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# COWICHAN BAY LOCAL AREA PLAN

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for

DEVELOPMENT SERVICES DEPARTMENT  
COWICHAN VALLEY REGIONAL DISTRICT

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NOTE

*A number of acronyms are used in this document. The following key to the acronyms used is provided for the information of the reader and lists them in their order of appearance in the Plan.*

<i>LAP</i>	<i>Local Area Plan</i>
<i>CVRD</i>	<i>Cowichan Valley Regional District</i>
<i>CEEMP</i>	<i>Cowichan Estuary Environmental Management Plan</i>
<i>MELP</i>	<i>Ministry of Environment, Lands and Parks</i>
<i>R.O.W.</i>	<i>Right of Way</i>
<i>MOTH</i>	<i>Ministry of Transportation and Highways</i>
<i>CBIA</i>	<i>Cowichan Bay Improvement Association</i>

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## Cowichan Bay Village/Harbour Local Area Plan

### 1.0 PROPOSED PLANNING POLICIES

#### 1.1 Introduction

The preparation of the Cowichan Bay Village/Harbour Local Area Plan (LAP) has its basis in the existing Official Settlement Plan (OSP). *Policy 6.8* of the Cowichan Bay Official Settlement Plan reads:

*" The Regional Board shall endeavour to prepare a detailed plan of the Cowichan Bay Harbour subsequent to the adoption of this settlement plan. (At minimum, the study area boundaries should include lands from the B.C.F.P. log dump in the west and the Kil Pah Las Indian Reserve (in the east.)"*

The LAP draws upon the policies of the OSP where these are applicable in order to conform, and provide continuity, with the existing OSP. In addition the LAP will establish direction for the Village/Harbour area in relation to the type of community residents, business owners, tenants and others in the Bay wish to see in the future. The maps and policies of the LAP are intended to provide direction on long range land use in the area.

#### 1.2 Context

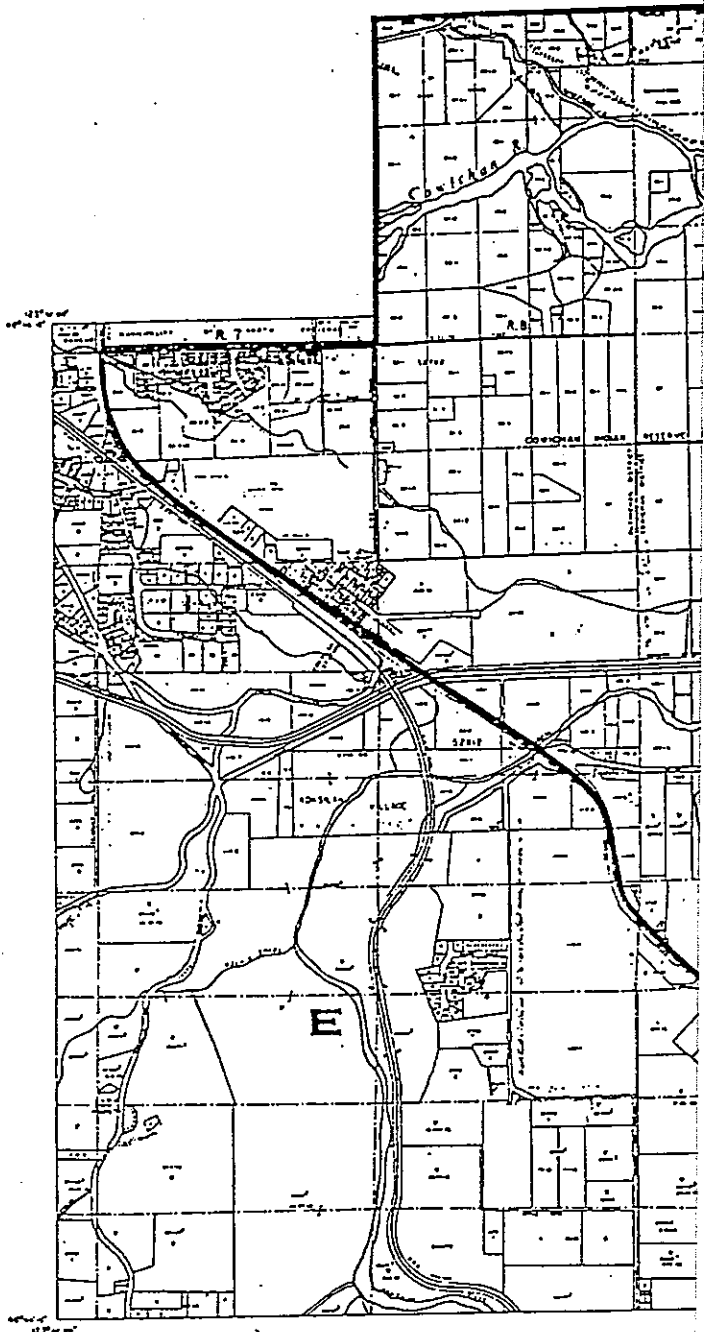
Electoral Area "D" (Cowichan Bay) of the Cowichan Valley Regional District (CVRD) is situated in the south central portion of the Regional District see Map 1 Electoral Area "D". Area "D" is bounded by Satellite Channel and Sansum Narrows on the east, Electoral Area "E" on the west, the District of North Cowichan on the north and Electoral Area "C" on the south. In addition to lands within the above-noted boundaries,

the Electoral Area also includes the waters of Cowichan Bay as well as an arm of water extending through and north of Sansum Narrows.

The LAP deals with the lands within the "Village" or business portion of Cowichan Bay. It deals with all lands within the area illustrated on Map 2 - Cowichan Bay Village/Harbour Local Planning Area. The LAP applies to lands with an area of approximately 23 hectares. The planning area extends from the Theik Reserve in the west to the Kil-Pah-Las Reserve in the east. It includes the slope of the bank, up to the top of bank, on the south side of Cowichan Bay Road and extends into Cowichan Bay itself to a point 45 m beyond the existing foreshore lease limits.

Although the Planning Area does not include all of Electoral Area "D", it addresses issues and concerns area residents have regarding the Planning Area's future and focus on maintaining the character of the community.

The Planning Area is urbanized and has historically served as a commercial centre, tourist area, seasonal recreation community, port and fishing centre and settlement area within the Cowichan Valley since the early 1900's. Indications of its role as a focus for these uses are evidenced by the cottages located within the planning area, the Newman Log Dump, the government wharf, marinas, etc. As activity in the fishery and forestry sectors diminished and urban settlement progressed, Cowichan Bay experienced considerable growth. Similarly, the uses within the community changed. The role of primary industry diminished while that of commercial, recreational and residential uses increased. During this period of evolution however, strong elements of



COWICHAN VALLEY REGION

ELECTORAL AREA



COWICHAN BAY LOCAL AREA

Map 1 - Electoral Area



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Cowichan Bay's character as a working industrial/commercial community remained. These are evidenced by the Small Craft Harbour, the boat repair works and shipyards as well the fish processing plants located within the Planning Area.

Currently, Cowichan Bay serves as a fishing industrial recreational harbour, as well as a local commercial centre and residential community. As a marine and service commercial area for the local community and as a tourist centre in its own right, Cowichan Bay has many uses not found in a typical urbanized community. Among the unique uses located here are boat building training centre and an educational centre associated with the Maritime Centre and the Marine Ecology Station. The latter provides research and educational facilities for the public and Vancouver Island schools, community colleges and marine science researchers generally. In addition, Cowichan Bay is also a recreational boating centre and the community, including the surrounding area, is home to approximately 1100 residents.

Typical suburban residential development is located outside the Planning Area, abutting it on the south and west. Also lying outside the Planning Area are agricultural, forested and rural residential forms of development which contribute to and strengthen the role of the Planning Area. Cowichan Bay with its diversified urban character, requires a special long range planning focus which can be provided through the LAP.

### 1.3 Purpose

The purpose of the Plan is to establish a direction for Cowichan Bay in relation to the type of community area residents, commercial leaseholders and others wish to have in the future. The LAP contains policies and maps which are intended to provide direction on long range land use in the area. It will result in more local control over development being exercised by the CVRD.

Issues relevant to people of Cowichan Bay as well as to CVRD planning staff have been discussed in Section 2.0 Planning Considerations. These are dealt with through the policies of the Plan. The policies include statements related to community character, municipal servicing, commercial development, transportation, residential densities, the Cowichan Estuary Environmental Management Plan (CEEMP) and parks and open space. The LAP is also intended to provide a framework for guiding future development applications and redevelopment of existing uses. A Local Area Plan Map is provided and policies are outlined in the Plan. The Plan also contains Development Permit Policies to regulate the form and character of industrial and commercial developments and to provide protection from hazardous conditions as well as to protect the natural environment. The **Cowichan Bay Accord** is a section of the Plan dealing with the Cowichan Bay Road right-of-way issue and the future of the foreshore leases.

## 1.4 Development Strategy

The **Cowichan Bay Village/Harbour Planning Area** is a mixed use area. Its diversity provides stability for a broader community outside the confines of the OCP. Without proper planning this stability can become disturbed. A lack of attention to the essential elements which contribute to the community's unique character can result in major change. Many institutional factors influence the future of the Planning Area and affect the form and character of the community. An innovative and balanced approach to providing local control will assist in achieving community stability for **Cowichan Bay Village/Harbour Planning Area** in subsequent years.

No major change in permitted uses is foreseen for the Planning Area with this Plan. The focus of the community will continue to be the mixed-use character of the area which has been described as unkempt, but attractive. Many people living and working in the Planning Area have expressed a preference to seeing it "cleaned up" without its character changing. Residents and leaseholders do not want it to become another touristy, sterile, urban seaside community.

The opportunity to extensively develop the Planning Area does not exist. This form of development is not considered desirable by residents and leaseholders. The area's physical limitations generally preclude denser forms of development than what already exists. Further, the policies of the CEEMP effectively preclude intensive development within the area through environmental regulation. Although some development and redevelopment is desirable,

the emphasis on environmental protection and maintaining community character is maintained through the revised Plan.

The intent of this Plan is to implement the goals expressed by community residents. It is possible that this Area Plan will establish the direction for the remainder of the Electoral Area in the future. Limited urban type development will be focused onto the Village area, thus pressure to develop these uses elsewhere within Electoral Area D may be discouraged in the future. The Plan will provide guidelines for development within the context of planning principles, existing regulations and the wishes of area residents.

The Plan responds to the goals identified by residents, CVRD Planning staff and agencies which have been consulted throughout the planning process. It recognizes the special community characteristics of the area while at the same time provides for limited change to occur. It attempts to establish more local control over land use issues as opposed to having it dispersed among several agencies. Similar levels of control will be maintained as currently exist, however they will be tempered to the community's character and be more locally based.

## 2.0 PLANNING CONSIDERATIONS

### 2.1 Introduction

The **Cowichan Bay Village/Harbour Local Area Plan** strives to recognize and preserve the community's characteristics as it faces the future. It provides for a mix of uses, forms of development and densities while providing for community-oriented amenities. It recognizes the need to regulate development while at the same time permits

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the diversity found here to sustain itself.

Residents, leaseholders and visitors consider the shoreline and waterfront to be the most significant and appreciated physical elements of Cowichan Bay. From passive activities such as wildlife viewing to more active fishing and industrial uses such as boat repair, the shoreline, waterfront and harbour are what people generally identify with in Cowichan Bay.

Having access to, or having a view of the water is primary to people frequenting Cowichan Bay. Being physically on the water is not necessarily a priority, but having the ability to experience a wharfside walk, amble through a waterfront park or experience snapshot views through gaps between buildings are important.

The Cowichan Bay waterfront is a complex, multi-faceted neighbourhood and marine environment. It continues to serve recreational, residential, industrial and aesthetic purposes as it has since the 1860's. As noted earlier, community consensus regarding the area is that in future it should be less cluttered than it presently is and it should not be developed to the extent that its character is altered.

The policies contained in this section of the Plan are intended to reflect the objectives and goals discussed at the Open House and Workshops relating to the Plan. These include:

- maintaining the character and quality of life offered in Cowichan Bay;
- maintaining a working harbour for active, dynamic water-oriented uses;

- providing better docking/port facilities;
- construction of a new breakwater for the harbour;
- limiting development to minor intensification of existing uses;
- providing better public and community access; and,
- environmental protection and improvements including regulating foreshore development, removal of debris, controlling discharges into the harbour and providing better sewage facilities.

### 2.2 Cowichan Estuary Environmental Management Plan

Numerous agencies are involved in the management activities on Cowichan Bay through CEEMP. A multi-faceted process must be followed to obtain approval for minor, or essential works, such as to repair a building foundation. Ongoing participation in the CEEMP process is encouraged until a more locally based management process can be adopted through this Plan. This Plan achieves better local control over minor land use matters on the landward side of the high water mark while leaving any activity on the water side of the high water mark subject to CEEMP Order-in-Council requirements. \*

This local area plan, once it is approved by the Minister of Environment under the

CEEMP review process shall be deemed to be in harmony with CEEMP. The policies, guidelines and exemptions contained in the L.A.P. shall become effective upon adoption of the L.A.P. by the Regional Board.

### **2.3 Waterfront Public Access**

At present there are several access points to the water. Some are genuinely public, such as at Hecate Park, while others are better described as being quasi-public, such as the Government wharf, and still others are private. The nature of the access does not appear to deter the public from accessing the water. Certain leaseholders in Cowichan Bay provide unrestricted access across their property during most of the day's working hours. In other areas pedestrians can readily access marina floats. Although the waterfront is somewhat difficult to access, the public finds the means to enjoy it throughout the year. Some concern has been expressed by leaseholders regarding security and liability, however few objections seem to have been raised with public access to date. These issues may require resolution if additional public access is to be encouraged over private property.

### **2.4 The Working Harbour**

The Cowichan Bay waterfront is an active fishing, industrial and recreational harbour. Public sentiment towards the harbour is strongly oriented to preserving its character as a working harbour and as the heart of the Planning Area. It is also a focus of the surrounding rural community.

A Harbour Authority has been created to administer the Small Craft Harbour. It collects fees for use of the Harbour, regulates uses within the Harbour's boat basin and deals with DFO regarding improvements. A permanent fleet of fishing boats is moored in the Cowichan Bay boat basin. Their numbers increase when the seasonal fishing fleet makes use of the harbour. In addition, there are three active boat repair facilities along the Cowichan Bay waterfront as well as two fish processing plants. Finally several marinas are located on the Cowichan Bay waterfront. They provide moorage for local and transient boaters on Vancouver Island waters.

Cowichan Bay is susceptible to storms from the southeast. The orientation of most marinas and the Small Craft Harbour makes them vulnerable to wind and wave action. Quite often these facilities can experience significant damage requiring extensive and expensive repair. The CBIA canvassed local business and had a qualified marine engineer complete a wave action study of Cowichan Bay. Focusing on the existing facilities and the orientation of major storms, conclusions were drawn regarding need for a breakwater. Various alternatives, including land based facilities as well as a floating breakwater were investigated. In addition costs for the alternatives were also provided. A copy of the consultants' report is included as **Appendix 1** to this Plan. **LAP Map 1** identifies a potential location for a future breakwater

With the deterioration of the existing wooden breakwater at the government wharf and the increasing value of the floating inventory in Cowichan Bay, the rationale

exists for providing improved protection of vessels. As a result, the CBIA and the Cowichan Bay Harbour Authority are actively seeking assistance from various government agencies to construct a breakwater in Cowichan Bay. Having adequate storm protection is an integral element in maintaining the functional and day to day operation of the working harbour.

## **2.5 Commercial Development**

The commercial, industrial, recreational and public use of the waterfront is an important historical, as well as economic, element of Cowichan Bay. In the call for increased public access to the waterfront diligence must be applied in order to maintain the traditionally active industrial and commercial use of the harbour.

Opportunities may exist for commercial intensification of existing uses, for example boat or kayak rentals, from existing marinas. This type of use would be in keeping with the intent of the Plan to maintain the active harbour while at the same time could serve as an opportunity to provide access to not only the waterfront, but also to the water itself. Having the opportunity of experiencing the community from the waters of Cowichan Bay itself provides a different perspective on the character and orientation of the community.

## **2.6 Transportation**

The most significant concern for residents, and leaseholders within the Planning Area has been the Cowichan Bay Road right-of-way (r.o.w.) issue. Designated as a Regional Network Road it has a r.o.w. of

approximately 24.5 m (80 feet), as shown on **Appendix 2** to this Plan. It's status has also been recognized through the existing OSP's for Electoral Area D.

The position of the Ministry of Transportation and Highways (MOTH) on Cowichan Bay Road is that since it is the only viable network road parallel to the Trans Canada Highway, it must retain its major road status and its 25 metre road right-of-way. MOTH has responded recently that it has no plans to widen the road to a four lane standard. However, the Ministry notes that such a right-of-way is nevertheless useful for turning lanes, on-street parking and pedestrian circulation.

Many of the uses along Cowichan Bay Road encroach on the r.o.w. causing concern for MOTH in fulfilling their mandate of maintaining the status of the road. This includes providing a finished travelled surface, appropriate turning lanes and emergency stopping areas for vehicles using the road. It also includes responsibility for minimizing pedestrian/vehicular conflicts and providing safe access to uses located along the road. It is not within MOTH's mandate to provide sidewalks, parking areas, or other forms of improvement along the roadways but the Ministry exercises control over these and other amenities. The Ministry does however recognize bicycles as a mode of transportation and has a policy on cycling which is used to provide for bikeways in urbanized areas.

Provision of adequate parking and pedestrian safety are integral elements in the successful completion of this Plan. Community character may be threatened if strict

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adherence to accepted parking standards are implemented. Thus improving the existing parking situation within the Planning Area will be attempted through the completion of this Plan. The establishment of improved pedestrian linkages in conjunction with improved parking within the Planning Area is encouraged through the Plan.

The current parking situation can be addressed through the creation of a parking commission or authority. The OCP would provide the Regional Board the opportunity to establish a Parking Commission or Authority to acquire, hold, use and improve property for public parking. A Parking Authority, or Commission, may be established by bylaw by the Regional District however an Order-in-Council, a Regional District bylaw authorizing the establishment of a Parking Authority and an operational bylaw setting out the responsibilities of the authority and enabling it to collect fees would be required. In addition, the Regional District would require the consensus of local property owners be obtained to permit the Authority to collect funds to be placed in a reserve fund to develop a parking facility.

The function of a Parking Authority in Cowichan Bay would be to collect fees in-lieu of parking in those instances when new development locating within the Planning Area cannot provide all the required parking for the proposed use. Funds would be held in reserve until such time as land could be acquired to provide vehicular parking within a specified area.

In addition to exercising authority over the location of uses from its transportation

mandate, MOTH is also the upland owner of lands abutting the foreshore and thus has riparian rights to the foreshore. These rights include having a vested interest in the uses located on the foreshore abutting the r.o.w. Ministry comments carry significant weight when foreshore leases are applied for.

Recently Cowichan Bay foreshore leaseholders received notices from the Ministry of Environment, Lands and Parks (MELP) stating their foreshore leases would expire in 2015 and not be renewed. This notice was given as a result of MELP's interpretation of MOTH road requirements, i.e. requiring a clear r.o.w. for traffic purposes. In addition, a misunderstanding by area residents and stakeholders led to the belief that the roadway was to be expanded to four lanes through the Planning Area. Justifiably, these groups felt their interests as well as those of Cowichan Bay as a community were being threatened by the proposed and rumoured actions of provincial authorities.

Fortunately these matters have now been clarified and a better understanding of provincial and leaseholder positions exists. MOTH has no intent of requiring the leases to be terminated by 2015. The Ministry requires the encroachments within the r.o.w. be removed by that time. As a result, MOTH, MELP, affected leaseholders and possibly those agencies involved with the CEEMP will be able to resolve the issues. The net result will require negotiation and concession by all parties however it is likely the issues can be overcome through the implementation of the policies of the Plan. The **Cowichan Bay Accord** establishes the