



## ELECTORAL AREA SERVICES COMMITTEE MEETING AGENDA

WEDNESDAY, OCTOBER 4, 2017  
BOARD ROOM  
175 INGRAM STREET, DUNCAN, BC

1:30 PM

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	<u>PAGE</u>
<b>1. <u>APPROVAL OF AGENDA</u></b>	
<b>2. <u>ADOPTION OF MINUTES</u></b>	
M1 Regular Electoral Area Services Committee meeting of September 20, 2017	1
<b>Recommendation</b> That the minutes of the Regular Electoral Area Services Committee meeting of September 20, 2017 be adopted.	
<b>3. <u>BUSINESS ARISING FROM THE MINUTES</u></b>	
<b>4. <u>DELEGATIONS</u></b>	
<b>5. <u>CORRESPONDENCE</u></b>	
C1 Letter dated August 29, 2017, from Carla Jack, BC Geographical Names Office, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Re: Official Name Request for Arbutus Ridge	3
<b>Recommendation</b> For direction.	
C2 Letter dated September 19, 2017 to Director M. Clement from John E. Batty, President, Cobble Hill Events Society (CHES), Re: CHES appreciation of support for the Cobble Hill Summer Events	7
<b>Recommendation</b> For information.	
<b>6. <u>INFORMATION</u></b>	
IN1 1. Area C - Cobble Hill Advisory Planning Commission Minutes - August 31, 2017; 2. Area F - Cowichan Lake South/Skutz Falls Parks Commission - June 1, 2017; 3. Area F - Cowichan Lake South/Skutz Falls Parks Commission - July 7, 2017; 4. Area G - Saltair/Gulf Islands Parks Commission - September 18, 2017; and 5. Area I - Youbou/Meade Creek Parks Commission - July 11, 2017.	9

**Recommendation** For information.

7. **REPORTS**

R1 Application No. 03-B-17DVP - Report from Development Services Division 17

**Recommendation** That it be recommended to the Board that Development Variance Permit Application No. 03-B-17DVP (2700 Worthington Road) to vary Section 8.6(b)(2) of Zoning Bylaw No. 985 be denied.

R2 Application No. 22-D-16DP - Report from Development Services 27

**Recommendation** That it be recommended to the Board:  
1. That Development Permit Application No. 22-D-16DP (PID: 029-977-266) be approved; and  
2. That the General Manager of the Land Use Services Department be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No. 3605.

R3 Application No. 01-E-16RS - Report from Development Services Division 37

**Recommendation** For information

R4 Update on Cobble Hill Improvement District Re: Use of Galliers Park for Location of Community Well - Report from Parks & Trails Division 125

**Recommendation** For information.

R5 Elkington Water and Sewer System Services Re: Amendment Bylaws - Report from Water Management Division 137

**Recommendation** That it be recommended to the Board that amendment bylaws be prepared to change the name of the Elkington Forest Sewer System to Malahat Sewer System and the name of the Elkington Forest Water System to Malahat Water System.

R6 Wilmot Road Street Lighting Service Re: Limit Increase - Report from Water Management Division 141

**Recommendation** That it be recommended to the Board that a bylaw be prepared to amend "CVRD Bylaw No. 2791 – Electoral Area D - Wilmot Road Street Lighting Service Establishment



Bylaw”, to increase the maximum annual requisition limit from \$4,000 to \$4,990.

- R7 Utility Commission Approval and Establishment - Report from Water Management Division 143

**Recommendation** For direction.

- R8 Shawnigan Lake North Water System Re: Crown Land Licence of Occupation - Report from Water Management Division 147

**Recommendation** That it be recommended to the Board that an application be submitted for a temporary license of occupation on Crown Land approximately 1km North West of Shawnigan Lake for the purpose of investigative work to determine the potential for a groundwater supply for Shawnigan Lake North Water System.

- R9 Brulette Place Sewer Capital Project Re: Community Works Gas Tax and Budget Amendment - Report from Water Management Division 151

**Recommendation** That it be recommended to the Board:  
1. That the Electoral Area A – Brulette Place Sewer System Community Works Funds in the amount of \$220,000 be amended to “up to \$133,200 or 66.6% of total project cost”, and  
2. That an amendment to the 2017 Five Year Financial Plan Bylaw be prepared to include an Engineering structure capital expense of \$200,000, Municipal Finance Authority long term borrowing of \$66,800 and transfer from gas tax reserves of \$133,200 for installation of a new sewage treatment plant.

- R10 Grant Application Re: Mill Bay Water District Infrastructure Planning - Report from Water Management Division 159

**Recommendation** That it be recommended to the Board that an Infrastructure Planning Grant application be submitted to the Province of British Columbia on behalf of the Mill Bay Water District.

8. **UNFINISHED BUSINESS**

9. **NEW BUSINESS**

10. **QUESTION PERIOD**

11. **CLOSED SESSION**

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

**12. ADJOURNMENT**

The next Electoral Area Services Committee Meeting will be held Wednesday, October 18, 2017 at 1:30 PM, in the Board Room, 175 Ingram Street, Duncan, BC.

**Committee Members**

Director I. Morrison, Chairperson  
Director M. Marcotte, Vice-Chairperson  
Director S. Acton

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

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

Minutes of the Electoral Area Services Committee Meeting held on Wednesday, September 20, 2017 in the Board Room, 175 Ingram Street, Duncan BC at 1:31 PM.

**PRESENT:** Director I. Morrison, Chair  
Director S. Acton  
Director M. Clement  
Director K. Davis  
Director M. Dorey <until 4:47 PM>  
Director L. Iannidinardo  
Director K. Kuhn <until 4:16 PM>  
Director M. Marcotte  
Director A. Nicholson

**ALSO PRESENT:** B. Carruthers, Chief Administrative Officer  
R. Blackwell, General Manager, Land Use Services  
R. Conway, Manager, Development Services  
B. Farquhar, Manager, Parks & Trails  
B. Dennison, Manager, Water Management  
A. Melmock, Manager, Economic Development  
K. Batstone, Planner III  
R. Rondeau, Planner II  
I. MacDonald, A/Chief Building Inspector  
N. Morano, Bylaw Enforcement Officer  
J. Hughes, Recording Secretary  
K. Madge, Development Officer

**APPROVAL OF AGENDA**

**It was moved and seconded that the agenda be amended with the addition of a New Business Item, placed on the agenda as Item IN2:**

**IN2 Verbal announcement from Director K. Davis; and  
that the agenda, as amended, be approved.**

**MOTION CARRIED**

**ADOPTION OF MINUTES**

**M1** Regular Electoral Area Services Committee meeting of September 6, 2017

**It was moved and seconded that the minutes of the Regular Electoral Area Services Committee meeting of September 6, 2017 be adopted.**

**MOTION CARRIED**

**DELEGATIONS**

**D1** Lynne Smith, Saltair Water Advisory Committee, addressed the Committee and requested that Saltair Water Bylaw No. 3615 be amended to include a 15 year timeframe and \$300,000 to be used only for the Saltair Water System distribution infrastructure.

The Committee considered her request as information.

**INFORMATION**

**IN1** Items 1 and 2 were received for information:  
1. Electoral Area E - Cowichan Station/Sahtlam/Glenora Advisory Planning Commission Minutes - June 13, 2017; and  
2. Electoral Area F - Cowichan Lake South/Skutz Falls Advisory Planning Commission Minutes - September 11, 2017.

**IN2** Director Davis stated, on behalf of the members of the Electoral Area A – Mill Bay/Malahat Advisory Planning Commission that their heartfelt condolences sent to the family and friends of Brian Clark who passed away last week. Mr. Clark sat as a member on the Commission for a number of years and his thoughtful comments will be greatly missed. In memory of Mr. Clark, a potluck gathering will be held on Saturday, September 23, 2017, from 3:30 PM to 6:30 PM, at the Masonic Temple in Mill Bay, BC.

**REPORTS**

**R1** Request for Additional Bathroom Fixtures at 2210 London Road - Report from Development Services Division

**It was moved and seconded that it be recommended to the Board that the Cowichan Valley Regional District’s Policy on Plumbing Fixtures in Accessory Buildings be rescinded.**

Director Clement was absent during the vote.

**MOTION CARRIED**

**It was moved and seconded that it be recommended to the Board that the request for three additional plumbing fixtures within an accessory building at 2210 London Road (Lot G (DD EV118543) Shawnigan Lake Lots, Malahat District, Plan 1829 (PID: 025-753-363), be approved.**

Director Clement was absent during the vote.

**MOTION CARRIED**

**R2** Small Block Brewery Inc. - 5301 Chaster Road - Area D Liquor Licence Application: Lounge and Special Event Area Application - Report from Inspection & Enforcement Division

**It was moved and seconded that it be recommended to the Board that the Cowichan Valley Regional District does not wish to provide comments or recommendations to the Liquor Control and Licencing Branch with regard to the application for a Lounge & Special Event Area by Small Block Brewery Inc. located at 5301 Chaster Road, Cowichan Bay (Area D).**

Director Clement was absent during the vote.

**MOTION CARRIED**

**R3** Saltair Community Centre Building - Report from Parks & Trails Division

**It was moved and seconded that it be recommended to the Board that the Cowichan Valley Regional District proceed with a phased approach over time to improve the Saltair Community Centre building to prevent degradation and loss.**

**MOTION CARRIED**

**2:51 PM** The Committee took a recess at 2:51 PM.

**3:00 PM** The meeting resumed at 3:00 PM.

**R4** Parks Commission Bylaws Replacement - Report from Parks & Trails Division

**It was moved and seconded that an updated draft Advisory Parks Commission Bylaw be prepared based on the analysis provided in the Parks & Trails Division's September 7, 2017, report.**

**MOTION CARRIED**

**R5** Cobble Hill Village Design Charrette - Report from General Manager, Land Use Services Department, was received for information.

**R6** August 2017 Building Inspections Report - Verbal Report from Ian MacDonald, A/Chief Building Inspector, Inspection & Enforcement Division, was received for information.

**MOTION CARRIED**

**4:16 PM** Director Kuhn left the meeting at 4:16 PM.

**R7** August 2017 Bylaw Enforcement Report - Verbal Report from Nino Morano, Bylaw Enforcement Officer and Ian MacDonald, A/Chief Building Inspector, Inspection & Enforcement Division, was received for information.

R8 Water and Sewer System Bylaw Amendments - Additional Service Connections - Report from Water Management Division

It was moved and seconded that Water and Sewer System Management Amendment (Housekeeping – Suites) Bylaw No. 4145 be forwarded to the Board for consideration of first three readings and adoption.

MOTION CARRIED

R9 High Priority Utility System Capital Upgrades Requirements - Report from Water Management Division, was received for information.

R10 Electoral Area D Community Works Fund Reallocation - Report from General Manager, Engineering Services Department

It was moved and seconded that it be recommended to the Board that the Electoral Area D – Cowichan Bay Community Works Funds in the amount of \$38,347 be reallocated from the Wessex Ravine Community Pathway Connection Project to the Cowichan Bay Design Charrette; and that an amendment to the 2017 Five Year Financial Plan Bylaw be prepared.

MOTION CARRIED

4:47 PM Director Dorey left the meeting at 4:47 PM.

ADJOURNMENT

4:51 PM It was moved and seconded that the meeting be adjourned.

MOTION CARRIED

\_\_\_\_\_  
Chair

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

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



August 29, 2017

File: 10280-60 (92B/12)

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

Dear Chair and Directors:

The BC Geographical Names Office has received a proposal to adopt "Arbutus Ridge" as an official name for an unincorporated community located within Area C of the Cowichan Valley Regional District, as shown on the attached map.

The name has been proposed as an established name in widespread local use for over 30 years. Evidence has been provided that "Arbutus Ridge" is recognized as a community name by Canada Post, Statistics Canada, appears on highway signs, various weather and real estate websites, as well as on the Cowichan Valley Regional District website.

This feature is within the boundaries of the Cowichan Valley Regional District so before considering adoption of "Arbutus Ridge," may I have your advice and comments? In particular, is there a reason why this name should not be a suitable name for this place?

Adoption of this name does not prejudice legitimate claims to the land.

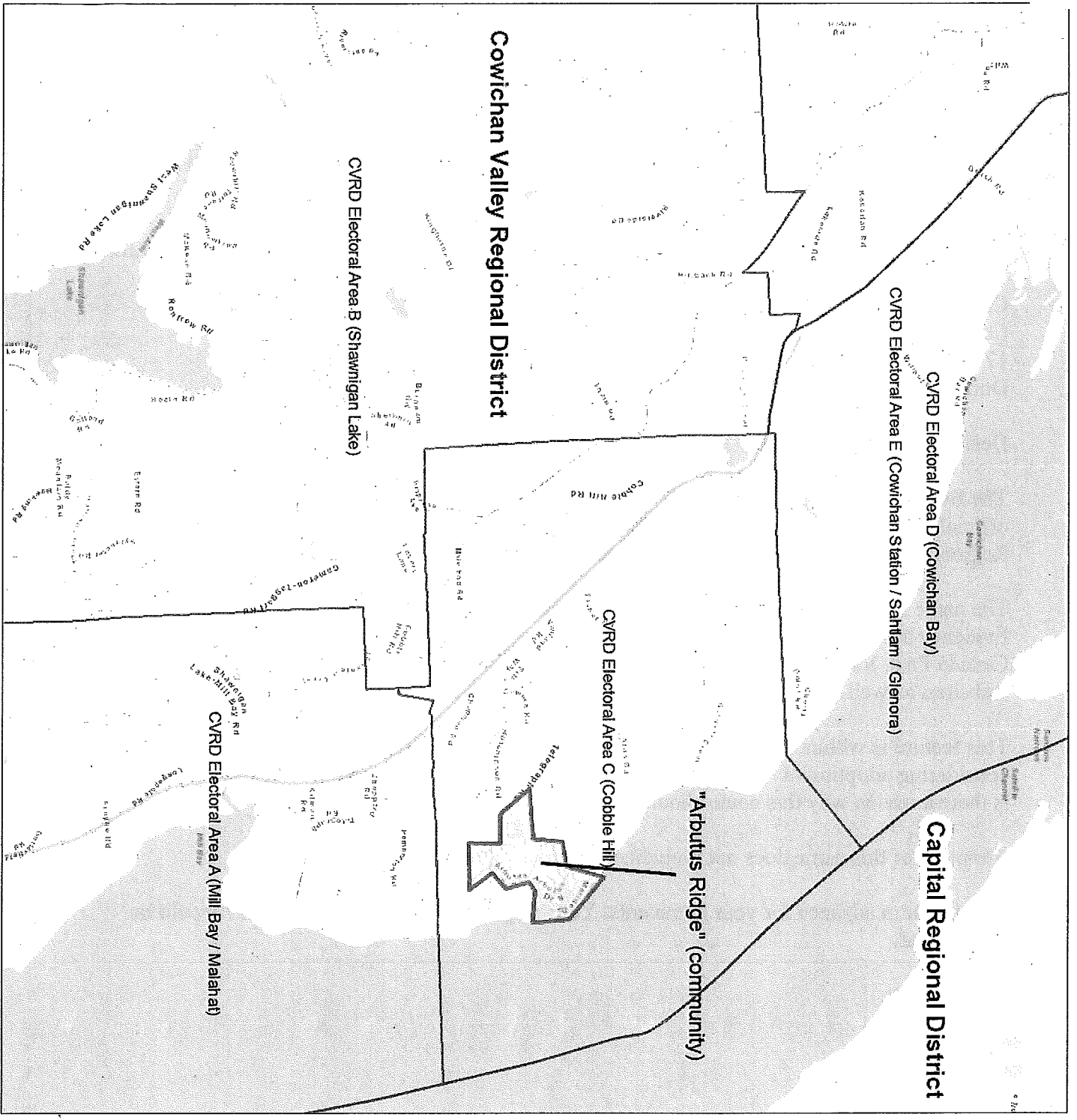
Thank you in advance for your comments. Your response before 31 October 2017 would be appreciated.

Kind regards,

Carla Jack  
BC Geographical Names Office  
[Carla.Jack@gov.bc.ca](mailto:Carla.Jack@gov.bc.ca)

enclosure

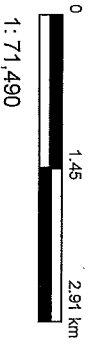
Original:	<i>file</i>	Copies to:	
Board:			<i>DIRS RB</i>
Committee(s):			<i>JB CAO</i>
Checked:	<i>[Signature]</i>	Date:	<i>Sept 6/17</i>
File #			



"Arbutus Ridge"

**Legend**

- Regional District Electoral A ABMS
- Regional District Electoral A Outlined
- Regional Districts - ABMS - i
- TileCache



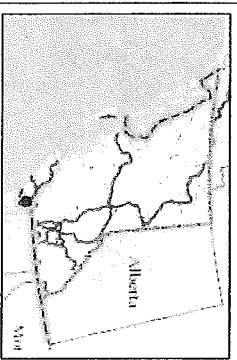
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Datum: NAD83  
 Projection: NAD\_1983\_BC\_Environment\_Albers

**Key Map of British Columbia**







*Arbutus Ridge*

Strata Plan 1601

March 6, 2017

Geographical Names Office,  
Heritage Branch - Ministry of Forest, Lands & Natural Resource Operations  
PO Box 9818 Stn Prov Govt  
Victoria, BC,  
V8W 9W3

Attn: Carla Jack  
Provincial Toponymist

**Re: "Arbutus Ridge" – Application for Geographic Name Recognition**

Dear Ms. Jack,

This letter is to confirm that the elected Councillors of Strata 1601 (also known as "Arbutus Ridge"), on behalf of the residents of the community known as "Arbutus Ridge", hereby support the application to the Ministry of Forest, Lands & Natural Resource Operations to formally recognize the name "Arbutus Ridge" as the Geographic name for our community. We support this application as our community has been called "Arbutus Ridge" since its inception, over 30 years ago.

Descriptions of the location and boundaries, as well as maps of the community known as "Arbutus Ridge" can be found in the "Location" section of the application booklet, which is included with this letter.

Should you require additional information, please contact the undersigned.

Yours truly,

Jurgen Duewel, President  
Strata 1601, Arbutus Ridge

**Seaside Community for Active Adults**

Administration Office: 600 Fairways Place, Cobble Hill, British Columbia V0R 1L1  
T: 250-743-3282 • F: 250-743-3692 • E: arbutusadmin@shaw.ca • W: www.arbutusridge.ca





Sept 19, 2017

Dear Director Clement:

We would like to take this opportunity to thank you for both the financial and the moral support you have provided to CHES' work building community in Cobble Hill this summer. Here are a few of the successes that you supported:

- The Homesteading Fair in early June had over 700 participants attending the weekend event. It will occur a bit earlier next year on the first weekend in May.
- The Cobble Hill Farmers' Market was reincarnated at the Cobble Hill Commons, ran for 16 weeks, had progressively bigger numbers of attendees and was able to maintain 15 or more vendors each week. Next year, it will move across the road to the Farmers' Institute grounds, expects to grow in size and include a broader spectrum of vendors.
- Thursday Night Music in the Park continued to offer 12 summer concerts and was an overwhelming success growing from over 1700 fans in 2016 to over 3400 fans this summer. The new mix of bands was received very well and, with the grassing and irrigating that is occurring this fall, fans are looking forward to even better things next year.

We know, from anecdotal responses, that your support was noted and appreciated by many fans at the events.

We wish you the best and hope that you will consider supporting Cobble Hill Events Society's work as a community building organization when we approach you again in the coming year.

Sincerely,

John E. Baty

President, CHES





## MINUTES

### **ELECTORAL AREA C - COBBLE HILL ADVISORY PLANNING COMMISSION MEETING**

**August 31, 2017  
Cobble Hill Youth Hall**

Present: David Slade, Brenda Krug, Chris Koehn, Nick Hill, Lynn Wilson

Also present: Matteus Clement - CVRD Regional Director Area "C", Carolyn Morris – Alternate Director Area "C", Ed Voroney, Bertha Cameron, Bill Cameron, Sean McConkey, Heather Cameron, Pierre Moquin, Morris Wadds

Regrets: John Baty

Director Clement called the meeting to order at 7:00 p.m.

Director Clement presided over the election of Chair, Brenda Krug by acclamation and Vice Chair Lynn Wilson, also by acclamation.

Brenda Krug assumed the Chair and requested the election of a Secretary. As there was nobody wishing to assume this duty, the Chair will appoint a Commission member at each meeting to take the minutes.

New Business:

CVRD File No. 01-C-16RS

Rezoning Application for 3501 & 3505 Telegraph Road

To amend Area C Zoning Bylaw No. 3520 to legalize an existing legal, non-conforming second single family dwelling located at 3505 Telegraph Road. The second dwelling was legally constructed and approved by both the CVRD and ALC in 2009; however, with the adoption of South Cowichan Bylaw no. 1405 in 2013, the second dwelling is now classified as legal non-conforming.

Bill and Bertha Cameron and Pierre Moquin explained the difficulties that the non-conforming classification presents to them, and that time is a very pertinent factor in resolving the issue.

Morris Wadds, whose property is also affected by Bylaw 3520 spoke in support of the Cameron application.

All members of the APC spoke in favour of this parcel being changed from "legal non conforming" to "legal conforming".

Chair Krug explained the reasoning for change in the bylaw in 2013 and Director Clement explained the difference between "Spot zoning" versus "Blanket change" to the bylaw.

There was a discussion amongst the Commission members regarding the CVRD Staff options presented in the Staff Report. Option 1: To legalize second dwelling that was lawful when Bylaw 3520 was adopted was the option favoured by all members. This will apply to all similar situations that were legally authorized up to December 11, 2013.

*It was moved and seconded that the Cobble Hill APC supports Staff Option 1 to render the subject property and dwellings "legal conforming" using the following language in the General Regulations section of the Zoning Bylaw: Parcels that are zoned A-1 and greater than 2 hectares in area upon which a secondary dwelling unit were legally authorized up to December 1, 2013 with a valid Building Permit and Agricultural Land Commission approval as a non-farm use, are considered to be legal and conforming under this Bylaw, and may be added to, reconstructed, repaired and replaced in accordance with all other provisions of this Bylaw. Carried.*

Director Clement reported that the APC recommendation will be going to the CVRD Board on Thursday, September 21, 2017.

Chair would like to convene a meeting at least every 2<sup>nd</sup> month regardless of agenda items.

Director Clement give updates on local matters.

Motion to adjourn at 7:38 p.m.

Minutes submitted by David Slade



**MINUTES**  
**ELECTORAL AREA F – COWICHAN LAKE SOUTH/SKUZ FALLS PARKS COMMISSION**  
**JUNE 1, 2017**

Called to order at 19:00 hours - David Lowther in the Chair

Present: David Lowther, Mary Lowther, Thor Repstock, Ray Wear

Excused: Ian Morrison, Area Director; David Darling, Brian Peters

**MSC:** to approve the Previous Minutes.

**MSC:** that CVRD Staff spend up to five thousand dollars to engage a consultant for preliminary design for a nature playground in Honeymoon Bay.

**MSC:** To supply three extra portable toilets and a dumpster for the 2017 Mesachie Group Ball Tournament as per past practice.

**MSC:** To adjourn at 19:17



**MINUTES**  
**ELECTORAL AREA F – COWICHAN LAKE SOUTH/SKUZ FALLS**  
**PARKS COMMISSION MINUTES**  
**JULY 7, 2017**

Called to order at 19:00 hours. David Lowther in the Chair

Present: David Lowther, Mary Lowther, Ray Wear, Ian Morrison, Thor Repstock.

**MSC:** to approve the previous minutes.

**Area Representative Report:**

A Celebration of Life for Commission member Brian Peters will be held Saturday, September 23, 2017, at 13:00 at Honeymoon Bay Community Hall.

Staff would appreciate a resolution from the Commission regarding the signs in Central Park.

The rope floats have been cut at Lily and Central beaches.

**MSC:** to receive the report.

**MSC:** to endorse the preliminary design for signage recognising contributions to the development of Memory Lane.

**MSC:** that Ray Wear will represent the Commission in discussions with CVRD staff regarding memory lane sign(s).

**MSC:** that the Chair inquire about proposed improvements to Mayo Pond.

**MSC:** to replace the commemorative tree for the Friday family in Central Park.

**MSC:** to request a staff review of signs at Central Beach, with regard to replacing missing and/or damaged inventory.

**MSC:** to adjourn at 1950 hours.





**MINUTES**  
**CVRD AREA “G” PARKS COMMISSION MEETING**  
**September 18, 2017**

**Attendance:** Tim Godau (Chair), Jason Wilson, Jackie Rieck and Dave Key, Director Dorey  
**Absent:** Kelly Schellenberg

**Call to Order:** 7:00 p.m.

- 1. APPROVAL OF AGENDA – *Motion:* Move to approve the agenda. Carried**
- 2. APPROVAL OF PREVIOUS MINUTES -*Motion:* Move to accept Minutes from June 5, 2017. Carried**
- 3. OLD BUSINESS -**
  - 3.1 Centennial Park Tennis court – ongoing maintenance requirements to be considered in next fiscal budget. No further action required.
  - 3.2 Centennial Park ball diamond #1- gravel walkway erosion to be reviewed by CVRD staff.
  - 3.4 Stocking Creek - Flora and Fauna signage maintenance complete. New signage being worked on.
  - 3.6 Stocking Creek – trail name sign posts not completed – CVRD staff to follow up.
  - 3.8 Invasive Species Inventory for Area “G” – no further action required.
  - 1.1 Halloween – ***Motion:* Move that CVRD Area “G” Parks fund, organize and host **Halloween Event 2017** at Centennial Park; represented by David Key. Carried**
- 4. NEW BUSINESS – N/A**
- 5. REPORTS -**
  - 5.1 Director's Report – No report.
  - 5.2 CVRD Report – Parks committee acknowledges the efforts of the summer students regarding painting and trail maintenance. Well done!
  - 5.3 Centennial Report – issue of tripping hazard at Diamond #1, diamond #2 and concession before the Halloween event. Gravel needs to be topped to level of wooden supports. Doggie bags dispenser broken at both north and south locations.
  - 5.4 Princess Diana Report – No report.
  - 5.5 Parkinson/Clifcoe Connector Report – No report.
  - 5.6 Stocking Creek Report – Concerns expressed by Parks committee for riparian condition near falls site.  
**Action: Tim will speak to Brian and Ryan regarding options to protect the sensitive riparian area at the Stocking Creek falls site.**
  - 5.7 Beach Access Report – No report.
  - 5.8 Saltair Ball League - No report.
  - 5.9 Ladysmith Parks and Rec Report – No report. Item to be removed from future agendas.
- 6. NEXT MEETING - Monday, October 2, 2017, at 7:00 p.m., Saltair Community Centre**
- 7. ADJOURNMENT – *Motion:* to adjourn meeting at 7:40 p.m. Carried.**



## Minutes

**Electoral Area I - Youbou/Meade Creek Parks Commission  
Held in the Upper Community Hall, 8550 Hemlock Street, Youbou, BC  
Tuesday, July 11, 2017  
7:01 p.m.**

**Present:** Chairperson Marcia Stewart  
Vice Chair Rob Somers  
Don Macdonald  
Duncan Hume  
Area Director – Klaus Kuhn

### Approval of Agenda:

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

**Motion Carried**

### Adoption of Minutes:

*It was moved and seconded that the minutes of the regular Area I (Youbou/Meades Creek) Parks Commission meeting held on June 13, 2017, be adopted.*

**Motion Carried**

### Correspondence

### REPORTS

**Area I Director:** - Area Director Klaus Kuhn gave his report.

- Shaw Creek – there is a public hearing scheduled for this proposal September 19, 2017.
- Carley Cove – no activity.

**Cowichan Lake Recreation:** Life guards are on duty at Arbutus Park.

**Chair Report:** Went over some of the items that were in the Parks Commissions Bylaws Review as discussed at the Parks Commission chairs meeting, June 21, 2017.

**CVRD Report:** - A minor amount of vandalism was reported at the Little League Ball Park.

**Motion –** *To place a new concrete barrier or large rock at the east end of the existing row of barriers to keep 4x4 vehicles off the grassy areas of the playground.*

**Motion Carried**

**Student Work Crew** – It was reported that the student work crew wasn't working out well and it was cancelled. Parks Commission members are requesting more information on the reasons for this cancellation. **How efficiently was the student crew working? Were they supervised? What were their duties?**

**OB 1: Arbutus Park Revitalization** – The revised design has not gone out to tender. Commission members are suggesting the Jungle Gym play equipment, in addition to the swings, should remain or be updated if possible, since it's the most popular play equipment in the park.

**OB 2: A letter was received from LakeTown Ranch committing to build a picnic shelter in Mile 77 Park, construction to begin in the fall of 2017.**

**OB 3: Application for financing to construct the beaches at Mile 77 Park has been made to Forest Co- op.**

**OB 4: Invasive Plant Species** – The Parks Commission requests follow up on our motion to eliminate funding for the inventory of invasive plant species as mentioned in the minutes of the June 13, 2017 meeting.

**OB 5: Arbutus Park** – Discussion of log booms around the swimming area and dock. Log booms are best for calming the water and protecting the dock from storm damage. Commission concern is the log booms at Arbutus Park are doubled. Request to have log booms as a single barrier.

#### **Adjournment**

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

**Motion Carried**

**Meeting adjourned at 9:00 p.m.**

**The next regular meeting is scheduled for Tuesday, September 12, 2017**





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** September 21, 2017  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of October 4, 2017  
**FROM:** Development Services Division  
 Land Use Services Department  
**SUBJECT:** Development Variance Permit Application for 2700 Worthington Road  
**FILE:** 03-B-17DVP

## PURPOSE/INTRODUCTION

The purpose of this report is to present a Development Variance Permit application that would increase the maximum height of an accessory building from 7.5 metres to 8.5 metres.

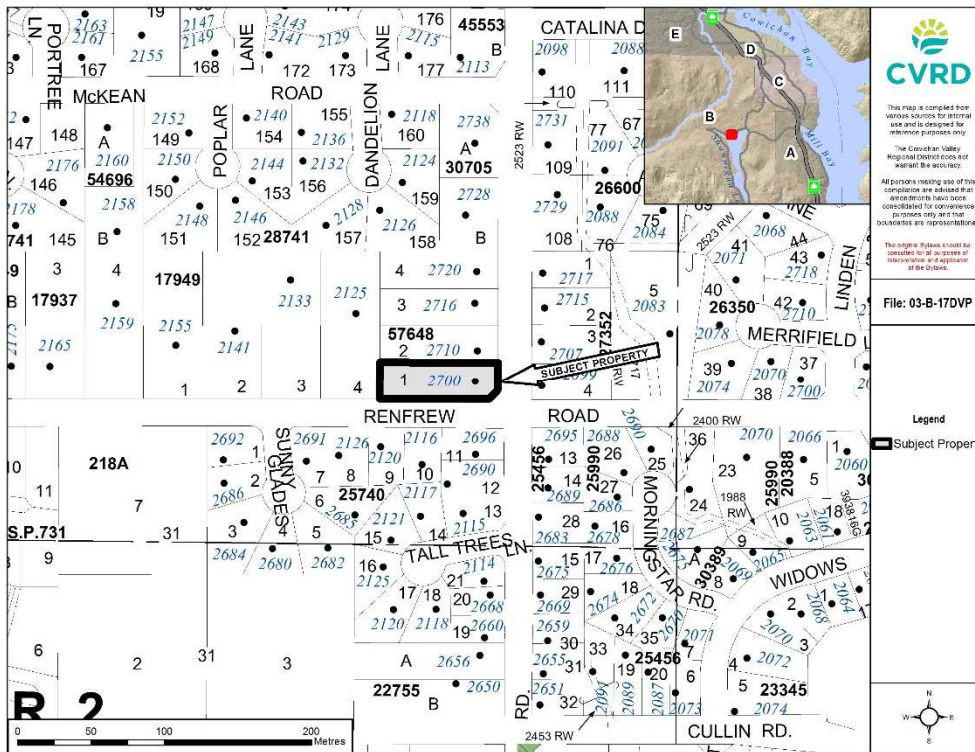
## RECOMMENDED RESOLUTION

That it be recommended to the Board that Development Variance Permit Application No. 03-B-17DVP (2700 Worthington Road) to vary Section 8.6(b)(2) of Zoning Bylaw No. 985 be denied.

## BACKGROUND

<u>Location:</u>	2700 Worthington Road	
<u>Size of Parcel:</u>	0.201 hectare	
<u>OCP Designation:</u>	Village Residential	
<u>Zoning:</u>	R-3 (Urban Residential)	
<u>Use of Property:</u>	Residential	
<u>Use of Surrounding Properties:</u>	North:	Residential (R-3)
	East:	Residential (R-3)
	South:	Residential (R-3)
	West:	Residential (R-3)
<u>Road Access:</u>	Worthington Road and unauthorized access on Renfrew Road	
<u>Water:</u>	CVRD – Shawnigan Lake North Water System	
<u>Sewage Disposal:</u>	Septic	
<u>Environmentally Sensitive Areas:</u>	None identified	
<u>Archaeological Site:</u>	None identified	

**LOCATION MAP**



**APPLICATION SUMMARY**

This application proposes to increase the maximum permitted height of an accessory building from 7.5 metres to 8.5 metres.

The original building permit drawings proposed a 7.5 metres maximum height, however during the course of building inspections, the Building Inspector identified that the building exceeded the maximum permitted height.

A survey was required, which identified that the height of the building at 8.5 metres exceeds the permitted height by 1.0 metre.

**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

**Surrounding Property Owner Notification and Response:**

A total of 26 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, two letters have been received, and several telephone inquiries have been fielded regarding the use of the building as a marijuana production facility.

For reference, please see Attachment E – Adjacent Property Owner Responses.

**OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS**

In Electoral Area B – Shawnigan Lake, maximum height is measured from the average finished grade at the perimeter of the building to the highest point of the building. Section 8.6 – The R-3 (Urban Residential) Zone, specifies a maximum height of 7.5 metres for accessory buildings.

**PLANNING ANALYSIS**

The subject property does not have topographical or environmental constraints. The building is a two-storey structure with high visibility from both road frontages.

The building is located on the high point of the property, and as a result is higher than the adjacent Renfrew Road, and the dwelling on this property.

While there are no negative impacts to views from adjacent properties, the size of the building, its location elevated above the adjacent road, and its design and massing is not in keeping with the neighbourhood and exceeds the size and scale of a typical accessory building in this area.

The applicant has not provided a reasonable explanation as to why the zoning requirements could not be complied with and there are no obvious constraints with the lot to suggest that compliance with the permitted height limit would create a hardship.

Staff recommend denial of the application (Option 1).

**OPTIONS**

Option 1:

That it be recommended to the Board that Development Variance Permit Application No. 03-B-17DVP (2700 Worthington Road) to vary Section 8.6(b)(2) of Zoning Bylaw No. 985 be denied.

Option 2:

That it be recommended to the Board that Development Variance Permit Application No. 03-B-17DVP (2700 Worthington Road) to vary Section 8.6(b)(2) of Zoning Bylaw No. 985 be approved.

Prepared by:

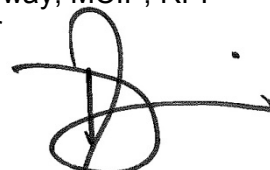
Reviewed by:



\_\_\_\_\_  
Rachelle Rondeau, MCIP, RPP  
Planner II



\_\_\_\_\_  
Rob Conway, MCIP, RPP  
Manager



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

**ATTACHMENTS:**

- Attachment A – Zoning Map
- Attachment B – Orthophoto Map
- Attachment C – Survey
- Attachment D – R-3 Zone
- Attachment E – Adjacent Property Owner Responses
- Attachment F – Letter of Rationale





# ATTACHMENT A

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

The Cowichan Valley Regional District does not warrant the accuracy.

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

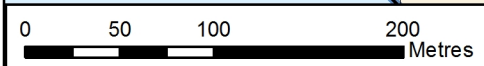
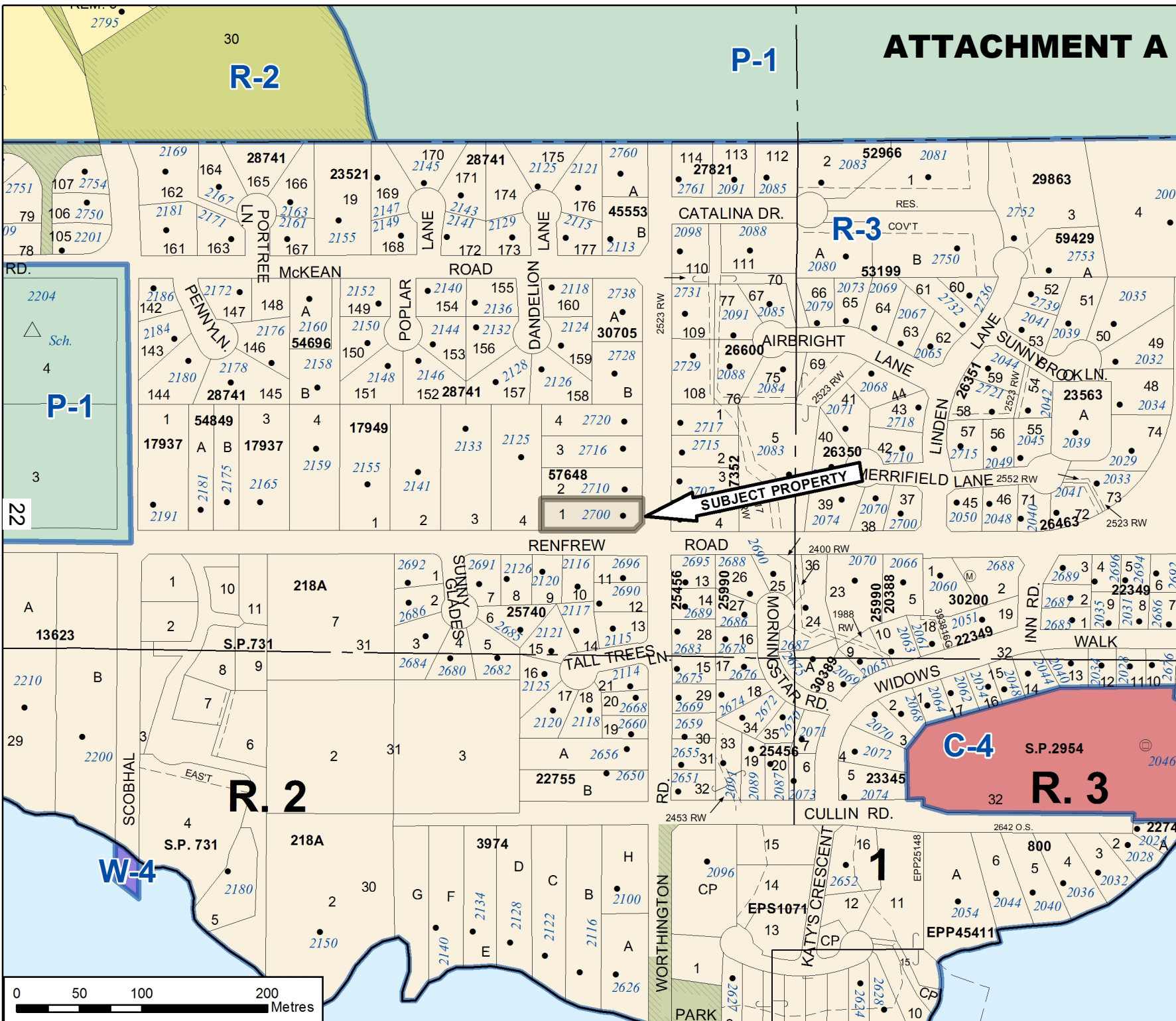
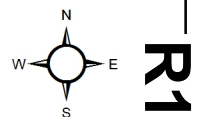
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 03-B-17DVP

## ZONING

Legend

- Subject Property
- Zoning B







23

# ISLAND LAND SURVEYING LTD.

## B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF ACCESSORY BUILDING ON

LOT 1, SECTION 2, RANGE 2,  
SHAWNIGAN DISTRICT, PLAN EPP57648.

PID: 029-845-386

I have examined the accessory building 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  
H88DFU

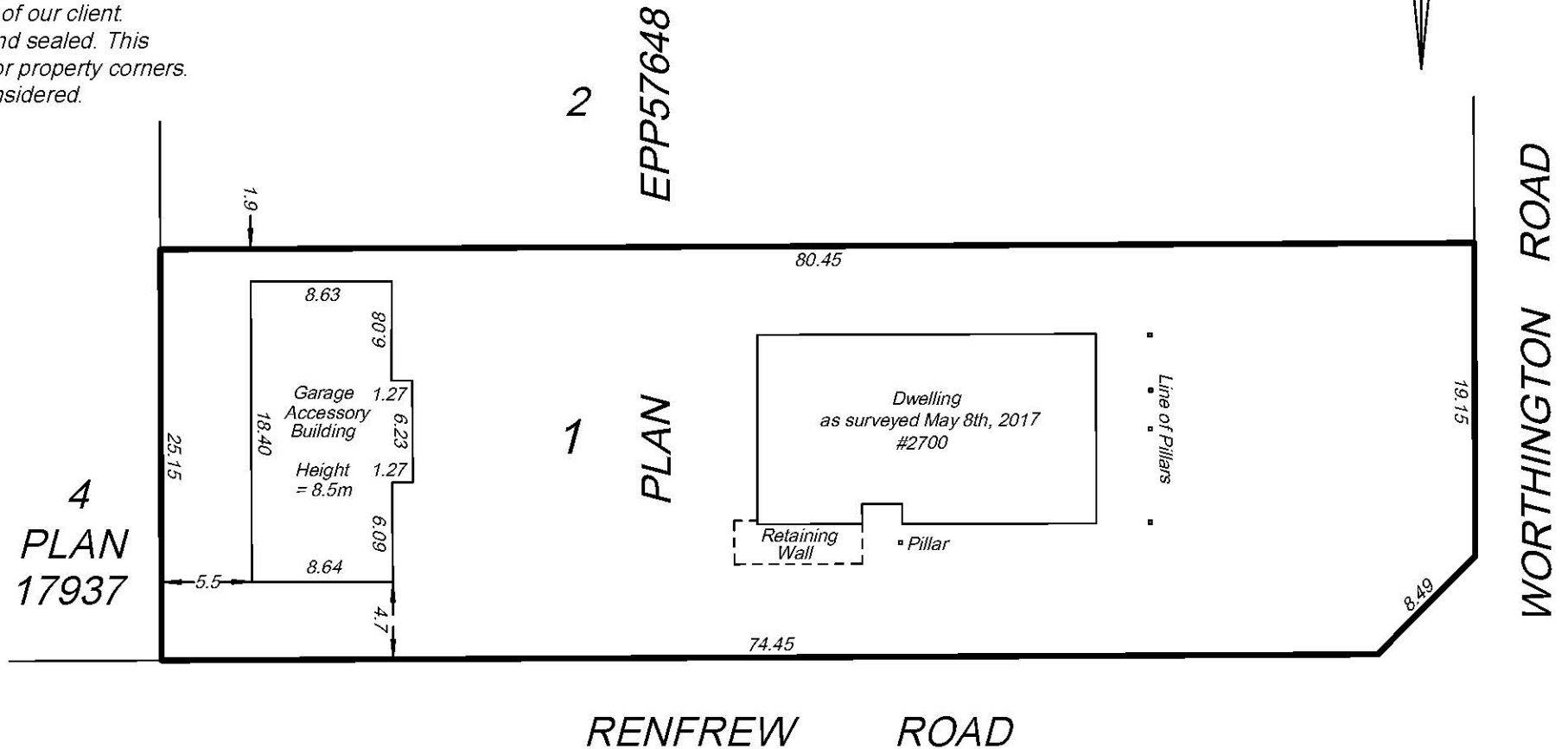
Digitally signed by Jason Kozina H88DFU  
DN: c=CA, cn=Jason Kozina H88DFU, o=BC  
Land Surveyor, email=Verify.ID at  
www.juricert.com/LKU Pcfm?id=H88DFU  
Date: 2017.08.08 12:35:18 -0700

Jason C. Kozina, BCLS  
© 2017 Island Land Surveying Ltd.

Field survey dated this 24th day of July, 2017.  
SCALE=1:400. All distances are in metres.

**NOTE:**

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



#117-693 HOFFMAN AVENUE  
VICTORIA, B.C. V9B 4X1  
Tel 250.475.1515 Fax 250.475.1516  
www.islandsurveying.ca  
OUR FILE: SD-HABANERO-CO2LOT1

24

R1



8.6 R-3 ZONE - URBAN RESIDENTIAL

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in an R-3 Zone:

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

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

Rachelle Rondeau  
Development Services Division  
Land Use Services Department  
CVRD, Duncan, BC



August 23<sup>rd</sup> 2017

File No: 03-B-17DVP

Dear Rachelle Rondeau,

I am writing this letter as a landowner that has been affected by the accessory building erected at  
2700 Worthington Road  
Lot 1, Section 2, Range 2, Shawnigan District, Plan EPP57648

According to the letter I received, Preston Partridge has applied for a Development Variance Permit for the accessory building on the property which is 1 meter over height and in contravention of the R-3 zoning for this property.

I wish to state that I am against granting this variance for the following reasons:

- The building is not on a slope, or near a stream which are reasonable reasons for granting a variance. I can see no extenuating circumstances which would need to be accommodated to make the building this tall.
- The builder has openly flouted his planning agreement and had every intention of contravening the zoning by laws from the start of construction. My understanding is that this is a pattern of his in construction –“ do what I want and ask for a variance a later.”
- When there is no sound reason for a variance, a builder should be held to the zoning regulations as other local builders do.
- From the very beginning this building was described as a storage unit. It is not. It is a personal medical marijuana grow operation, which has been enhanced by the addition of a second story, which may not have been possible if it conformed to the zoning and was lower.
- From Renfrew Road, this building is totally incongruous and obviously too high. The local population all ask – what is that place?

I would also like to ask why the driveway was concreted over, as it is my understanding that homeowners are now required to use a porous surface on sloping driveways.

Yours

Name and address withheld,  
See accompanying information.

**Planning and Development**

---

**From:** [REDACTED]  
**Sent:** September-07-17 9:33 PM  
**To:** Planning and Development  
**Subject:** File No. 03-B-17DVP

We are responding to the application for a variance permit for Preston Partridge for the 2700 Worthington Rd. property in Shawnigan Lake. File No. 03-B-17DVP

We are strongly against this variance request. In our opinion this variance should have been applied for before building. This was not an accident it was intentional. It needed to be that high so that he could have the space above the shop for an illegal rental unit. If you allow people to apply for variances and grant them variances afterwards why would anyone follow restrictions?

This is an experienced builder who is well aware of restrictions. We believe he even built on two properties on this development so he clearly should have and would have looked into the restrictions, as that is his job. We are also aware that he has applied for variances in the past. Why would he follow rules if he is able to vary them after? Oops sorry gets him what he wanted in the first place. Please have him tear it down to the restricted height so he can't later put in an illegal suite. He already has two rentals on the property, he doesn't need a third along with his Medicinal Grow Operation in the shop.

Thank you for your consideration

[REDACTED]  
[REDACTED]  
Shawnigan Lake, B.C.  
V0R 2W1

Dear Rachelle Rondeau, RPP, Planner 11

**Re: Letter of Rationale for Development Variance Permit Application No. 03-B-17DVP, 2700  
Worthington Road PID: 029-845-386, Lot 1, Section 2, Range 2, Shawnigan District, Plan EPP57648**

Thank you for taking the time to review my application for the above noted property. This letter is to outline the sequence of events that led to this development variance request.

The designer drew up the plans for this property and what he failed to recognize was that the surrounding elevations of the road and neighbouring houses, did not allow for the building to be properly placed within the bank, to abide by the height restriction of R-3 zoning.

As a result the garage, which is the accessory building, is over the permitted height of 7.5 metres and is in fact, 8.5 metres. The possible over height was brought to my attention by a CVRD inspector, at this time a height survey was requested. I did not think the accessory building was in contravention of the height restriction. By this time the garage was finished.

The small height difference will in no way affect any neighbouring properties with respect to impeding views.

I respectfully request that the variance be granted.



Preston Partridge



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** September 21, 2017  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of October 4, 2017  
**FROM:** Development Services Division  
 Land Use Services Department  
**SUBJECT:** Development Permit Application for PID: 029-977-266  
**FILE:** 22-D-16DP

## PURPOSE/INTRODUCTION

The purpose of this report is to present a Development Permit application for a covered loading dock.

## RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That Development Permit Application No. 22-D-16DP (PID: 029-977-266) be approved; and
2. That the General Manager of the Land Use Services Department be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No. 3605.

## BACKGROUND

Location of Subject Property: 5301 Chaster Road (Parhar Business Park)

Legal Description: Strata Lot 15, Section 13, Range 7, Quamichan District, Strata Plan EPS1665, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V (PID: 029-977-266)

Owner: Parhar Holdings Business Park Ltd.  
Applicants: Russ McArthur  
Size of Parcel: Strata Lot 15 is 188.9 m<sup>2</sup>, structure is on common property  
Zoning: C-7 (Village Business Park Commercial)  
Plan Designation: Koksilah Village  
Existing Use of Property: Business Park

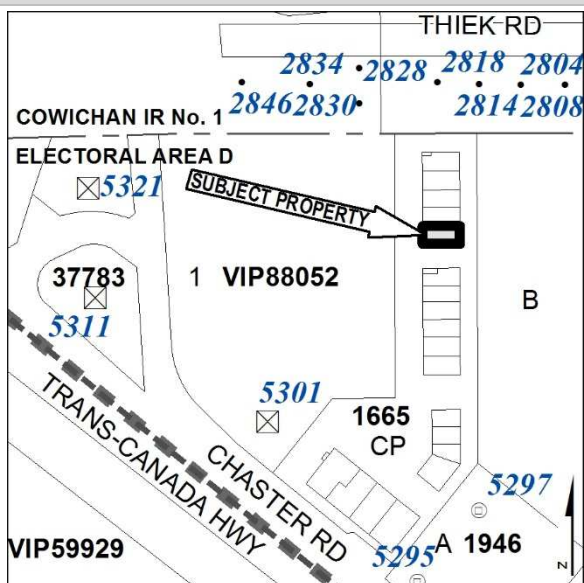
Use of Surrounding Properties:

North:	Business Park
South:	Business Park
East:	ALR
West:	Business Park

Road Access Chaster Road and Common Property Road  
Water: City of Duncan  
Sewage Disposal: CVRD Sewer  
Environmentally Sensitive Areas: None identified

Archaeological Site: None identified

#### LOCATION MAP



#### APPLICATION SUMMARY

This application proposes to construct a canopy over an existing loading dock. The tenants of the building are a uniform company, and they require a covered area to receive and send out uniforms between their shop and delivery vehicles without being exposed to the weather.

#### COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

N/a

#### OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

The property is within the Rural Character Development Permit Area (DPA), and is subject to guidelines regarding form and character and protection of agricultural areas.

#### PLANNING ANALYSIS

Development permit guidelines encourage buildings to be designed with protective overhangs. Permanent structural canopies are preferred and temporary structures or covers are discouraged. Natural materials such as timber and stone are also recommended.

The application proposes an approximately 30m<sup>2</sup> (330 sq. ft) canopy over an existing loading dock. The proposed structure would have a metal roof and cedar fascia to the perimeter of the canopy roof consistent with the buildings within the business park. The applicants have requested a metal frame rather than heavy timbers to increase durability and prevent potential damage to the structure.

The proposed structure is outside the required landscaped buffer adjacent to the Agricultural Land Reserve land to the east.

The application satisfactorily complies with the guidelines of the DPA, and staff recommends approval (Option 1).



**OPTIONS**

Option 1:

That it be recommended to the Board:

1. That Development Permit Application No. 22-D-16DP (PID: 029-977-266) be approved; and
2. That the General Manager of the Land Use Services Department be authorized to permit minor revisions to the permit in accordance with the intent of development permit guidelines of Official Community Plan Bylaw No. 3605.

Option 2:

That it be recommended to the Board that Development Permit Application No. 22-D-16DP (PID: 029-977-266) be denied, based on stated inconsistency with specific guideline(s).

Prepared by:

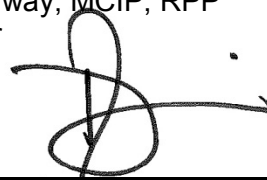


Rachelle Rondeau, MCIP, RPP  
Planner II

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 – Building Elevations
- Attachment D – Draft Development Permit



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The Cowichan Valley Regional District does not warrant the accuracy.




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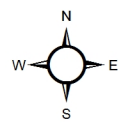
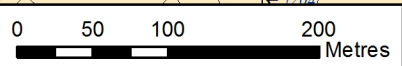
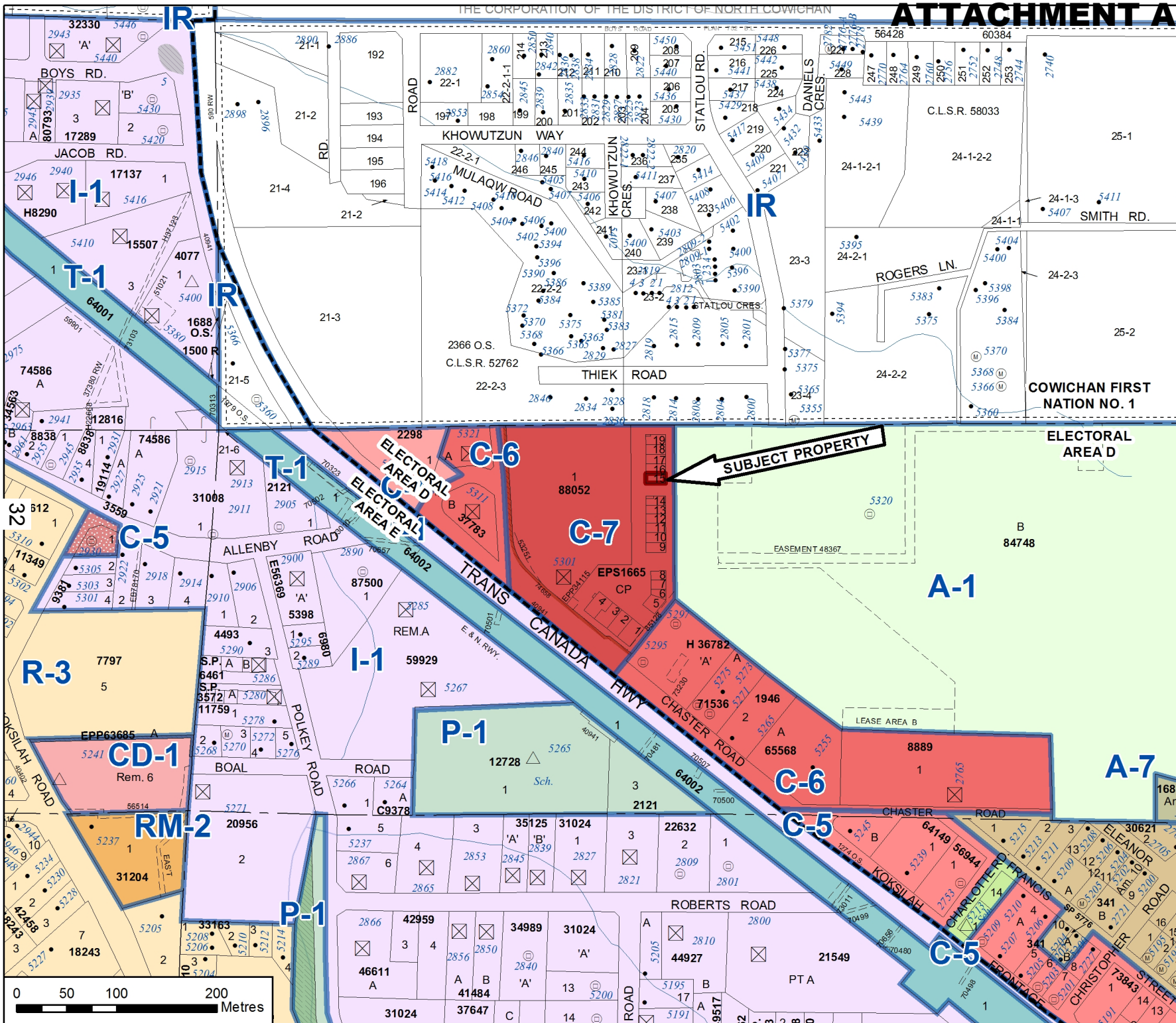
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 22-D-16- DP

## ZONING

### Legend

-  Subject Property
-  Zoning D Uplands
-  Zoning E



# R2





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

File: 22-D-16- DP

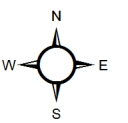
Google Earth  
Photo (2016)



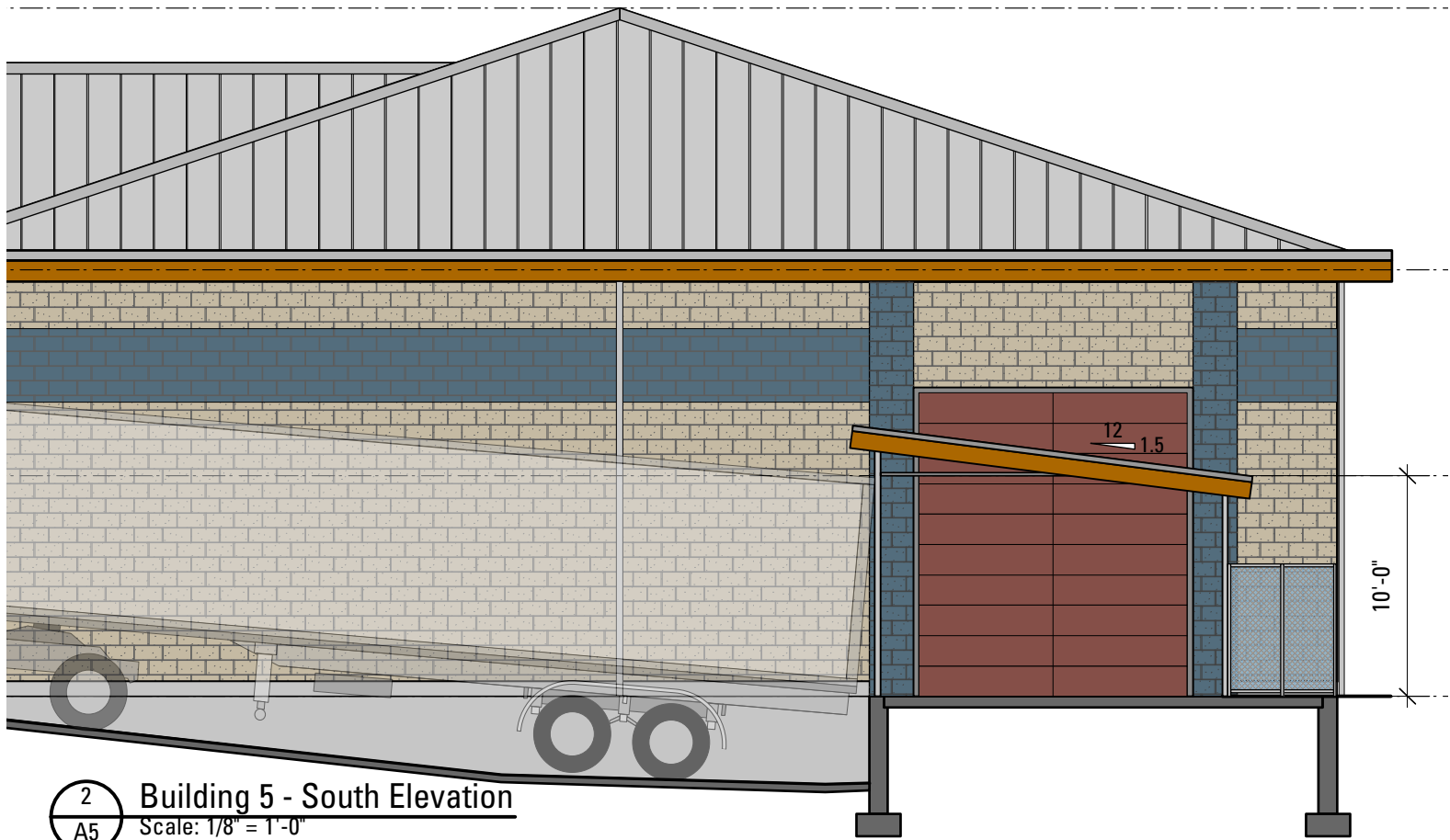
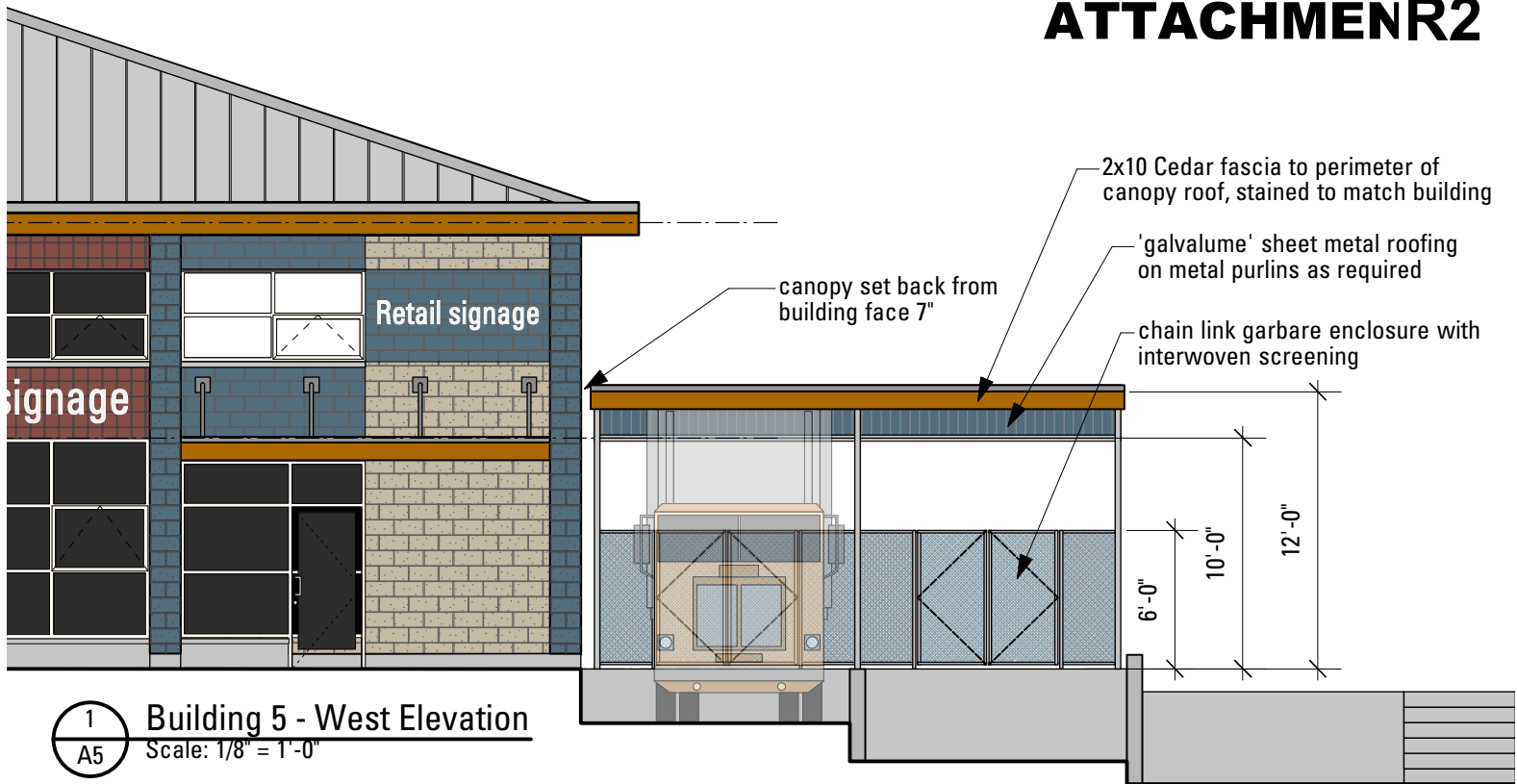
33

Google Earth

500 m



**R2**



**Joe Newell**  
architect inc.

612 Yates Street, Victoria, BC V8W 1K9  
p. (250) 382-4240 f. (250) 382-5733  
www.joenevellarchitect.com

**Revision:**  
Free standing canopy structure over loading dock added to south side of building 5.

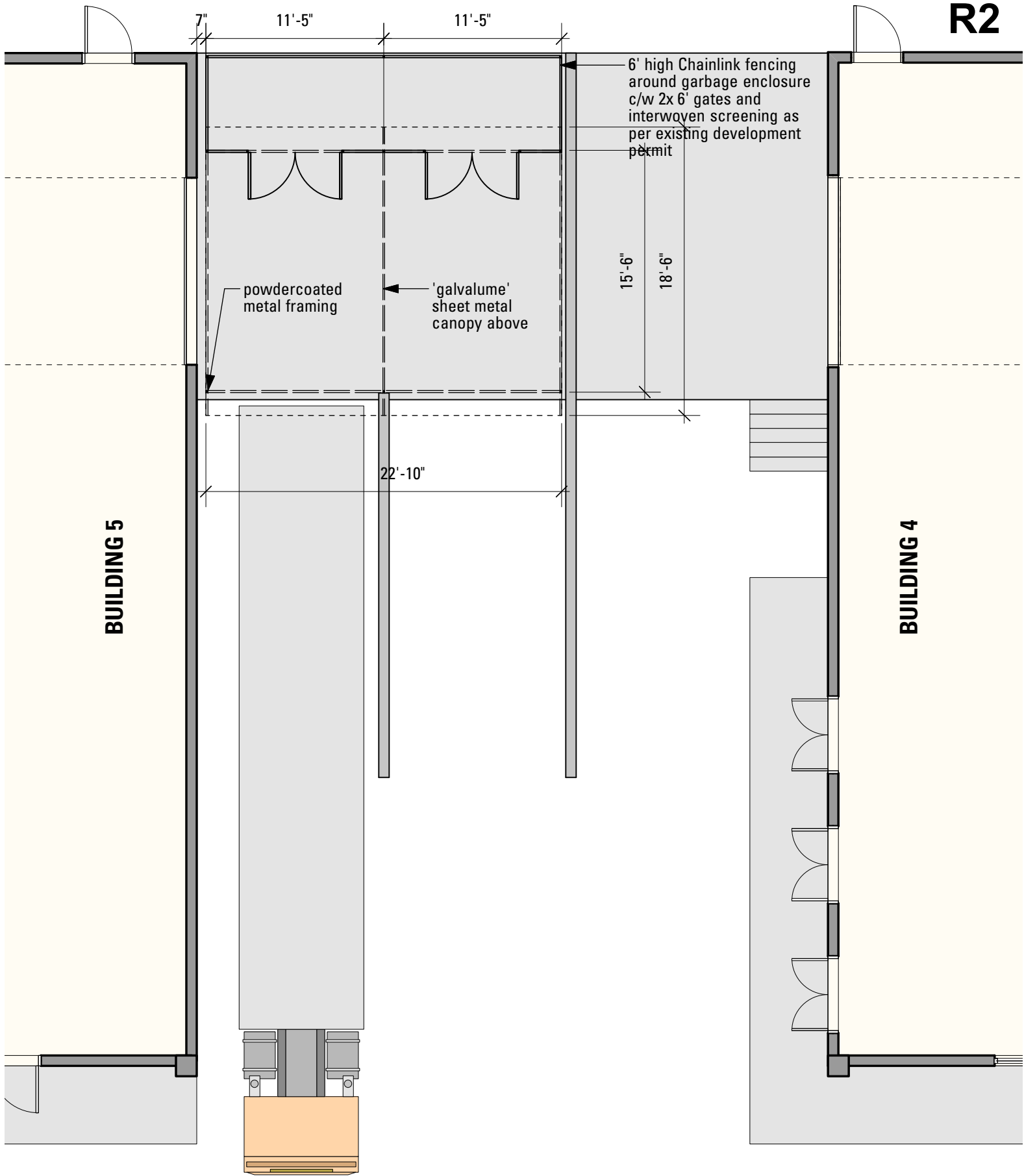
**Drawing(s):** Loading Dock Canopy - Elevations

**Project:** 150504 - Parhar Business Centre

**Date:** 2017.05.23

**Scale:** 1/8" = 1'-0"

**ASK-02**







**COWICHAN VALLEY REGIONAL DISTRICT**

**DEVELOPMENT PERMIT**

FILE NO: 22-D-16DP

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

**REGISTERED PROPERTY OWNER:**

PARHAR BUSINESS PARK LTD.

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

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):

*Strata Lot 15, Section 13, Range 7, Quamichan District, Strata Plan EPS1665, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V (PID: 029-977-266)*

3. Authorization is hereby given for the **construction of a canopy** subject to compliance with the attached Schedules:

4. 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.

5. The following Schedules are attached:

- Schedule A – Site Plan
- Schedule B – Building Elevations

**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 Land Use Services Department.

**ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. XXXX PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE X<sup>TH</sup> DAY OF MONTH, 2017.**

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

I HEREBY CERTIFY that I have read the terms 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 PARHAR BUSINESS PARK (owners), and RUSS MCARTHUR (agent), other than those contained in this Permit.

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

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

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

DRAFT







# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** September 21, 2017  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of October 4, 2017  
**FROM:** Development Services Division  
 Land Use Services Department  
**SUBJECT:** Rezoning and OCP Amendment Application for 4681 Sahtlam Estates Road  
**FILE:** 01-E-16RS

## PURPOSE/INTRODUCTION

The purpose of this report is to present to the Electoral Area Services Committee the proposed area for park dedication associated with application 01-E-16RS.

## RECOMMENDED RESOLUTION

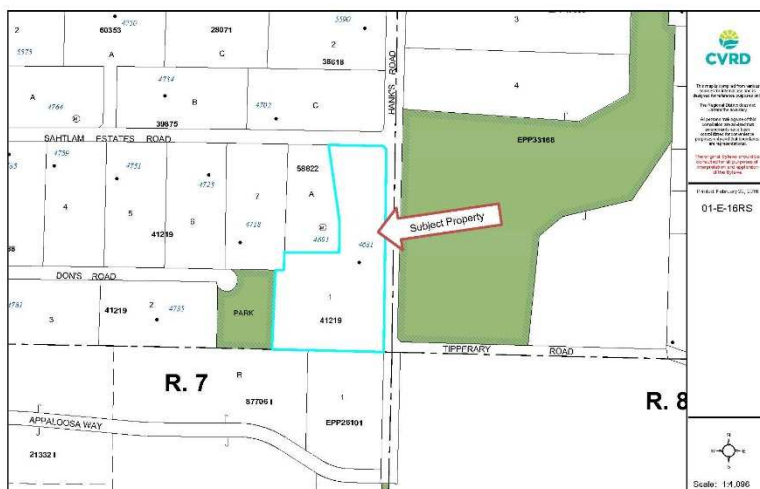
For information.

## BACKGROUND

At the June 14, 2017, Regional Board meeting, the following resolution was made:

1. That the referrals to Ministry of Transportation and Infrastructure, Island Health, School District 79, Cowichan Tribes, Sahtlam Fire Department, be accepted;
2. That amendment bylaws for Rezoning Application No. 01-E-16RS (4681 Sahtlam Estates Road) be forwarded to the Board for consideration of first and second readings;
3. That a public hearing be scheduled with Directors from Electoral Areas E, F and D as delegates; and;
4. That covenant(s) be drafted prior to public hearing to secure the areas to be dedicated to the CVRD.”

## LOCATION MAP



**APPLICATION SUMMARY**

For reference, please see Attachment A – June 7, 2017, EASC Report.

**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

For reference, please see Attachment A – June 7, 2017, EASC Report.

**OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS**

For reference, please see Attachment A – June 7, 2017, EASC Report.

**PLANNING ANALYSIS**

This report is being provided to the EASC to describe the area being proposed for park dedication with regards to OCP amendment and Rezoning Application No. 01-E-16 RS.

As proposed, the park dedication captures the wetland on the west side of the property adjacent to Dons Park as well as the trail along the southern property boundary.

If the area and layout of the proposed park area is acceptable, amendment bylaws will be prepared for 1<sup>st</sup> and 2<sup>nd</sup> reading by the Board as resolved in the above-noted resolution. If the EASC requires revisions to the proposed park dedication, staff requires direction.

**OPTIONS**

For information.

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 – June 7, 2017 EASC Report
- Attachment B – Proposed Park Dedication



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** May 30, 2017

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

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

**SUBJECT:** OCP and Zoning Amendment Application No. 01-E-16RS  
(4681 Sahtlam Estates Road)

**FILE:** 01-E-16RS

## PURPOSE/INTRODUCTION

The purpose of this report is to provide additional information to the Electoral Area Services Committee regarding an Official Community Plan Amendment and Rezoning Application that proposes to subdivide the subject property into two parcels, and to dedicate land to the CVRD for conservation of a wetland and establish a trail corridor.

This report includes the Public Meeting Minutes from March 16, 2017, and the APC's recommendation.

## RECOMMENDED RESOLUTION

That it be recommended to the Board:

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

## BACKGROUND

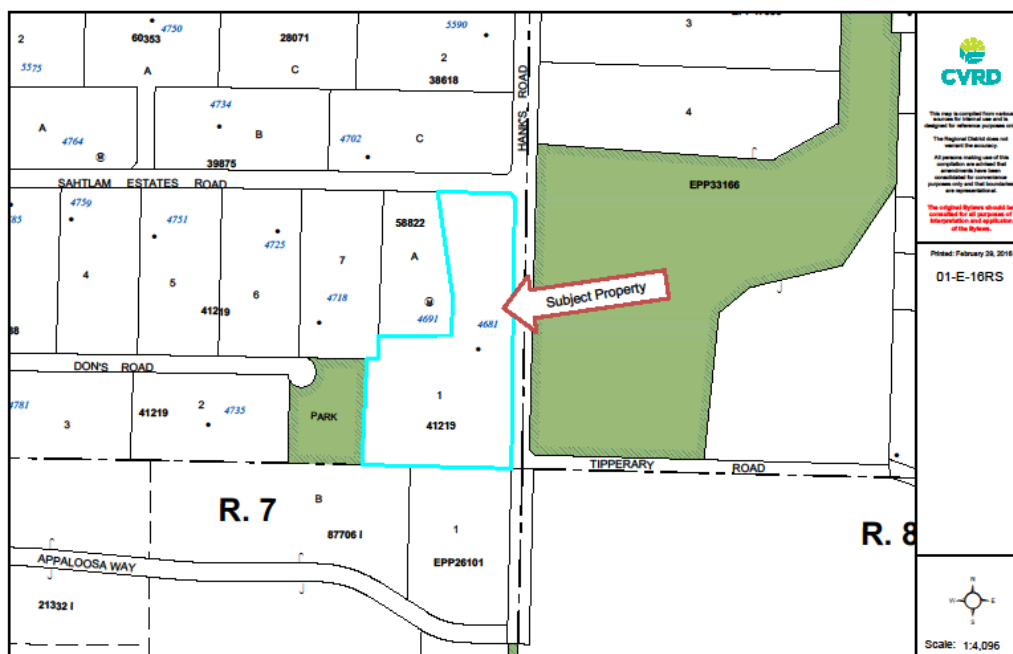
For reference, please see Attachment A – Former EASC Reports

A brief chronology is provided below:

- At the November 16, 2016, meeting of the Electoral Area Services Committee (EASC), this application was considered and referred back to staff to explore with the applicant a zoning amendment, or other solution, that would allow auto repair on the subject property. The Committee was looking for more information from staff regarding options to address the non-compliant auto repair home occupation.
- At the December 7, 2016, EASC meeting, the application was referred to staff to arrange a CVRD-hosted public neighbourhood meeting. This meeting was held on March 16, 2017, at the Sahtlam Fire Hall. At the public meeting, there was broader policy discussion regarding Temporary Use Permits and Home Based Business policies for consideration in the Official Community Plan review, as well as specific discussion on the subject application (01-E-16RS). For reference, please see Attachment B – March 16, 2017, Public Meeting Minutes

- Most recently, at the April 19, 2017, EASC meeting, the Committee directed that the application be referred back to the Advisory Planning Commission (APC), as the APC had never been provided information with respect to the non-compliant auto repair home occupation. Staff's opinion at the time of the original referral to the APC and other agencies was that it is not the APC's or referral agencies' role to comment on bylaw enforcement. However, since that time, there has been significant discussion about the options for legalizing the auto repair business either through a Temporary Use Permit, which would require an amendment to the Official Community Plan, or through establishment of a site specific zone. The CVRD conducts bylaw enforcement on a complaint-driven basis, and the Board can direct how, and if, bylaw enforcement occurs.

## LOCATION MAP



## APPLICATION SUMMARY

The application proposes to rezone the subject property to permit subdivision to a 1 ha minimum parcel size. The applicants would like to subdivide their 3.0 ha parcel to create a new 1 ha lot so they can build a smaller home and continue operating the auto repair shop for some years prior to retirement, which will remain on the proposed new lot. As the minimum lot size for the existing R-2 Zone is 2 ha, a zoning amendment to a zone with a 1 ha minimum is requested.

Additionally, the applicants propose to dedicate a wetland on the west side of the property adjacent to Dons Park and a trail corridor at the rear of the property to the CVRD. The property is within 1 kilometre of Wake Lake, which is identified in the Official Community Plan as the largest breeding ground within the CVRD for the western toad, a species in need of conservation, and the red-legged frog, a provincially blue-listed species. The ecological assessment submitted with the application indicates that protecting the wetland and streams on the subject property through dedication to the CVRD and covenants would be beneficial for amphibian habitat. A trail

at the rear of the property is already used by the public, and this would be dedicated to the CVRD also.

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

The Electoral Area E Advisory Planning Commission re-considered this application at their May 23, 2017, meeting and made the following recommendation:

- 1) *That the APC supports the application to subdivide the property and dedicate the land as proposed;*
- 2) *That the APC does not support establishment of a site specific zone that would allow both subdivision AND auto repair as a principal permitted use.*
- 3) *That the APC recommends the auto repair business be brought into compliance with the zoning regulations. Members were divided at when this should be required: either at the time of subdivision or at some future date when the applicants are ready to retire.*

For other agency and CVRD Department referral responses, please see Attachment A – Former EASC Reports.

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

There is supportive policy within the Official Community Plan to acquire large tracts of ecologically sensitive lands on forestry designated parcels and to create suburban sized lots (1 ha minimum) in exchange for the sensitive land dedication, which is how this application was originally proposed.

The property is not designated forestry, and the OCP does not specifically intend that the Rural Residential/Forestry Conversion designation be used for a residential to residential conversion, however given the proximity of the subject property to Wake Lake and the dedicated lands nearby, this would be an ecologically important connection.

The Official Community Plan supports home occupations in the area with clearly defined regulations, and also supports re-development of the home occupation regulations in an OCP review without negatively impacting the community character of the plan area.

#### **PLANNING ANALYSIS**

Preliminary discussions in the current Electoral Area E OCP review do not propose to expand the home occupation regulations to an extent that would allow the size and number of bays of the current auto repair business.

Attempting to defer compliance to some future date through a covenant is not recommended as these are difficult and expensive to administer, and rely principally on the cooperation of the owner at the time. If the Committee is inclined to recommend approval of the application, it should include a requirement for compliance prior to adoption of the amendment bylaws.

Alternatively, should the Committee support the automotive repair use continuing, a “spot zone” would be the most appropriate way to accomplish it, rather than setting expectations around compliance via covenant agreements that require continued supervision and enforcement, and can be changed over time (subject to Board approval of the day).

Staff recommend Option 1.

**OPTIONS**

Option 1

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

Option 2:

That Rezoning Application No. 01-E-16RS OCP and Zoning Amendment Application No. 01-E-16RS (4681 Sahtlam Estates Road) be denied and a partial refund be provided to the applicant in accordance with the CVRD's Development Application Procedures and Fees Bylaw.

Prepared by:

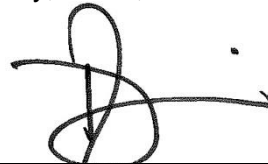


\_\_\_\_\_  
Rachelle Rondeau, MCIP, RPP  
Planner II

Reviewed by:



\_\_\_\_\_  
Rob Conway, MCIP, RPP  
Manager



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

**ATTACHMENTS:**

- Attachment A – Former EASC Reports
- Attachment B – March 16, 2017 Public Meeting Minutes



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** November 28, 2016

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of December 7, 2016

**FROM:** Development Services Division  
Planning & Development Department

**SUBJECT:** OCP and Zoning Amendment Application for 4681 Sahtlam Estates Road

**FILE:** 01-E-16RS

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## PURPOSE/INTRODUCTION

The purpose of this report is to consider an application to amend Official Community Plan Bylaw No. 1490 and Zoning Bylaw No. 1840 to create a new zone that would permit the subdivision of the subject property into two parcels with a minimum permissible lot size of 1 ha, and to permit an auto repair shop.

## RECOMMENDED RESOLUTION

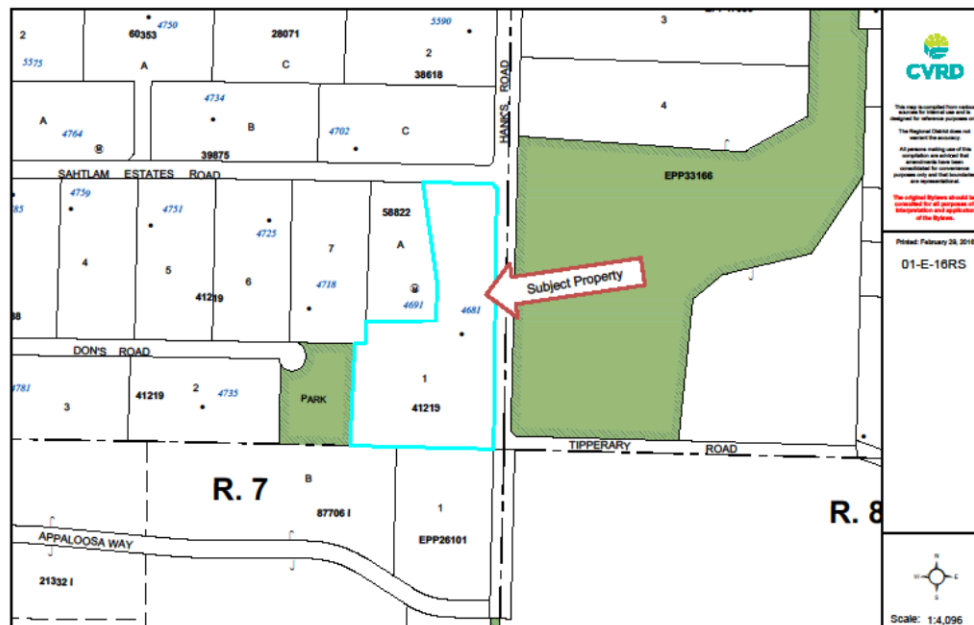
That it be recommended to the Board

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

## BACKGROUND

For reference, please see the November 16, 2016 Staff Report to Committee regarding file 01-E-16RS.

At the November 16, 2016, meeting of the Electoral Area Services Committee (EASC), this application was referred to staff to explore with the applicant a zoning amendment that would allow auto repair on the subject property. Currently, there is an auto repair shop operating on the property that is too large to be considered a home occupation.

**LOCATION MAP****APPLICATION SUMMARY**

The application proposes to rezone the subject property to permit subdivision to a 1 ha minimum parcel size. The applicants would like to subdivide their 3.0 ha parcel to create a new 1 ha lot so they can build a smaller home and continue operating the auto repair shop, which will remain on the proposed new lot. As the minimum lot size for the existing R-2 Zone is 2 ha, a zoning amendment to a zone with a 1 ha minimum is requested.

Additionally, the applicants propose to dedicate a wetland on the east side of the property adjacent to Dons Park and a trail corridor at the rear of the property to the CVRD. The property is within 1 kilometre of Wake Lake, which is identified in the Official Community Plan as the largest breeding ground within the CVRD for the western toad, a species in need of conservation, and the red-legged frog, a provincially blue-listed species. The ecological assessment submitted with the application indicates that protecting the wetland and streams on the subject property through dedication to the CVRD and covenants would be beneficial for amphibian habitat. A trail at the rear of the property is used by the public, and this would be dedicated to the CVRD also.

**COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

See attached November 16, 2016 EASC report.

**OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS**

There is supportive policy within the Official Community Plan to acquire large tracts of ecologically sensitive lands on forestry designated parcels and to create suburban sized lots (1 ha minimum) in exchange for the sensitive land dedication, which is how this application was originally proposed.

The property is not designated forestry, and the OCP does not specifically intend that the Rural



Residential/Forestry Conversion designation be used for a residential to residential conversion, however given the proximity of the subject property to Wake Lake and the dedicated lands nearby, this would be an ecologically important connection.

Associated with the application is the request to change the zoning to permit the approximately 149 m<sup>2</sup> (1,600 sq. ft), three bay auto repair shop on the property. Home occupations are permitted, however the existing auto repair shop exceeds the size limit, the number of bays, and the number of employees for a home occupation. Typically, auto repair is a permitted use in Light Industrial zones. The OCP encourages infill of existing vacant industrial land prior to designating more land for industrial, and that these should be on properties within easy access of a major local road, and should not generate traffic through a residential area. The industrial activity should be compatible with the surrounding environment and land use.

The Commercial and Industrial objectives of the Official Community Plan are noted below:

- *Require that commercial uses are located in areas where they can be appropriately serviced and best serve the needs of the local community;*
- *Discourage small scale commercial uses in locations which are isolated from existing commercial areas or which reduce highway safety or impact on the rural character of the community or its natural environment;*
- *Sanction a clearly defined range of activities in residential areas which may be permitted as a home craft or home occupation;*
- *Discourage intensive industrial development that would erode the present rural residential, agricultural and recreational characteristics of the plan area;*
- *Recognize industrially zoned land uses and encourage small scale light industrial activities in locations which do not impact on the rural character of the community or natural environment, in particular ground water resources.*

Section 7.10 – Residential Development, Climate Change, Land and Energy Efficiency – suggests that in a future OCP review, the Board may consider an increase in cottage industry/home based business operations without negatively impacting the existing character of the Plan area.

#### **PLANNING ANALYSIS**

Spot zoning to enable a larger auto repair shop is not considered to be good planning practice. The CVRD is not aware of any complaints having been received with regards to the operation of the auto repair shop in the 17 years the shop has been operating. However, the Committee should be mindful that the zoning will apply to the property and not the operators, further there will be little ability to control neighbourhood impacts associated with the auto repair use if it is permitted by zoning. A restrictive covenant is one option that could be employed to add additional restrictions such as hours of operation, buffering, and limits to expansion.

If the home occupation regulations within the Zoning Bylaw are too restrictive, staff's recommendation would be to review these in the context of the entire plan area. If such a review were undertaken, it is expected that auto repair of the current scale would not be permissible as a home occupation because of its size, number of vehicles required to be parked out of doors, potential for noise and traffic impacts as well as environmental considerations.

The intention when limiting the size and scope of home occupations is to limit the potential for disturbance to adjacent properties and centralize commercial services to areas where this type of activity can reasonably be anticipated.

The applicants have amended their application to include the request to zone the subject

property in a manner that would permit the existing auto repair shop. If the Committee is inclined to approve the application, amendment bylaws would be drafted that specify a 1 ha minimum parcel size for subdivision and include a provision for the auto repair shop including buffering requirements. A survey will determine the exact areas to be dedicated to the CVRD, and this would be secured through a covenant.

For the reasons noted above, staff do not recommend including the auto repair as part of the rezoning approval. Option 3 is recommended.

**OPTIONS**

Option 1

1. That the referrals to Ministry of Transportation and Infrastructure, Island Health, School District 79, Cowichan Tribes, Sahtlam Fire Department be accepted.
2. That amendment bylaws for Rezoning Application No. 01-E-16RS be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> reading.
3. That a public hearing be scheduled with Directors from Electoral Areas E, F and D as delegates.
4. That covenant(s) be drafted prior to public hearing to secure the areas to be dedicated to the CVRD.


Option 2

That Rezoning Application No. 01-E-16RS be denied and a partial refund be provided to the applicant in accordance with the CVRD's Development Application Procedures and Fees Bylaw.

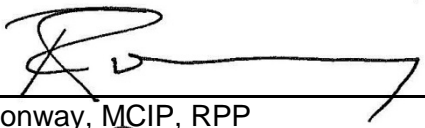
Option 3

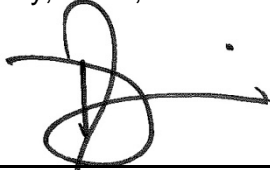
1. That the referrals to Ministry of Transportation and Infrastructure, Island Health, School District 79, Cowichan Tribes, Sahtlam Fire Department be accepted.
2. That amendment bylaws for Rezoning Application No. 01-E-16RS be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup>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

Prepared by:

  
 \_\_\_\_\_  
 Rachelle Rondeau, MCIP, RPP  
 Planner II

Reviewed by:

  
 \_\_\_\_\_  
 Rob Conway, MCIP, RPP  
 Manager

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

**ATTACHMENTS:**

Attachment A – November 16, 2016 EASC staff 48 ort





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** November 4, 2016

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of November 16, 2016

**FROM:** Development Services Division  
Planning & Development Department

**SUBJECT:** OCP and Rezoning Amendment Application for 4681 Sahtlam Estates Road

**FILE:** 01-E-16RS

## PURPOSE/INTRODUCTION

The purpose of this report is to consider an application to amend Official Community Plan Bylaw No. 1490 from Suburban Residential to Rural Residential/Forestry Conservation and Zoning Bylaw No. 1840 from R-2 (Suburban Residential) to RF-50/50 (Rural Residential/Forestry Conservation) Zone on the subject property in order to subdivide the property into two residential lots, to dedicate the area of the wetland to the CVRD, and establish a trail.

## RECOMMENDED RESOLUTION

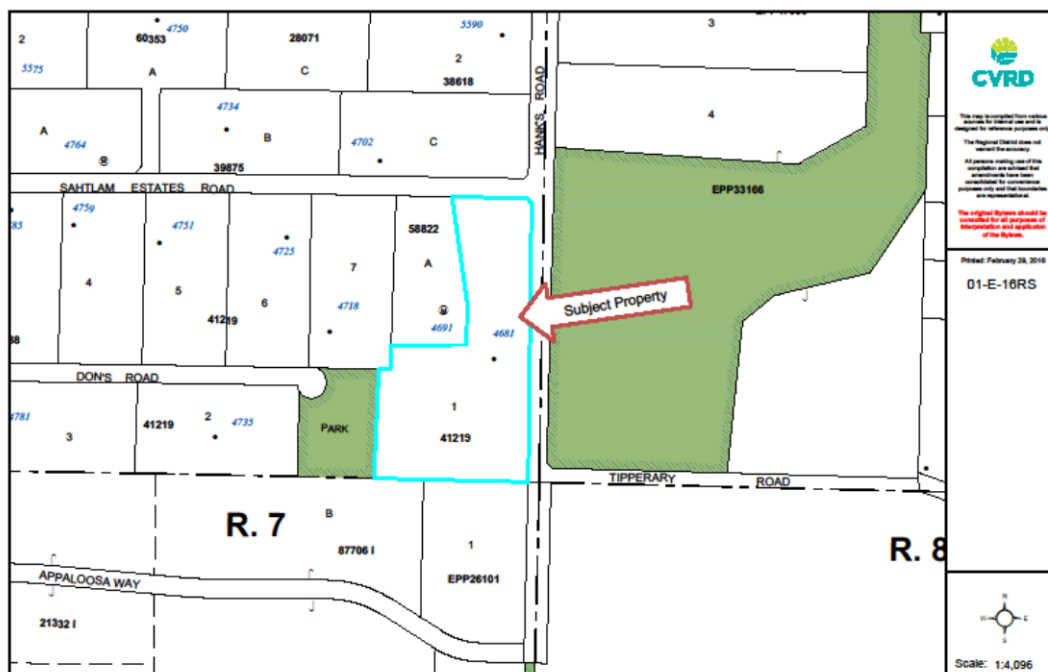
That it be recommend to the Board:

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

## BACKGROUND

<u>Location:</u>	4681 Sahtlam Estates Road
<u>Legal Description:</u>	Lot 1, Section 8, Range 7, Sahtlam District, Plan 41219 Except Part in Plan VIP58822 (PID: 000-528-064)
<u>Owner:</u>	Albert and Juliska Hols
<u>Size of Land:</u>	3 ha (7.5 acres)
<u>Use of Property:</u>	Residential and Home-based business (auto repair)
<u>Water:</u>	Well
<u>Sewage Disposal:</u>	Septic system
<u>Agricultural Land Reserve:</u>	N/A
<u>Fire Protection:</u>	Sahtlam Volunteer Fire Department
<u>Existing Plan Designation:</u>	Suburban Residential
<u>Proposed Plan Designation:</u>	Rural Residential/Forestry Conservation
<u>Existing Zoning:</u>	R-2 (Suburban Residential)

<u>Proposed Zoning:</u>	RF-50/50
<u>Environmentally Sensitive Areas:</u>	Wetland and stream
<u>Contaminated Sites:</u>	Site Profile completed due to auto repair business being located on the property – No Schedule 2 uses identified
<u>Archaeological Sites:</u>	None identified

**LOCATION MAP****APPLICATION SUMMARY**

The application is proposed to enable subdivision of the parcel into two lots with a minimum parcel size of 1 hectare, and to dedicate to the CVRD a wetland and trail corridor. The existing dwelling is a large family home of approximately 5,000 ft<sup>2</sup> and the applicants would like to construct a smaller home on the proposed new lot and continue the auto repair business.

The subject property currently has one dwelling, a boat storage shed, and an accessory building used for an auto repair business. The property is a mixture of forested, riparian and former pasture areas. The parking area for the auto repair business, as well as the existing driveway, is gravel-surfaced.

There is a wetland (classified as a swamp in the Sensitive Ecosystems Inventory) on the south western portion of the property, a second small wetland on the east side, and two streams. For reference, please see attached ecological assessment.

### ***Ecological Assessment***

An ecological assessment was prepared in support of the application and identified this area as being very important for amphibians, in particular the provincially blue-listed<sup>1</sup> northern red-legged frog and western toad. These species are also subject to the Federal *Species at Risk Act*.

Breeding sites for both the above-noted species, and winter hibernating areas for the western toad, have been confirmed in the vicinity of the subject property.

The wetland provides habitat for amphibians as well as habitat and foraging area for birds, bats and other animals. The wetland also provides an important ecological function in retaining and filtering water.

The subject property is the only parcel located between Dons Park and Hanks Road Park. Approximately half the wetland on the subject property is located on the subject property, with the other half located on the adjacent Dons Park.

The applicants propose to dedicate most or all of the area of the wetland on the west side to the CVRD. A 15 metre strip along the southern property boundary will also be dedicated in order to provide connectivity from Dons Park to Hanks Road Park. There is an informal trail at the rear of the lot that the public currently uses; this trail would be included in the proposed dedication.

Currently, the exact area and dimensions of the area encompassing the wetland is not known, and if the Committee is inclined to approve the application, the applicants will engage a surveyor to establish boundaries for the park dedication and proposed lots. A covenant will be required to secure the proposed amenities.

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

The Electoral Area E Advisory Planning Commission recommended approval of the application subject to dedication and/or preservation of the wetlands and watercourses; and if possible, establishment of a low-impact trail along the southern property line.

The Parks Commission supports park dedication on the west side to encompass the wetland and to establish a corridor along the south side of the property for a trail connection from Dons Park to Tipperary Road and Hanks Road Park.

This application has been referred to the following agencies and CVRD Departments for comment, and their responses are included as Attachment E:

- Island Health, Ministry of Transportation and Infrastructure, School District 79, Cowichan Tribes, Sahtlam Volunteer Fire Department.
- CVRD Parks & Trails Division, Public Safety Division, Facilities & Transit Division, and Engineering Services Department.

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

The primary focus of the Rural Residential/Forestry Conservation designation is the protection of lands for wildlife habitat. In particular, lands within 1,000 metres of Wake Lake are recognized for their importance since they also provide migratory routes for the western toad and the red-legged frog. The OCP also strongly supports conservation of wetlands.

<sup>1</sup> Blue-listed refers to a provincial designation of plants, animals or ecological communities that are of special concern (vulnerable). Red-listed species are extirpated, endangered or threatened.

**Zoning**

In general, residential zones in Electoral Area E have a 2 ha (5 acre) minimum parcel size. However, by rezoning to the RF 50/50 Zone, the subject property would be eligible for a minimum parcel size of 1 ha (2.47 acres).

Should the rezoning be approved and the property become eligible for subdivision, the zoning bylaw requires that the area of the water features on the property be excluded from the calculation of lot size for the purposes of determining minimum parcel size. In this case, both lots would be required to be 1 ha, exclusive of the area(s) of the wetland and creeks. A survey will determine the exact amount of land for the two proposed residential parcels (minimum 1 ha), the proposed wetland conservation area, the trail and the remaining area of watercourses not included in the dedication.

There is an auto repair home occupation occurring on the property which employs two mechanics plus the property owner. Section 5.11 of the Zoning Bylaw limits home occupations involving auto repair to the following:

- One enclosed service bay with a total area not exceeding 25 m<sup>2</sup>;
- One vehicle may be parked outdoors (not including the owner's vehicles);
- Repair of vehicles must occur inside a building.

The general regulations governing home occupations also limit the size of home occupations to 100 m<sup>2</sup> and allow one non-resident employee. The current operation is significantly oversized, and is not consistent with the home occupation regulations.

**Riparian Areas Regulation**

Wetlands, streams, lakes and rivers that provide fish habitat or are connected to fish habitat, are subject to the Riparian Areas Regulation. Prior to any new development, including subdivision, within 30 metres of a stream, a report is required that identifies a Streamside Protection and Enhancement Area (SPEA) for the stream, which is required to remain natural<sup>2</sup>.

In this case, a SPEA of 15 metres has been established around the wetland and 10 metres around the other small wetland and each of the two streams.

**PLANNING ANALYSIS**

To be eligible for the Rural Residential/Forestry Conversion designation and the corresponding RF-50/50 Zone, dedication of land to the CVRD is required for preservation of habitat for threatened or protected species of mammals or amphibians, and secondly for conservation of land for parks and trails. Without dedication of a portion of the land for conservation purposes, there is no supportive policy within the Official Community Plan for the rezoning application.

The proposed lot sizes are consistent with those in the area, and the dedication of the wetland would be a significant gain in regards to protecting amphibian habitat. Staff supports the application provided that the matter of the oversized home occupation, which is non-compliant with the zoning, is adequately dealt with prior to adoption of the amendment bylaws. The applicants have prepared a letter requesting reprieve from bylaw enforcement, and have provided letters of support for the committee's consideration, included as Attachment G.

Option 1 is recommended.

<sup>2</sup> SPEA is the area adjacent to the water feature that is required to remain natural in order to protect the biological function of the water feature and its riparian area.

**OPTIONS**

Option 1


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

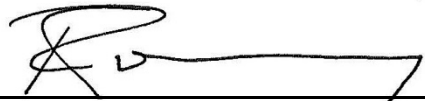
Option 2

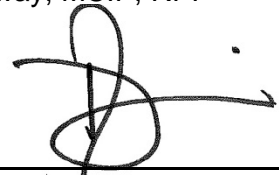
That Rezoning Application No. 1-I-15RS be denied and a partial refund be provided to the applicant in accordance with the CVRD's Development Application Procedures and Fees Bylaw.

Prepared by:

Reviewed by:

  
 \_\_\_\_\_  
 Rachelle Rondeau, MCIP, RPP  
 Planner II

  
 \_\_\_\_\_  
 Rob Conway, MCIP, RPP  
 Manager

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

**ATTACHMENTS:**

- Attachment A – OCP Map
- Attachment B - Zoning Map
- Attachment C – Orthophoto Map
- Attachment D – Wildfire Hazard Map
- Attachment E – Site Plan
- Attachment F- Ecological Assessment
- Attachment G – Referral Agency Comments
- Attachment H – Applicant Letter and Letters of Support



# ATTACHMENT A



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

The Cowichan Valley Regional District does not warrant the accuracy.



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

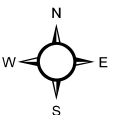
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-E-16RS

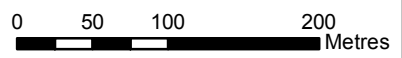
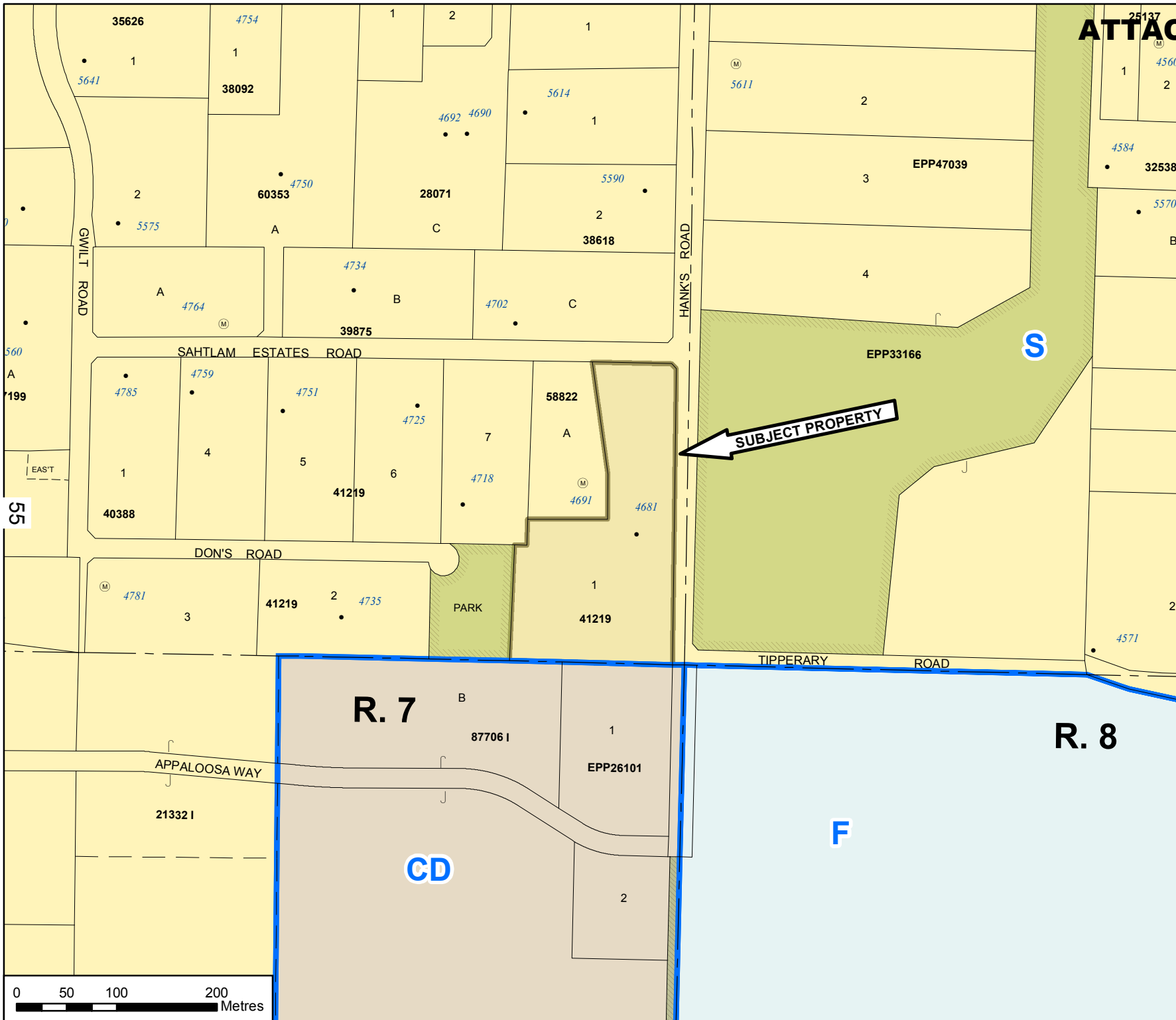
## OCP

Legend

-  Subject Property
-  OCP E



R3



# ATTACHMENT B



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

The Cowichan Valley Regional District does not warrant the accuracy.

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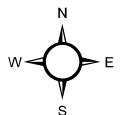
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

File: 01-E-16RS

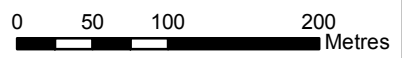
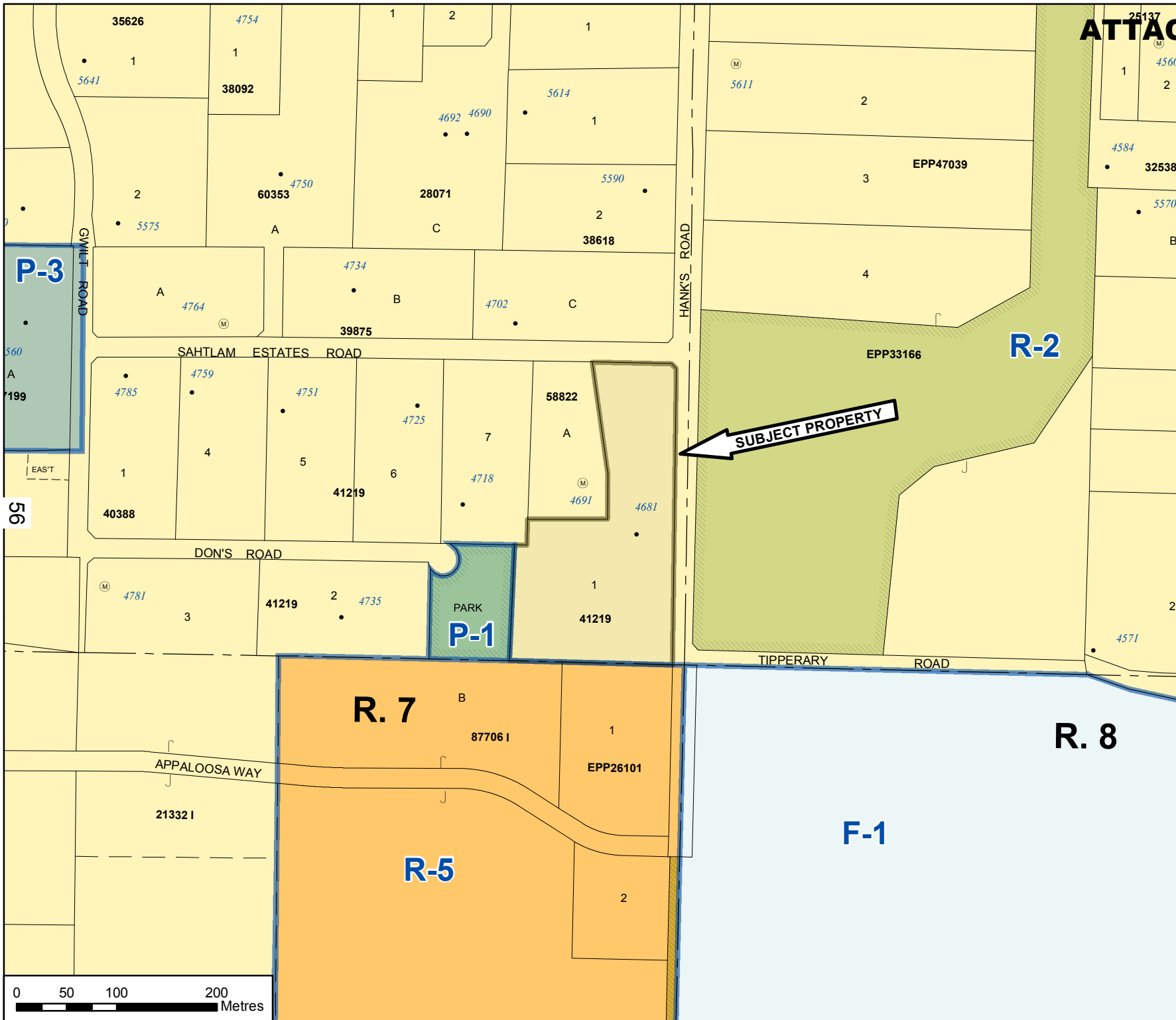
## ZONING

Legend

- Subject Property
- Zoning E



R3







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File: 01-E-16RS

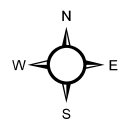
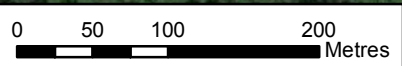
Google Earth Photo (2015)



57

© 2016 Google

Google earth



R3





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The Cowichan Valley Regional District does not warrant the accuracy.

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

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

File: 01-E-16RS

# Urban Wildfire Hazard Interface

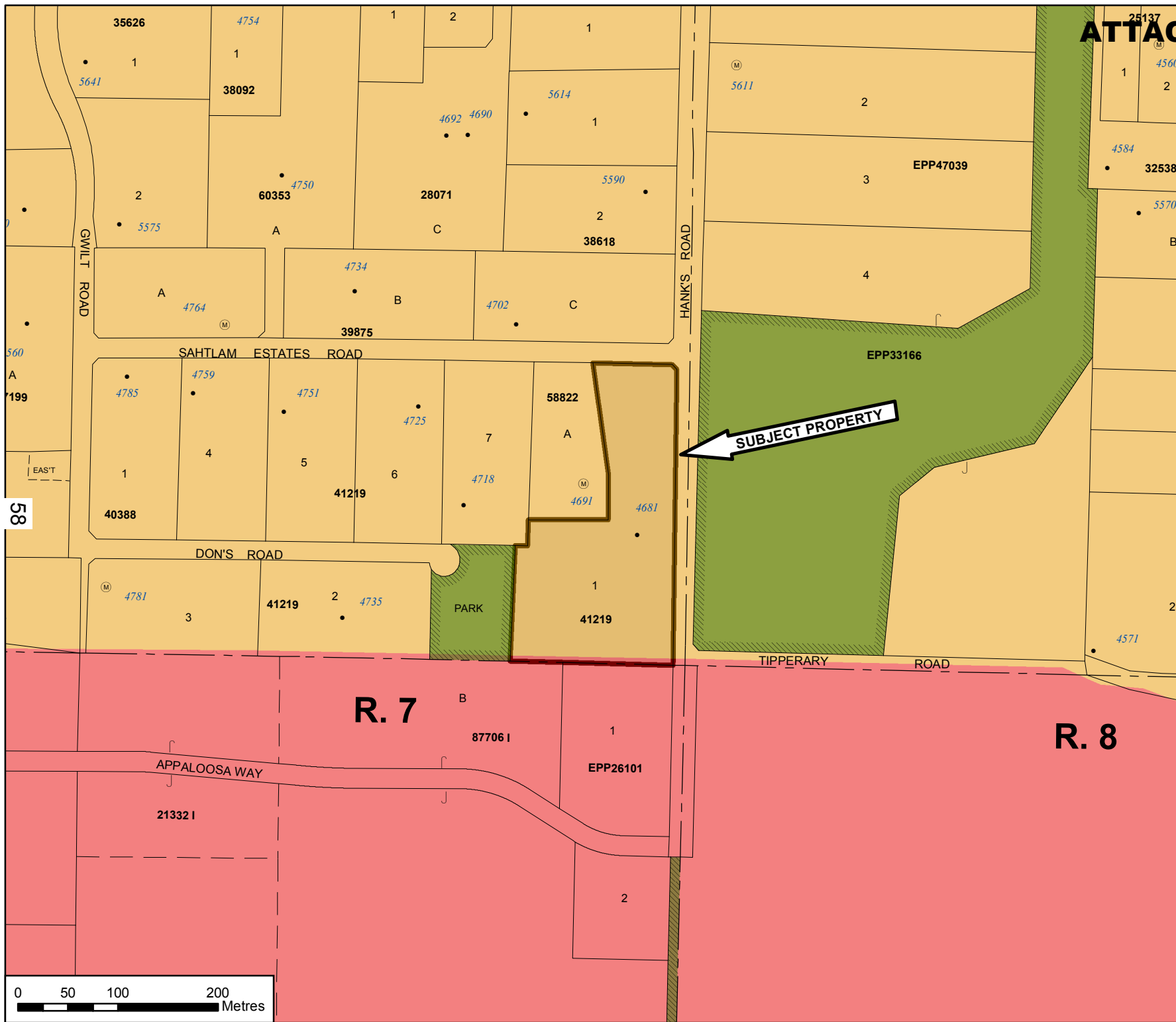
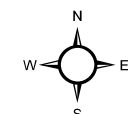
Legend

Subject Property

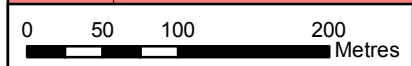
**Hazard Level**

High

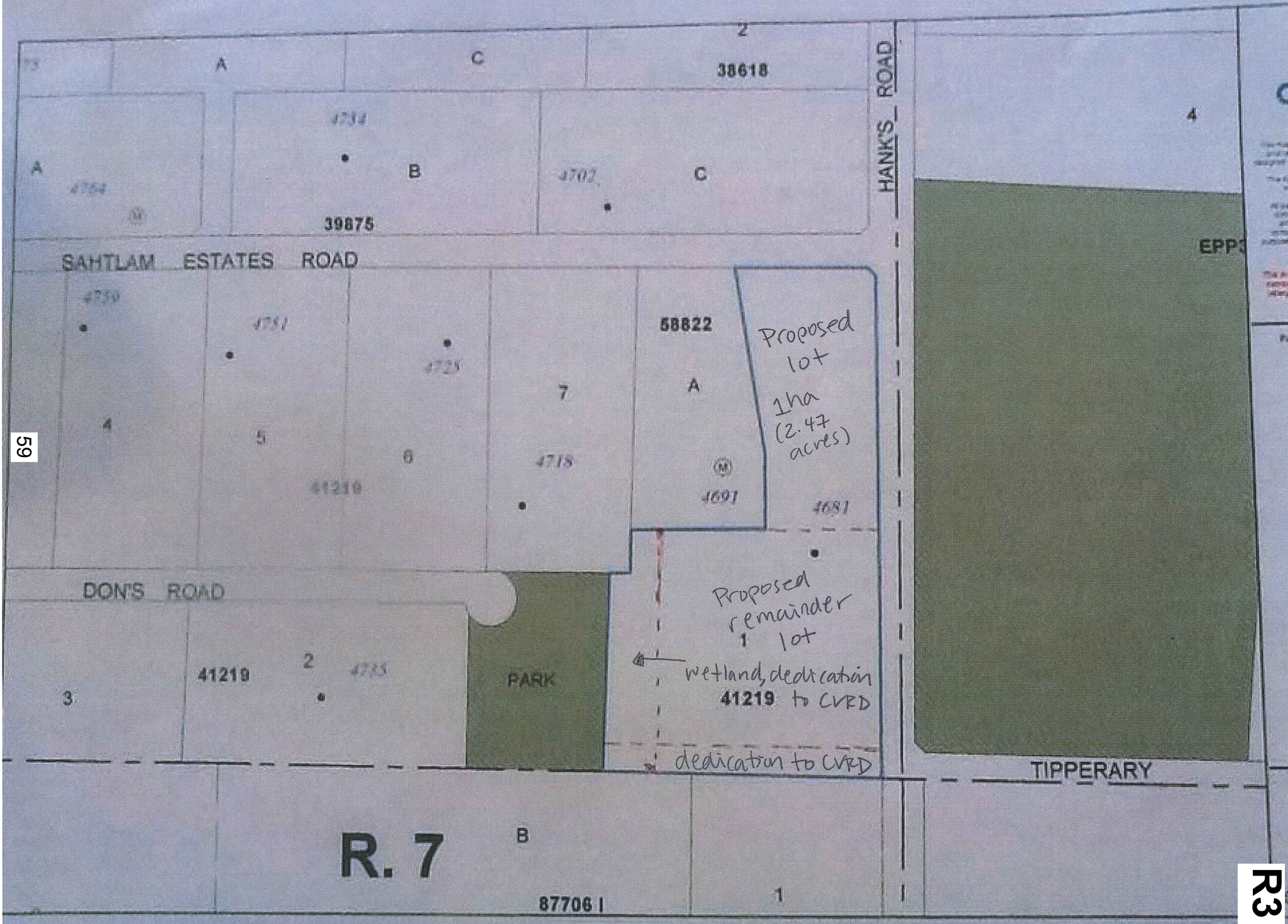
Extreme



**SUBJECT PROPERTY**







59

R. 7

R3

Proposed  
lot  
1ha  
(2.47  
acres)

Proposed  
remainder  
lot  
← wetland, dedication  
41219 to CVPD

dedication to CVPD

PARK

EPPS

HANKS ROAD

TIPPERARY

38618

39875

58822

4691

4681

41218

41219

4715

4718

4725

4731

4750

4734

4707

SAHTLAM ESTATES ROAD

DON'S ROAD

73

2

4

7

4

5

6

3

2

B

1

87706 I



**Ecological Assessment related to proposed rezoning:  
4681 Sahtlam Estates Road, Duncan, BC**

**Mr. Albert Hols  
4681 Sahtlam Estates Rd  
Duncan BC V9L 6J3  
250 748 6786**

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**June 12<sup>th</sup>, 2015**

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## 1.0 Introduction

The proposal to subdivide the subject lot (located at 4681 Sahtlam Estates Road, Duncan, BC) into two smaller lots is not currently feasible under the existing zoning. Based on current zoning (Suburban-Residential – “R-2”), the minimum parcel size is 2 ha; as the lot is only 3.398 ha, it is clear that the minimum parcel size cannot be achieved. A change in the zoning designation from R-2 to Rural Residential/Forestry Conservation (RRFC) would allow for the creation of parcels with a minimum area of 1 ha. The RRFC designation aims to preserve the integrity of sensitive habitat features such as riparian corridors, wetlands, and other sensitive ecosystems, thereby enhancing and conserving ecological values that are important for focal wildlife and plant species (e.g. provincially and federally-listed species).

The landowner wishes to downsize, with the goal being to construct a cabin on one of the two created lots (the smaller proposed lot in the northern portion of the property). The landowner would continue to operate an automotive repair business located on the property. Rezoning and subsequent subdivision of the property are key requisites to the landowner’s objective, which is the reasoning in pursuing the designation of the land to RRFC.

## 2.0 Scope

The EA was conducted in an objective manner using science-based rationales and is neither in favour of, nor in opposition of, the proposed rezoning from the perspective of the landowner’s goal. Rather, the main scope of the EA was to determine how existing ecological attributes could be restored or enhanced as a result of a change to a RRFC designation (i.e. could the rezoning proposal meet the objectives of the RRFC designation).

The approach of the EA was to identify existing ecological attributes on the subject lot and surrounding habitat and to devise strategies, mainly through the provision of protective buffers and connected corridors, which would apply to the rezoning proposal. As the EA represents an assessment of the feasibility of the rezoning proposal, it does not include the completion of assessments required under specific legislation (e.g. the Riparian Area Regulation – RAR, or the completion of detailed restoration plans). The requirement for these assessments, should the rezoning proposal be accepted, has been highlighted. The EA does use the spatial extent of setback areas that would apply to appropriate legislation (e.g. RAR) to help determine the distribution of recommended protected areas as part of a RRFC designation.


## 3.0 Study Area

The subject lot is located in the Sahtlam area, approximately 10 km west of Duncan (Figure 1). Sahtlam represents a rural area, with relatively large lots supporting a low density population base.





Figure 1. Study Area Overview

<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid red; background-color: white; margin-right: 5px;"></span> Subject Property</li> <li><span style="display: inline-block; width: 20px; border-bottom: 1px dashed black; margin-right: 5px;"></span> Trans Canada Trail</li> <li><span style="display: inline-block; width: 20px; border-bottom: 1px solid black; margin-right: 5px;"></span> Road</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; margin-right: 5px;"></span> Park</li> <li><span style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, blue 2px, blue 4px); margin-right: 5px;"></span> Wetland</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; margin-right: 5px;"></span> Lake</li> <li><span style="display: inline-block; width: 15px; border-bottom: 1px solid blue; margin-right: 5px;"></span> Stream</li> </ul>	 <p>NAD83 UTM ZONE 10 N</p> <p>0      500      1 000</p> <p>Metres</p>	<p><b>DATA SOURCES</b>          Park and Property Boundary Spatial Data is managed by the GIS Section/ Information Technology Division/ Corporate Services Department/ Cowichan Valley Regional District          Wetland, Lake and Stream Spatial Data is managed by the Fresh Water Atlas / GeoData BC          Road Data is managed by Digital Road Atlas / GeoData BC</p>
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## 6.0 General Site Conditions

The subject property has been previously developed, with a gravel driveway providing access from Sahtlam Estates Road. The driveway leads to an automotive repair shop and gravel parking area located in the narrow northern portion of the lot. The repair shop development footprint extends to the western property boundary, with an undisturbed treed area extending from the edge of the driveway and parking area to the eastern property boundary. The driveway continues to the south, leading up-slope to a residence situated in the wider southern segment of the property. To the south and west of the residence, the land slopes down and comprises of a lawn and vegetable garden. A boat storage shed occurs to the west of the lawn.

A poorly defined drainage runs from west to east at the bottom of the sloped lawn, with an open area consisting of tall grasses and regenerating deciduous trees (mainly red alder – *Alnus rubra*) occurring to the south of the drainage. A fringe of second growth forest, which surrounds a significant wetland complex, occurs to the west and south of the open area. The forested fringe widens to the east of the wetland, with a foot trail providing access through the forest towards the southern property boundary. To the west, the foot trail connects with an established trail (old road bed) that extends from the recently paved Apaloosa Way, which services several lots that are currently undeveloped. To the east, the foot trail parallels the southern property boundary, with approximately 20 metres of young coniferous forest occurring between the edge of the trail and the southern edge of the property. The foot trail terminates at the eastern property boundary, where it meets the Hanks Road right of way (currently undeveloped).

A protected park area occurs along the length of the eastern property boundary (separated by the narrow Hanks Road right of way), with park land also extending up to the western boundary of the wider southern portion of the lot. The northern edge of the property is bounded by Sahtlam Estates Road, and the southern edge lies adjacent to the currently undeveloped lots along the northern side of Apaloosa Way.

## 7.0 Ecological Attributes

### 7.1 Documented Ecologically-Sensitive Elements

The background research using the CDC's Mapped Known Locations of Species and Ecological Communities at Risk query revealed one element occurrence polygon that overlaps with the subject property. The occurrence listing is for Macoun's Groundsel (*Packera macounii*), which is a vascular plant found in grassland and herbaceous habitat types. The CDC occurrence record (number 14475) is associated with an extensive polygon, with no associated specific locality (the location reference is "Sahtlam"). The record is listed as "historical", as the occurrence dates back to 1952. While no detailed rare plant survey was completed as part of the EA, based on the date of the occurrence and lack of potential habitat on the subject property, it is extremely unlikely that Macoun's Groundsel occurs anywhere on the subject property.



The Habitat Wizard and FISS database research returned no documented streams or fish distribution data for the subject property. The Habitat Wizard mapping layer did indicate the presence of an unnamed, un-gazetted stream to the east of the subject property, which was shown to be part of the Currie Creek watershed (this stream is visible in the background drainage layer included in Figure 1).

The SEI map sheet covering the study area (092B.071) indicated the presence of sensitive ecosystem polygon "V0606D WN:sp", which extends into the south-western corner of the subject property. This polygon is associated with a wetland (classified as a swamp). The SEI map sheet also identified the occurrence of the stream to the east of the property, but did not associate the watercourse with any specific sensitive ecosystems.

Research completed using the Wildlife Tree Stewardship Atlas did not return any documented raptor nests on the subject property or in the immediate vicinity. Based on the distribution of raptor nests depicted in the Atlas, the closest documented nests are approximately 8 km to the east and are associated with bald eagles (*Haliaeetus leucocephalus*).

## 7.2 Ecologically-Sensitive Elements Specific to the Subject Property

### 7.2.1 Species at Risk

Based on recent research activities carried out by Shari Willmott, in association with Elke Wind, the Sahtlam area is known to be a "hotspot" for amphibians. Surveys conducted during the main spring and fall amphibian movement periods have confirmed the occurrence of the following species in the general area surrounding the subject property: western toad (*Anaxyrus boreas*), northern red-legged frog (*Rana aurora*), Pacific chorus frog (*Pseudacris regilla*), rough-skinned newt (*Taricha granulosa*), north-western salamander (*Ambystoma gracile*), ensatina (*Ensatina eschscholtzii*), long-toed salamander (*Ambystoma macrodactylum*) and western red-backed salamander (*Plethodon vehiculum*). Of these species, the northern red-legged frog and western toad are provincially blue-listed (species of special concern) and are also included on Schedule 1 of the federal Species at Risk Act. The special concern listing recognizes the loss of critical habitat features (wetlands) that these species depend upon within certain areas of their range (i.e. areas close to, or within developed areas).

Breeding sites for both northern red-legged frogs and western toads have been confirmed within 1 km of the subject property. Winter hibernating sites for western toads, as shown by telemetry studies carried out over the winter of 2014-2015, also occur within 400 m. Of particular relevance to the subject property, the landowner has confirmed the presence of adult western toads on the subject lot, and also dispersing juveniles. An adult northern red-legged frog was observed in the drainage flowing from west to east through the property during the field assessment.

### 7.2.2 Wetland Habitat

The wetland complex that occurs in the south-western portion of the subject property is a significant ecological feature. The significance of the ecosystem has been recognized in the SEI mapping, as the wetland is associated with SEI polygon V0606D WN:sp (swamp wetland). The majority of the wetland occurs on protected park land, known locally as "Don's Park", but the southern edge extends into the undeveloped lots to the south, and the eastern edge extends onto the subject property. The mapped

extent of the polygon on the SEI map-sheet is inaccurate, as the SEI polygon does not include the full spatial area covered by the wetland to the south or east. During the field assessment, the high water mark of the wetland was mapped with GPS on the subject property, to show its full extent (Figure 2).

The wetland consists of patches of dense hardhack (*Spirarea douglasii*), with other hydrophytic vegetation consisting mainly of skunk cabbage (*Lysichiton americanum*) and slough sedge (*Carex obnupta*). Wide pockets of open water also occur, especially on the subject property. The edges of the wetland support salmonberry (*Rubus spectabilis*), willow (*Salix* sp.), red alder and Pacific crab apple (*Malus fusca*), which blend into a treed fringe of western redcedar (*Thuja plicata*), western hemlock (*Tsuga heterophylla*) and Douglas fir (*Pseudotsuga menziesii*). The narrow fringe of trees widens considerably along the eastern side of the wetland, with mature western redcedar, Douglas-fir and western hemlock occurring. This forested area along the eastern wetland edge represents important habitat, based on the width of riparian vegetation and maturity of the trees.

The open water segments of the wetland provide potential breeding habitat (though not confirmed) for numerous species of amphibian, including the listed northern red-legged frog and western toad. The wetland contains good cover and security habitat for amphibians, due to the presence of Large Woody Debris (LWD) throughout the open water segments, which has originated from the treed riparian fringe. Woody debris and emergent vegetation provides suitable egg-attachment media for native amphibians, especially in areas of open water.

As is typical with this ecosystem type, the levels of the wetland will fluctuate significantly on a seasonal basis. By the end of summer, the majority of the water will have dissipated, but the moist, shaded conditions of the wetland and riparian area will continue to provide summer refuge habitat for amphibians. Native amphibians such as western toads and northern red-legged frogs can complete their life cycles in seasonal wetlands, as the tadpoles are able to metamorphose into terrestrial juveniles prior to the water drying up.

In addition to providing specific habitat attributes for amphibians, the wetland will provide a rich foraging area for birds and bats, with the interface habitat between the treed riparian fringe and the open wetland providing nesting habitat for birds. The mature trees associated with the riparian zone along the eastern side of the wetland likely contain natural cavities and crevices suitable for roosting bats. The wetland will also provide important ecosystem services in the form of water retention and water cleansing.

### 7.2.3 Watercourses and Associated Riparian Zones

The wetland described in the previous section drains via a historically constructed ditch extending from the eastern edge of the wetland by means of a culvert (Figure 2). The ditch is poorly defined, but it likely represents the approximate original route of a natural drainage course. The ditch contained flowing water during the field assessment. The ditch flows to the east at the bottom of the sloped lawn leading down from the residence, and supports a narrow fringe of dense shrub vegetation in the immediate riparian zone, which consists mainly of willows (*Salix* sp.) and young red alder. The drainage generally



flows over an organic substrate through the subject property, although segments of alluvium are also present.

The ditch flows off the property by means of a culvert under the undeveloped Hanks Road right of way and enters the mature forest that occurs in the park land to the east. The watercourse increases in magnitude and develops a defined channel with continuous alluvial deposits immediately downstream of the right of way crossing. The stream was followed for approximately 100 m through the park land, where it continued to increase in size. Based on the direction of flow, existing mapping and a local knowledge of the Sahtlam drainage systems, it became apparent that the stream connected to Currie Creek on the eastern side of Riverbottom Road close to the intersection of Riverbottom Road and Old Lake Cowichan Road.

Due to habitat limitations, the drainage will not support fish, which also applies to the wetland on the subject property. This is a benefit to amphibians, as wetlands that are effectively isolated from fish habitat generally offer improved habitat conditions, as fish will predate on all life cycles of amphibian. The fact that the wetland and drainage connect by surface flow to fish habitat (Currie Creek) is a significant factor, as the connectivity has implications regarding the applicability of the provincial Riparian Area Regulations (RAR), which is discussed in more detail in section 8.

Despite the fact that the wetland drainage has been historically modified (ditched), it still represents an important habitat feature. The drainage is shaded and will provide moist refuge habitat for amphibians during the summer. Slower-flowing segments of the drainage provide potential breeding habitat for amphibians, especially species such as the ubiquitous Pacific chorus frog, which is less selective in terms of breeding habitat requirements. The drainage contains confirmed security habitat for the northern red-legged frog, as an adult was observed in the drainage during the field assessment (refer to photos in the Appendix). Both the wetland and the drainage provide benefits to connected downstream fish habitat, in the form of water temperature regulation, water cleansing, water flow and nutrient input.

A second drainage enters the subject property via a culvert underneath Sahtlam Estates Road to the immediate east of the driveway (Figure 2). This watercourse drains an extensive open water wetland located to the north of Sahtlam Estates Road. The drainage is poorly defined, and consists of shallow water flowing over an organic substrate. The drainage flows through young moist forest, consisting mainly of western redcedar and western hemlock, prior to flowing off the property through a culvert underneath the Hanks Road right of way. The watercourse connects to the main drainage leading out of the wetland located on the subject property.

Despite the low magnitude of the drainage where it flows through the subject property, the moist, shaded riparian area will provide important habitat for numerous species of wildlife (including security, forage and summer refuge habitat for amphibians). The watercourse will also provide benefits to connected downstream fish habitat (Currie Creek) similar to the functions provided by the main wetland outflow drainage (i.e. a source of water, provision of nutrients and water temperature regulation). The surface flow connectivity to the wetland outlet drainage and subsequent connectivity to Currie Creek has implications to the RAR, as with the main wetland outflow drainage.

An open water wetland occurs on the subject property to the immediate east of the driveway opposite the automotive repair shop (Figure 2). This wetland is approximately circular in nature and is an isolated feature, as there is no outlet drainage. The wetland is surrounded by young forest, and is shaded as a result. The wetland likely dries completely in the summer months, but it offers seasonal breeding habitat for native amphibians. The moist, shaded conditions of the wetland and surrounding riparian area will provide important summer refuge habitat for amphibians.

## 8.0 Influence of Rezoning on the Conservation of Sensitive Ecological Features

### 8.1 Implementation of Local Government Legislation

Section 7.5.1 of the Cowichan-Koksilah CVRD Official Community Plan (OCP) describes the primary focus of the RRFC zoning as follows: *"...the protection of forestry lands for wildlife habitat and the inherent value of forest land and riparian area ecology for sustaining flora and resident and transient fauna. Provision of habitat for threatened, endangered and protected species of mammals, amphibians and other creatures is a particular emphasis of the designation"*. Based on the main goals of the RRFC designation, policy 3.1.18 of the OCP allows for density bonusing, if the change in zoning meets the conservation goals of the RRFC designation and if there is a permanent and irrevocable dedication or protection of a suitable area.

Work completed by Shari Willmott and Elke Wind has shown that Wake Lake is an important breeding area for amphibians, most notably the western toad and northern red-legged frog. Their work has also shown that surrounding areas offer terrestrial habitat for dispersing juveniles (e.g. wetlands and riparian corridors that are used as travel corridors and summer refugia). Policy 11.1.21 of the OCP recognizes the importance of Wake Lake and the surrounding area, and states that land within a 1km radius of Wake Lake may be eligible for rezoning, if it can be shown that the rezoning will benefit rare elements (i.e. the increased protection of suitable habitat). As the subject property is within 1 km of Wake Lake, policy 11.1.21 is worth considering. The subject property contains confirmed habitat for western toads, as the landowner has observed both adults and dispersing juveniles on his property. The subject property also contains confirmed habitat for northern red-legged frogs, as this species was observed in the wetland outlet drainage during the assessment. The property also contains riparian corridors that connect with undisturbed parkland to the east via the Currie Creek tributary stream draining the main wetland. This main riparian corridor passes through land to the west of Wake Lake, which is an area known to be on one of the main westerly migration routes of dispersing western toads.

Protecting and enhancing the integrity of the wetland (recognized as a Sensitive Ecosystem under the SEI) and outlet drainage and the drainage in the northern portion of the property (including the riparian areas) in perpetuity would be of benefit to amphibians, including western toads and northern red-legged frogs. Protection and enhancement of these areas would also benefit numerous other species of amphibian, bird, mammal and invertebrate.



## 8.2 Recommended Protected Areas

The standards of the Riparian Area Regulations were used to help determine candidate protected areas that would be created on the subject lot as a condition of the rezoning application (the RAR is usually a requirement of subdivision, anyway). Section 5.18 of the Electoral Area E Zoning bylaw (No. 1840) was also relevant to the determination of protected areas, as it relates to the implementation of riparian setbacks under the Riparian Area Regulation. Policy 14.12 of the Cowichan-Koksilah OCP, which is associated with the protection of wetlands, was also used as a standard. The riparian setbacks determined under the RAR, bylaw 1840 and policy 14.12 of the OCP are of direct relevance to the rezoning application, as the permanent protection of these areas will help meet the goals of the RRFC dedication, based on the fact that habitat for rare species will be protected (most notably western toads and northern red-legged frogs).

The RAR uses a science-based approach to determine the minimum riparian setbacks required to maintain the features, functions and conditions of riparian zones to maintain fish habitat. A watercourse does not have to support fish to qualify as a “stream” under the regulation. All identified watercourses on the subject property connect on a seasonal basis to fish habitat (Currie Creek), despite the fact that no fish occur on the subject property. This connectivity qualifies all watercourses as “streams” under RAR definitions. Under the Detailed Assessment methodology of the RAR, the wetland complex that occurs in the south-western corner of the property would be associated with a 15 m Streamside Protection and Enhancement Area (SPEA). The wetland outlet drainage would be associated with a 10 m SPEA and the drainage entering the northern portion of the property a 10 m SPEA (Figure 2).

Despite the fact that the RAR is based on the preservation of fish habitat, the riparian setbacks under the RAR can also be used as a basis for protecting habitat for wildlife and also protecting the biological functions provided by riparian zones. For these reasons, the RAR standards were employed to assist in establishing suitable protected areas to help meet the goals of the RRFC zoning dedication.

Wetlands that do not support fish or connect by surface flow to fish habitat (i.e. seasonally inundated isolated wetlands) are not subject to protection under the RAR. Policy 14.12 of the OCP establishes wetland protection guidelines, which recognizes the importance of isolated wetlands that do not receive protection under the RAR. The isolated wetland that occurs to the east of the driveway on the property does not support fish, or connect by surface flow to fish habitat. As such, it is not subject to protection under the RAR. Policy 14.12 of the OCP requires that a suitably qualified professional should establish riparian setbacks adjacent to isolated wetlands (typically at the subdivision phase) in order to ensure the maintenance of the biological integrity of wetlands and surrounding riparian areas. Based on the spatial extent of the wetland, a 10 m Riparian Protection Area (RPA) is recommended for the wetland to the east of the driveway (Figure 2). The riparian setback adjacent to the western side of the wetland extends as far as the existing footprints of the parking area and driveway, as these footprints are not serving any biological function.

In all cases, the riparian setbacks established under the RAR and policy 14.12 of the OCP (identified as “SPEAs” and “RPA” on Figure 2) represent no disturbance areas. Both policy 14.12 and bylaw 1840 have additional riparian area protection requirements. Under section 5.18 of the bylaw, there is a 20 m

setback associated with any “watercourse”, which applies to buildings, driveways, structures, lanes and highways. A 7.5 m “SPEA setback” is also relevant to watercourses where the RAR applies. Policy 14.12 of the OCP also specifies a 7.5 m setback between the edge of a wetland RPA and the proposed building envelope. The watercourse, RPA and SPEA setbacks are relevant to specific developments – i.e. buildings, driveways, structures, lanes and highways (referred to hereafter as “no building” setbacks), where-as the SPEAs and RPAs restrict all disturbance activities.

The SPEAs and RPA associated with the watercourses on the subject property incorporate the standards under the RAR and policy 14.12 of the OCP, and also consider the implementation of the additional 7.5 m RPA and SPEA setbacks. It is noted that section 5.18 of bylaw 1840 states that where the 20 m watercourse “no building” setback exceeds the SPEA setback, the larger of the setbacks should be applied. In combination, the SPEA and additional 7.5 m setback represent a 15 m no disturbance zone and total of 22.5 m no building zone adjacent to the wetland in the south western corner of the property, which exceeds the 20 m watercourse no building zone. The 10 m SPEA and additional 7.5 m no building SPEA setback do not exceed the 20 m watercourse no building zone on the isolated wetland or drainage in the northern portion of the property, or the main wetland outlet drainage. An additional 10 m no building zone, therefore, was applied to the edges of the 10 m SPEAs associated with these watercourses, where applicable.

As the majority of the 7.5 m no building zone associated with the SPEA on the western side of the drainage in the northern portion of the property consists of the existing access driveway, the no building setback extends to the eastern edge of the driveway. This is in recognition of the existing driveway footprint, which would continue to be used to provide access to the northern portion of the lot. The same applies to the additional 7.5 m no building setback adjacent to the western side of the isolated wetland, which is truncated by the edge of the existing parking area and driveway. The full extent of the 20 m watercourse no building zone applies to the eastern and southern sides of the drainage in the northern portion of the lot and also to the northern and southern sides of the isolated wetland (the eastern setback is cut off by the property line).

In summary, the recommended setbacks (using standards under the RAR and appropriate local government bylaws) to be employed in order to meet the requirements of the conservation goals of the RRFC are as follows:

- SEI wetland in the south western corner of the property: 15 m no disturbance zone (SPEA - based on the standards of the RAR) and additional 7.5 m “no building” zone (defined as buildings, structures, lanes, driveways and highways).
- SEI wetland outlet drainage: 10 m no disturbance SPEA and additional 10 m “no building” zone.
- Drainage in the northern portion of the property: 10 m no disturbance SPEA and additional 10 m “no building” zone (truncated by the existing driveway on the western side).
- Isolated wetland to the east of the driveway: 10 m Riparian Protection Area and additional 10 m “no building” zone (truncated by the existing driveway and parking area on the western side).



It should be noted that “disturbance” includes the following activities, none of which would be permitted within an area designated as a “SPEA” or “RPA” should the area be subdivided (assuming the rezoning is approved):

- a) removal, alteration, disruption or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of nonstructural impervious or semi-impervious surfaces;
- e) flood protection works;
- f) construction of roads, trails, docks, wharves and bridges;
- g) provision and maintenance of sewer and water services
- h) development of drainage systems
- i) development of utility corridors; and
- j) subdivision as defined in section 872 of the *Local Government Act*.

### 8.3 Land Dedication

The protection of the riparian setback areas indicated in Figure 2 (SPEAs, RPA and associated no building zones), determined using appropriate legislation, site specific features and an in depth knowledge of the distribution and requirements of rare species would be ecologically beneficial, in keeping with the main objectives of the RRFC zoning. These setbacks would be relevant at the subdivision stage, regardless of whether the landowner was pursuing a rezoning proposal, as both the RAR and watercourse protection bylaws are applied at subdivision. Nevertheless, the desire to subdivide has triggered the landowner to pursue the RRFC zoning status, as it is a necessary pre-requisite of the subdivision process. As a result, there is the opportunity to preserve and enhance significant habitat attributes, which is one of the main objectives of the RRFC zoning designation.

A clear requirement of the RRFC zoning designation is that relevant areas that help to meet the conservation goals of the zoning are permanently and irrevocably dedicated as protected areas. As a condition of the rezoning, therefore, the setback areas indicated in Figure 2 would need to be physically identified in the field. The no disturbance SPEAs and RPA would have to be surveyed and marked in the field permanently with fencing. A low split-rail fence would be sufficient for delineating the edges of the no disturbance areas. The additional no building zones would also need to be added to a site plan of the subject property. Prior to identifying the extent of riparian setback areas, a suitably qualified professional would need to identify the high water marks of the applicable watercourses in the field. The no disturbance SPEAs and RPA would then be measured as horizontal distances from the high water mark.

Legal covenants that clearly state the intent of the protected riparian areas and activities that are not permitted would also need to be registered as a condition of the RRFC zoning. The locations of the

various setbacks and associated restrictions would need to be clearly identified on the ground and on property plans. Specific requirements (as listed in the covenants) would also have to be clearly articulated to any future owners of the subdivided lot to the south. The current landowner would also be responsible for adhering to the covenant requirements when developing on the subdivided lot to the north.

It would be important that the wording in the covenants include the distinction between the restrictions associated with the “no building” zones in comparison with the “no disturbance” areas. Restrictions in the no building zones, which extend beyond the no disturbance areas, are related to buildings, structures, driveways, lanes and highways. Activities such as gardening, for example, would be permitted in the additional no building setback.

In recognition of the desire and value of maintaining foot access to the southern portion of the subdivided lot to the south, the existing trail that crosses the drainage, and connects with the trail that parallels the southern property boundary should be left in place. Keeping the existing crossing and trail surfaces in these areas would not reduce the biological function of the riparian corridor associated with the wetland outlet drainage. Apart from the existing trail access, no other disturbance would be permitted in the setback area along the drainage.

Another condition of the RRFC acquisition would be the enhancement of the no disturbance zones (SPEAs and RPA) shown in Figure 2. It is apparent that the landowner has been diligent in removing invasive species from the subject property over the years and maintaining native forest stands. Based on the current condition of the areas designated as SPEAs and the RPA, enhancement, as opposed to restoration, is recommended. The setbacks associated with the isolated wetland and drainage in the northern portion of the property are currently intact and providing important biological function and no enhancement is recommended in these areas. The current landowner would be required to enhance the no disturbance zones adjacent to the wetland outlet drainage and certain areas adjacent to the wetland (i.e. those areas that do not currently support intact forest for at least 15 m). Beyond the immediate riparian fringes of the wetland outlet drainage and the majority of the wetland, the existing vegetation consists mainly of grasses and is providing limited biological function.

No detailed enhancement plans have been provided at this stage, but the goal of the enhancement would be to increase the biological function of the no disturbance zones, with particular attention to focal rare species that would most benefit (i.e. western toads and northern red-legged frogs). Enhancement would include planting native shrubs and trees and perhaps placing Coarse Woody Debris (CWD) throughout the riparian corridors designated as no disturbance areas. CWD is an important feature for many species of wildlife (including amphibians), as it provides security and forage habitat. CWD also provides shade, maintains soil moisture and supplies nutrients to the soil as it decomposes. Detailed enhancement plans would be provided should the proposed rezoning be successful.

The subdivision phase generally requires the submission of a report under the Riparian Area Regulations, where applicable. While the standards of the RAR were used as a basis for determining appropriate setback areas, no report has been submitted at this phase, as the scope of the EA was to

determine whether the change in zoning would result in benefits to ecological integrity and whether the goals of the RRFC could be met. If the setback areas are registered as covenants, enhanced (where applicable) and identified clearly in the field as a condition of acquiring the RRFC designation, there may be no benefit in submitting a report under RAR. The implementation, identification and legal protection of the no disturbance setbacks (SPEAs and RPA) as a condition of rezoning, and recognition of the additional no building SPEA/RPA setbacks represents a significant measure of protection. Completion and submission of a RAR report, therefore, would not lead to any additional protection to the watercourses or associated setbacks on the subject property.



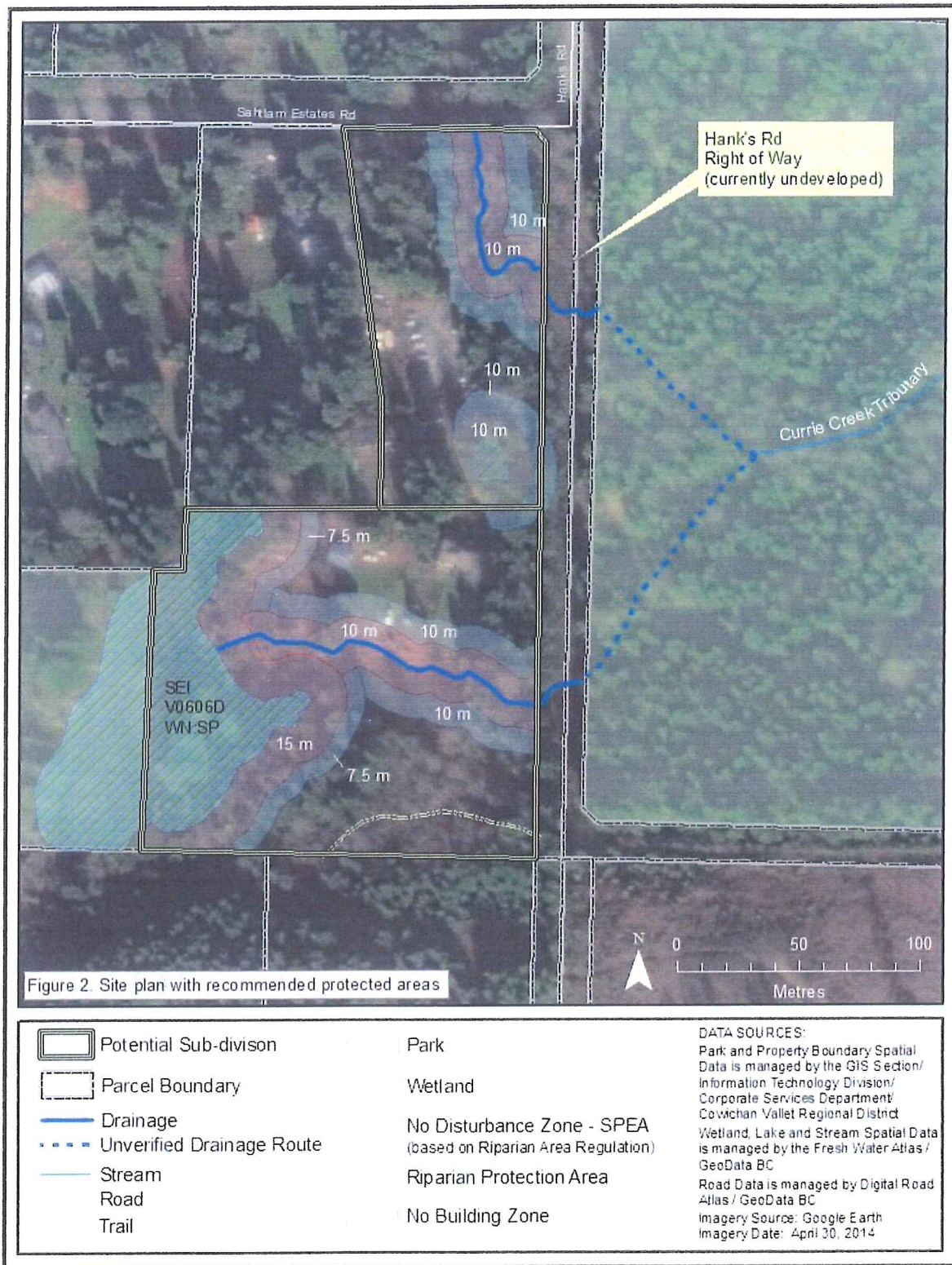


Figure 2. Site plan with recommended protected areas.

## 9.0 Discussion

The proposed subdivision boundary, as indicated in Figure 2, represents a logical and feasible location for the boundary between the two proposed lots. The proposal to subdivide the subject property into two lots requires that the RRFC zoning designation be in place, as opposed to the existing Suburban-Residential zoning. The completion of an Ecological Assessment on the subject property has shown that the rezoning and subsequent subdivision of the land, as per the proposed lot boundaries indicated in Figure 2, could be used as an opportunity to preserve and enhance habitat for focal rare species, as per the main goals of the RRFC zoning. The benefits of preserving the identified areas in perpetuity would exceed any impacts associated with constructing a cabin on the proposed northern lot and developing on the proposed southern lot, as long as future developments occur beyond the protected areas.

The permanent protection of the identified no disturbance and no building areas would be of most benefit to amphibians, especially western toads and northern red-legged frogs, which have both been confirmed on the subject property. The riparian corridors recommended for protection and enhancement would provide direct connectivity to protected park land both to the east and west of the subject property. Of specific importance is the fact that the riparian corridors will connect with riparian areas extending towards Wake Lake to the east, through the protected park land, providing permanently protected travel routes for dispersing juvenile amphibians and returning breeding adults.

It is important that as a condition of rezoning, the recommended protected areas are registered under covenants that clearly identify the reasoning for protection and also list activities that are not permitted. In addition, surveying and identifying the protected areas in the field and enhancement would also be required as a condition of the rezoning.

If you have any questions or concerns related to the EA, please do not hesitate in contacting the undersigned.



Shari Willmott, B.Sc., ADGIS.



Trystan Willmott, B.Sc., A.Sc.T.

## References

Conservation Data Centre: <http://maps.gov.bc.ca/ess/sv/cdc/>

Cowichan Valley Regional District Electoral Area E and Part of F – Cowichan-Koksilah. Official Community Plan. Bylaw No. 1490: <http://www.cvrld.bc.ca/DocumentCenter/Home/View/556>

Cowichan Valley Regional District Electoral Area E – Cowichan Station/Sahtlam/Glenora. Zoning bylaw No. 1840: <http://www.cvrld.bc.ca/DocumentCenter/Home/View/663>

Habitat Wizard: <http://maps.gov.bc.ca/ess/sv/habwiz/>

Riparian Area Regulations:

[http://www2.gov.bc.ca/gov/DownloadAsset?assetId=98EBCCCF71CD454E9AFED7A3A6EC6D5C&filename=assessment\\_methods.pdf](http://www2.gov.bc.ca/gov/DownloadAsset?assetId=98EBCCCF71CD454E9AFED7A3A6EC6D5C&filename=assessment_methods.pdf)

Sensitive Ecosystem Inventory:

[http://a100.gov.bc.ca/appsdata/acat/documents/r2124/sei\\_9914\\_map92B-071\\_1112900419641\\_254df925e1ff482d9354e77bf6f1f9fc.pdf](http://a100.gov.bc.ca/appsdata/acat/documents/r2124/sei_9914_map92B-071_1112900419641_254df925e1ff482d9354e77bf6f1f9fc.pdf)

Wildlife Tree Stewardship Atlas: <http://www.wildlifetree.ca/atlas.html>



## Appendix – Field Photos



Looking east over the residence located on the wider southern portion of the property, which would be located in the larger of the proposed lots. A lawn and vegetable garden extend to the south.



Looking south over the established automotive repair business located on the narrower northern portion of the property. The landowner intends to continue to operate this business, which would be located on the smaller of the proposed lots.



Looking west at the boat storage area located to the west of the residence. This structure is located beyond the "no building" setback associated with the SEI wetland.



Looking east along the riparian fringe surrounding the SEI wetland outlet drainage from the existing foot trail crossing.





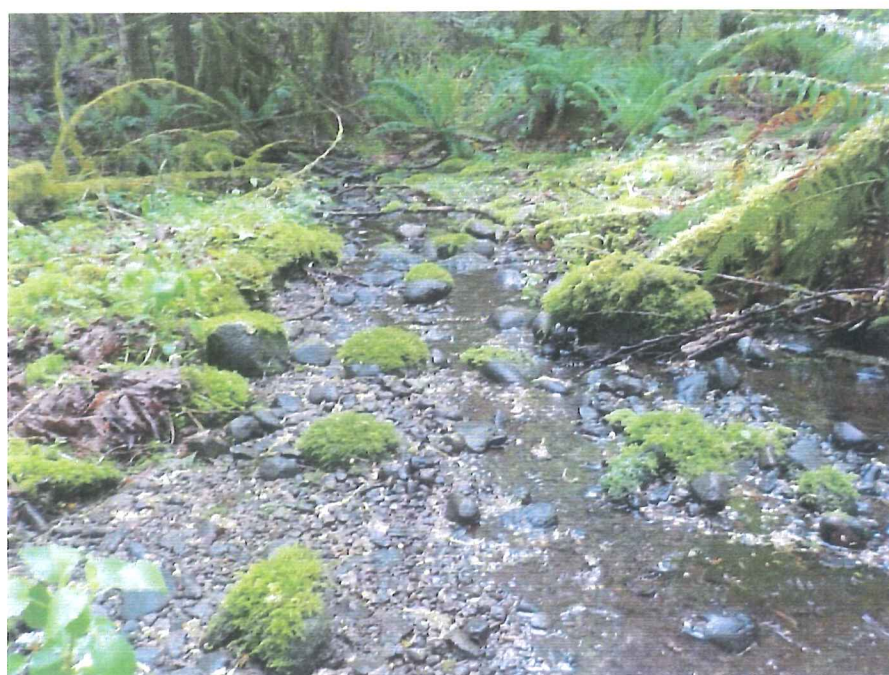
Looking east through the open area to the south of the SEI wetland outlet drainage. A 10 m no disturbance zone on each side would be subject to enhancement as part of the rezoning acquisition.



Looking north over the riparian fringe along the SEI wetland outlet drainage towards the residence.



Looking upstream (west) along the SEI wetland outlet drainage from a location close to the eastern property boundary.



Looking east (downstream) along the SEI wetland outlet drainage approximately 50 m downstream of the subject property. Note well defined channel and alluvial deposits. This stream connects to Currie Creek.





Northern red-legged frog observed during the field assessment in the SEI wetland outlet drainage where it flows through the subject property.

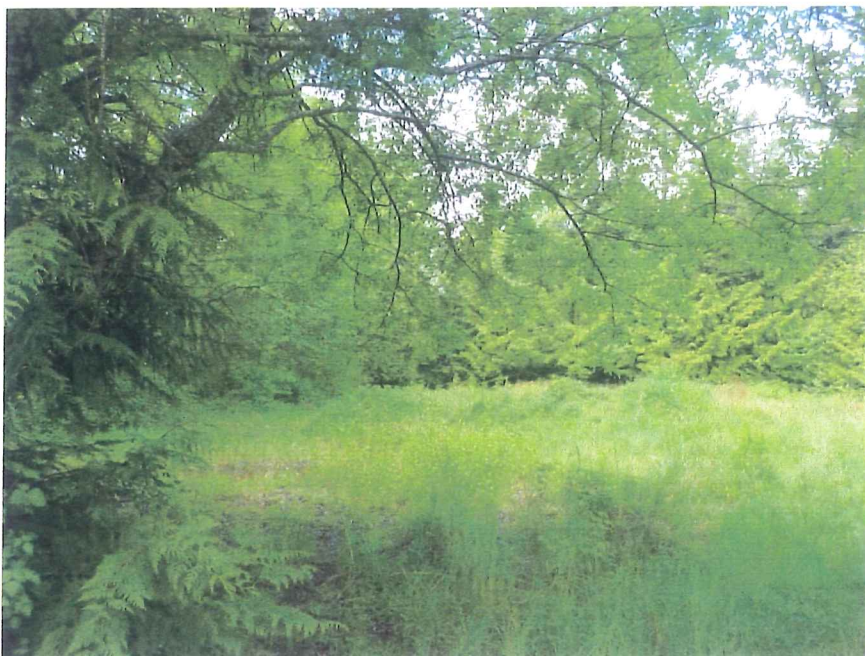


Above and subsequent two photographs: habitat diversity providing vital functions for amphibians in the SEI wetland located on the subject property.

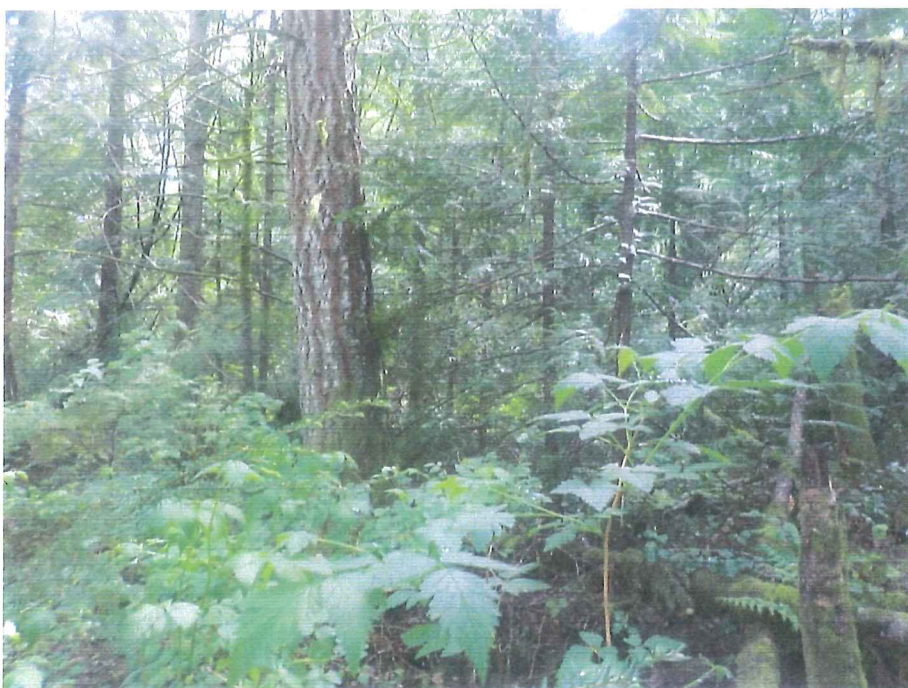






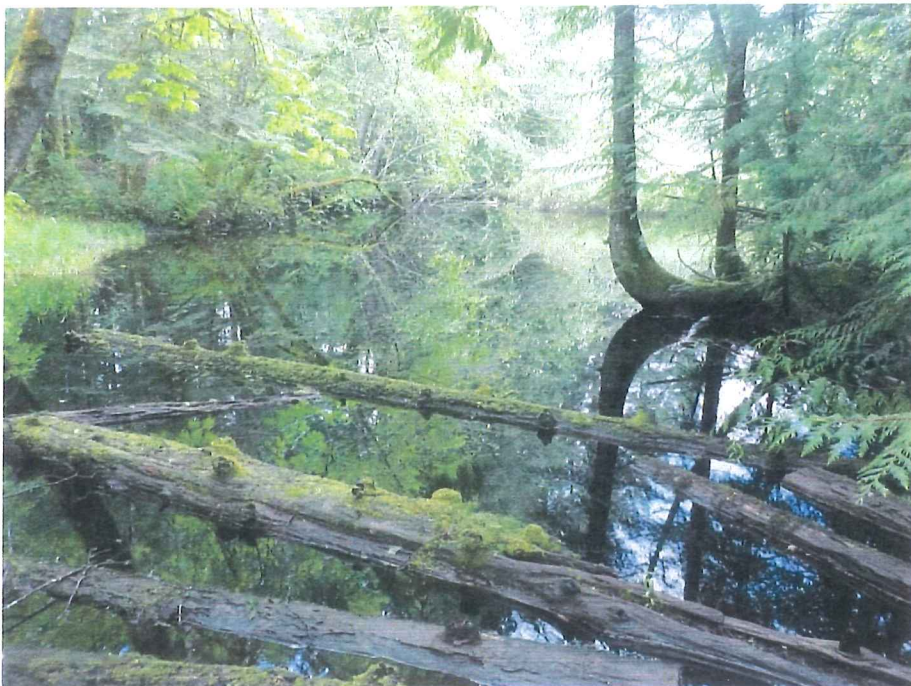


Looking west towards the riparian fringe along the central portion of the eastern side of the SEI wetland. The open field would be subject to enhancement within 15 m of the wetland (the no disturbance zone) as a condition of the rezoning.



Mature riparian forest occurring along the south-eastern edge of the SEI wetland.





Looking north over the open water wetland located to the north of Sahtlam Estates Road (located beyond the subject property boundaries). This wetland feeds the drainage located in the northern portion of the property.



Outlet of the culvert carrying water from the wetland pictured above onto the subject property. Note organic substrate and relatively poorly defined nature of the drainage which flows through the northern portion of the property.





Looking east over the isolated wetland located on the narrower northern portion of the property.



Looking east over the trail that parallels the southern boundary of the subject property.

**Rachelle Rondeau**

---

**From:** Natalie Anderson <Natalie.Anderson@cowichantribes.com>  
**Sent:** Thursday, October 06, 2016 4:22 PM  
**To:** Rachelle Rondeau  
**Subject:** Re: Hols

Hi again Rachelle,

The Environment Committee moved (and seconded) a motion to support this project plan. The only caveat that was requested was to ensure that there is meaningful consideration of elk and elk habitat in the area, as this has been lacking in the past.

Overall, we are happy with the plans to conserve wetland habitat as it is so crucial for native amphibian species. Thank you again for the site visit.

Regards,

Natalie Anderson

Referrals Coordinator Assistant

Cowichan Tribes

5760 Allenby Rd.

Duncan, BC V9L 5J1

(250) 748-3196 ext. 420

[natalie.anderson@cowichantribes.com](mailto:natalie.anderson@cowichantribes.com)

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>>> Natalie Anderson 06/10/2016 3:12 PM >>>

Hi Rachelle,

It has been brought up at our most recent Environment Committee meeting. I have an urgent project to finish up this afternoon, but I will try to send you the comments this evening. I am starting vacation tomorrow so I will not be available again until October 17th.

Natalie

>>> Rachelle Rondeau <[rrondeau@cvrd.bc.ca](mailto:rrondeau@cvrd.bc.ca)> 06/10/2016 1:22 PM >>>





## MEMORANDUM

**DATE:** September 21, 2016 **FILE NO.** 01-E-16RS

**TO:** Rachelle Rondeau, Planner II, Development Services Division,  
Planning & Development Department

**FROM:** Tanya Soroka, Parks & Trails Planner, Parks & Trails Division  
Planning & Development Department

**SUBJECT:** Proposed Rezoning Application on Sahtlam Estates Road in Electoral  
Area E – Cowichan Station/Sahtlam/Glenora

Parks & Trails staff along with the Electoral Area E Parks Commission has reviewed this proposed rezoning application and the Parks Commission passed the following motion at their meeting of July 14, 2016:

***"That the Commission supports the dedication of a corridor along the south side of the property for use as a trail to connect Don's Road Park to Tipperary Road."***

On September 14, 2016, a site visit was conducted with the Parks Commission, the applicant, and CVRD Planning and Parks staff to walk the property. It was determined that a 15 metre trail corridor on the south side of the property is feasible for a trail connection from Dons Park to Hanks Road Park to the east, as well as a park dedication along the western side to encompass the wetland area and add it to Dons Park to the west of the subject property. The combined dedication will be approximately 0.4 hectares (1 acre).

The applicants are agreeable to the park dedication. A section 219 covenant will be prepared to secure the park dedication that occurs at the time of subdivision. Once a preliminary site plan is ready as part of the rezoning package, it can be attached to the covenant to identify the general location of the park. A draft of the park covenant will be prepared prior to public hearing.

As part of the subdivision, this parkland will be transferred in fee simple to the CVRD as a separately titled lot (not labelled PARK).

Sincerely,

Tanya Soroka, MCIP, RPP, Parks & Trails Planner  
Parks & Trails Division  
Planning & Development Department

TS/dsb

pc: Director A. Nicholson, Electoral Area E – Cowichan Station/Sahtlam/Glenora  
Albert and Juliska Hols, Applicant

\\cvsdgis3\homedirs\ds\2016 data\parks & trails\planners\sep 20-memo to planning re proposed rezoning application on sahtlam estates road.docx

**MEMORANDUM**

**DATE:** July 20, 2016  
**To:** Rachelle Rondeau, Planning and Development  
**FROM:** Kate Miller, Manager, Environmental Services  
**SUBJECT:** 2D-13 RS Hols

---

Thank you for giving me an opportunity to comment on the 2D-13 RS Hols rezoning application. The proposal as stated is not supported at this time due to the following two primary issues:

**1. Spot zoning**

The subject property is currently zoned R-2 which guides development density in the rural zone the property is located in, supporting a rural lifestyle and reduced overall impact on the natural environment. OCP policy 11.1.21 references the importance of amphibian habitat conservation and supports the use of lands within a kilometer radius of Wake Lake as *potentially eligible* for RF 50/50 designation *subject to the criteria* noted in policies 5.1.13 and 7.5.

The RF 50-50 zone was created as a mechanism in which to transition large forestry lots within the rural zone to residential use while allowing appropriate levels of infill and densification to support OCP objectives. This was intended to entrench and protect both ecological function and diversity as well as ensuring that that approximately 50% of the larger greenfield properties were maintained in the natural state under dedication to the public trust. It was not intended as a mechanism to subdivide existing residentially zoned properties regardless of their ecological significance.

This property and application does not meet the test under section 7.5 as it is not a transitional forestry zone, nor does it consider setting aside a minimum of 50% of the area for conservation purposes. This is not to say that the property does not include valued ecosystem components. The Electoral Area E Official Community plan is currently under review and a refined area plan for the Sahtlam is highly recommended to review and address the need for additional residential properties, a systematic overall conservation strategy and parks conservation planning. Substantial additional residential development has been approved in the area over the past few year which is currently not being utilized. The planning process will take this into consideration and this application can be reviewed at that time for consistency with the overall community objectives of planned densification, ecological protection and social policy structures to support aging in place. The use of this policy for non-forestry transformations should be reviewed in the OCP process as it may have unintended consequences for further spot zoning pressures.

**2. Environmental Impact**

It is clear the subject property contains valued ecological attributes. What is not clear is how these ecological values will be protected by further development on the property; rather it is clear that further development may impact these values negatively. In particular the requirement to dedicate the ecologically significant areas to a 3<sup>rd</sup> party for oversight has not been met by the existing application.

Submitted by,



Kate Miller,

Y:\Environmental Initiatives\Admin\Referrals\planning\Referral 01-E-16RS Hols.docx



COWICHAN VALLEY REGIONAL DISTRICT  
175 Ingram Street, Duncan, B.C. V9L 1N8  
Tel: (250) 746-2620 Fax: (250) 746-2621

**BYLAW AMENDMENT REFERRAL FORM**

Date: June 14, 2016

CVRD File No. 01-E-16RS (Hols)

We have received an application to rezone the 3.023 ha (7.5 acre) parcel from R-2 (Suburban Residential) to RF-50/50 (Rural Residential/Forestry Conservation) zone.

**General Property Location:** 4681 Sahtlam Estates Road

**Legal Description:** Lot 1, Section 8, Range 7, Sahtlam District, Plan 41219, Except Part in Plan VIP58822 (PID: 000-428-064)

You are requested to comment on this proposal for potential effect on your agency's interests. We would appreciate your response by **FRIDAY, JULY 15, 2016**. If no response is received within that time, it will be assumed that your agency's interests are unaffected. **If you require more time to respond, please contact CVRD Planner Rachelle Rondeau by calling 250-746-2620 or e-mailing [rrondeau@cvrld.bc.ca](mailto:rrondeau@cvrld.bc.ca)**

Comments:


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

*Water Management has no utilities in this area, therefore have no comments.*

Signature *[Signature]* (sign and print) Title SR. Eng. Technology Contact Info: 250-746-2536

This referral has been sent to the following agencies:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Ministry of Transportation and Infrastructure (Victoria) | <input checked="" type="checkbox"/> CVRD Engineering Services Department |
| <input checked="" type="checkbox"/> Island Health (Duncan)                                   | <input checked="" type="checkbox"/> CVRD Facilities & Transit Division   |
| <input checked="" type="checkbox"/> School District 79                                       | <input checked="" type="checkbox"/> CVRD Public Safety Division          |
| <input checked="" type="checkbox"/> Cowichan Tribes  | <input checked="" type="checkbox"/> CVRD Parks & Trails Division         |
| <input checked="" type="checkbox"/> Sahtlam Volunteer Fire Department                        |  |

 <b>CVRD</b>	COWICHAN VALLEY REGIONAL DISTRICT 175 Ingram Street, Duncan, B.C. V9L 1N8 Tel: (250) 746-2620 Fax: (250) 746-2621
	<b>BYLAW AMENDMENT REFERRAL FORM</b>
	Date: <b>June 14, 2016</b> CVRD File No. <b>01-E-16RS (Hols)</b>

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Comments:

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

*See comments attached.*

Signature *Erin Annis* Title Transit Analyst Contact Info: 250-746-2637  
(sign and print)

This referral has been sent to the following agencies:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Ministry of Transportation and Infrastructure (Victoria) | <input checked="" type="checkbox"/> CVRD Engineering Services Department |
| <input checked="" type="checkbox"/> Island Health (Duncan)                                   | <input checked="" type="checkbox"/> CVRD Facilities & Transit Division   |
| <input checked="" type="checkbox"/> School District 79                                       | <input checked="" type="checkbox"/> CVRD Public Safety Division          |
| <input checked="" type="checkbox"/> Cowichan Tribes  | <input checked="" type="checkbox"/> CVRD Parks & Trails Division         |
| <input checked="" type="checkbox"/> Sahtlam Volunteer Fire Department                        |  |

## **Bylaw Amendment Referral Response**

**Development Location:** 4681 Sahtlam Estates Road  
**CVRD File No.** 01-E-16RS (Hols)

### **Overall Transit Impact:**

- Cowichan Valley transit route #7 (Cowichan Lake) operates along Cowichan Lake Road with existing bus stops located at the Hanks Road intersection that provides general transit access to the Sahtlam Estates area.
- The subject property area also falls within the custom transit service area so that residents with potential mobility needs requiring customized/handyDART services (door-to-door) can register if necessary.
- The subject property, if rezoned in order to subdivide the property into two residential lots and to protect the wetland on the property, would have very little impact on existing transit services.
- Transit interest are not materially affected by this proposal.





C·V·R·D

**MEMORANDUM**

**DATE:** July 15, 2016 **FILE NO:** 01-E-16RS (Hols)

**TO:** Rachelle Rondeau, Planner II, Development Services Division

**FROM:** Jason deJong, Fire Rescue Services Coordinator, Public Safety Division

**SUBJECT:** Bylaw Amendment Referral Form No. **01-E-16RS (Hols)** – Public Safety Application Review

In review of the Bylaw Amendment Referral Form No. 01-E-16RS (Hols) the following comments are made regarding the proposed amendment:

- ✓ Proposal is within the North Cowichan Detachment area.
- ✓ Proposal is within the British Columbia Ambulance Station 152 (Duncan) response area.
- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.

Public Safety has the following concerns that may affect the delivery of emergency services to the proposed facility:

- ✓ Proposal is within Sahtlam Fire Protection boundaries area and their input may further affect Public Safety concerns/comments.
- ✓ The Community Wildfire Protection Plan has identified this area as **High risk for wildfire**.
- ✓ FireSmart principles must be adhered to and maintained (see attached information).
- ✓ All private roadways and driveways must be designed to support and allow access to the largest emergency vehicle likely to be operated on the driveway. This includes fire trucks and other emergency vehicles.
- ✓ As per Cowichan Valley Regional District House Numbering, Unsightly Premises and Graffiti Bylaw No. 1341, building numbers assigned are to be displayed in a conspicuous place on the property on which the building is located so that the number is visible from the roadway.

Sincerely,



Jason deJong



CVRD

Legend

- Points of Interest
- CVRD Facilities
- Addresses
- Lot Text
- Rights of Way
- Foreshore Lines
- Foreshore Arcs
- Wharf

Lakes

Parcels

Bridges

Roads

Road

Highway

Ferry

First Nations

Municipalities

Background Colours

Surrounding Cities, Municipalities a

Cowichan Valley Regional District

Water

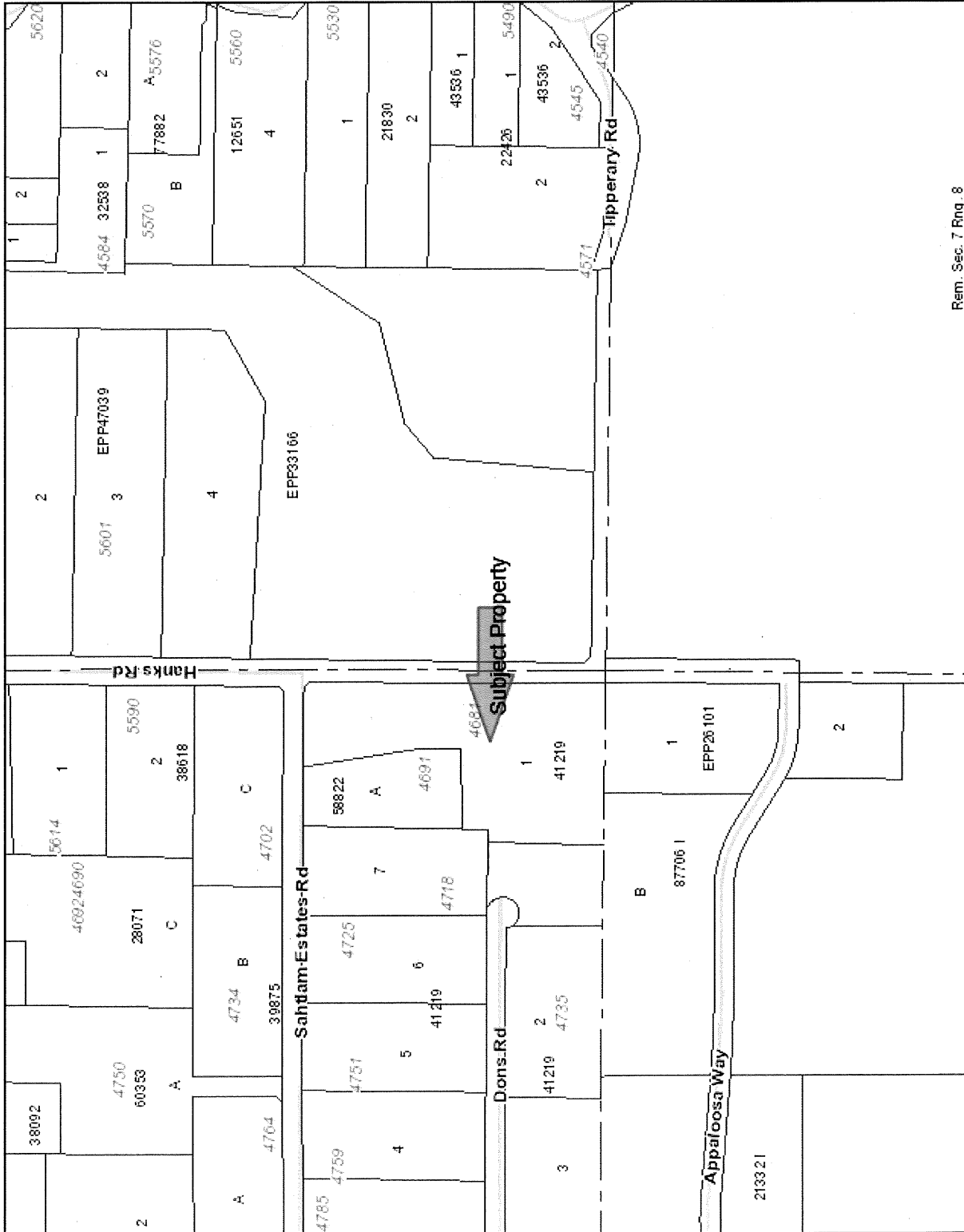
Contact the CVRD  
 250-746-2500  
 1-800-655-3955



1:8,725

Notes

Enter Map Description



Rem. Sec. 7 Rng. 8

0.4 Kilometers

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**Rachelle Rondeau**

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**From:** RANDY BUSCH <chiefbusch@shaw.ca>  
**Sent:** Tuesday, July 19, 2016 10:28 AM  
**To:** Rachelle Rondeau  
**Cc:** Jason de Jong  
**Subject:** cvrd file no. 01-E-16RS (Hols)

Hi Rachelle,

I have just received a copy of the bylaw amendment referral form for the above file. I see by the notice that I am late in responding to this file, however I just received it in the mail last night.

I have spoken to Jason De Jong about this and am aware that he has made some comments regarding prominent address posting, adequate emergency fire access to the properties, Fire smarting the proposed buildings/sites, and driveways able to support fire apparatus. These are all items that I also hold in high importance and would state as necessary. Please include my endorsement of Jason's recommendations as Sahtlam Fires position also.

If you require anything else from me on this matter please contact me via this email or my cell phone number below.

Respectfully,

Randy Busch  
Fire Chief  
Sahtlam VFR  
250-710-8611

## Rachelle Rondeau

---

**From:** Gardner, Jennifer (Alison) <Jennifer.Gardner@viha.ca>  
**Sent:** Thursday, July 14, 2016 4:22 PM  
**To:** Rachelle Rondeau  
**Cc:** Yehia, Jade  
**Subject:** RE: CVRD File NO. 01-E-16RS

Dear Ms. Rondeau,

Thank you for the opportunity to provide comment on the 4681 Sahtlam Estates Road Bylaw Amendment Referral. We would like to provide some insight into the regulatory framework associated with this application, as well as some linkages between Health and Built Environment associated with this proposal. The past few years have seen significant advances in linking land use planning with health outcomes; such as, preserving and protecting the natural environment enhances the ability to mitigate negative health impacts associated with development; clean air, clean water and access to greenspace.

### Regulatory considerations:

#### *Drinking water*

It is unclear from the proposal if the applicant will be drilling another well to supply the newly created lot. Island Health encourages a new well to be installed. The rationale being is that under the Drinking Water Protection Act and Regulation two or more connections to a water source is defined as a water system and thus must meet with the full force of the legislation. Island Health does not encourage the proliferation of small water-systems as they can pose challenges from an operational perspective and compound cumulative impacts. When at all possible the preference would be to tie into an existing community water source, where possible, or access an additional drinking water supply source.

#### *Sewerage*

On page 13 of our Subdivision Standards (link: <http://www.viha.ca/NR/rdonlyres/67C5EDB3-9439-42B2-8E9D-E84965B62D31/0/VIHASubdivStandardsJuly172013.pdf>) **1 Ha** may or may not be sustainable for onsite septic system installation. Suitable soil depth, as it relates to percolation rate, and slope are factors in our onsite assessment process. We would therefore only be supportive of this referral if indeed the drainfield/reserve field parameters, setback distances, slope, meet our Standards. Also, it is advised the applicant contact this office to ensure timely response and avoid any delays.

In addition, Island Health would like to highlight that to date no referral and onsite visits have been carried out by this office to ensure compliance with our Subdivision Standards. The process, when subdivision applications are referred to this department, is for a district Environmental Health Officer to assess the application and provide comments back to the Approving Officer. This is in regards to the land parcels suitability for supporting onsite sewage disposal using our Subdivision Standards. For more information these Standards can be found at: [http://www.viha.ca/mho/Land\\_Use.htm](http://www.viha.ca/mho/Land_Use.htm).

#### *Other*

-While not included in this proposal, for future reference as it applies to the FR 50/50 zone regarding daycares and (possible) food premises as a home occupation. I would like to simply mention that both the Health Protection and Environmental Services (HPES) and the Community Care and Facilities Licensing (CCFL) departments within Island Health have a regulatory role in these facilities, from construction to operation. For more information, please refer to our website at <http://www.viha.ca/mho/> or do not hesitate to contact us.



-Along the same lines (under Sections 4.4 and 4.5) of the RF-50/50 zone secondary suites are (could be) permitted. We would like to bring to your attention that as per section 7 of the Health Hazard Regulation it is the duty of a landlord to provide potable water to his/her tenant for domestic purposes.

**From a Healthy Built Environment perspective:**

The aspect of land dedication to connect Dons Park to Hanks Road Park, is advantageous from a health perspective, enhancing connectivity can encourage people to walk or cycle for recreational or transportation purposes. Connectivity has the potential to increase total physical activity levels (source: HBE Linkages Toolkit [http://www.phsa.ca/Documents/linkagestoolkitrevisedoct16\\_2014\\_full.pdf](http://www.phsa.ca/Documents/linkagestoolkitrevisedoct16_2014_full.pdf)). Parks and trails are a key part of a healthy design because they encourage active transportation and exercise among all age groups. Both physical and mental health benefits are also gained by those who have access to greenspace.

In reference to providing better protection for environmentally sensitive areas, from a health perspective, the preservation of open space and environmentally sensitive areas protects biodiversity. Current evidence supports a relationship between biodiversity and measures of ecosystem functioning such as improved water quality, soil health, and pollination (source: HBE Linkages Toolkit [http://www.phsa.ca/Documents/linkagestoolkitrevisedoct16\\_2014\\_full.pdf](http://www.phsa.ca/Documents/linkagestoolkitrevisedoct16_2014_full.pdf)). Another document you may want to consider is the Ministry of Environments Develop with Care Guidelines [Section 4] as this reference provides supports from an ecosystem preservation/protection perspective (link: <http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/>).

Please contact me if you have any questions.

Thank you

**J. Alison Gardner CPHI(C)** | Environmental Health Officer | Island Health  
4th Floor - 238 Government Street | Duncan, British Columbia V9L 1A5 | Canada  
☎ 250.737.2010 | Email: [jennifer.gardner@viha.ca](mailto:jennifer.gardner@viha.ca)

October 19, 2016

Members of the Committee,

Having lived, and raised our family in this community for the last twenty-four years, we had hoped to downsize to a smaller home on the same parcel of land as our current home. We are at the stage in life where we would like to wind down a bit, but not quite ready to retire either. Having taken certain steps in that direction, we have now encountered a bylaw regulations issue.

We operate a home-based automotive repair business from a shop on our property. It has been in operation for seventeen years and many in this community use our services. It has been brought to our attention that the business is oversized according to the current home-based business regulations and therefore rezoning/subdivision will not receive a positive recommendation from the staff at CVRD.

We are willing to dedicate a portion of our property, which includes valuable wetlands and forested area, to the CVRD for park, trails and wildlife protection. This would be of benefit to the endangered amphibian species in our area, the community and of course ourselves.

We ask if you could possibly see some way to overlook this bylaw infraction at this time, as there are benefits to all parties involved.

Sincerely,

Albert and Juliska Hols

Attention: Alison Nicholson

Good Morning Alison.. It has come to my attention that Albert and his wife Juliska are attempting to navigate the complicated and somewhat puzzling re-zoning process. As you are aware I feel strongly that the system is vague.. and the same rules do not seem to apply for all.. The by-laws have been challenged on many levels. We have a number of businesses in our area that do not meet the guidelines. Leaving us the Home owners to live with the mess of an incompetent system.

All that said.. I am writing a much deserved .. note of support For the re-zoning of The Hols property. Albert and his wife have lived in this community for over thirty years.. raising a family, operating a much needed business and always looking out for there neighbours. So it is quite confusing that a family that chooses the CORRECT way to proceed with there plans of downsizing and building a smaller home on Property they own.. finds themselves in a position where they must dance to accommodate planners and a toxic CVRD. Its not enough that a land owner must give/provide land they paid for. Pay fees, provide numerous forms and studies. But they also must watch the Business they built be attacked. Albert Hols business employs members of our community.. a business that keeps many local folk.. from having to drive to town to have there vehicles serviced.. a much smaller carbon footprint.. in an area that can use all the help it can get in that area. I fail to understand how the size of his operation has now become a problem. A problem that only exists in the minds of individuals who do not live or work in our area. I can reference many operations that have CHOSEN to ignore the by-laws and instead ask for forgiveness and settled for Legal non-conforming status..

I am asking that you stand up.. Assist the hols in this process and show the area residents of Sahtlam that an attack on the Hols will not go unchallenged. A further note. Any one who has had the pleasure of spending time with the Hols and having them as a neighbour knows the great loss it would be to our community should they not be allowed to continue with the building of there new home. Juliska and Albert are the first to help anyone in need.. they exemplify the meaning of neighbour.

Please forward this note of support to any relevant parties.

Jeff Hunter

October 20, 2016

To the Directors.

I am writing in support of Albert and Juliska Hols with respect to their present conundrum. It is my understanding that the size of the current business is what stands in the way of the proposed rezoning. My letter is to address two issues.

The first is to address the value of the Hols with respect to their contribution to the community over the years. For nearly 2 decades, they have raised their large family while working hard and steadfastly to provide a valuable and reliable service to the community. They have provided steady employment for a number of people over the years and trained multiple apprentices during their tenure. Now that the time has come for them to downsize, it is sad, that for a relatively minor issue of non compliance, that was never an issue during their long residence there, and has only arisen in their efforts to downsize, they find themselves in this situation (while donating a sizeable area of their property to the community). Surely the CVRD can creatively address the situation such that a win win situation can be achieved?

My second issue is the question; can the Hols request a variance such that their business can remain as it is. This of course would require the agreement of the directors but it seems to me that this would satisfy both parties.

Thank you for your attention to this letter,

Isabel Rimmer  
4195 Sahtlam Rd



Ian Forman

October 17, 2016

4725 Sahtlam Estates Road

Duncan, BC V9L 6J3

To Whom it may concern:

Re: Subdivision Application - 4681 Sahtlam Estates Road (Hols Family)

I have lived at the above address for the past nine years and throughout that time Albert Hols Autocare has operated as a business in my neighbourhood.

I wish to confirm that during this entire period I have never once had any concerns with the manner in which the business was operated. There have never been any concerns over noise levels or activities connected with the business.

I must express my appreciation for the fact that Mr. Hols (and family) have operated their business in a very responsible and caring manner being very aware of the community in which they live.

As a result, I fully support the above subdivision application.

Sincerely,

A handwritten signature in black ink, appearing to read "Ian Forman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ian Forman

**From:** anneliesmassey@gmail.com  
**Sent:** October 17, 2016 11:52 AM  
**To:** anneliesmassey@gmail.com  
**Subject:**

Sent from Mail for Windows 10

To Whom it may concern

We have lived across the road from Albert Hols for the last twenty years, during which time Albert established and ran his automotive business. Albert and his family are good neighbours and the business has never been a problem. I'm sure cars are being dropped off and picked up, but the numbers are low and we barely notice it. There is no noise that we hear. Our cars have been serviced at Albert's garage and we recommend his services. We have absolutely no problem with having this business so close to us.



4702 SAUTHAM ESTATES RD.

October 19, 2016

Cowichan Valley Regional District  
175 Ingram St  
Duncan BC V9L 1N8

Attn: Rob Conway, Manager of Development Services

We wish to make known our opinion of the subdivision of the property belonging to Albert & Juliska Hols on Sahtlam Estate Rd.

We have no issues with the property being divided as proposed and we also have no issues with Albert Hols continuing his vehicle repair business the way he is currently operating.

Albert's business is a great asset to our community with many local residents able to have vehicle repairs completed without having to take their vehicles to town and then having to arrange transportation back home. There have, to our knowledge, never been complaints about traffic or noise connected to his business.

The Hols family have proven many times to be very community minded and conscientious neighbours helping others in times of need.

Yours truly,



Robert and Laurel Menzies  
4750 Cowichan Lk Rd  
Duncan BC  
V9L 6J2



## **PUBLIC MEETING MINUTES**

**Applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora**

The following is a summary of the proceedings of a Public Meeting to discuss the following:

1. **Temporary Use Permit and Home Occupation policies in Electoral Area E** – Cowichan Station/Sahtlam/Glenora – as part of the current Official Community Plan review. **Bev Suderman**
2. **Official Community Plan and Rezoning application**, submitted by Albert and Juliska Hols, for property at 4681 Sahtlam Estates Road. The application proposes to subdivide the property into two lots of greater than 1 ha (2.47 acres) and dedicate wetland and a trail corridor to CVRD for park. **Rachelle Rondeau**

Rezoning Application No. 01-E-16RS, would create a new zone that would permit the subdivision of the subject property into two parcels with a minimum permissible lot size of 1 ha, and to permit an auto repair shop.

This meeting was held on Thursday, March 16, 2017, at Sahtlam Fire Hall, 4384 Cowichan Lake Road, Duncan, BC, at 7:00 p.m.

### **CALL TO ORDER**

Director Allison Nicholson, Electoral Area E – Cowichan Station/Sahtlam/Glenora, explained that

The first part of this meeting is to provide community input on the Official Community Plan, which is currently under review. Since two of the policy issues (Temporary Use Permits and Home-based Business) are relevant to the application being considered, it was determined that it would be expeditious to have a dual-purpose meeting.

The second part of this meeting is with regards to a rezoning application of property owned by Albert and Juliska Hols.

The Public Meeting was called to order.

Director Nicholson introduced the following who were present at the meeting:

Director K. Davis, Electoral Area A – Mill Bay/Malahat

Director I. Morrison, Electoral Area F – Cowichan Lake South/Skutz Falls

Area E Advisory Planning Commission Members: Susan Kaufmann, Chair, Patrick Jackson and Julia Rylands.

### **CVRD STAFF PRESENT**

Mike Tippett, Manager, Planning & Development Department

Rachelle Rondeau, Planner II, Planning & Development Department

Bev Suderman, Planner III, Planning & Development Department

Mary Anne McAdam, Recording Secretary, Planning & Development Department

### **Members of the Public:**

There were approximately 50 members of the public present.

- Bev Suderman** The current OCP is 23 years old, in that time there have been 30 modifications to the bylaw. This OCP review process began in 2014; with the goal for adoption being the Spring of 2018. Also planning to do a local area plan for Sahtlam to deal with issues specific to this area.  
Currently, Temporary Use Permits (TUPs) are only issued for special events. Two of the permits issued in area E so far are for Rock of the Woods Music Festival and Cowichan Valley Trap & Skeet Club.  
TUPs vary throughout the CVRD Electoral Areas. As an example, in South Cowichan (Areas A, B & C) a TUP is permitted for industrial uses, and in Area H they are permitted for forestry camp or other forestry-related, value-added activities.  
One of the key concerns is for the protection of the environment and residential neighbourhoods from undue disturbance related to TUPs.  
Provided examples of instances where a TUP may be useful. Fees for a TUP are less than rezoning, and a permanent decision is not rendered.  
There is the potential to expand the potential types of TUPs within the Area E OCP for various types of business opportunities, yet strengthen the policy framework. As well, certain criteria would need to be met prior to renewal of an expanded TUP.
- Speaker** Understands the possible need for limiting a certain type of TUP but not necessarily the number per parcel
- Bev Suderman** The Advisory Planning Commission (APC) did not intend the TUP process to be used to make something that was intended to be temporary into something permanent.  
The *Local Government Act* only allows for a TUP to be issued for a period of 3 years and only to be reviewed.
- Speaker** Would seem to make sense to have the ability to be revisited every year or two for renewal. As long as there aren't complaints, the number of renewals shouldn't be an issue. Concerned about the extremes of 6 years maximum for a TUP or a permanent change brought about by rezoning.
- Speaker** Will this conversation be taken to other parts of Area E, besides Sahtlam?
- Bev Suderman** Not sure. This is the second review meeting in the process. The entire community will have an opportunity to comment on the entire community plan and its policies. This would be considered to be a major change and will be highlighted in the plan.
- Speaker** Concerned about the community representation. Does one need to attend these meetings to have a say?
- Bev Suderman** Always a struggle. More representation brings about more points of view for discussion.  
The CVRD has invested in PlaceSpeak and will set up a topic for Electoral Area E using this tool. This can be very useful for those who aren't able to attend meetings.  
Reminded that the appointed APC representatives from all reaches of Electoral Area E, and also part of Area F, which is part of the plan area, come together with different perspectives from different parts of the plan area. There will be future consultation as well.
- Joe Allan** Concerning the plan review process, will the TUPs pertain to the whole of the plan area regardless of other communities within the plan that may have a different point of view?
- Bev Suderman** Local TUPs could be specific to Sahtlam and different for the rest of Area E. Thought it would be for the entire plan area.
- Speaker** Has TUP served its purpose to date? If it has worked until now, why fix it?



- Bev Suderman** TUPs that have been issued are still controversial within the community.
- Speaker** The community is entitled to their form of recreation. For those not desiring permanent designation, temporary TUPs can be issued.
- Rachelle Rondeau** The TUPs that have been issued so far have only been for special events. We could entertain looking at issuing TUPs for non-special events as well.
- Speaker** What about the Trap and Skeet Club. Are these special events?
- Mike Tippett** The rezoning process that the gun club went through allowed for a certain number of fixed dates for regular activities to take place. Special events that occasionally took place were dealt with through TUP.
- Mike Lees** On-line comments allow people to be faceless.
- Bev Suderman** PlaceSpeak requires identification to prove you are a valid resident.  
PowerPoint Presentation (**EXHIBIT 1**). Voting clickers handed out to audience for feedback.
- TUP Question 1** Should TUPs be permitted? 70% yes; 12% no; 18% open-minded.
- TUP Question 2** Flexibility for TUPs: 77% yes; 13% no; 11% not allowed at all.
- TUP Question 3** Clarification of the question led to the following:  
How many would agree with all, except item (e): 27  
No consensus on the following (much verbal banter)
- Anyone object to TUPs for Commercial
  - Anyone object to Industrial (sawmills/manufacturing)
  - Anyone object to auto repair – more discussion to take place later this evening with regards to the Hols rezoning application (01-E-16RS).
- Speaker – regarding Question 3** You could specify things that are noisy, dangerous or environmentally damaging.
- TUP Question 4** Majority in favour of item (e) All of the above  
All of these should be taken into account.
- Loren Duncan** Question regarding policy with regards to community support for TUPs
- Bev Suderman** Didn't specify how it would be done. Details of the policy haven't been written yet.
- Speaker** TUPs need to be more flexible and should extend more than 6 years so neighbours aren't faced with a permanent decision brought about by rezoning. Concerned about the outcome of rezoning once the applicant moves from the property. Would the business have the support of the community.  
6 year limit is Provincially regulated. (Bev)
- Bev** The 6 year limit is set by the Province not the CVRD.
- Home-based Businesses (HBBs)** Bev: When is a home-based business (HBB) too big for the neighbourhood?
- Home-based Business Policy – Bev Suderman** Clarified that a HBB is not Agriculture. HBB is something subordinate to the residential use of the property, i.e. pottery, home office, garden produce for farm market etc. With the advent of technology there is a lot more variety of HBBs. The current zoning bylaw permits a range of things which makes it difficult to describe. This is primarily intended for residential areas, not commercial or industrial zones. It is contained primarily within the residence or in another building on the residential property.  
Proceeded to PowerPoint pages on Policy Direction.
- Speaker** What about a landscaping company?
- Speaker** Would the size of the parcel affect the use?

- Mike Tippett** Zoning rules were developed in Electoral Area F based on differential size and scale of the HBB in relation to the size of the parcel.
- Speaker** Why only 2 employees? If other requirements are met what is the problem with more employees.
- Joe Allan** Based on the items in the Policy Direction screen it would appear that a process would need to be followed.
- Bev Suderman** It can be carried through in the zoning bylaw in accordance with the zoning. Bylaw enforcement is a tool that can be used.
- Speaker** Concerned about limiting the number of employees to 2.
- Bev Suderman** Would mean 2 people other than family that came onto the property for work purposes.
- Mike Lees** Concerned about the exterior storage limit. Many residents have exterior storage for motor homes and outdoor equipment. How can you dictate what people need or require for storage?
- Rachelle Rondeau** Exterior storage would apply to the business, not the residential uses.
- Speaker** Has a neighbour with 15 pieces of decaying equipment. Some of these people store heavy duty equipment on their property but don't operate a home-based business on the property. How does that fit within the HBB policy?
- Speaker** Exterior storage can lead to unsightly premises, which can have a detrimental effect on the quality of the neighbourhood. This is why you see differences in the zones. Industrially zoned land would allow storage such as this.
- Bev Suderman** The CVRD has a complaint driven process to deal with things such as unsightly premises. It is generally good policy to have regulation. Is the policy too restrictive?
- Speaker** Do we have to regulate everything?
- Bev Suderman** We do regulate, but in the absence of policy. It's important to have policy that supports regulation. The question right now is, Is the regulation too restrictive?
- Mike Tippett** By creating policy in Sahtlam, you may end up with a less invasive set of regulations. This doesn't necessarily mean that regulations will be stricter, they can be developed based on the wish of the community.
- Speaker** Does this lead to business licences?
- Bev Suderman** The CVRD is currently looking into the possibility of business licencing. Noted that we receive calls on a daily basis from not only HBB owners but also commercial owners wanting confirmation that they are operating legally. Business owners require compliance for insurance purposes.
- Speaker** Concerned about the terms "vegetative screening" and "very little traffic". What defines very little traffic
- Joe Allan** Is this for [all of] Area E? This community may wish more of a local area plan and the onus should be on that.
- Bev Suderman** A summer student will be working on the Sahtlam Local Area Plan. There is a plan to have more local meetings to gather data prior to her starting in June.
- Susan Kaufmann** Have had visioning workshops encompassing Eagle Heights & Koksilah Industrial Park. Recognizes special pocket communities within the plan area.
- Joe Allan** This will be a legal local area plan that may affect the people of Sahtlam.
- HBB Question 1** Do you operate a HBB? 44 respondents. 40% yes; 60% no.
- HBB Question 2** Do you do business at a HBB in the area? 46 responded. YES.

- HBB Question 3** What appeals to you about HBB that you patronize? (item (e) meaning “All of the Above”  
Other items of interest:
- Lowers impact on the environment
  - Barter system
  - Lower taxes
  - Social network
  - Employing locals (not relying on global employment)
  - Quality service
  - Supporting neighbours who may be experiencing difficulties
  - Strengthening the community
  - Honesty
- HBB Question 4** *Bev: Agriculture does not apply.*
- Should be tolerant to some degree
  - What if the HBB has a negative impact
  - Should be scale driven. Circumstances can differ
  - Unregulated growth
  - Could say “other” based on over-regulation
  - Difficult to answer these questions when the situations can be so varied.
- Bev: Are you concerned that HBB may be over-regulated, or that there is unregulated growth?*
- HBB Question 5** Should there be limits on the types of HBB?  
44 reported. No, the more options the better
- HBB Question 6** Should there be size limits? Currently there are no restrictions, except the restrictions that apply to houses and accessory buildings.
- Loren Duncan** One of the issues of concern is the fact that when the owner of a successful HBB retires or leaves the business, he/she cannot sell the business and employees are laid off (lose their jobs). Would like to see a successful business remain so.
- Speaker** Businesses that are successful at this point can't be transferred to a new property owner. Would like to see succession planning for successful businesses. So many factors to respond with just a yes or no response.
- Bev Suderman** Based on the limited regulations for HBBs, if they are allowed to grow too large then there is no incentive for the business to move to a commercially zoned area. Saltspring Island is an example of the down side of allowing 4 or more employees on a HBB site; the commercial and industrial sites have suffered as a result of this.  
The down side of HBBs being spread throughout the entire community, rather than in designated commercial/industrial zones could result in people driving all over the place for services.
- Ian Morrison** There can be negative impact in a neighbourhood if the business becomes too successful.
- Bev Suderman** By not putting limits on HBB we could be doing a disservice to the successful business owner. The HBB may expand to the extreme limit of what constitutes a HBB, and possibly beyond, then it can be very expensive to move the business to a commercial site.
- Speaker** Succession planning can be an issue. If it interferes with the neighbourhood, then action can be taken.
- Bev Suderman** This already exists. Protective measures need to be in place to ensure there is less argument with bylaw enforcement.  
We all need to take ownership of this, even though we may not have personally invested in the business, if that business fails because of the lack of succession planning, then the whole community suffers. A business that outgrows its site can have a negative impact on the neighbourhood and the

overall community. It is very important to have balance. Do not want slack regulations, or to be over-regulatory which may discourage business opportunities.

**Speaker**

Difficult for a group to provide input at this time.

If a business becomes successful, there should be a certain point at which a business either expands and moves or cuts back to conform.

Things can be sorted out based on complaints.

**Bev Suderman**

The question is, When do you start the process?

Thanked all for the valuable input. Meeting turned over to Rachelle Rondeau for the Public Meeting with regards to CVRD File No. 01-E-16RS (4681 Sahtlam Estates Road).

2. **Official Community Plan and Rezoning application**, submitted by Albert and Juliska Hols, for property at 4681 Sahtlam Estates Road. The application proposes to subdivide the property into two lots of greater than 1 ha (2.47 acres) and dedicate wetland and a trail corridor to CVRD for park.

## Rachelle Rondeau

### Ortho

The second part of the meeting tonight is to discuss a rezoning application for a property in Sahtlam.

It is currently 3 ha (about 7.5 acres) and the applicants have applied to rezone the property so they can subdivide the property.

Their plan is to downsize out of their current house and build a new home on the new proposed lot.

### Rezoning

The applicants are proposing a zone that allows a parcel size of a minimum 1 ha (2.5 acres) each. As well, they are proposing:

- To dedicate to the CVRD the portion of land where there is wetland;
- To dedicate a corridor for a trail along the south of the property;

Meanwhile, on the property is an auto repair shop that is not compliant with the home-based business regulations of the zoning bylaw. The applicants are seeking permission, through the rezoning process, to continue operating this business for several more years.

This has posed a challenge to the rezoning application, as the Board does not normally receive a request to approve something while non-compliant activity is occurring.

### OCP

The Official Community Plan has supportive policy about protection of wetlands and amphibian habitat around Wake Lake. Proposed dedication of the wetland is a positive point.

### Rezoning process

In general, when rezoning and OCP amendment applications are made, staff:

- Review the application and any supporting material;
- Conduct a site visit, and meet with the applicants and any other agencies;
- Prepare a report that is referred to the APC for the area – these are volunteers appointed by the director to provide advice and community input on applications;
- Refer the application to different agencies, including the BC Ministry of Transportation, Island Health, First Nations and other interested parties.

All information received is incorporated into a report for the Electoral Area Services Committee (EASC), which is comprised of Directors representing the nine unincorporated Electoral Areas of the Regional District. From there, a recommendation is forwarded to the Board for a final decision on land use applications. In this case, the Committee directed that a public meeting be held.

The intent is to discuss the rezoning application in general, and also discuss potential options that could address the non-compliant home-based business.



**File review**

As noted, the two main issues to date are:

- Preservation of the wetland; this is seen as a positive move.
- What to do with the auto repair.

Within the home-based business regulations, it is over the size limit and has more than the permitted one auto repair bay.

**Options**

The CVRD can consider a number of options; each of these has pros and cons associated with it.

For example, a site-specific zone would allow the current auto repair, but would also allow **ANY** auto repair there in the future.

Bev has touched on some of the policy options for temporary use permits and home-based business.

**CORRESPONDENCE**

The following items are attached to the Minutes as Exhibits:

- Correspondence from Rik Dinham (**EXHIBIT 2**)
- Correspondence from Lynn Ellison (**EXHIBIT 3**)

**Alicia**

Have there been any complaints about the auto business or has this only come up because of the rezoning application?

**Rachelle Rondeau**

There were no complaints. This has only come forward because of the rezoning application.

**Speaker**

He would likely be the neighbour most affected by this business, but has never had an issue with it. Considers the applicant to be responsible neighbours. We should encourage people like the Hols who provide employment.

Supports this business.

**Loren Duncan**

As a former director for this area (15 years), had never heard any negative comments regarding this business.

**Speaker**

Albert needs 2 bays to operate efficiently.

**Rachelle Rondeau**

Would people like to see more favourable home-based business regulations?

**John Steven**

Where does the precedent lay with the decision on this property?

**Rachelle Rondeau**

Everything is considered on a site-specific basis. Policies differ for each electoral area, and each property may differ within that electoral area as well. Once zoning is established on a parcel, it stays with the property, no matter who the owner is, until it is changed through a process such as this.

**Speaker**

Government should find a more flexible system that would allow the operation of a business to continue without creating something permanent. If there are no complaints then supports the application.

**Rachelle Rondeau**

Should the Board support decisions to rezone properties yet ignore existing uses that are clearly not permitted?

**Speaker**

Flexibility allows for strength. TUP's should be permitted for longer time frames.

**Rachelle Rondeau**

Concerns regarding changes to the time frame for a valid Temporary Use Permit (TUP) would need to be brought up with an MLA, as this is set out through provincial legislation.

- Paul Slade** Should be able to expand the use of TUPs. If the applicant's business cannot be expanded, there would be many unhappy folks. Supports the preservation of Wetlands and the rezoning of the property into 2 lots,
- Rachelle Rondeau** The reason we are discussing the two topics presented tonight (TUPs and Rezoning of Hols property) is because this is a real life situation. Since we are working on a new OCP for the area, we would like to get feedback on TUPs and home-based business policies.
- Loren Duncan** The applicant has been operating for a length of time. The *Local Government Act* says that the local authority does not have to enforce its bylaws. So far, there hasn't been a problem. The CVRD seems to be acting very rigidly even though the people here desire more flexibility. Leave the business alone and move on with the subdivision. If the business becomes a problem down the road, then deal with it.
- Rachelle Rondeau** We do have to be fair to other people who operate consistently with the zoning.
- Bev Suderman** The difference here is that Mr. Hols has operated for a length of time and there has been no enforcement; however, he is now asking the local government (CVRD) for a change in the zoning, which will be permanent change, so this should be carefully assessed. If the zoning goes through then the decision remains with the land. This is about procedure and fairness.
- Speaker** Asked what the minimum parcel size for R-2 zoning is.
- Rachelle Rondeau** Confirmed that the current zoning is R-2, which has a 5 acre minimum. The applicant has applied to rezone the subject property for subdivision into two 2 ½ acre lots.
- Speaker** Said that there has already been two instances where this was done (Wake Lake and the Gun Club). If the rezoning is successful for this property, then it should apply to everyone in the R-2 zone.
- Rachelle Rondeau** This would only apply to the applicant for this rezoning. Anyone can apply for rezoning to accommodate, for example, a change of land use or lot size.
- Speaker** Mr. Hols is well liked and provides a service to the community. What kind of message are we sending out if the applicant were viewed differently in the community? The precedent set by this process could lead to future processes that are unfair. If the current property is non-compliant and this is not resolved, and other exceptions are made, whether complaint driven or not, it could create a culture of unfair treatment depending on your popularity.
- Speaker** If the applicant weren't liked there would most likely have been complaints. If they wish to continue with their business, there needs to be respect for the neighbours.
- Speaker** At what point does the CVRD step in to manage risk. At what point can the CVRD step in with or without complaint.
- Mike Tippett** The zoning bylaw may state that a home-based business is allowed, however, because the CVRD does not have the authority to issue business licences, we do not necessarily know what businesses exist in an area. If business licencing were in place, it would be easier to check and regulate.

- Susan Kaufmann** Zoning is based on land use; it is not about the people. The applicants are well liked and provide a valuable service to the community; however, the CVRD must look at the land use and what is appropriate. There are clear definitions, and these center around keeping areas for residential use and commercial use separate. How do you make that distinction? How do we make sure we have the zones that we want protecting the areas in question? What are some of the concerns about a garage? Under the definition of home-based business, it does limit the size to one auto repair bay and one employee. You may ask, "Why were those restrictions put in place?"
- Mike Tippett** The bylaw in question was adopted in 1998. The idea at that time was most likely to keep the scale fairly low. Admits that it is logistically difficult to run a mechanical business with 1 bay. Other areas, such as Area F, has a slightly more relaxed rule on this type of business. Bev Suderman is trying to address these issues through the OCP review process. In this instance, Rachelle is looking for feedback on this site-specific application.
- Rachelle Rondeau** Would like to address the component of subdivision of this property into two 2½ acre minimum lots, and to address protection of the wetland.
- Clayton Frost** Supports the Hols application for rezoning and subdivision.
- Rachelle Rondeau** Reminded that this a Public Meeting and that input from this will be brought before the Electoral Area Directors for a decision on the next step to take concerning this application. If they decide to move forward with this application, then there will be another opportunity for the public to voice an opinion on this application.
- Speaker** If this rezoning is successful, and in the event that either this business is sold or the applicants decided to retire, would the business still be allowed to operate? Is concerned that future owners may not be as ethical in their practices as the Hols have been. Would the citizens have any recourse?
- Rachelle Rondeau** When there are no complaints, the CVRD will not enforce the activity in question. If the property is subdivided and the zoning stays the same with respect to auto repair as a home-based business, and rezoning of the property does not take place to allow outright auto repair, then the status quo prevails with the same size restrictions. If the business is too large to be classified as a home-based business, then a complaint could arise to precipitate enforcement action. If the property is rezoned to clearly allow auto repair, then it should be noted that there could be a certain level of discomfort associated with this as a permitted use. Bylaw enforcement action would not be considered if the complaint fell within the parameters of the permitted use.
- Mike Tippett** If site-specific zoning is approved to allow the business to continue, we could ask the owners to enter into a covenant with respect to hours of operation. Covenants remain with the property, therefore, certain aspects, i.e. hours of operation, might help with certain scenarios. There could also be general regulations with respect to the increased scope of this particular home-based business, such as increased noise and increased traffic. This may enable us to be aware and sensitive to the needs of the community in the event that issues arise with future owners of the property. We could review some of these details further into the process.
- Susan Kaufmann** If it were to be rezoned, what would the rezoning be?


- Rachelle** Since there is no existing residential zone that allows auto repair, a new zone would need to be created.
- Speaker** Concerned about the protection of frogs? If he were to apply for rezoning would the CVRD request some land for this type of wildlife protection?
- Bev Suderman** As part of the OCP review, the CVRD will be doing hydrogeological mapping and field ground truthing in Electoral Area E. We will have some wetlands and aquifer recharge areas mapped before going forward with and Environmental Policy for the OCP. There may be some help from the volunteers associated with the toad migration.
- Speaker** Concerned that he may have to donate a portion of his wetland should he wish to proceed with a rezoning.
- Speaker** Did the applicant have to donate the land?
- Rachelle Rondeau** No one is compelled to do so. The OCP has supportive policy for protecting amphibian habitat within 1000 metres of Wake Lake.  
The Hols have wetland that is in proximity to Wake Lake and policies in the plan enable the subdivision upon dedication of the wetland.
- Speaker** Are there other pieces of land in the area that are of the same size?
- Rachelle Rondeau** The lots sizes they are proposing are consistent with the neighbourhood.
- Speaker** The Hols' property would be larger if they were not donating the wetland.
- Rachelle Rondeau** Yes. There are regulations in the zoning bylaw that state that when you are subdividing your property that you must remove from the calculation of the lot sizes all streams and wetlands so that you are talking about 2½ acres of useable land, not stream.
- Loren Duncan** The policy of 1000 metres around Wake Lake states that lands may be considered for rezoning to RF-50/50 (Rural Residential/Forestry Conservation). We should be looking at that particular policy (RF 50/50) which would provide the justification for the subdivision and dedication of permanent wetlands.  
It is more important to deal with the subdivision under the RF-50/50 policy and not worry so much about the automotive/auto repair portion of this application.
- Randy Busch** Has known the applicant for 20 years and has had no issues with the automotive repair business. Considers this to be a small business. Supports the applicant.
- Mike Lees** Supports the application.
- Speaker** Nice to have a good mechanic in the room
- Speaker** Nice to have the convenience of a local repair shop in the neighbourhood.
- Speaker** Alberts request is reasonable. CVRD was flexible with division of 5 acre properties in Inwood Creek down to 2½ acres.
- Bev Suderman** Noted that the Inwood Creek properties are in the RF-50/50 zone that supports this type of subdivision.
- Speaker** Is this only about the rezoning?
- Rachelle Rondeau** The application being proposed was only for the rezoning to allow for subdivision.
- Speaker** Question about Temporary Use (TUP).
- Rachelle Rondeau** There is no Temporary Use Permit option.

- Speaker** There haven't been any complaints about the home-based business so there is no reason to deal with this.
- Rachelle Rondeau** Feedback from this meeting will be presented to the Electoral Area Directors.
- Speaker** Who, by show of hands [present in the room], is in favour of the rezoning?
- Rachelle Rondeau** Reminded that this application would also be brought forward to Public Hearing if it proceeds. This direction is decided at a meeting attended by the Electoral Area Directors.
- Rachelle Rondeau** The applicant has not been able to provide a solution to his dilemma. They would like to keep the automotive business. What they propose in their application is up to them. They could rezone the property to allow auto repair business as an allowable use, or have this use remain as a home-based business.  
Invited the applicant to speak.
- Albert Hols** Would like to keep business going for the community. Likes operating his own business but is also concerned, at his age, about his investment. His business is buffered from the road by a green barrier. Conscious about what goes into the ground. Doesn't want to impact the groundwater, so is careful to remove and clean up automotive fluids that could possibly contaminate his own or anyone else's well. Now that his family has left, there is no need for a large home. Would like to build something smaller and more suitable to his needs, yet still be able to employ his family in the shop.
- Speaker** Do you want it to keep it as a home-based business or do you want to rezone to commercial?
- Albert Hols** Hadn't thought about it becoming commercial for sale in the future. The plan, concerning the business, is to keep himself employed. Wants to keep it as a home business.
- Speaker** What about when you retire?
- Albert Hols** Will most likely back off on the workload as his son-in-law and Jordan, and part-time worker, Oliver. Will still own the business. When does one really retire?
- Speaker** How do you imagine the business when you are gone?
- Albert Hols** Had initially thought one of his sons would take over the business but that didn't happen.
- Speaker** If a new owner ran the business and created a problem, then it could be shut down.
- Albert Hols** If he did sell and the property remained the same (home-based business) then if there were any issues with the business that generated complaints, then it could be shut down.
- Speaker** It would appear that there is no neighbourhood objection to the application.
- Speaker** Since the applicant applied to rezone, does he now have to rezone to continue with the auto repair shop?
- Rachelle Rondeau** Reviewed the options. They don't have to rezone for the auto repair.
- Speaker** Realistically. Expand the use (bays) but not replace as commercial.



- Rachelle Rondeau** Option of expanding home-based business regulations will be through Bev Suderman's process of the broader OCP. If we had the option of Temporary Use Permits (TUPs) within the Plan, then the applicant could apply for a TUP, which would enable them to operate legally within the existing zoning on a temporary basis. Another option is to approve this application by approving the change in zoning to allow the smaller minimum lot size and ignore the business activity.  
A Public Hearing will be scheduled if direction is received from the Board to proceed with this application.
- Jim O'Donnell** Support Hols business. Doesn't necessarily agree with spot-zoning for auto repair in a residential neighbourhood, supports the status quo.
- Speaker** Is there a grandfather clause that could be revisited at time the Hols decide to sell their property?
- Rachelle Rondeau** Because this is tied to change of ownership, we have no control over this. We can't discriminate against people.
- Bev Suderman** Local Government authority relates to land use, but not landowners.
- Rachelle Rondeau** If Temporary Use were an option, the permit would be valid for a period of three years but could also be re-applied for upon expiry.
- Juliska Hols** What would the process be to apply for a TUP?
- Rachelle Rondeau** The existing OCP would need to be amended to enable Temporary Use Permits to permit businesses and special events.  
This is the reason for the first portion of this meeting which provided CVRD staff (Bev Suderman) with a case study to determine the possibility of Temporary Use Permits and Home Occupation policies for Area E.
- Speaker** Question about the business.
- Rachelle Rondeau** Home Occupation is a permitted use. Under Industrial or Commercial zone use it would include auto repair and body work etc.
- Allison Nicholson** Reminded all that you have one week to submit your written comments by email to [ds@cvrd.bc.ca](mailto:ds@cvrd.bc.ca)
- Adjournment** The meeting was adjourned at 9:20 p.m.

EXHIBIT 1



Cowichan Valley Regional District | 2017

Cowichan Koksilah Official Community Plan Review and Updating  
Policy regarding Temporary Use Permits and Home-Based Businesses  
Rezoning Application: 4681 Sahtlam Estates Road (Albert & Juliska Hols)

### Using the Clickers: Warm Up

2. OCP stands for:

- a. Official Community Plan
- b. Obsessive Compulsive Planning
- c. Oranges Carrots and Pumpkins

### Meeting Agenda

- Welcome and Introductions – Director Nicholson
- OCP Review Process – Planner Suderman
  - Temporary Use Permit Policy discussion
  - Home-Based Business Policy discussion
- Hols Application Discussion – Planner Rondeau
- Any other business?
- Adjournment

### Using the Clickers: Warm Up

3. Where do you live?

- a) Sahtlam
- b) Glenora
- c) Cowichan Station
- d) Elsewhere in Area E
- e) Elsewhere

### Using the Clickers: Warm Up

1. Did we have a lot of snow this winter?

- a) Yes
- b) No
- c) Just right

### Using the Clickers: Warm Up

4. Where do you fit?

- a) Less than 21 years of age
- b) Between 21 and 44 years of age
- c) Between 45 and 65 years of age
- d) Over 65 years of age
- e) Choose not to answer

## Using the Clickers: Warm Up

5. Are you on the OCP email notification list?

- Yes
- No
- Didn't know there was one

## OCP Review and Update

- Area E Official Community Plan, Bylaw 1490, adopted 1994 (23 years old) – 30 modifications
- OCP review began in 2014:
  - Plan Area Boundaries established
  - Technical background report
  - Community consultations
  - Agency and First Nations consultation
  - Policy research
- Project transition – 2016
- Goal for adoption – Spring 2018

## CVRD's Notify Me Service

[www.cvrld.bc.ca](http://www.cvrld.bc.ca)

## Sahtlam Local Area Plan

- Part of the OCP review/update process
- Sahtlam split between Electoral Areas E & F
- Issues:
  - Growth management and protecting rural character
  - Servicing
  - Noise and traffic
  - Aging in place
  - Need for community centre place
    - Local serving commercial area – similar to Glenora?
    - Multi-unit housing to permit aging in place?
- Stay tuned for more information soon!

METHOD	LIST NAME	DESCRIPTION
<input checked="" type="checkbox"/>	Agendas	Notify subscribers when a new meeting agenda is published
<input checked="" type="checkbox"/>	Area D - Community Conversation	The purpose of this list is to contact residents of upcoming meeting districts.
<input checked="" type="checkbox"/>	Area E OCP	Area E - Cowichan Kwikwaka'wakw OCP
<input checked="" type="checkbox"/>	Area F OCP	Subscribe to receive information about the Area F - Cowichan Local Community Plan review
<input checked="" type="checkbox"/>	Community Safety Advisory Commission	
<input checked="" type="checkbox"/>	Electoral Area E Community Parks & Trails	The CVRD is currently undertaking a Community Parks and Trails

## Temporary Use Permits

- Authorized by Local Government Act, Section 921
- Area E OCP Policy 15.1.2 – TUPs for special events only
  - Cowichan Valley Trap and Skeet Club
  - Rock of the Woods Music Festival
- Lots of variation within the CVRD:
  - Industrial uses (South Cowichan)
  - Forestry camps or value added activities (Area H)
  - Protection of environment and residential neighbourhoods from undue disturbance



## TUP – New policy direction

- Expand potential types of temporary uses (special events and various business opportunities)
- Strengthen policy framework (similar to TUP policy in Area D OCP)
  - Stronger environmental protection
  - Evaluation of impacts prior to renewal of permit
  - Limit number of TUP applications per parcel
  - Reversibility of impacts

## TUP Question 2

Should there be more flexibility in the types of Temporary Use Permits that can be issued?

- Yes
- No – they should stay the same – only for special events
- Don't believe TUPs should be permitted

## Pros and Cons

### Pros

- Allow for special events
- Testing new business opportunities
- Flexibility for opportunities that cannot yet be imagined

### Cons

- Different uses than permitted by zoning
- Can be divisive within communities

## TUP Question 3

For what purposes should TUPs be issued?

- Special events
- Commercial uses such as pet grooming, day care, retail, food service, camp grounds, offices
- Industrial uses such as sawmills, manufacturing
- Auto repair
- I don't believe TUPs should be issued

## TUP Question 1

Should Temporary Use Permits be enabled by the OCP?

- Yes
- No
- Maybe

## TUP Question 4

If the OCP will have a more flexible Temporary Use Permit policy, what do you think is the most important part of the decision-making process?

- Community/neighbourhood support
- Environmental protection
- Economic benefit
- Public interest
- All of the above

## TUP

- Any questions? Discussion?

## HBB – New Policy Direction

### Environmental Protection

- No pollution impacts:
  - Dust or other air pollution
  - Noise
  - Light
  - Ground
  - Water
- Effective waste management
- Vegetation screening

### Community Character

- Contained entirely within the home or an accessory building on the property
- No exterior storage
- Not more than 2 employees
- All parking on the property
- Very little traffic
- Limited signage

## Home-Based Businesses (HBB)

- Also known as Home Occupations
- Lots of home-based businesses within Area E
- No OCP policy for Area E at this time
  - Regulated through zoning
- Key benefits: neighbourhood vibrancy; promote interactions by neighbours; “eyes on the street!”
- Key issue: When is a HBB too big for the residential neighbourhood? When should it move to a commercial or industrial area?

## HBB Question 1

Do you operate a home-based businesses in Area E?

- Yes
- No

## HBB – New Policy Direction

- Provide a policy framework (similar to HBB policy in Area D OCP)
- Objectives:
  - Support HBBs in residential areas, including B&Bs
  - Protect community/neighbourhood character
  - Environmental protection
- Definition: *A business use which is carried out on property which is primarily intended for residential use, either in the main residence or other buildings located on the property.*

## HBB Question 2

Do you personally do business at any home-based businesses in Area E?

- Yes
- No



### HBB Question 3

What appeals to you most about home-based businesses that you patronize?

- a) Can walk to them
- b) Offer cheaper or unique products
- c) Supporting my neighbours
- d) Keep my neighbours at home
- e) Other

### HBB Question 6

Do you think there should be size limits on HBBs?

- a) They should be small
- b) There should be no limit
- c) They should have increased setbacks from parcel lines
- d) They should not be permitted

### HBB Question 4

What are your greatest concerns about HBBs?

- a) Noise, especially evenings and weekends
- b) Smell
- c) Traffic
- d) Dust
- e) Other

### HBB

- Any questions? Discussion?

### HBB Question 5

Do you think there should be limits on the types of HBBs?

- a) Yes, the types of HBBs should be limited
- b) No, the more options the better
- c) They should not be permitted

### Thank you!

CHECKLIST

- 
- 
- 
- 
- 
- 
- 



## 4681 Sahtlam Estates Road

## Rezoning Process

Submit application	
Planner File Review	• Policy Review, Site Visit, Property history, Limitations
APC and agency referrals	• Provides advice
EASC	• Proceed - Refer back to staff - Deny - Public Meeting
Regional Board	• Directs next steps
Bylaw Readings	• Draft bylaws are considered by Board
Public Hearing	• Formal public input process on application
Board – 3 <sup>rd</sup> reading, conditions	
Fourth reading/Adoption/Denial	• Board makes final decision

## Rezoning/OCP amendment

**Proposed Zone:**                      **Current Zone: R-2**

- 1 ha minimum lot size proposed
- Dedicate area of wetland on south/west adjacent to Dons Park
- Dedicate trail at south of property
- Remove area of streams/smaller wetland from area calculation
- Allow auto repair as a permitted use.

## File Review

- Ecological assessment report recommends protection of wetland;
- Size and number of auto repair bays exceeds home-based business regulations

## OCP – Suburban Residential

- Proposed Rural Residential/Forest Conversion
- Primary focus of the Rural Residential/Forest Conversion is protection of forestry lands for wildlife habitat and riparian ecology
- Land is not designated Forestry but is within 1000 km of Wake Lake
- Recognized for high quality amphibian habitat

## Options

- Allow auto repair through site specific zone;
- Deny application until auto repair use stops;
- Deny application altogether;
- Approve application;
- Expand home-based business regulations;
- Amend OCP to allow temporary use permits for auto repair or similar uses;

## Next Steps

- Consider community input (from this meeting);
- Report back to the Electoral Area Services Committee (Directors);
- Board determines course of action

## Questions?

Bev Suderman  
Planner III  
Community and Regional Planning Division  
[bsuderman@cvrd.bc.ca](mailto:bsuderman@cvrd.bc.ca)

Rachelle Rondeau  
Planner II  
Development Services Division  
[rrondeau@cvrd.bc.ca](mailto:rrondeau@cvrd.bc.ca)



## EXHIBIT 2

MARCH 13 2017

FOR:

ROB CONWAY  
C.V.R.D. PLANNING MANAGER

DEAR SIR

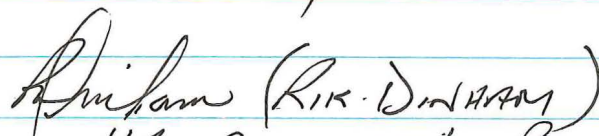
AS A THIRTY YEAR RESIDENT AND OWNER OF A PROPERTY IN THE NEIGHBORHOOD TO BE MOST AFFECTED BY THE HOLS FAMILY RE-ZONING APPLICATION (# 01-E-16R2) I WOULD LIKE TO EXPRESS MY UNRESERVED SUPPORT FOR THEIR APPLICATION.

VIRTUALLY ALL TRAFFIC TO AND FROM THEIR FAMILY BUSINESS MUST PASS ADJACENT TO MY PROPERTY AND IT HAS HAD NO ADVERSE AFFECT ON THE NEIGHBORHOOD. I HAVE NEVER BEEN INCONVENIENCED OR DISRUPTED BY ANY OTHER FACET OF THEIR OPERATION.

THEY HAVE BEEN RESPONSIBLE, CONSIDERATE NEIGHBORS WHO VISIBLY CONTRIBUTE BY PROVIDING A NEEDED SERVICE. IT BEHOOVES US ALL TO SUPPORT SUCH EXCELLENT CITIZEN SHIP.

THANK-YOU FOR CONSIDERING MY HEARTFELT SUPPORT FOR THEIR APPLICATION.

SINCERELY

  
4680 COWICHAN LK RD.  
DUNCAN, B.C.  
V9L 6J2

## EXHIBIT 3

Mar. 13<sup>th</sup> 2014

FOR:

ROB CONROY.

C.V.R.D. PLANNING MANAGER,

DEAR SIR,

I AM A RESIDENT + NEIGHBOUR + HAVE BEEN FOR TEN YEARS. I AM IN FAVOR + IN SUPPORT OF THEIR ZONING APPLICATION (#01-E-16R2).

SINCERELY

Lynn Ellison  
4680 Cowichan Lk. Rd.

Duncan, BC.

V9L 6J2



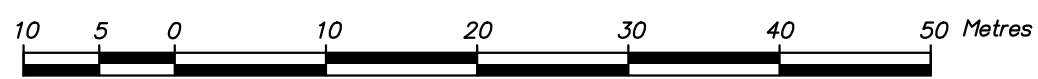
SKETCH PLAN TO ACCOMPANY REZONING APPLICATION OF LOT 1, SECTION 8, RANGE 7,  
SAHTLAM DISTRICT, PLAN 41219, EXCEPT THAT PART IN PLAN VIP58822

**ATTACH R3**

FOR DISCUSSIONS AND APPLICATION PURPOSES ONLY

BCGS 92B 074

Scale = 1: 500



The intended plot size of this plan is 560 mm in width by 864 mm in height

(D size) when plotted at a scale of 1:500

**LEGEND**

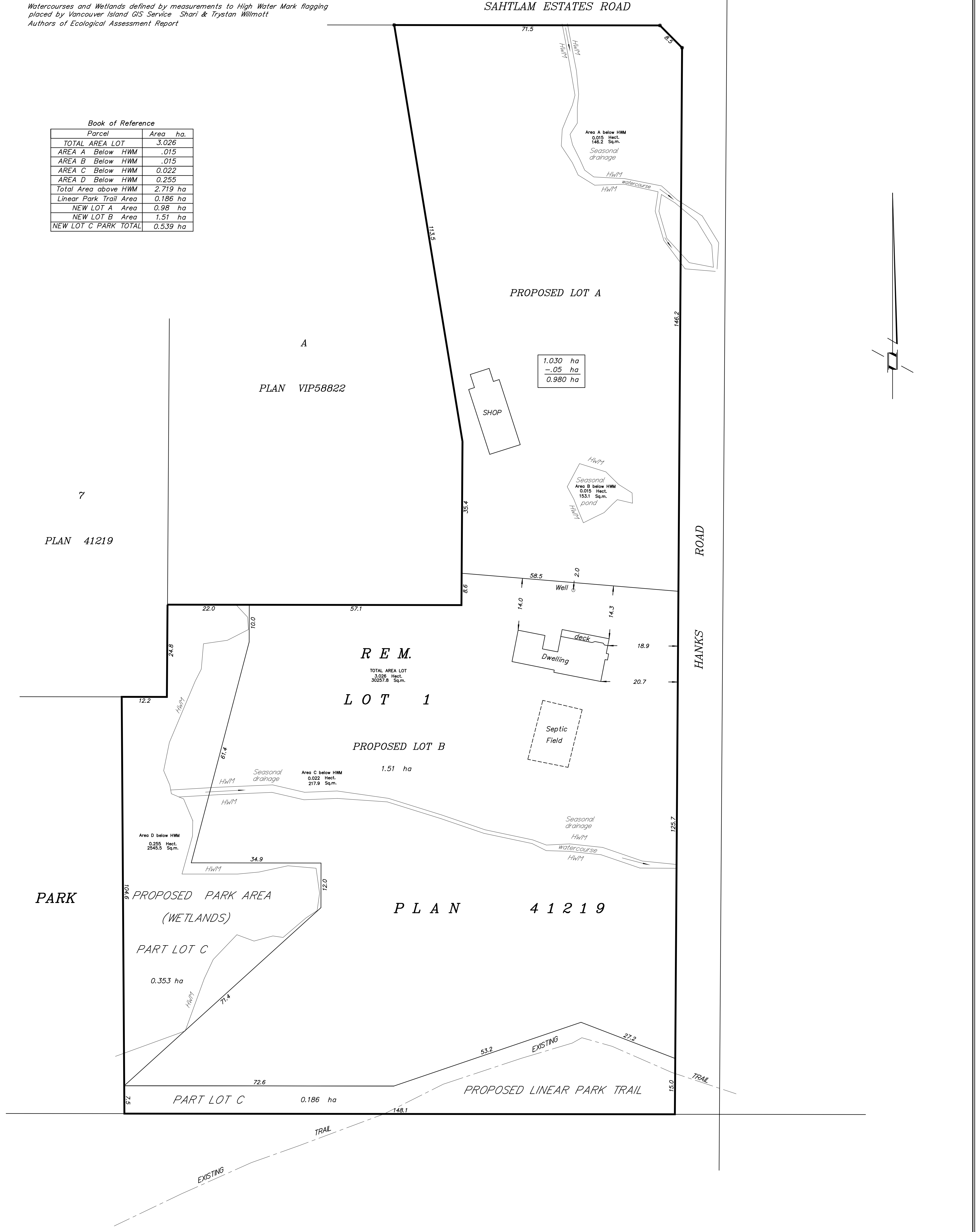
- denotes standard iron post found.
- All distances are in metres and decimals thereof.
- Distance are approximate subject to change upon final survey.

Civic Address : 4681 Sahtlam Estates Road  
Duncan BC

Watercourses and Wetlands defined by measurements to High Water Mark flagging  
placed by Vancouver Island GIS Service Shari & Trystan Willmott  
Authors of Ecological Assessment Report

**Book of Reference**

Parcel	Area ha.
TOTAL AREA LOT	3.026
AREA A Below HWM	.015
AREA B Below HWM	.015
AREA C Below HWM	0.022
AREA D Below HWM	0.255
Total Area above HWM	2.719 ha
Linear Park Trail Area	0.186 ha
NEW LOT A Area	0.98 ha
NEW LOT B Area	1.51 ha
NEW LOT C PARK TOTAL	0.539 ha



PROJECT: REZONING & SUBDIVISION

CLIENT: Albert & Juliska Hols

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



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** September 15, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of October 4, 2017

**FROM:** Parks & Trails Division  
Land Use Services Department

**SUBJECT:** Update on the Request by the Cobble Hill Improvement District for the use of Galliers Park for the Location of a Community Well

**FILE:**

## PURPOSE/INTRODUCTION

The purpose is to provide an update on the approved installation and registration of a community well in Galliers Park by the Cobble Hill Improvement District.

## RECOMMENDED RESOLUTION

For information.

## BACKGROUND

Much of the background information is outlined in the Electoral Area Services Committee Report dated February 3, 2009 (see attachment A). Out of this report, Board Resolution #09-066-3 was passed with some additions that were not in the report (See attachment B). The recommendations from the resolution still need to be met with the exception that a location for the wellhead and drilling of the well was completed in April 2010.

An amendment to a registered covenant on the park property in favour of the Province, a one time financial contribution of \$3,450 to the Electoral Area C Community Parks function, and registration of a Statutory Right of Way (SRW) over the wellhead location in favour of the Cobble Hill Improvement District (CHID) still need to be completed.

## ANALYSIS

Earlier this year the CHID was contacted regarding the ongoing delay in the preparation and registration of a SRW since the drilling of the well. The response by CHID was that they needed to get further testing completed to ascertain whether it was appropriate to use the well as a public water supply (ensure the water met the Canadian Drinking Water Standards) and whether to connect it to the existing infrastructure of the CHID. They have now indicated that all tests are complete and are ready to have the SRW prepared and registered, inclusive of a survey plan identifying the location of the well.

The CVRD has recently been in contact with the Province who have indicated that they would like the covenant amended for the inclusion of a community well in Galliers Park.

**FINANCIAL CONSIDERATIONS**

The CHID will pay all costs to prepare and register the SRW, as well as any amendments as may be required by the Province for their existing covenant registered on the park property. The CHID will also provide to the CVRD a cheque for \$3,450 to add to the Electoral Area C Community Parks capital reserve fund.

**COMMUNICATION CONSIDERATIONS**

Correspondence with the Province to amend the existing covenant.

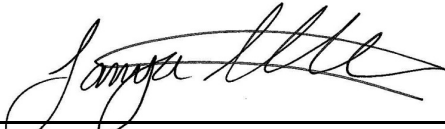
**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

N/A

Referred to (upon completion):

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

Prepared by:

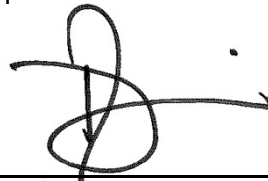


Tanya Soroka, MCIP, RPP  
Parks & Trails Planner

Reviewed by:



Brian Farquhar  
Manager



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

**ATTACHMENTS:**

- Attachment A – EASC Report dated February 3, 2009
- Attachment B – Board Resolution #09-066-3

PK 4



C·V·R·D

**STAFF REPORT**

**ELECTORAL AREA SERVICES COMMITTEE MEETING  
OF FEBRUARY 3, 2009**

**DATE:** January 27, 2009 **FILE NO:**

**FROM:** Brian Farquhar, Manager, Parks and Trails **BYLAW NO:**

**SUBJECT:** Request for Use of Cobble Hill Parks for Community Well Sites

**Recommendation:**

That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to establish a statutory right of way across Galliers Park in Cobble Hill legally described as Lot A, Plan VIP 72755, Section 13, Range 6, Shawnigan Land District in favour of the Cobble Hill Improvement District for a community well site subject to the following conditions:

- i. The wellhead location, underground services and design/construction of the wellhead enclosure meet with CVRD Parks approval, including the Area C Parks and Recreation Commission.
- ii. That a one-time financial contribution be made by the Cobble Hill Improvement District to the Area C Community Parks function in the amount of \$3,450 for granting of the statutory right of way in favour of the Cobble Hill Improvement District to permit construction and operation of a wellhead within Galliers Park.

And furthermore that staff proceed to work with the Provincial Government and the Cobble Hill Improvement District to determine the necessary requirements and approvals to amend the existing crown lease for Fairfield Road Park held by the Regional District to permit establishment of a community wellhead by the Cobble Hill Improvement District.

**Purpose:**

To request direction on a proposal from the Cobble Hill Improvement District to establish community well sites in Galliers Park and Fairfield Road Park in Cobble Hill.

**Financial Implications:**

N/A

**Interdepartmental/Agency Implications:**

The Province of British Columbia owns Fairfield Road Park which is leased to the CVRD to manage for community park purposes. Approval from the Province would therefore be required for any change in use of part or all of these lands from what are permitted under the terms of the lease.

**Background:**

The Cobble Hill Improvement District has formally requested the Cowichan Valley Regional District give consideration to allowing the establishment of permanent community well sites in Galliers Park and Fairfield Road Park to increase the water supply capacity of the existing community water service managed by the Improvement District within the Cobble Hill Village area. Recent Provincial regulatory changes to setback requirements to protect new community well sites from potential contamination sources (i.e. roadways) has severely limited options new well site location options for the Cobble Hill Improvement District's community water system. In reviewing potential options, the Improvement District noted the above two mentioned community parks managed by the Regional District are in close proximity to the Improvement District's current distribution system and could provide the necessary setback requirements by strategically locating the wellhead within each park. It is also understood that the Vancouver Island Health Authority has reviewed the two proposed wellhead sites and has given approval for these locations as being suitable for community wells.

Galliers Park is owned by the CVRD and is a developed local park with a children's playground, sport court, parking and grassy picnic area. Future plans for the park include a picnic shelter. The park is approximately 0.4 hectares in size. The Cobble Hill Improvement District has identified a location on the eastern side of the park where a new well could likely be drilled without impacting existing and future park development (see attachment). Establishment of a community well within the park would require registration of statutory rights-of-way in favour of the Improvement District for the wellhead, water connection to the existing community water system to the west of the park and underground hydro service to the wellhead for pump operation.

Fairfield Road Park is a provincial crown-owned parcel approximately 2.3 hectares in size which is leased to the Regional District for community park purposes. At the present time the property is managed as an undeveloped natural park with a network of informal trails used and enjoyed by local residents. The Improvement District has identified a location in the northwestern portion of the park suitable for a wellhead that would require access off of Learning Way (see attachment). Preliminary discussions with the Province indicate that the existing lease for park purposes would need to be amended to exclude the wellhead area of interest by the Improvement District. This excluded area would then require a separate lease issued by the Province specifying use for community well site purposes. Further dialogue would be required with the Province to determine the specific conditions and requirements that would be applicable to amending the existing Fairfield Road lease and issuance of a separate lease for a community wellhead.

The interests of the Cobble Hill Improvement District to establish community well sites at these two parks was brought forward to the Cobble Hill Parks and Recreation Commission in early Fall 2008. At the September and October 2008 meetings of the Parks and Recreation Commission, the Commission approved recommending the request be given consideration by the Regional District subject to the following conditions:

000114



1. That the Parks Commission be involved with and approve the wellhead enclosure design;
2. That underground wiring be installed to the well site(s) within each park so as to minimize the impact of the well location on the park(s), and
3. That reasonable compensation equivalent to the amount paid in 2008 to the Cobble Hill Improvement District from the Cobble Hill Community Parks budget for the Quarry Nature Park water service connection be negotiated.

In considering the use of park space by the Cobble Hill Improvement District, the Cobble Hill Parks and Recreation Commission gave consideration to the pros and cons of locating such wells on park property. The Parks Commission concluded that such a use of community park lands would provide considerable local community benefit while having minimal negative impact to park users. The Parks Commission indicated that it could not foresee any real difference between the CVRD drilling a well at either of these locations for park use and the Improvement District drilling similar such wells to provide water for both domestic and park purposes.

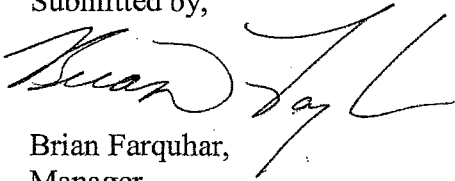
Parks staff have reviewed the proposal from the Cobble Hill Improvement District as it pertains to both park sites and make the following observations:

1. The Galliers Park site is fee-owned by the CVRD with no apparent limitations or restrictions on the use of the lands, which therefore would permit proceeding with the Cobble Hill Improvement District's request in short order, pending consideration of approval by the Regional Board.
2. Interest in use of Fairfield Road Park will require both approval of the Province and subsequent amendment of the existing lease agreement held by the CVRD for use of these crown lands as a community park to exclude the area of interest for a well site. A subsequent new lease would then be registered specific for the proposed well site. As the terms and conditions for amending the existing lease held by the CVRD as well as terms and conditions for a well site lease would need to be negotiated with the Province, it is unknown at this time what timeframe will be required to achieve to the satisfaction of all parties.
3. While the Cobble Hill Parks Commission makes reference to a one-time compensation for establishment of a permanent well site within one or both parks, it is important to note that with registration of an easement for the wellsite and underground servicing, this action should be considered a permanent change to the park, as once statutory right of ways are registered, the rights of way remain in effect until such time as the favoured party (in this case the Improvement District) agrees to discharge such right of way. In effect, the right of way limits uses of that portion of the lands from remainder of the property with respect to park management/use decisions.

In the case of a well site, the wellhead structure would become a permanent fixture within the park and underground servicing (i.e. water pipes and hydro service) could limit/restrict above ground park uses (i.e. limit structures and/or landscaping such as tree planting). Therefore, careful planning and placement of such easements so as to not negatively affect potential future uses and expansion of existing park amenities would need to be undertaken in determining appropriate locations for the proposed well head infrastructure and servicing connections.

The longer term plans for Galliers Park include construction of a family picnic shelter structure and further minor improvements to the grassy picnic area. Therefore site layout and location of the picnic shelter will be important to verify prior to finalizing the exact location for the proposed wellhead, to ensure the installation of the picnic shelter would not be compromised in future. The issue of aesthetics of the wellhead structure brought up by the Parks Commission and requirements to protect the safety and integrity of the wellhead are also important factors that should be considered in granting permission to the Improvement District to establish community wellheads in one or both parks. There are existing examples of wellheads at other sites that can be assessed to determine what design/installation approach would best be suited for these two parks. Overall, if the location and construction of the wellheads can be undertaken in such a manner as to have minimal impact on both existing/future park facilities and the public's use and enjoyment of these parks, there would appear to be no significant reason to deny the request from the Cobble Hill Improvement District, as establishment of these additional wells onto the Improvement District's existing community water distribution system would provide an additional direct benefit to the local Cobble Hill Village community.

Submitted by,



Brian Farquhar,  
 Manager  
 Parks and Trails  
 Parks, Recreation and Culture Department

BF/ca

**COBBLE HILL IMPROVEMENT DISTRICT**  
P.O. Box 137  
Cobble Hill, B.C. V0R 1L0  
Phone (250)743-2861 Fax (250)743-9906

January 13, 2009

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

Dear Sirs:

We are writing to seek permission from the Cowichan Valley Regional District to locate well sites in the Galliers Road and Fairfield Road Parks.

The district requires two new wells in order to have a stable supply of water for its current residents, and also to ensure it meets the needs of the community's future growth.

Although a number of other sites have been explored, none are available in areas of known water supply and meet the requirements of the Ministry of Health regarding setbacks from the road allowance or distance from other industrial uses. We have quite simply run out of options for a site; thus we are seeking permission from you now.

While our request may represent a somewhat unusual use for the parks, we feel that locating wells on these sites would have very little impact on the park use and enjoyment, and that the wells would be of considerable benefit to the community because it will ensure a more reliable source of water.

We are hoping to start drilling in the spring as it is urgent that at least one well is on line before the summer.

Thank you for considering our request.

Sincerely,  
**COBBLE HILL IMPROVEMENT DISTRICT**



Robin Brett  
Corporate Administrator



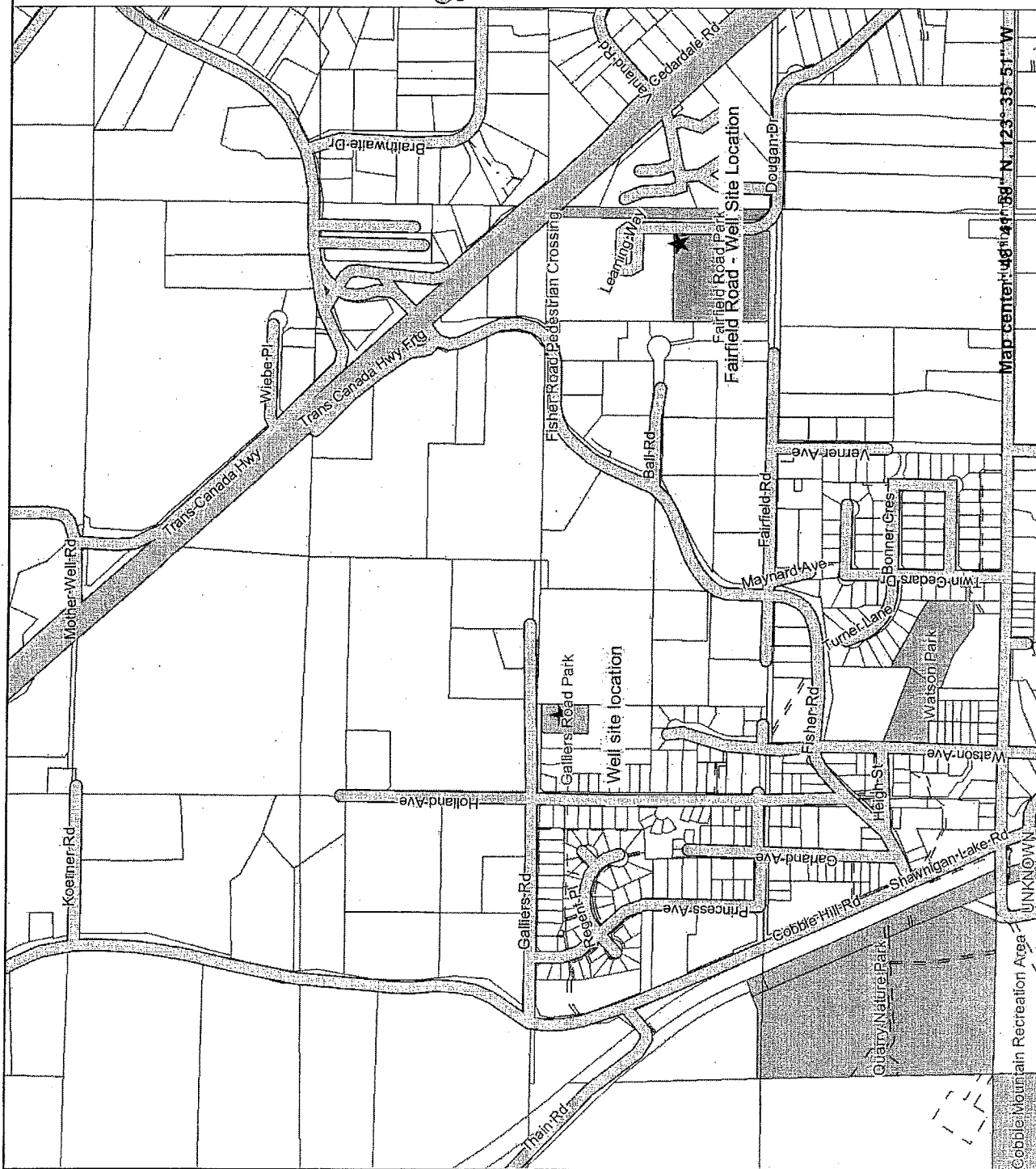
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Legend

- Roads
  - highway
  - Road
- Foreshore
- PARCEL\_ARC
- BDEALNS
- BDRDLNS
- RDOOTHNGZ
- Parcel Arcs
- First Nations
- PARKS



Date Printed: 4/01/2009 12:14:06



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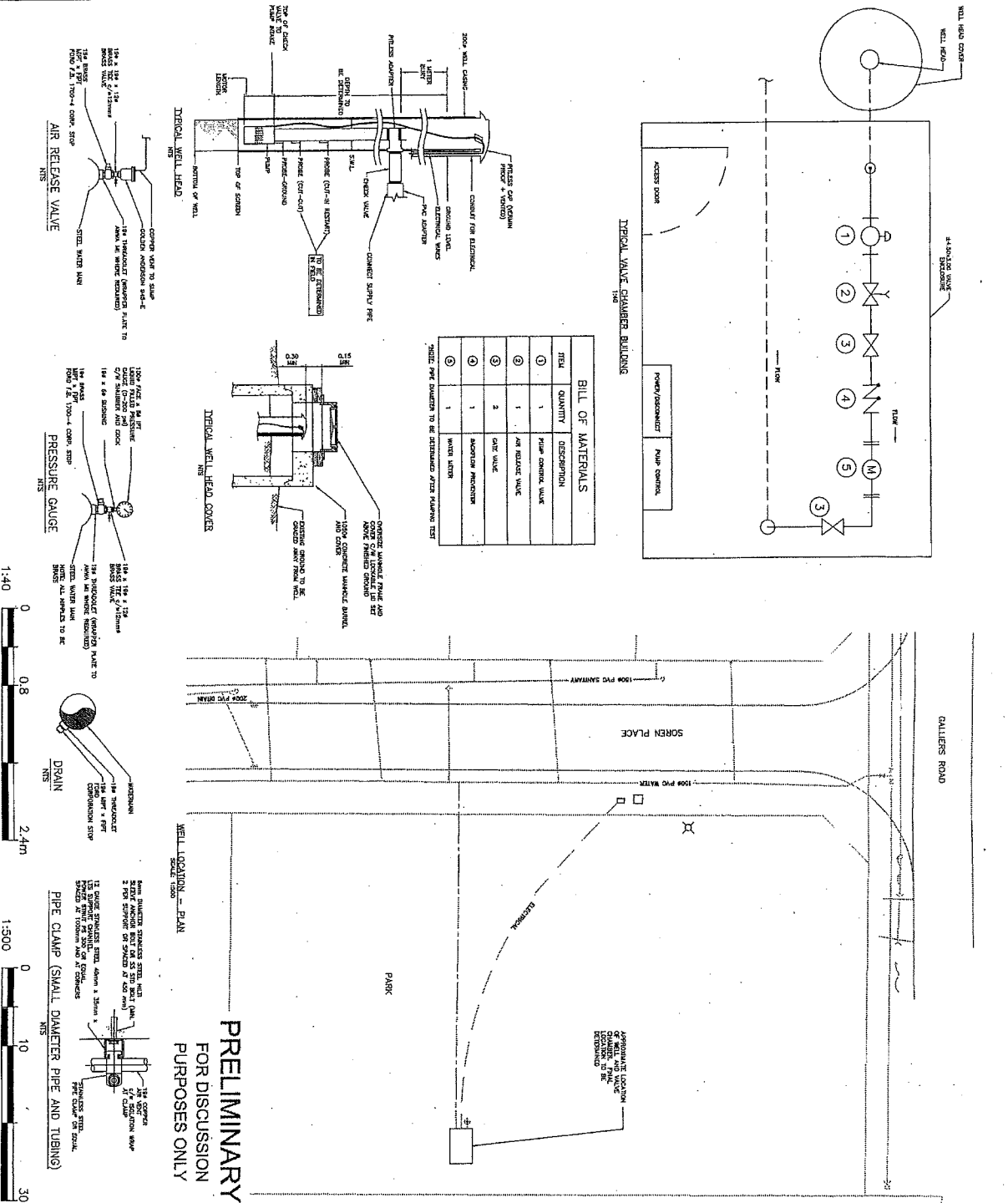
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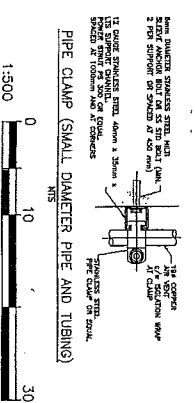
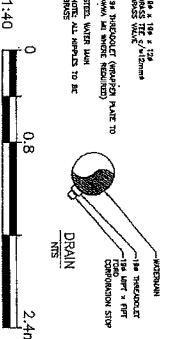
Map center: 48° 41' 59" N 123° 35' 51" W



**BILL OF MATERIALS**

NO.	QUANTITY	DESCRIPTION
1	1	PIPE CONTROL VALVE
2	1	AIR RELEASE VALVE
3	2	ONE VALVE
4	1	MANHOLE PROTECTOR
5	1	WATER METER

NOTE: PIPE QUANTITIES TO BE DETERMINED AFTER FURNISHING TEST



**PRELIMINARY FOR DISCUSSION PURPOSES ONLY**

**PROJECT**  
**COBBLE HILL IMPROVEMENT DISTRICT**

**PROPOSED NEW WELL**  
**GALLIERS ROAD**

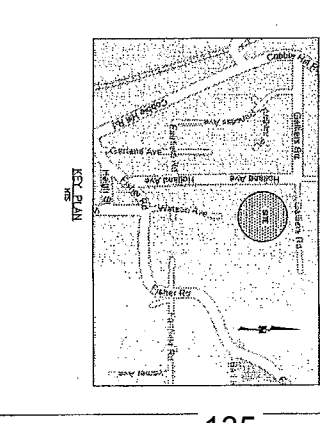
**PROJECT REF:** 012091-20

**DRAWING TITLE**  
**PROPOSED NEW WELL**  
**GALLIERS ROAD**

**DATE** JAN 23/08

**SCALE** AS NOTED

**FIGURE 1**



**NOTES**

1. ALL CONCRETE SHALL BE IN ACCORDANCE WITH THE CONCRETE WATER RESISTANT, COMPACTING SPECIFICATIONS AND STANDARD SPECIFICATIONS AND SHALL INCLUDE 2.
2. ALL VALVE, FITTINGS AND ACCESSORIES SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS AND SHALL INCLUDE 2.
3. ALL VALVE, FITTINGS AND ACCESSORIES SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS AND SHALL INCLUDE 2.
4. ALL VALVE, FITTINGS AND ACCESSORIES SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS AND SHALL INCLUDE 2.

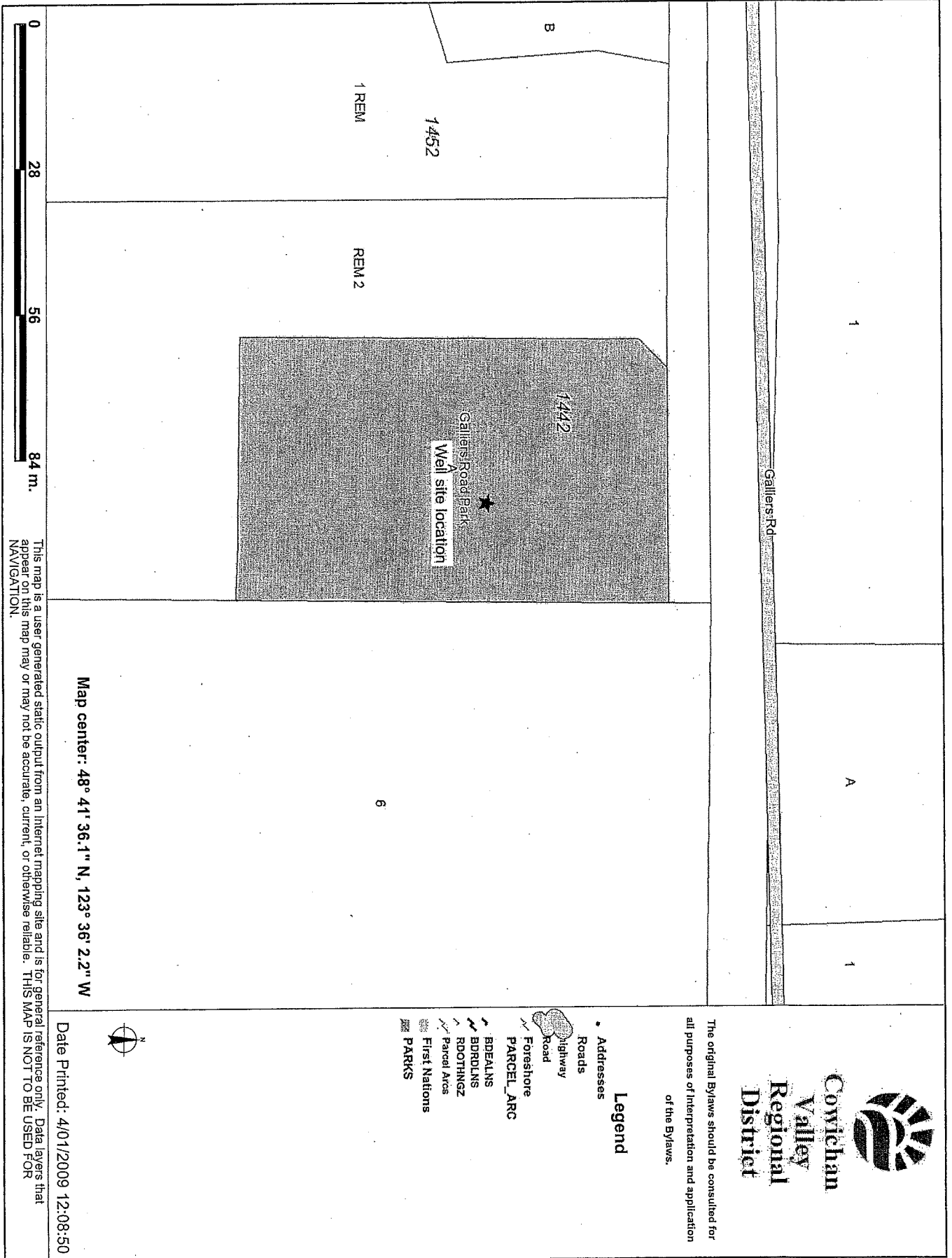
**PIPE NOTES**

1. PROVIDE CONCRETE SPORE DRUMS FOR ALL PIPES, VALVES, FITTINGS AND PARALLELS.
2. ALL PIPES AND FITTINGS IN VALVES TO BE STAINLESS STEEL, SCHEDULE 40.
3. ALL PIPES AND FITTINGS TO BE INSULATED WITH BLUE INSULATION.
4. CONSTRUCTION TO ADAPT ALL PIPES TO EXISTING CONDITIONS.
5. PROVIDE SPORE DRUMS, INSULATION AND JOINTS.

**CONCRETE**

1. ALL CONCRETE SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS AND SHALL INCLUDE 2.
2. ALL CONCRETE SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS AND SHALL INCLUDE 2.
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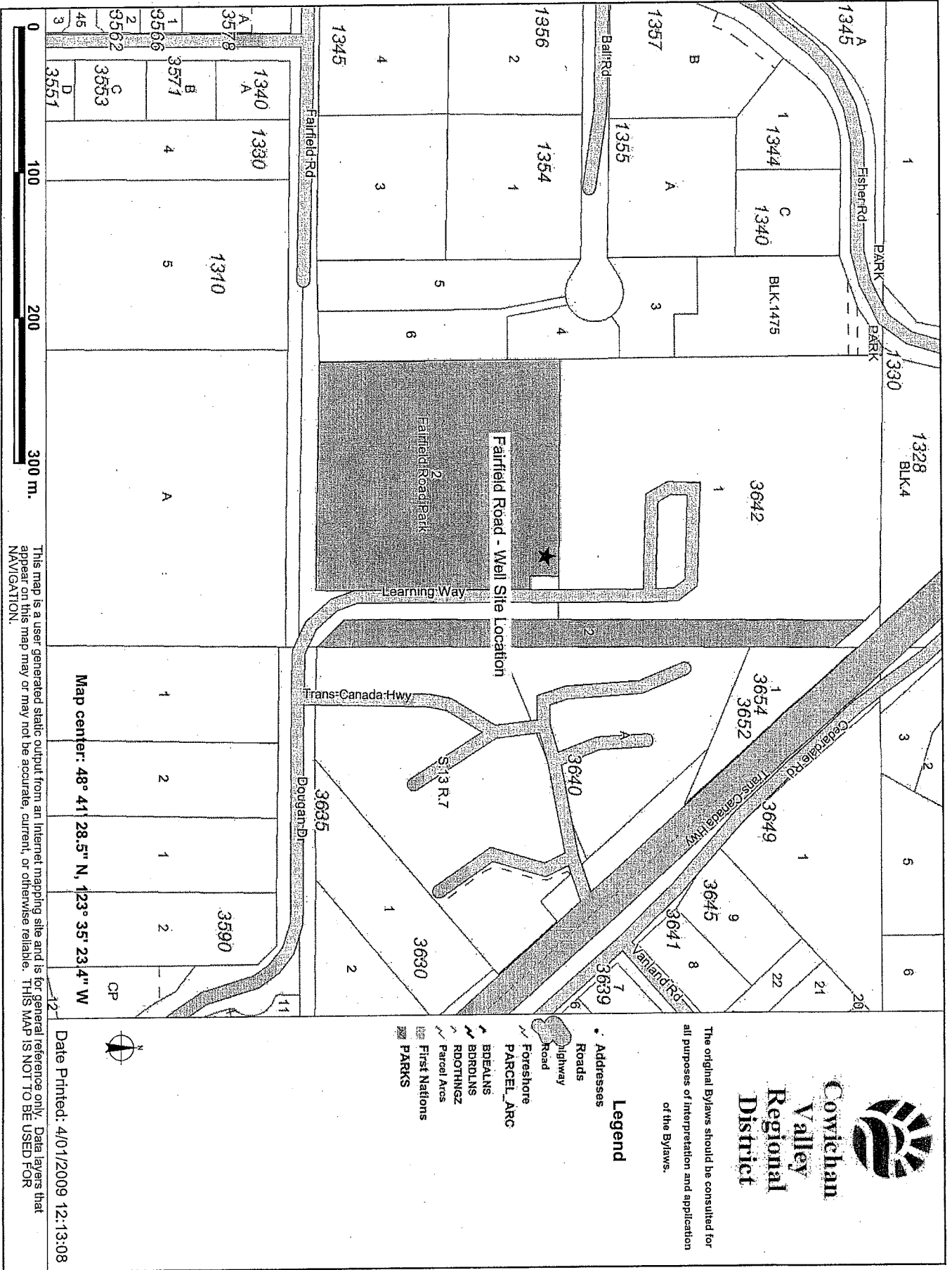
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

**Legend**

- Addresses
- Roads
  - Highway
  - Road
- Foreshore
- PARCEL\_ARC
- BDEALNS
- BDRDLNS
- RDOTHNGZ
- Parcel Arcs
- First Nations
- PARKS

Date Printed: 4/01/2009 12:08:50

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**Cowichan Valley Regional District**

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

**Legend**

- Addresses
- Roads
- Highway
- Road
- Foreshore
- PARCEL\_ARC
- BDEALNS
- BDRDLNS
- RDOOTHNGZ
- Parcel Arcs
- First Nations
- PARKS

Date Printed: 4/01/2009 12:13:08

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3. That \$50,000 in short term borrowing for the purchase of a used fire engine for the Mesachie Lake Volunteer Fire Department to be paid over five years under the Liabilities Section 175 of the *Community Charter*, be approved.
4. That the necessary Reserve Fund Expenditure Bylaw be prepared and that the bylaw be forwarded to the Board for consideration of three readings and adoption.
2. That a grant-in-aid (Electoral Area E - Cowichan Station/Sahflam/Glenora) in the amount of \$1,000 be given to the Cowichan Agricultural Society to assist with education/workshop expenses.
3. That staff proceed to work with the provincial government and the Cobble Hill Improvement District to determine the necessary requirements and approvals with respect to amending the Section 219 Covenant on Galliers Park limiting use of the land to public purposes only, and to amend the existing Crown lease for Fairfield Road Park held by the Regional District to permit establishment of a community wellhead by the Cobble Hill Improvement District at both of these sites, subject to the following conditions:
  - i. That the wellhead location, underground services and design/construction of the wellhead enclosure meet with CVRD Parks' approval, including the Area C Parks and Recreation Commission.
  - ii. That a one-time financial contribution be made by the Cobble Hill Improvement District to the Area C Community Parks function in the amount of \$3,450 for granting of the statutory right-of-way in favour of the Cobble Hill Improvement District to permit construction and operation of a wellhead within Galliers Park.
  - iii. Execution of the necessary amendments to the Section 219 Covenant on the Galliers Park property to permit installation of the necessary wellhead works.
  - iv. That staff take the necessary steps to register a statutory right-of-way or like tenure to permit public access on the Galliers Park property in favour of the Cobble Hill Improvement District.







# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** August 22, 2017  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of October 4, 2017  
**FROM:** Water Management Division  
 Engineering Services Department  
**SUBJECT:** Elkington Water and Sewer System Services Amendment Bylaws  
**FILE:** 0540-20-EAS/05

## PURPOSE/INTRODUCTION

The purpose of this report is to advise of a request to change the name of the Elkington Water and Sewer System Service Areas.

## RECOMMENDED RESOLUTION

That it be recommended to the Board that amendment bylaws be prepared to change the name of the Elkington Forest Sewer System to Malahat Sewer System and the name of the Elkington Forest Water System to Malahat Water System.

## BACKGROUND

In 2016, establishment bylaws were created for the Elkington Water and Sewer System Service Areas. In 2017, a new owner purchased the development and requested that the name of the service areas be changed to "Malahat Forest Estates".

Although the CVRD likes to accommodate these requests, consideration must be given to expansion of service areas in the future. If service areas are named after developments, customers think of them as private systems, not community ones. For these reasons, it is recommended that the name be changed to "Malahat Water and Sewer Service Areas".

## ANALYSIS

A name change is required prior to creation of the management, parcel tax and reserve fund bylaw, which will follow the establishment amendment.

## FINANCIAL CONSIDERATIONS

N/A

## COMMUNICATION CONSIDERATIONS

N/A

## STRATEGIC/BUSINESS PLAN CONSIDERATIONS

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, Procurement*)

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

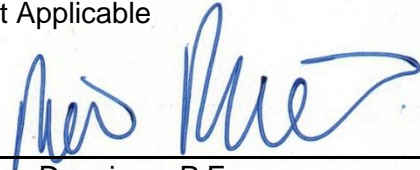
Prepared by:

Reviewed by:



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

\_\_\_\_\_  
Not Applicable  
Not Applicable



\_\_\_\_\_  
Brian Dennison, P.Eng.  
A/General Manager

**ATTACHMENTS:**

Attachment A – Correspondence requesting name change.

**Louise Knodel-Joy**

---

**From:** Louise Knodel-Joy  
**Sent:** August-24-17 8:26 AM  
**To:** Louise Knodel-Joy  
**Subject:** FW: Elkington / Malahat

**From:** Ron Christman [mailto:ron@cphltd.ca]  
**Sent:** August-21-17 1:17 PM  
**To:** 'Don Owens' <donowens@shaw.ca>; 'Mike Seymour' <mike@mrsolutions.ca>; Louise Knodel-Joy <lknodeljoy@cverd.bc.ca>  
**Cc:** Brian Dennison <bdennison@cverd.bc.ca>; 'Ernie Christman' <erniechristman@me.com>; 'Locke McKinnon' <jlmmortgage@shaw.ca>  
**Subject:** RE: Elkington / Malahat

All: The new name for the project is Malahat Forest Estates. If we need to add Sewer and Water etc that is fine but the new name will be Malahat Forest Estates

Ron Christman  
President  
[ron@cphltd.ca](mailto:ron@cphltd.ca)  
T 250.765.0066 F 250.765.4311  
C 250.859.3999

**CPH**  
**CHRISTMAN**  
PLUMBING & HEATING LTD.





# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** September 14, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of October 4, 2017

**FROM:** Water Management Division  
Engineering Services Department

**SUBJECT:** Requisition Limit Increase – Electoral Area D - Wilmot Road Street Lighting Service

**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 D - Wilmot Road Street Lighting Service Area.

## RECOMMENDED RESOLUTION

That it be recommended to the Board that a bylaw be prepared to amend “CVRD Bylaw No. 2791 – Electoral Area D - Wilmot Road Street Lighting Service Establishment Bylaw”, to increase the maximum annual requisition limit from \$4,000 to \$4,990.

## BACKGROUND

The Wilmot Road Street Lighting Service Area was established in 2006. There are 69 properties in the service area and 18 ornamental streetlights. The requisition limit has never been increased.

## ANALYSIS

The current requisition limit is \$4,000, however there was a small deficit of \$284 in 2017.

## 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 within the service area. The maximum to be requisitioned annually for this service will increase from \$4,000 to \$4,990. This falls within the exemption from obtaining the Inspectors approval.

Operating reserves for this utility are \$6,813 and capital reserves are \$2,333.

## COMMUNICATION CONSIDERATIONS

N/A

## STRATEGIC/BUSINESS PLAN CONSIDERATIONS

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:

Reviewed by:



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

\_\_\_\_\_  
Not Applicable  
Not Applicable



\_\_\_\_\_  
Brian Dennison, P.Eng.  
A/General Manager

**ATTACHMENTS: N/A**



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** August 28, 2017  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of October 4, 2017  
**FROM:** Water Management Division  
 Engineering Services Department  
**SUBJECT:** Utility Commission Approval and Establishment  
**FILE:** 0540-20-EAS/02

## PURPOSE/INTRODUCTION

The purpose of this report is bring forward a proposed framework for a Utilities Commission for the Water Management Division.

## RECOMMENDED RESOLUTION

For Direction

## BACKGROUND

In 2017, a Water & Wastewater Utilities Review and Assessment report was completed by the Innova Strategy Group (Innova). The review included an assessment and detailed examination of the challenge of managing and operating 35 water and wastewater utilities within a Regional District context. This report provided recommendations on the management and operations of the utilities; changes to the relationships with utility users/residents; and provided options for changes to the overall governance of existing and potential future utilities.

Innova determined that the current Cowichan Valley Regional District (CVRD) utility governance model and subdivision approving authorities do not support the goals and objectives of elected officials, staff, and, most importantly, the utility users. Innova noted that it is difficult to effectively manage the expectations of utility users through the current model that essentially provides authority and leadership through the Electoral Area Services Committee. One of the recommendations for changes to governance in the CVRD was to establish a Utility Commission.

“There should be strong consideration given to the creation of a water commission, a wastewater commission or a utilities commission to govern water and wastewater issues in the region. The commission should have clear terms of reference to ensure that any recommendations presented to the CVRD Board consider the best interest of the utility as a public service, not of individual users or individual user groups. Terms of reference should also include a commission candidate profile supporting professional industry experts, not specific community advocates. This would support the long-term goals of amalgamating water and wastewater utilities and ensuring that all new utilities are acceptable to overarching plans and objectives.”

## ANALYSIS

Responsibilities of a utilities commission will be to provide advice regarding utility service provision. The commission will be advisory only to the CVRD Board and staff and will not have decision-making authority. It will support the long-term goals of amalgamating water and wastewater utilities and ensuring that all new utilities are acceptable to overarching plans and objectives. The CVRD will ensure frequent and ongoing consultation with the commission and staff, committees and the CVRD Board.

Establishment and Membership shall include:

- Nine residents who reside in the Cowichan Valley Regional District but not necessarily limited to the nine electoral areas
- Profile supporting professional industry experts, including engineering, accountants, organizational backgrounds but not customers of CVRD utilities.
- Directors, Alternate Directors and CVRD employees are not eligible for appointment
- Applications will be sought from the public for consideration of appointment to the Commission whenever a vacancy occurs

Term of Office:

- The term of office for a member of the Commission shall be for two years.
- Commission members may be re-appointed for a further term or terms.
- In the event of vacancy of office, a replacement appointee shall hold office for the otherwise unexpired term of office.
- The Board may, at any time, terminate the appointment of a member
- The Board may remove from membership any member appointed who has failed to attend three consecutive commission meeting without good cause.

Procedure:

- At the first meeting of the year, the commission shall elect from its own members, a Chairperson and Vice-Chairperson who shall hold office until a successor is elected.
- In the absence of the Chairperson or Vice Chairperson, a temporary chairperson shall be elected from those members present, for that meeting
- A quorum is four members
- All resolutions of the commission shall be made by a majority of the members present at the meeting, with each member having one vote.
- Rules of procedure governing Commission meetings shall be those of current committee and commissions Procedures Bylaw of the CVRD.

Referrals to the Commission:

- The Board and staff may refer matters respecting utilities to the Commission for review and recommendations.
- It is anticipated that normally staff reports that currently are presented at Electoral Area Services will be presented to the commission.

The Commission initial term of office will be in place for a two year window so that the CVRD Board can review and assess the effectiveness of this body.

#### **FINANCIAL CONSIDERATIONS**

N/A

#### **COMMUNICATION CONSIDERATIONS**

Public consultation for Commission Membership.

#### **STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

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

Prepared by:

Reviewed by:

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Louise Knodel-Joy  
Senior Engineering Technologist

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Not Applicable  
Not Applicable

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Brian Dennison, P.Eng.  
A/General Manager

**ATTACHMENTS: N/A**







# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** September 8, 2017

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of September 20, 2017

**FROM:** Water Management Division  
Engineering Services Department

**SUBJECT:** Crown Land Licence of Occupation for the Shawnigan Lake North Water System

**FILE:** 0540-20-EAS/02

## PURPOSE/INTRODUCTION

The purpose of this report is to acquire board resolution/endorsement for application to the Province for a license of occupation for institutional use on Crown Land

## RECOMMENDED RESOLUTION

That it be recommended to the Board that an application be submitted for a temporary license of occupation on Crown Land approximately 1km North West of Shawnigan Lake for the purpose of investigative work to determine the potential for a groundwater supply for Shawnigan Lake North Water System.

## BACKGROUND

With increasing pressure by the mandate imposed by Island Health to meet surface water treatment requirements on drinking water, the Cowichan Valley Regional District (CVRD) has chosen to explore the option of groundwater for the community serviced by the Shawnigan Lake North Water System. As part of a hydrogeological study, an area identified on a parcel of Crown Land has potential for a sustainable groundwater source for the community. To further the investigation and move forward in siting and installation of a series of test wells, a license from the Province is required to conduct the physical investigation for the drilling on Crown Lands. As the Province does not have a provision for an investigative license, the license of occupation will be in the form of a nominal rent tenure, for institutional use over the identified area for a term of 2 years. If the site proves to be successful, surveying and reapplication for a statutory right of way will be complete in the later phase of the project.

## ANALYSIS

The Water Management Division is Investigating the possibility of a groundwater source for the community to replace the existing surface water source from Shawnigan Lake, which is subject to the requirements of Island Health's 4-3-2-1 treatment standard for surface water.

A preliminary desktop hydrogeological study showed a well-developed glacial deposit in this area, and regional structural deformities, which also appear to coincide with a fault line and splay faults, which may offer enhanced bedrock permeability. The catchment above the study is quite large, which could be very important for surface drainage and aquifer recharge. Therefore this site shows strong promise to be able to provide adequate water for the long term.

Another consideration is that the existing pipeline to the Shawnigan Lake North Water reservoir site is within approximately 200-1000 meters of the investigative sites making future tie-in relatively straight forward.

**FINANCIAL CONSIDERATIONS**

A provincial application fee of \$250.00, nominal rental fee of \$1.00 (not collected by Province), and stumpage charges for timber removal may apply.

**COMMUNICATION CONSIDERATIONS**

N/A

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

The recommended resolution would provide a continued approach in sustaining a strategy for delivering this essential service, and in turn provide economic benefit as a reasonable alternative to the expense of surface water treatment.

Referred to (upon completion):

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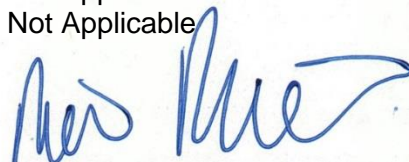
Prepared by:



Dave Parker, CTech  
Engineering Technologist III

Reviewed by:

Not Applicable  
Not Applicable



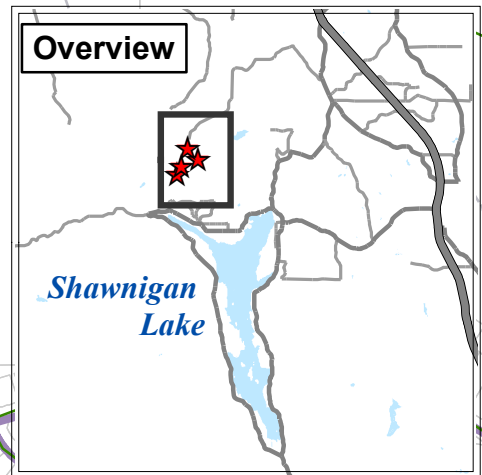
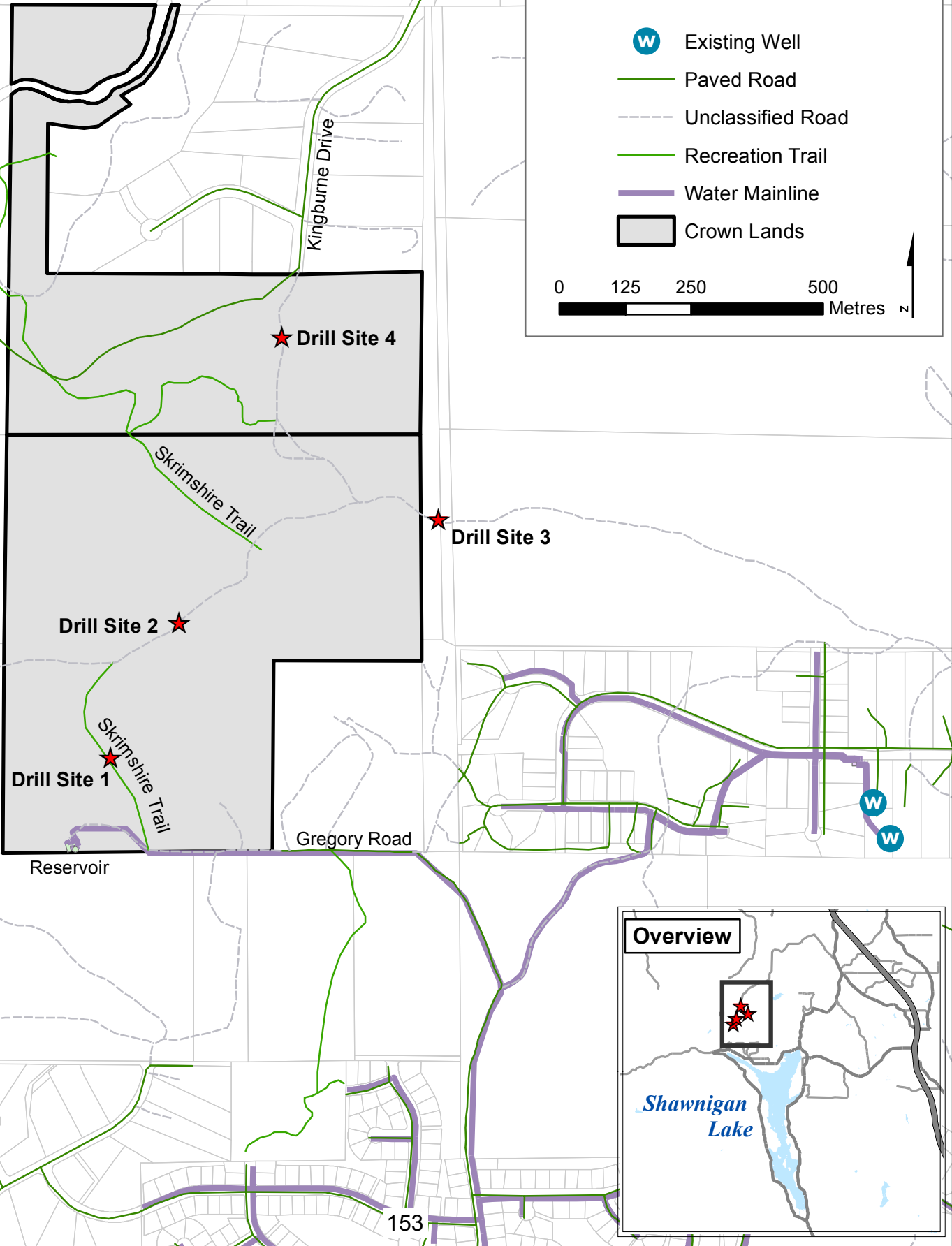
Brian Dennison, P.Eng.  
A/General Manager

**ATTACHMENTS:**

Attachment A – Map of Area

**Attachment A**

-  Existing Well
-  Paved Road
-  Unclassified Road
-  Recreation Trail
-  Water Mainline
-  Crown Lands







# STAFF REPORT TO COMMITTEE

<b>DATE OF REPORT</b>	September 21, 2017
<b>MEETING TYPE &amp; DATE</b>	Electoral Area Services Committee Meeting of October 4, 2017
<b>FROM:</b>	Water Management Division Engineering Services Department
<b>SUBJECT:</b>	Brulette Place Sewer Capital Project, Community Works Gas Tax and Budget Amendment
<b>FILE:</b>	540-20-EAS/02

## PURPOSE/INTRODUCTION

The purpose of this report is to request approval of a 2017 capital works project, Community Works Gas Tax adjustment and budget amendment for Brulette Sewer System.

## RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That the Electoral Area A – Brulette Place Sewer System Community Works Funds in the amount of \$220,000 be amended to “up to \$133,200 or 66.6% of total project cost”, and
2. That an amendment to the 2017 Five Year Financial Plan Bylaw be prepared to include an Engineering structure capital expense of \$200,000, Municipal Finance Authority long term borrowing of \$66,800 and transfer from gas tax reserves of \$133,200 for installation of a new sewage treatment plant.

## BACKGROUND

The sewage treatment system servicing Brulette Place is out of compliance with the Ministry of Environment (MoE) and CVRD has recently received a warning letter to this effect requesting immediate changes or modification to the system. (Attachment A). In the 2017 INNOVA report on Cowichan Valley Regional District (CVRD) water and sewer systems, Brulette Sewer is considered a 1 out of 10 for condition rating.

The treatment plant in question consists of a multiple of Norweco package mini-treatment plants in parallel that were each designed for single home usage. The CVRD has tried to correct flaws in the system to meet standards, however this has not been successful and it is thought that this arrangement will never meet Class A standards. Further, CVRD has met with a neighbouring developer who estimated connection to a community sewer system could be approximately \$876,000 to join. There is no immediate timeline for this community system, it leaves this small system at considerable risk.

Recently a new option has emerged, where a small Toray Membrane Bioreactor Treatment (MBR) Plant package is available for purchase from the manufacturer at a substantially reduced cost. This small plant was constructed as a pilot and can produce 30m<sup>3</sup>/day of Class A effluent. It is capable of treating effluent from both existing Brulette sewer treatment plants, is the current technology specified by CVRD and is used at Sentinel Ridge, Twin Cedars, Lambourn and Bald Mountain.

The intent would be to replace the out-of-compliance plant in 2017, thus eliminating the MoE warning. When the second Brulette sewer plant (a Rotating Biological Contactor currently under a Health Permit) is connected, a MoE registration amendment would be required.



**ANALYSIS**

A request for proposal is currently in procurement process to meet the CVRD's purchasing policy, however it is not expected that any alternative bids would be received. A maximum allowance of \$200,000 has been set for all costs related to this project.

As the other option to join a community system is four times this estimate, the small treatment plant is more desirable.

In the future, when development proceeds, connection to a community system can be investigated, however failure to act now, could leave the CVRD at risk with MoE and detrimental to the environment. This package plant could be utilized elsewhere if Brulette is eventually connected to a community system.

**FINANCIAL CONSIDERATIONS**

The Community Works Funds (CWF) have already been allocated for \$220,000 to Brulette Place Sewer based on an \$876,000 cost estimate to join a future community system.

This proposed amendment reduces the CWF allocation to \$133,200 (or 66.6%) based on a \$200,000 maximum allowance to replace the existing sewer treatment plant with an upgraded small system.

Borrowing Bylaw No.3297, with remaining borrowing of \$240,287, is in place to fund the remaining 33.4% of the project, therefore approval from the community is not required. There are no capital reserve funds and \$23,197 in operating reserves.

Current user fees are \$550 and parcel tax is \$427 per year. The additional borrowing (20 yr. term) to complete this project is estimated to be \$66,800 at an annual cost of \$4,600/year or \$80/home.

**COMMUNICATION CONSIDERATIONS**

A letter explaining this situation and the solution undertaken will be issued to the customers of the system.

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

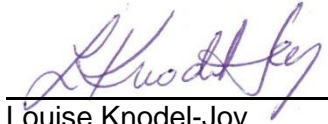
The Corporate Strategic Plan includes an objective to achieve compact, mixed communities. Coordination of water, sewer, and other infrastructure is the strategic action identified to promote compact, mixed-use communities. The recommended resolution provides a reliable essential service.

Referred to (upon completion):

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

Prepared by:

Reviewed by:

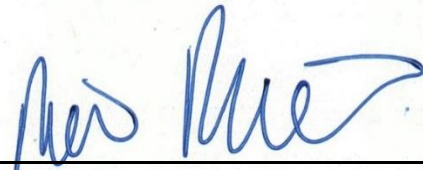


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Louise Knodel-Joy  
Senior Engineering Technologist

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Not Applicable  
Not Applicable



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Brian Dennison, P.Eng.  
A/General Manager

**ATTACHMENTS:**

Attachment A – MoE Letter of Warning



Report Date: July 06, 2017

File: 16692

Report Number: 056250

Cowichan Valley Regional District

Attn: Todd Etherington, Utility Operations Superintendent  
175 Ingram Street  
Duncan, BC V9L 1N8

Dear Cowichan Valley Regional District

**Re: Warning Letter, Municipal Wastewater Regulation, 16692**

On June 14, 2017, Ministry of Environment, Environmental Protection Division staff conducted an inspection under *Environmental Management Act (EMA)*, 16692. The inspection determined that Cowichan Valley Regional District is out of compliance with its Municipal Wastewater Regulation 16692, and the section(s) listed below. This Warning Letter lists the compliance verification information contained below.

Failure to comply with the requirements set out in your Municipal Wastewater Regulation is an offence under the *Environmental Management Act (EMA)*. Section 120(6) of *EMA* states as follows:

*120(6) A person who, holding a permit or approval issued to the person under this Act to introduce waste into the environment, introduces waste into the environment without having complied with the requirements of the permit or approval commits an offence and is liable on conviction to a fine not exceeding \$1 000 000 or imprisonment for not more than 6 months, or both.*

It should also be noted that, as an alternative to prosecution of the offence referenced above, the Ministry may initiate action to impose an administrative penalty against Cowichan Valley Regional District. *The Administrative Penalties Regulation (EMA)* (B.C. Reg. 133/2014) (APR) was brought into force in 2014. The APR describes the prescribed provisions of the *EMA* as well as that of specified regulations under which administrative penalties can be assigned. Section 12(5) of the APR states as follows:

*12(5) A person who fails to comply with a requirement of a permit or approval issued or given under the Act is liable to an administrative penalty not exceeding \$40 000, unless the requirement the person failed to comply with is also a prescribed provision of the EMA or the regulations that is subject to a different maximum administrative penalty.*

If you fail to take the necessary actions to restore compliance, you may be subject to escalating enforcement action. This Warning Letter and the alleged violations and circumstances to which it refers, will form part of the compliance history of Cowichan Valley Regional District and will be taken into account in the event of future violations.

Finally, I request that Cowichan Valley Regional District immediately implement the necessary changes or modifications to correct the non-compliance(s) with the *Environmental Management Act*. Further, I request that Cowichan Valley Regional District notify this office in writing by email or letter within 30 days of this letter, advising what corrective measures have been taken, and what else is being done, to prevent similar non-compliances in the future.

## Inspection Details:

Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA)</b> 16 (1)(a): If there is a change in the information referred to in subsection (2), a discharger is not required to re-register, but the discharger must (a) notify a director within 30 days of the change, and
Details/Findings:	Mr. Etherington informed Officer Stewart during the inspection that there have been no changes to the information referred to in subsection (2), which includes registration information and the quality and/or quantity of the effluent, therefore compliance with this requirement was not applicable.

Ministry of Environment

Compliance  
Environmental  
Protection Division

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Facsimile: 250 751 3103  
Website: [www.gov.bc.ca/env](http://www.gov.bc.ca/env)

Compliance:	Not Applicable
Actions to be taken:	
Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA) 20 (1)(a):</b> A discharger must establish a receiving environment monitoring program that does all of the following: (a) provides for at least one control sampling station located upstream, upgradient or outside the influence of the initial dilution zone of the municipal effluent:
Details/Findings:	Mr. Etherington informed Officer Stewart that the Cowichan Valley Regional District (CVRD) has established a receiving environment monitoring program for the Brulette Place WWTF, previously known as "Palasides Development Corporation", which includes at least one control sampling station located upstream, upgradient or outside the influence of the initial dilution zone of the municipal effluent.  The Environmental Impact Study completed by Lowen Hydrology, November 2000, requires semi-annual samples collected for Chloride, Conductivity, Fecal Coliform, Nitrate/Nitrite, pH, total phosphorous, total coliforms, and Total Kjeldahl Nitrogen.  Sampling is conducted semi-annually, and data submitted to the BC Ministry of Environment (MoE) includes "Receiving Environment" results from Sample Points MW1, MW2 and TH2.
Compliance:	In
Actions to be taken:	
Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA) 23 (a):</b> A qualified professional must prepare for a wastewater facility an operating plan that details the requirements for all of the following: (a) the proper operation, maintenance and monitoring of the wastewater facility, including lift stations:
Details/Findings:	Officer Stewart viewed the document "Operating Plan for Palasides Development Corporation Mill Bay British Columbia" dated June 4, 2001 that was prepared and certified by Mann Engineering, David R. Mann, P. Eng. The Operating Plan details the requirements for all of the following: proper operation, maintenance and monitoring of the wastewater facility, including lift stations; staff education and certification and emergency procedures. In 2011 CVRD obtained written permission from Mann Engineering to use this Operating Plan when they reregistered this facility in their name.
Compliance:	In
Actions to be taken:	
Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA) 45 (c):</b> A discharger must not discharge until ensuring that all of the following requirements are met: (c) the wastewater facility is classified under the EOCP.
Details/Findings:	As described in the Environmental Operators Certification Program (EOCP) database, the Brulette Place Sewer System is classified as a Small Wastewater System - Mechanical (SWWS-M) with facility number 2134 and classification date of 2013-04-10.
Compliance:	In
Actions to be taken:	
Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA) 47 (b):</b> A discharger must not discharge unless the wastewater facility is operated and maintained by persons who (b) are certified under the EOCP.
Details/Findings:	The EOCP database lists David B Leitch, Certification Number = 3452 as the operator of the Brulette Place Sewer System. However, Mr. Etherington (#4038) informed Officer Stewart that he, along with Terence W Boyles (#1867), Andrew Rose (#6586) and Chad Smith (#8613) are the actual operators of the system.

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Compliance:	In
Actions to be taken:	Update operator information for Brulette with the EOCP.
Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA) 49 (1):</b> A person must not bypass a wastewater facility, or any component of the wastewater facility, for the purpose of scheduled maintenance unless maintenance cannot reasonably be undertaken without the bypass.
Details/Findings:	Mr. Etherington informed Officer Stewart that no bypasses of the wastewater facility, or any component of the wastewater facility, for the purpose of scheduled maintenance has occurred during the inspection period therefore compliance with this requirement was not applicable.
Compliance:	Not Applicable
Actions to be taken:	
Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA) 50 (1):</b> If a malfunction or other condition results, or may result, in a discharge that fails to meet a requirement of this regulation, a discharger must notify a director immediately.
Details/Findings:	Mr. Etherington informed Officer Stewart that the Brulette WWTP has limited operational capacity in regards to providing effective treatment to the influent the system receives. Officer Stewart confirmed this assertion when reviewing monitoring data reports for the inspection period that noted exceedances of every effluent parameter limit. The discharger is not notifying the Ministry when the discharge from Brulette fails to meet the requirements of this regulation as it relates to effluent quality exceedances. This requirement of Non-Compliance Reporting (NCR) was also sent to all Authorization holders in December 2015, via an email titled "Notification Ministry Of Environment Implementing **New** Immediate Non-Compliance Reporting Process".
Compliance:	Out
Actions to be taken:	Authorization holders are required to submit reports of non-compliance to EnvironmentalCompliance@gov.bc.ca. This reporting requirement applies to any non-compliance with authorization conditions including, but not limited to; unauthorized bypasses, malfunctions, emergency conditions, permit exceedance and toxicity test failures.  Documents providing instruction and templates for non-compliance reporting are located at: <a href="http://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/data-and-report-submissions/non-compliance-reporting-mailbox">http://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/data-and-report-submissions/non-compliance-reporting-mailbox</a>
Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA) 50 (2):</b> A discharger must notify a health officer immediately of any malfunction or other condition related to the wastewater facility that may result in a risk to public health.
Details/Findings:	Officer Stewart was unable to determine the possible location of any nearby wells that may be influenced by the chronic and high fecal coliform counts discharged from the Brulette system that may result in a risk to public health, therefore compliance with this requirement was not determined.
Compliance:	Not Determined
Actions to be taken:	
Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA) 53 (b):</b> A person must not discharge, or provide or use reclaimed water, unless the discharger monitors the receiving environment to determine compliance with this regulation.
Details/Findings:	Officer Stewart observed quarterly monitoring data reports submitted by CVRD to MoE that include sections titled "Receiving Environment" that have sample results to determine compliance with this regulation.
Compliance:	In

Ministry of Environment

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Actions to be taken:	
Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA) 54 (a):</b> A discharger must do both of the following, unless one or both requirements are waived by a director: (a) install, or provide, a suitable sampling facility for obtaining a sample of the municipal effluent or reclaimed water;
Details/Findings:	Officer Stewart observed a suitable sampling facility for obtaining a sample of the municipal effluent consisting of a sample port after the UV disinfection chamber (photo 2).
Compliance:	In
Actions to be taken:	
Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA) 54 (b)(i):</b> A discharger must do both of the following, unless one or both requirements are waived by a director: (b) provide and maintain a suitable flow measuring device to record, for each 24-hour period, (i) the municipal effluent volume discharged, and
Details/Findings:	Officer Stewart observed the read out from a suitable flow measuring device that records, for each 24-hour period, the municipal effluent volume discharged. The Siemens totalizer was seen in the electrical control building which Mr. Etherington informed Officer Stewart was connected to a mag meter installed underground inside the effluent discharge pipe leading to the pump station wet well.
Compliance:	In
Actions to be taken:	
Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA) 55 (5)(a):</b> A discharger must submit municipal effluent flow, municipal effluent quality and receiving environment monitoring data, and associated quality control data, (a) by electronic transmission directly to the central computer system of the ministry of the minister, or
Details/Findings:	The CVRD is submitting municipal effluent flow, municipal effluent quality and receiving environment monitoring data, and associated quality control data, by electronic transmission directly to the central computer system of the ministry of the minister. Officer Stewart observed quarterly monitoring data for RE-16692 submitted to the ENV Environmental Reporting email inbox as required.
Compliance:	In
Actions to be taken:	
Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA) 63 (a):</b> A discharger must retain for inspection by an officer at any time a copy of, as applicable, (a) the information and records submitted on registration under Division 2 [Registration] of Part 2.
Details/Findings:	Officer Stewart observed the information and records required by this section retained for inspection in a binder at the CVRD main offices along with the other documentation required under Section 63, including (d) municipal effluent flow and municipal effluent quality monitoring data, and (e) receiving environment monitoring data.
Compliance:	In
Actions to be taken:	
Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA) 73 (a):</b> A discharger must ensure that discharge does not surface, or cause the groundwater table to be raised to the surface, as follows: (a) within 30 m beyond the disposal site perimeter;
Details/Findings:	Officer Stewart did not observe any effluent/discharge that had surfaced or "daylighted" during the on-site inspection of the Brulette system drain fields.

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Compliance:	In
Actions to be taken:	
Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA) 75 (1): A discharger of class A, B or C municipal effluent must meet the applicable municipal effluent quality requirements set out in this section and listed in Table 3.</b>
Details/Findings:	As shown in effluent monitoring data submitted by CVRD (a discharger of class A municipal effluent) applicable municipal effluent quality requirements set out in this section and listed in Table 3 have not been met during the inspection period covered by this report
Compliance:	Out
Actions to be taken:	
Requirement Description:	<b>Environmental Management Act, Municipal Wastewater Regulation (87/2012) (EMA) 75 (Tabl)(3)(Row)(1): Table 3 - Municipal Effluent Quality Requirements: Requirement - BOD5 (mg/L): Class A: 10 ; Class B: 10 ; Class C: 45</b>

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# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** September 15, 2017  
**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of October 4, 2017  
**FROM:** Water Management Division  
 Engineering Services Department  
**SUBJECT:** Mill Bay Water District Infrastructure Planning Grant Application  
**FILE:** 0540-20-EAS/02

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## PURPOSE/INTRODUCTION

The purpose of this report is to bring forward a request from Mill Bay Water District for support of a Provincial Planning Grant Application.

## RECOMMENDED RESOLUTION

That an Infrastructure Planning Grant application be submitted to the Province of British Columbia on behalf of the Mill Bay Water District.

## BACKGROUND

The Infrastructure Planning Grant Program offers grants up to \$10,000 to help local governments plan, design and manage infrastructure. The Program can assist in the development of long-term comprehensive plans and feasibility studies that will improve public health and safety, enhance environmental protection and increase infrastructure sustainability. Funding is available for projects that support improved water, sewer, drainage and other environmental infrastructure.

In addition to selection criteria established by the Province of British Columbia, preference will be given to applications that will lead to eventual capital projects and those that promote innovation, build partnerships, generate transferable knowledge and reduce greenhouse gas emissions.

Local governments that are involved in proactive infrastructure planning are better prepared to take advantage of capital grant programs. The Program can be used to help develop the long term plans, and feasibility studies that are often key to the success of an application to a capital grant program (e.g. New Building Canada Fund).

Local governments are encouraged to submit applications on behalf of organizations such as improvement districts, registered water utilities or other small water systems if they have been approached by these groups to assist them to benefit from the Program.

A council or board resolution supporting the project is required.

## ANALYSIS

There is a year round intake for this program with the most recent deadline closing July 2017. At this time, the Water Management Division has no applications for a feasibility study grant.

## FINANCIAL CONSIDERATIONS

N/A

**COMMUNICATION CONSIDERATIONS**

N/A

**STRATEGIC/BUSINESS PLAN CONSIDERATIONS**

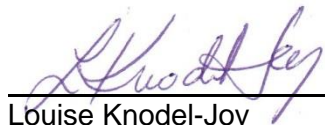
Provides a reliable essential service.

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

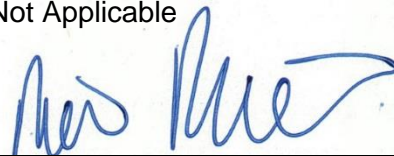
Prepared by:

Reviewed by:



Louise Knodel-Joy  
Senior Engineering Technologist

Not Applicable  
Not Applicable



Brian Dennison, P.Eng.  
A/General Manager

**ATTACHMENTS:**

Attachment A – Request letter from Mill Bay Water District

Attachment B – Support letter from Ministry of Forests, Lands, Natural Resource Operations and Rural Development

# MBWD

Mill Bay Water District

CVRD  
RECEIVED  
SEP - 8 2017

Box 58  
Mill Bay, BC  
V0R 2P0  
250-743-9023

CVRD  
RECEIVED  
SEP 11 2017

September 5, 2017

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

Original:	Copies to:
Board	BP.
Committee(s)	
Disposed By: <u>Sept. 11/17.</u>	Date:
File #	

**Attention: Brian Dennison, (Manager, Water Management).**  
**Re: Infrastructure Planning Grant Application**

The Mill Bay Waterworks District Trustees have approved a work plan/ proposal from Chad Petersmeyer (Western Water Associates Ltd. (WWAL)) to carry out a local aquifer study. The Trustees are asking the CVRD to approve the submission on the District's behalf for a Provincial Infrastructure Planning Grant for this study.

Recently the Ministry of Environment in partnership with the CVRD undertook an aquifer study by SLR Consulting (Canada) Ltd. on several aquifers located within the Cowichan Valley. Given the recent concerns the Mill Bay Water has had with water supply, a draft copy of the study was released to Mill Bay Waterworks for review, as SLR had also identified concern with regards to the state of aquifer 206 located within the District's boundaries in their study. The SLR study has only just been finalized, and therefore Mill Bay Water is now submitting our application to the CVRD.

The District is also working with the CVRD, FLNRO, and Ministry of Environment on a pilot study for the water budget in aquifer 206. It is hoped that with the support of these other regulatory agencies the CVRD will approve the submission of a Provincial Infrastructure Study Grant Application on behalf of Mill Bay Waterworks District.

Attached you will find a copy of the meeting minutes from June 13, 2017 where the Board approved the Work Plan and Cost Estimate for the Local Aquifer Study by Chad Petersmeyer (WWAL), as well as a copy of the proposal itself from WWAL. Also attached is a copy of Bylaw #245, Water Tolls and other Charges, 2017, where the board has implemented steeply tiered rates for excessive water use as incentive for the



rate payers to conserve water. In addition, Bylaw # 238 – Water Distribution Regulation Bylaw 2016 is also attached, as schedule “A” of this bylaw includes the Water Conservation Levels implemented by the District, also to conserve water and protect the aquifers.

If any additional information would be useful please do not hesitate to contact our office. Thank you for your time and support in making this application.

Sincerely,

Mill Bay Waterworks



Donna Michiel  
Administrator  
Mill Bay Waterworks District



File: 38050-30/SHAW-Mill Bay

September 14, 2017

Mill Bay Waterworks District  
875 Deloume Road, PO Box 58  
Mill Bay, British Columbia  
V0R 2P0

Attention: Donna Michiel, Administrator

Dear Donna:

**Re: Letter of Support for Funding Application for Proposed Project: “Conceptual Study of the Aquifers in the Mill Bay Waterworks District Service Area.”**

I am pleased to provide the Mill Bay Waterworks District (MBWD) this letter of support for their proposed project to conduct a more comprehensive study of the aquifers within their service area. MBWD is currently one of the largest water suppliers in the area with a total of 944 connections (residential, commercial and institutional) supplying potable water pumped from two hydrologically different aquifers: one consisting of fractured rock and the other a sand and gravel deposit. A recent assessment of the water system found that some of the existing wells are currently being operated at average rates between 7 percent and 31 percent of the initial estimated capacities and that in some of the supply wells, the water levels may decline at dry times of the year to such a level as requiring pump shutdown. This has led to concerns with respect to the long-term sustainability of the aquifers and a moratorium on new development until such time it can be shown that increased demand can be accommodated by MBWD.

There are several possible explanations for this decline in well capacity. Increased pumping of water from the underlying bedrock aquifer may be causing a decrease in discharge from the lower to the upper surficial aquifer. An alternate theory is that, because the fracture networks in the bedrock are heterogeneous, pumping may be drawing water preferentially from zones in the aquifer which receive less annual recharge. The flow dynamics in fractured rock aquifers on

Page 1 of 2

Vancouver Island and the interaction between bedrock and surficial aquifers is complex and not well understood. We feel that studies in this area to better characterize the dynamics of the layered aquifer system will assist with management, not only the Mill Bay aquifers, but also lead to greater scientific understanding of similar aquifer systems elsewhere in the province.

We support the MBWD's proposed "Regional Aquifer Study" to improve understanding of the groundwater resources in the region, particularly in light of climate change and increased development in the area. The scope of work outlined in the proposal builds on recently completed water budget work (Harris, M. and S. Usher, 2016. Preliminary Groundwater Budgets, Cobble Hill / Mill Bay Area, Vancouver Island, B.C. Province of B.C., Ministry of Environment and Climate Change Strategy, Water Science Series WSS2017-01) and provides additional information that will complement ongoing work by the Ministries of Environment and Climate Change Strategy and Forests, Lands, Natural Resource Operations and Rural Development, and the Cowichan Valley Regional District on a pilot study to operationalize the water budget as a tool for groundwater allocation.

Sincerely,



Pat Lapcevic, M.Sc., P.Geo.  
Section Head, Water Protection (Hydrogeologist)