreement and to expend these funds solely for the purposes of the Project as identified in Schedule A and in accordance with the Project financial plan. Should the Project not proceed as presented and the contribution be used for a purpose other than a purpose permitted under this Agreement, it shall immediately repay the total amount of the Contribution on demand to the CVRD.

3.2 That both parties agree the balance of funding for the project will be through an up to additional \$46,000 financial contribution from the CVRD's Shawnigan Lake Community Parks budget, and the balance of the project will be completed through donations, in-kind contributions and volunteer effort.

3.3 As a condition of receiving funding from the CVRD, the Proponent will satisfy the following:

- a) Submission of a detailed application that includes the objectives of the Project; project impacts and outcomes; project timeline and financial plan; and source of additional funds.
- b) Adherence to the CVRD purchasing policy (see attached).
- b) A list of the Proponent's Executive and Board members, where such list is to be kept current and submitted to the CVRD when any change occurs;

3.4 As a condition of receiving funding from the CVRD, the Proponent agrees to the:

- a) Submission of an annual progress reports each year until the Project is completed, which shall include: the Project outcomes that were achieved in that year; the percent that the Project is complete; a project timeline for completion; and a comparison of budgeted vs. actual costs.
- b) Submission of a final project report upon completion of the Project that includes: details about how the Project outcomes were achieved; the degree to which the Project has contributed to the objectives of cleaner air, cleaner water and reduced GHG emissions; and copies of all invoices that account for how Community Works Funds were spent on the Project.

- 3.5 The Proponent will maintain all administrative, corporate, and accounting records related to receipt and expenditure of the Project grant in accordance with generally accepted accounting principles, and retain these records for ten years following completion of the Project;
- 3.6 The Proponent agrees to the Local Government's Funding Agreement and the provisions included in this Protocol, particularly that:
- i. All communications referring to projects funded under this Agreement will clearly recognize Canada's investments; and
- 3.7 Where applicable, the Proponent shall apply for a CVRD building permit. The building permit process allows new buildings and renovations and additions to existing buildings to be reviewed to ensure compliance with the British Columbia Building Code and Regional District Building Bylaw.
- 3.8 The Proponent acknowledges that CVRD reserves the right to retain and/or distribute all greenhouse gas reduction benefits that are associated with the project. This will require that the Proponent provides historical and ongoing annual energy consumption data to the CVRD at the end of each calendar year.

4. PAYMENT

- 4.1 The CVRD will provide a grant in the amount of **\$100,000** to the Proponent.
- 4.2 The Project must commence within 60 days of the signing of this agreement and be completed within one year. If the Proponent does not adhere to this timeline all unspent funds must be returned to the CVRD.
- 4.3 The CVRD shall pay the grant to the Proponent on an advance progress payment schedule as follows;

May 15, 2017 \$25,000

June 1, 2017 \$32,000

July 1, 2017 \$43,000

Note: Both parties agree that if the project commences at a date later than the first advance progress payment date, than this date and subsequent progress payment dates will be amended in accordance with the actual start date and payment schedule.

5. COMPLIANCE WITH REGULATIONS

The Proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.

6. ACCESS

- 6.1 The CVRD shall have full and free access for inspection purposes during normal business hours to any and every part of the Project in order to confirm that the asset has been

installed. The CVRD will provide a minimum of 48 hours' notice prior to accessing the Project site.

- 6.2 A representative of the CVRD may, upon notice to the Proponent, inspect the books of account and records during normal business hours to review, copy or audit the same and such representative shall be provided with access to all accounts and records related to this Agreement.
- 6.3 Whenever the Government of Canada ("Canada") requires the UBCM to provide Canada an audit of the Project, the Proponent must permit such audit and fully cooperate with any auditor retained by the UBCM for such purpose.
- 6.4 As Canada may, at any time during the period for which records must be kept pursuant to Section 3.6 of this Agreement, conduct a performance audit (value of money) with the UBCM which may include a Project, the Proponent will permit and cooperate in such audit; making all records available to such person as Canada may retain to conduct such audit.

7. OWNERSHIP

- 7.1 The Proponent agrees that any and all Tangible Capital Assets resulting from the project will be, upon acceptance by the CVRD of the constructed, rehabilitated or improved asset, the sole ownership and responsibility of the CVRD.

8. INSURANCE AND INDEMNITY

The Proponent shall indemnify and save harmless the CVRD from and against all claims, demands, losses, costs, damages, actions, suits or proceedings by whomever made, brought or prosecuted and in any manner based upon, arising out of, related to, occasioned by or attributed to any breach of any provision of this Agreement to be performed by the Proponent and the officials, servants, employees, members, agents, and contractors of the Proponent.

9. WORKMANSHIP

- 9.1 The Proponent agrees to use qualified tradespeople and/or volunteers under the direct supervision and responsibility of qualified tradespeople for the purpose of undertaking the completion of all aspects of this project.
- 9.2 The Proponent will comply with all Federal and Provincial Government Acts and Regulations that apply to the hiring of employees and subcontractors required to carry out the Project. This includes, but is not limited to, the *Workers' Compensation Act*.

10. PARTNERSHIP

Nothing in this agreement shall be interpreted as creating an agency, partnership or joint venture between the CVRD and the Proponent.

11. DEFAULT AND TERMINATION

- 11.1 If the Proponent fails to observe or comply with any of the terms or conditions set out in this Agreement, including the established spending criteria, the CVRD, upon the

recommendation of the CVRD Board, may, at its discretion exercisable by written notice to the Proponent, reduce, suspend or terminate any further payment.

11.2 On receipt by the Proponent of the default notice under Section 11.1, the Proponent must not further expend or thereafter commit to expend any funds then held by it, pursuant to this Agreement; and must within 30 days of receipt of such notice, remedy the default, or demonstrate to the satisfaction of the CVRD that it has taken sufficient actions as necessary to commence curing the default or must proceed to dispute resolution.

11.3 In case any default, breach or non-observance made or suffered by the Proponent in respect of any of the conditions contained in this agreement which the Proponent ought to be observed or performed, and provided reasonable steps have not been taken to cure any such default, breach or non-observance within 30 days from the date of notice in writing thereof from the CVRD to the Proponent, the CVRD may terminate this Agreement without further notice and require full repayment of all grant monies that have been paid to the Proponent.

12. DIFFERENCES

All matters of difference arising between the CVRD and the Proponent in any matter connected with or arising out of this Agreement whether as to interpretation or otherwise, shall be determined by the CVRD but without prejudice to the Proponent to any recourse available under law.

13. NOTICES

Any notice or other writing required or permitted to any of the parties shall be sufficiently given if delivered personally, or by courier to the addresses or specified on the first page of this Agreement. Such addresses and facsimile numbers may be changed from time to time by either party giving notice as above provided.

14. ASSIGNMENT

This Agreement shall not be assigned by either party without the prior written approval of the other.

15. ENTIRE AGREEMENT

This Agreement shall be deemed to constitute the entire Agreement between the CVRD and the Proponent hereto with respect to the subject matter hereof and shall supersede all previous negotiations, representations, and documents in relation hereto made by any party to this Agreement.

16. SEVERANCE

If any portion of this Agreement is held to be illegal or invalid by a court of competent jurisdiction, the illegal or invalid portion must be severed and the decision that it is illegal or invalid does not affect the validity of the remainder of this Agreement.

17. ADVICE

The Cowichan Valley Regional District advises all Proponents to seek legal counsel prior to signing this agreement.

Executed this ___ day of _____, 2017

Proponent

By: _____

By: _____

Signed by the Proponent in the presence of:

Witness Name

Witness Address

Cowichan Valley Regional District

By: _____

Chair Jon Lefebure

By: _____

Joe Barry, Corporate Secretary

DRAFT



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 25, 2017
MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 3, 2017
FROM: Development Services Division
 Land Use Services Department
SUBJECT: Request to Close a Portion of Watson Road
FILE:

PURPOSE/INTRODUCTION

The purpose of this report is to consider a request by the organizer of the Cobble Hill Homesteading Fair to close a portion of Watson Road on June 3 and 4, 2017.

RECOMMENDED RESOLUTION

That it be recommended to the Board that the request to close the portion of Watson Road between Heigh Street and Fisher Road on June 3 and 4, 2017 be supported.

BACKGROUND

A “Homesteading Fair” is to take place at Cobble Hill on June 3 and 4. The event will utilize the Farmer’s Institute Hall and other agricultural buildings on the east side of Watson Road. The organizers would like to close the portion of Watson Road between Heigh Street and Fisher Road to vehicle traffic in order to improve pedestrian safety and to allow use of the road for onsite vendors.

Because the Watson Road is the jurisdiction of the Ministry of Transportation and Infrastructure, it is the Ministry that would grant the approval to close the road for the event. However, as the application for the road closure requires confirmation of “municipal approval”, the CVRD has been asked to support the application. As staff are not authorized to grant such approval, a Board resolution supporting the request is required before staff can confirm CVRD approval on the application form.

ANALYSIS

The South Cowichan Community Plan and the Cobble Hill Village Plan support venues and opportunities for community oriented events. The proposed event is well-aligned with Cobble Hill’s rural character and heritage. As there are no private homes or businesses on the segment of Watson Road to be closed, the inconvenience to the public resulting from the temporary closure is expected to be minimal.

Options:

1. That the request to close the portion of Watson Road between Heigh Street and Fisher Road on June 3 and 4, 2017 be supported.
2. That the request to close the portion of Watson Road between Heigh Street and Fisher Road on June 3 and 4, 2017 be denied.

FINANCIAL CONSIDERATIONS

N/A

COMMUNICATION CONSIDERATIONS

N/A

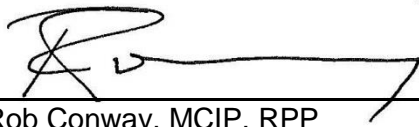
STRATEGIC/BUSINESS PLAN CONSIDERATIONS

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

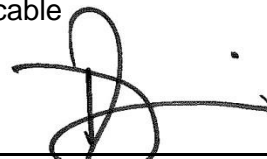
Prepared by:



Rob Conway, MCIP, RPP
Manager

Reviewed by:

Not Applicable
Not Applicable



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

ATTACHMENTS:

Attachment A – Request Summary

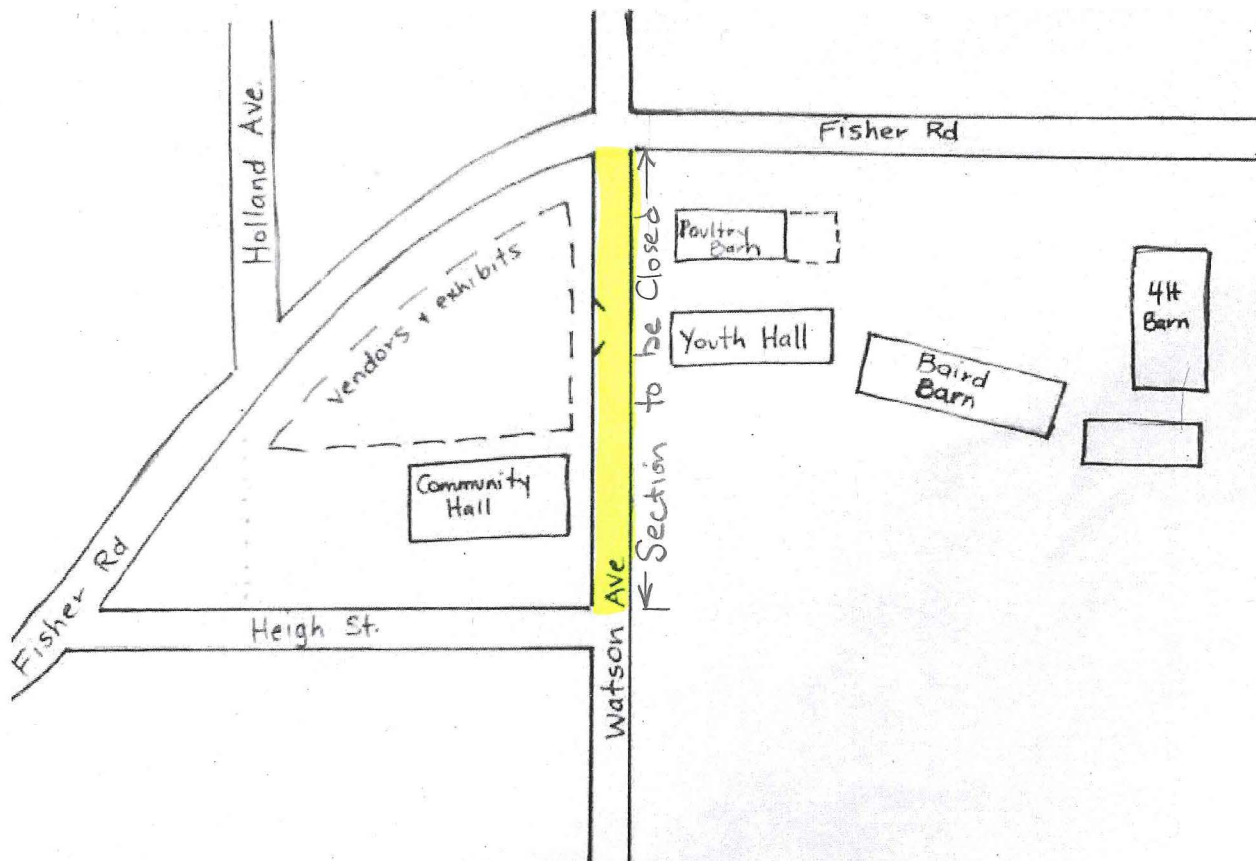
Homesteading Fair Road Closure Request

Date: June 3rd & 4th, 2017

Closure Request: Watson Ave, between Height St & Fisher

Method of Closure: Barricades

Notes: This small portion of road way will be closed and designated for vendors during the Homesteading Fair. This section of the road is easily detoured, and closure will limit access for anyone. The Homesteading Fair hopes to have a crowd of between 500 – 800 people for the fair, and besides vendor space, the road closure will increase the safety of the event as participants wander between the venues, including the Community Hall, Youth Hall & 4H Barn.



Event Coordinator: Carolyn Morris
Contact: islandhomesteading@gmail.com



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 4, 2017

MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 3, 2017

FROM: Water Management Division
Engineering Services Department

SUBJECT: Requisition Limit Increase – Electoral Area I – Youbou/Meade Creek
Critical Location Streetlighting Service Establishment Bylaw 2144

FILE: 0540-20-EAS/05

PURPOSE/INTRODUCTION

The purpose of this report is to recommend an increase to the maximum annual requisition limit for the Electoral Area I – Youbou/Meade Creek Critical Location Streetlighting Service Area.

RECOMMENDED RESOLUTION

That it be recommended to the Board;

1. That a bylaw be prepared to amend “CVRD Bylaw No. 2144 – Electoral Area I – Youbou/Meade Creek Critical Location Streetlighting Service Bylaw”, to increase the maximum annual requisition limit from \$1,245 to \$1,555.
2. That the Critical Street Lighting Area I amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

BACKGROUND

The Youbou/Meade Creek Critical Location Streetlighting Service Area was established in 2000 and has four streetlights. The requisition limit was last increased in 2012.

ANALYSIS

The current requisition limit is \$1,245 with the hydro costs in 2016 of \$1,129, leaving only \$68 as surplus in this budget.

FINANCIAL CONSIDERATIONS

The annual cost of providing this service is recovered by requisition of money to be collected by a property value tax on land and improvements. The maximum to be requisitioned annually for this service will increase from \$1,245 to \$1,555. This falls within the exemption from obtaining the Inspectors approval.

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*)

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

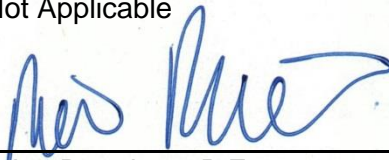
Prepared by:

Reviewed by:



Louise Knodel-Joy
Senior Engineering Technologist

Not Applicable
Not Applicable



Brian Dennison, P.Eng.
A/General Manager

ATTACHMENTS:
Attachment A –
Attachment B –



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 18, 2017

MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 3, 2017

FROM: Water Management Division
Engineering Services Department

SUBJECT: Requisition Limit Increase –Arbutus Mountain Estates Water System
Service Area Establishment Bylaw 2987 - Electoral Area B

FILE: 0540-20-EAS/05

PURPOSE/INTRODUCTION

The purpose of this report is to recommend an increase to the maximum annual requisition limit for the Arbutus Mountain Estates Water System Service Area, Electoral Area B.

RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That a bylaw be prepared to amend “CVRD Bylaw No. 2987 – Arbutus Mountain Estates Water System Service Establishment Bylaw 2007”, to increase the maximum annual requisition limit from \$90,000 to \$112,410.
2. That the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

BACKGROUND

The Arbutus Mountain Water System Service Area was established in 2007 and the requisition limit has not been increased since that time. The number of customers is anticipated to increase with the potential Phase 3 subdivision.

ANALYSIS

In 2007 the maximum annual requisition limit was set at \$90,000. As Phase 3 of this subdivision is in the planning stages, an increase in the requisition will be required to provide for financial stability. Further, should amalgamation of utility systems proceed, higher parcel tax requisitions provide an ability to grow systems within local government constraints.

The proposed requisition limit increase falls within the exemption from obtaining the Inspectors approval.

FINANCIAL CONSIDERATIONS

The annual cost of providing this water service is recovered by 2017 user fees of \$280 per year and parcel tax of \$260.

Parcel tax requisition in 2017 was \$31,980, well below the maximum limit of \$90,000. With a potential development of Phase 3 and possible amalgamation, an increase will help to provide a stable long term financial plan.

The proposed increase is \$90,000 to \$112,410. The 2017 budget did not increase user fees or parcel taxes. The 2018 budget has not been prepared yet so the requisition has not been determined.

COMMUNICATION CONSIDERATIONS

N/A

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

Water management budgets fall under essential reliable services.

Referred to (upon completion):

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

Prepared by:

Reviewed by:

Louise Knodel-Joy
Senior Engineering Technologist

Not Applicable
Not Applicable

Brian Dennison, P.Eng.
A/General Manager

ATTACHMENTS:

Attachment A –

Attachment B –



STAFF REPORT TO COMMITTEE

DATE OF REPORT March 27, 2017
MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 3, 2017
FROM: Water Management Division
 Engineering Services Department
SUBJECT: Shawnigan Lake North Water System Management Bylaw Amendment
FILE: 0540-20-EAS

PURPOSE/INTRODUCTION

The purpose of this report is to update the Shawnigan Lake North Water System for consistency with other recently updated water system management bylaws.

RECOMMENDED RESOLUTION

That CVRD Bylaw No. 4114 – Shawnigan Lake North Water System Management Amendment Bylaw, 2017 be forwarded to the Board for consideration of three readings and adoption.

BACKGROUND

As water management bylaws are revised, a number of standard edits are made to update and provide consistency among the water management bylaws. Shawnigan Lake North Water System Management Bylaw has not been updated for some time; therefore, the standard updates have not been completed.

ANALYSIS

Updates include:

- Increasing the connection fee to \$300 for a 19-mm service and \$450 for a 25-mm service;
- Waiving the payment of the construction cost for properties that have been paying the parcel tax for 15 years up to \$3500;
- Increase to the water turn off and turn on fee to be the equivalent to 50% of the user fee;
- The addition of a \$25 Sprinkling Permit Application Fee; and
- The addition of 'Construction Costs' to the Definitions Sections.

FINANCIAL CONSIDERATIONS

N/A

COMMUNICATION CONSIDERATIONS

N/A

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

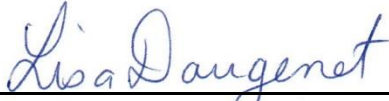
Water management budgets fall under essential reliable services.

Referred to (upon completion):

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

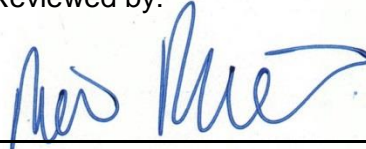
- Planning & Development Services (*Community & Regional Planning, Development Services, Inspection & Enforcement, Economic Development, Parks & Trails*)
- Strategic Services

Prepared by:



Lisa Daugenet, ASCT.
Engineering Technologist III

Reviewed by:



Brian Dennison, P. Eng.
Manager



Hamid Hatami, P. Eng.
General Manager

ATTACHMENTS:

Attachment A – CVRD Bylaw No. 4114 Shawnigan Lake North Water System Management Amendment Bylaw



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4114

A Bylaw to Amend the Shawnigan Lake North Water System Management Bylaw No. 1967

WHEREAS the Board of the Cowichan Valley Regional District established the management of the *Shawnigan Water North System* pursuant to CVRD Bylaw No. 1967, cited as "CVRD Bylaw No. 1967 – Shawnigan Lake North Water System Management Bylaw, 1999";

AND WHEREAS the Board of the Cowichan Valley Regional District deems it desirable to update the language and revise Schedules A and G of the bylaw and undertake some minor housekeeping.

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. 4114 – Shawnigan Lake North Water System Management Amendment Bylaw, 2017**".

2. **AMENDMENT**

1. That Section 1.1.(a) in **Schedule A – Water Service Connection, Existing Lot** be deleted and replaced with the following Section 1.1.(a):

a) An application for **Water Service** shall be accompanied by a payment equal to the **Water Service Connection Charge** of:

19-mm diameter connection.....	\$300.00
25-mm diameter connection.....	\$450.00

plus a deposit in the amount of the **Manager's estimate** for **construction costs** to complete such works. The above charges and deposit must be received by the Cowichan Valley Regional District before the work can be scheduled. The deposit will be applied against the actual cost of the **Water Service Connection** installation. The **construction cost** is **not** payable, up to a maximum of \$3500.00, if the CVRD water parcel tax has been paid for at least 15 years **and** no extension to the watermain is required. Any portion of the **Construction costs** over \$3500.00 must be paid for by the applicant.

2. That Schedule G be deleted in its entirety and replaced with Schedule G, attached to, and forming part of this bylaw.

3. That the definition for "Construction Costs" be added to Section 2. DEFINITIONS as follows:

"Construction Costs" means the actual cost for the installation of a **Water Service Connection**.

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 G
TO CVRD BYLAW NO. 1967

MISCELLANEOUS CHARGES

1) **1. Testing of Water Meter**

An application for testing the **Water Meter** shall be accompanied by a deposit in the amount of :.....\$50.00

2. Charge to Customer

a) Where the **Water Meter** is found to measure the flow of water accurately.....\$50.00

b) Turning Water Service on each time.....*Equivalent to 50% of user fee
Turning Water Service off each time.....*Equivalent to 50% of user fee

*if the building services or water service connection location is not known, the actual cost incurred for locating the service will be borne by the homeowner.

3. Notes

(1) Inactivation of the account will be at the discretion of the **Manager**

(2) Charges for “turn on” or “turn off” shall **not** be levied where:

a) It is necessary to interrupt the supply of water so as to permit the consumer to correct faults on the building service.

b) The water is to be “turned on” for newly installed or water service connection

2) **Sprinkling Permit Application Fee**.....\$25.00



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 13, 2017

MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 3, 2017

FROM: Water Management Division
Engineering Services Department

SUBJECT: Innova Strategy Group Report - Direction for Water Management Division

FILE: 0540-20-EAS

PURPOSE/INTRODUCTION

The purpose of this report is request approval for direction for Water Management division, based on Innova Strategy Group recommendations.

RECOMMENDED RESOLUTION

That it be recommended to the Board that staff:

1. Proceed with establishment of a water and wastewater Utility Commission;
2. Develop a financial strategy for adjusting utility customer rates to achieve sustainable operational income for each utility system and add the cost for long term asset replacement, once established;
3. Develop a water and wastewater utility Acquisition Policy and extend the existing utility takeover moratorium until the acquisition policy is complete and the backlog of work be addressed;
4. Develop and implement a Utility Information Technology Strategy and plan;
5. Develop an internal and external Communication Plan; and
6. Prepare a business case and job description for hiring a qualified journeyman electrician/instrumentation and an assistant superintendent of outside operations in the 2018 budget and a temporary engineering technologist.

BACKGROUND

Innova Strategy Group (ISG) was retained by the Cowichan Valley Regional District (CVRD) to carry out the Water and Wastewater Utility Review and Assessment for the CVRD's 35 sewer and water utilities. A review of the findings provided recommendations for staff to proceed a more detailed plan for implementation. Following careful consideration of the report, the above first steps and recommendations were selected by priority level by staff. There are 50 recommendations in the report, many with long term considerations. Due to capacity constraints with existing workload, it was felt that these six items were achievable to start.

ANALYSIS

1. The establishment process for a water and wastewater Utility Commission will require Engineering Services staff to work with Legislative Services to create the commission and bylaws. Examples from other regional districts can be used as templates. A two year sunset clause should be included, so that the Board can review the effectiveness of the commission. A key principle by ISG, strongly suggested not to include applicants within existing CVRD utility service areas, so that specific agendas could not be advocated.

2. Engineering staff will proceed with a strategy for adjusting utility customer rates to achieve sustainable operational income for each utility system. The first step could include immediate improvements as well as factors such as debt retirement, outside worker hour adjustment factors, allocation of past wages as well as other financial policies and considerations. Inclusion of this strategy is anticipated for the 2018 budget cycle. A second step would include cost for long term asset replacement, once those costs are determined.
3. Development of a water and wastewater utility acquisition policy could be developed by staff utilizing policies by other regional districts. Full cost accounting with long term asset management for all utility takeovers is suggested, so that customer expectations and level of service is realistic. Further, the moratorium for CVRD takeover of existing utility systems should be maintained until the acquisition policy is completed and the backlog of work; such as asset management, emergency plans, and maintenance policies be complete. Consideration of a temporary two year Engineering Technologist to be included in the 2018 budget for assistance in this work.
4. Development and implementation of a Utility IT strategy could proceed in 2017 with a steering committee of IT and operational staff to develop initiatives including consistence in technology and more automation. All new construction and upgrades will utilize these strategies.
5. Develop an internal and external communication plan for Water Management. Initiatives would include ongoing commitment of a 0.5 full time employee (FTE) for communications with customers. Continue to promote "Notify Me" at every opportunity and provide fresh content regularly. Also information campaigns with customers of smaller systems should be included to explain limitations and financial challenges for operation of these systems. This would be particularly pertinent once long term sustainability rates have been established. Improved contact between operational staff and communications for real time updates to customers would be of benefit.
6. Prepare a business case and job description for hiring a qualified electrician/instrumentation journeyman in 2018. It is anticipated that the cost of this employee could be offset by existing annual electrical upgrade and maintenance costs. Further, preparation of a business case and job description for an assistant superintendent and temporary engineering technologist will be included in the 2018 budget.

FINANCIAL CONSIDERATIONS

Items 1,3,4 and 5 can proceed with existing Water Management staff.

For item 2, for a number of systems, especially some smaller ones, increases will be required for operational sustainability and then later for long term asset management.

Item 6, if approved will generally affect all utilities, but as utilities continue to pay directly for operational staff, those requiring more operation and maintenance will contribute more. Again this is allocated through Water Management Budget, function 576.

COMMUNICATION CONSIDERATIONS

An extensive public survey and interviews with customers were an integral part of the review and assessment process. Participants in the interviews were invited to attend the Electoral Area Services Committee meeting.

The finalized report was posted on the CVRD’s website. Continued communication will proceed to customers through the proposed Communication strategy.

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

Reliable Essential Service

Referred to (upon completion):

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

Prepared by:

Reviewed by:



 Louise Knodel-Joy
 Senior Engineering Technologist

Not Applicable
 Not Applicable


 Brian Dennison, P.Eng.
 A/General Manager

ATTACHMENTS:

- Attachment A –
- Attachment B –



STAFF REPORT TO COMMITTEE

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

PURPOSE/INTRODUCTION

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

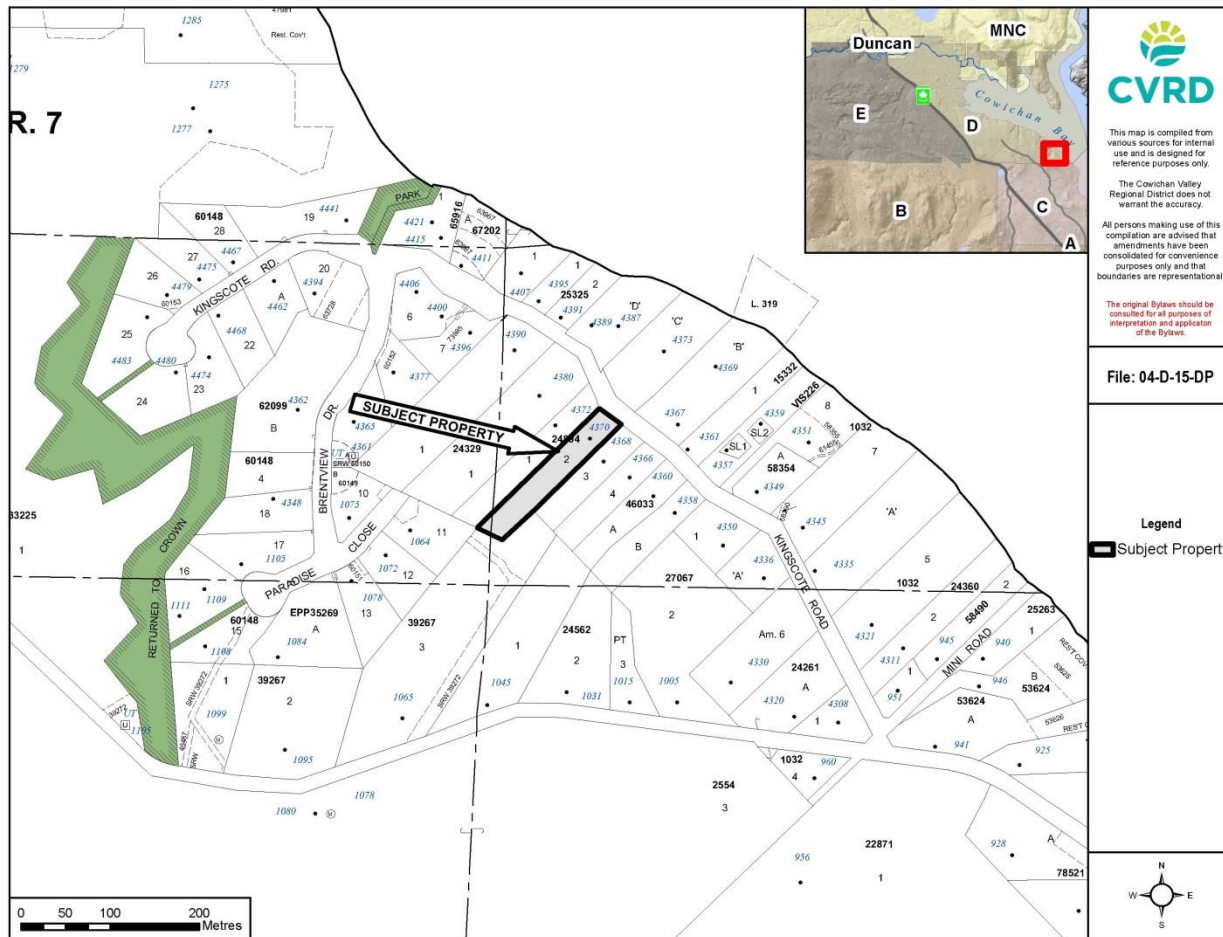
RECOMMENDED RESOLUTION

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

BACKGROUND

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

LOCATION MAP



APPLICATION SUMMARY

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

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

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

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

ZONING BYLAW REGULATIONS**Zoning**

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

PLANNING ANALYSIS**Zoning Bylaw - Variance Request**

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

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

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

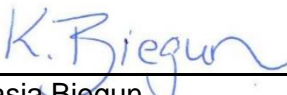
OPTIONSOption 1

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

Option 2

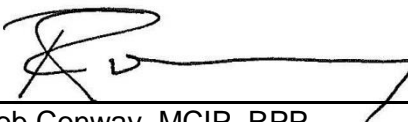
That it be recommended to the Board that Development Permit Application No. 01-D-16 DVP (4370 Kingscote Road) be approved.

Prepared by:

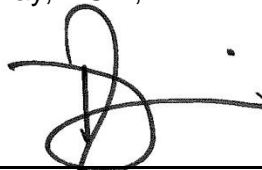


Kasia Biegun
Planner I

Reviewed by:



Rob Conway, MCIP, RPP
Manager



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

ATTACHMENTS:

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

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OFFICIAL COMMUNITY PLAN AMENDMENT
PROJECT NUMBER: 2016-0014
DATE: 02/17/2017

NOTICE OF DEVELOPMENT APPLICATION
AN APPLICATION HAS BEEN SUBMITTED TO THE
COUNCILMAN VALLEY REGIONAL DISTRICT FOR DESIGNATED ZONING
VARIANCE APPLICATION (S.D. 2009)

Project Name: [illegible]
Address: [illegible]
Applicant: [illegible]
Date: [illegible]

Map showing the location of the application site within the Councilman Valley Regional District.

02/17/2017 13:48

UB1

ATTACHMENT B

ISLAND LAND SURVEYING LTD.

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

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

Jason Kozina
19BJFG

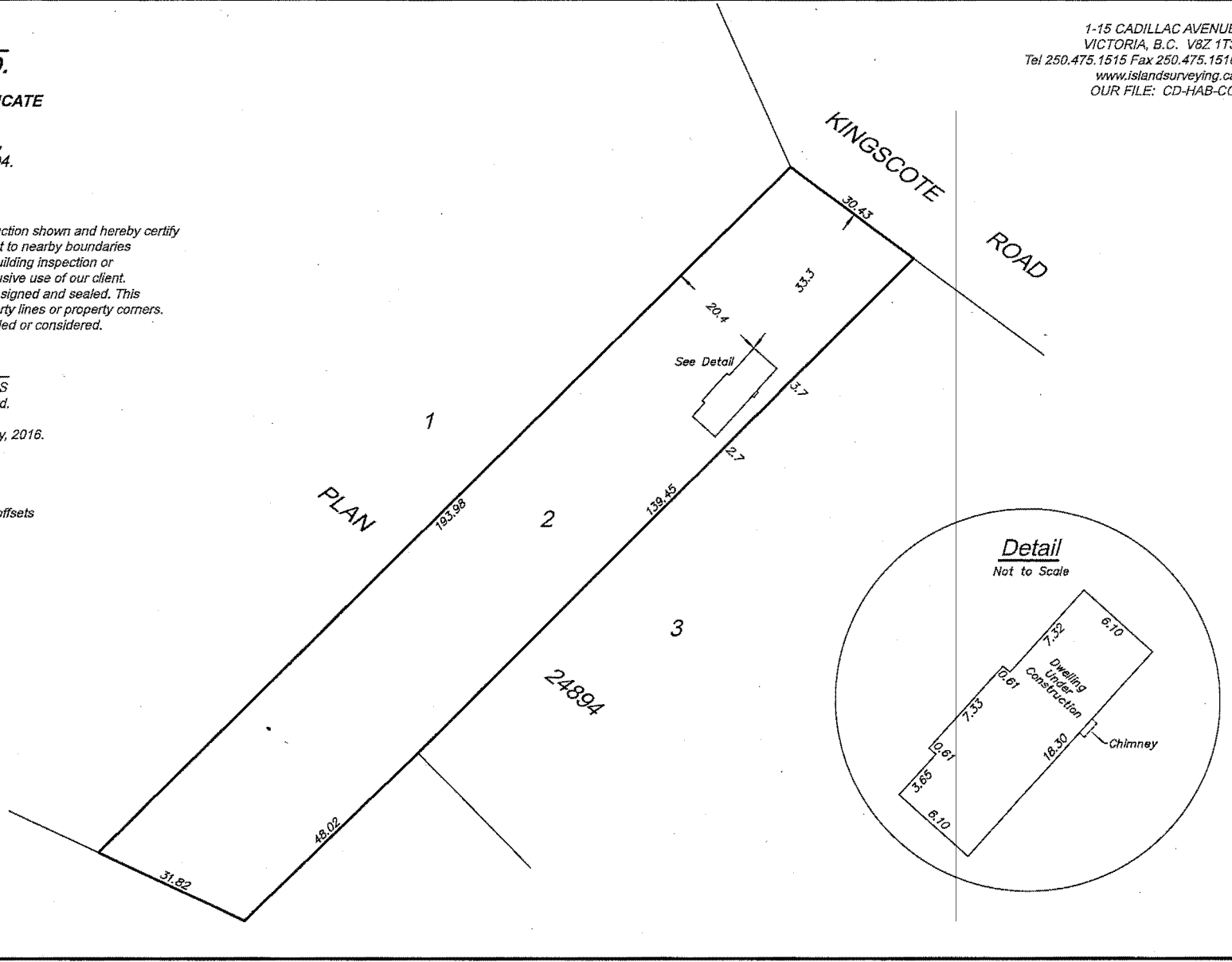
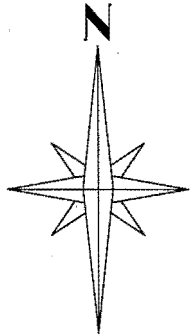
Digitally signed by Jason Kozina BCLS
DN: cn=Jason Kozina BCLS,
ou=Island Land Surveying Ltd.,
email=jason@islandsurveying.ca,
c=Canada

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

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

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

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



Rachelle Rondeau

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

Sent from my iPhone

Begin forwarded message:

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

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

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

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

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

Hello Tim,

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

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

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

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

Please contact myself with anything further.

Jason Kozina, BCLS

Island Land Surveying Ltd.

T: 250.475.1515

F: 250.475.1516

W: <http://islandsurveying.ca>

CONFIDENTIALITY:

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

3 March 2017

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

Re: File No. 1-D-16DVP

Dear Kasia,

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

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

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

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

Sincerely,

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

Kasia Biegun

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

Good afternoon Kasia,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Please let us know if you have any questions.

Regards,

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

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

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

5. Special Regulations

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

Part 5 Residential Zones

5.1 RR1 – Rural Residential 1 Zone

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

1. Permitted Uses

The following principal uses and no others are permitted:

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

The following accessory uses and no others are permitted:

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

2. Density

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

3. Subdivision Regulation

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

4. Development Regulations

- (a) Parcel coverage shall not exceed 20% or 500 m², whichever is less, for all buildings and structures;
- (b) The following minimum setbacks for buildings and structures apply:

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

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

5.2 RR2 – Rural Residential 2 Zone

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

1. Permitted Uses

The following principal uses and no others are permitted:

- (a) Single detached dwelling;

The following accessory uses and no others are permitted:

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

2. Density

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

3. Subdivision Regulation

The minimum parcel area for the purpose of subdivision is:

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

4. Development Regulations

- (a) Parcel coverage shall not exceed 20% or 500 m², whichever is less, for all buildings and structures;
- (b) The following minimum setbacks for buildings and structures apply:

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

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

April 12, 2017

CVRD

145 Ingram Street

Duncan, B.C., V9L 1N8

Attention: Kasia Biegun

Re: Variance Application for 4370 Kingscote Drive

This letter is to provide a solid rationale as to why the Variance for the above noted property should be granted.

When the property was purchased, it was jointly owned by myself and Craig Partridge. Craig was the contractor on site that originally dealt with the excavation. At the time, Craig had requested that the surveyor identify the property line in order to excavate the homebuilding site. The surveyor did identify the property line, but did not actually pin it, and a formal excavation survey was not done.

After the foundation was poured and surveyed, it became apparent that the foundation was now in the setback area. The framer made an honest error. I have built over 200 homes and do understand the process of following setbacks, but in this case it was an error made by the framer. I had given instructions to excavate an additional 18 inches beyond the minimum setback in order to ensure that this did not happen, yet somehow it was miscalculated.

The carriage house is now 100% fully built. Based on the incline of the property it is unsafe and not feasible, to have a structure moving company (i.e. Nickel Bros.) move the carriage house. The topography of the lot, makes it physically impossible for machinery to access the structure in order to move it. That coupled with the prohibitive cost supports the argument of not moving the structure. Nor can 6 inches be shaved off the building, as was suggested at the

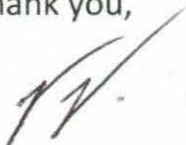
council meeting of April 5th. Granting the variance, is the only option to continue on with this project. My current lender has started foreclosure proceedings as I have not been able to obtain occupancy and therefore conventional financing. If the variance is not granted, my only option is to allow the foreclosure. That will result in an abandoned building as well as continuation of the soil erosion and ditch issues.

I have made numerous changes to the driveway and property at the request of engineers to the cost of about \$140,000.00 of my own funds. I would have liked to have had this sorted out sooner, but the cost of repairing things can only be done as cash flows in, I do not have unlimited resources.

Of note as well is the fact that the location of the carriage house is really the only place that it could have been built. Its location was based on where the CVRD wanted the driveway and switchbacks to adhere to CVRD suggestions for maximum inclination on a residential driveway. There was room to place the carriage house outside of the setback but again it was an error. Granting the variance in no way improves the view nor impedes any neighbour's views. The lot already has panoramic views.

I therefore request that the variance be granted based on the items I have outlined in this letter.

Thank you,

A handwritten signature in black ink, appearing to be 'P. Partridge', written in a cursive style.

Preston Partridge
Habanero Homes



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 21, 2017
MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 3, 2017
FROM: Water Management Division
 Engineering Services Department
SUBJECT: Saltair Water System Management Bylaw Amendment, Overage Policy
FILE: 0540-20-EASC/05

PURPOSE/INTRODUCTION

The purpose of this report is to amend the Saltair Water System Management Bylaw No. 1783 to revise 'Undetected Leaks' in Schedule B to permit leak adjustment requests for subsequent leaks to be accepted every 5 years.

RECOMMENDED RESOLUTION

That the Saltair Water System Management Amendment Bylaw No. 4103 be forwarded to the Board for consideration of three readings and adoption.

BACKGROUND

Currently user charges are adjusted when an undetected leak on a homeowner's property has resulted in water usage greatly exceeding typical usage. A minimum of 15 years must have passed from an earlier adjustment before a subsequent adjustment request will be granted. As requests are regularly received for subsequent leaks that have occurred before the 15 years has elapsed, staff has investigated the leak adjustment policies of other local governments. The findings showed that the 15 year period in place for the Saltair Water System, and other Cowichan Valley Regional District (CVRD) water systems, is the most stringent of the local governments explored.

ANALYSIS

As the 15 year time period required between subsequent leak adjustment requests is the most punitive of the various local government policies explored, a time reduction from 15 years to 5 years is recommended and requests may be granted if all the following conditions are met:

- The property owner has not been granted a leak adjustment in the last 5 years.
- The leak was repaired within 30 days of billing or discovery of the leak.
- Written verification describing the nature of the leakage and the action taken to rectify the problem must be received by the manager before an adjustment will be granted.

Based on the review of other local government policies, the following further amendments are also recommended:

- If the leak is found to be in the service line, the average billing of the property over the last two years, for the appropriate billing cycle, will be charged.
- If the leak is associated with an in-home plumbing fixture or irrigation system, the average billing at the property over the last 2 years plus 50% of the water used in that period to a maximum added value of \$500 will be charged.
- Subsequent leaks occurring within the five years of the previous leak adjustment request will be eligible for a cap of \$1500.00 per owner.

The recommended amendments will provide customers with reduced financial obligations for undetected leaks while still providing an incentive for repair and ongoing maintenance.

FINANCIAL CONSIDERATIONS

The number of leak adjustment approvals will increase because the time allowed between subsequent leak adjustment requests would be decreased. There would also be reduced revenue from overages due to leaks.

COMMUNICATION CONSIDERATIONS

N/A

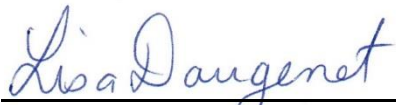
STRATEGIC/BUSINESS PLAN CONSIDERATIONS

The recommended resolution provides a reliable essential service.

Referred to (upon completion):

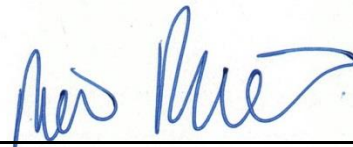
- Community Services (*Island Savings Centre, Cowichan Lake Recreation, South Cowichan Recreation, Arts & Culture, Public Safety, Facilities & Transit*)
- Corporate Services (*Finance, Human Resources, Legislative Services, Information Technology*)
- Engineering Services (*Environmental Services, Recycling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

Prepared by:



Lisa Daugenet, ASCT.
Engineering Technologist III

Reviewed by:



Brian Dennison, P. Eng.
Manager



Hamid Hatami, P. Eng.
General Manager

ATTACHMENTS:

- Attachment A – CVRD Bylaw No. 4103 – Saltair Water System Management Amendment
- Attachment B – N/A



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4103

A Bylaw to Amend the Saltair Water System Management Bylaw No. 1763

WHEREAS the Board of the Cowichan Valley Regional District established the management of the *Saltair Water System* pursuant to CVRD Bylaw No. 1763, cited as "CVRD Bylaw No. 1763 – Saltair Water System Management Bylaw, 1996";

AND WHEREAS the Board of the Cowichan Valley Regional District deems it desirable to revise Schedules B of the bylaw.

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

1. CITATION

This Bylaw may be cited for all purposes as "**CVRD Bylaw No. 4103- Saltair Water System Management Amendment Bylaw, 2017**".

2. AMENDMENT

That Undetected Leaks section, in Schedule B, be deleted and replaced with the following:

UNDETECTED LEAKS:

User Charges will be adjusted where an undetected leak on the consumer's property has resulted in water usage greatly exceeding typical usage of water, according to the applicable classification (s) and there is no indication that water was knowingly allowed to run to waste. Requests may be granted if all the following conditions are met.

- The property owner has not been granted a leak adjustment in the last 5 years
- The leak was repaired within 30 days of billing or discovering the leak
- Written verification describing the nature of the leakage and the action taken to rectify the problem must be received by the Manager before an adjustment will be granted

Fee adjustments are as follows:

- If the leak is found in the service line, the average billing at the property over the last two years, for the appropriate billing cycle, will be charged
- If the leak is associated with an in-home plumbing fixture or irrigation

system, the average billing at the property over the last 2 years plus 50% of the water used in that period to a maximum added value of \$500 will be charged

- Subsequent leaks occurring within the five years of the previous leak adjustment request will be eligible for a cap of \$1500.00 per owner

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