

From: houseguyis@gmail.com
To: [Sheila Herrera](#); [Keith Batstone](#); [Mike Tippet](#)
Subject: Re: Next Steps: 02-F-17RS
Date: May-27-19 7:51:07 AM
Attachments: [Paul's Cowichan rezone app \(2\).pdf](#)
[Hawkhill Park overlay.PNG](#)

Hello Sheila and Keith, members of Council and Committee members.
Please find attached to this email a revised rezoning application and lot plans/layouts.

The following is the History of this Development and Rationale Re; change of zoning:

Following input from CVRD council and staff, I feel that pursuing a R-2 residential rezoning would be a long and disruptive process – especially taking into account the OCP required changes.

I therefore I have decided to change my application (attached) and revert back to the F-2A zoning previously recommended by staff in 2009.

The configuration of lots would be as in the attached site plan with 2 x 10 acre lots, laid out so as to not be “long and Narrow” as was previously expressed to be not ideal, and a remainder of approximately 28 acres at the north end of the property. All lots will be serviced by well and / or rainwater collection and septic systems.

Concern has been expressed with respect to rain water collection and it’s impact on ground water recharge. Rainwater collection is to be collected and used onsite. Through the collection and later slow release in septic fields and irrigation increases the penetration of the water and recharge of ground water. The usual case is that most (~60%) rainwater either evaporates or runs off. My property is sloping and consists of hard packed till. During the rainy season water penetrates the ground only a few feet, hits the “hardpan” and is forced to run off the property.

I have videos of the water actually coming up out of the ground at the lower side of the property.

At this lower point I have received a water license for an approximate 110,000 IMP. GAL. reservoir. With this reservoir full the excess continues to run off through it’s natural course.

As many of you have visited the site, you will see that this reservoir maintains an almost full level even in the summer. This attests to how resistant the ground is to

rainwater penetration.

Regarding Fire Department call for water on site, all lot owners will be informed and encouraged to store water for firefighting needs. I continue to discuss this with the appropriate officials.

An access road will connect with Cowichan Lake road at the point that the access road connects at present. This is an access point previously approved by Ministry of Transport during the 2009 rezoning process to service the F-2A lots and the park.

Lots will be accessed by way of that road from Cowichan Lake road with the northern 28 acres having a panhandle access driveway between the 2 new lots. This access will be of a width to accommodate area for wildlife migration corridor and fire services.

The road plus the previously dedicated 7M trail and Hawkhill Park also function as wildlife corridors. Hawkhill Park is a wetland area with good habitat for the Red Legged Frog and other birds, insects and reptiles – should they exist on the property. (Build it and they will come?)

I am opposed to additional trails through this property. The previously dedicated trail connects via BC Hydro's access road to the Cowichan Valley Trail less than 1 KM to the north. Another trail will only encourage "campers" and homeless to access and set up on the property. A problem that has already occurring in this area.

The attached image shows the areas of the property that function as wildlife corridors. Some are RAR areas and will remain open per regulation. Other areas include the BC Hydro access road and ROW, both of which cannot be blocked and according to BC Hydro are very difficult to fence.

Hawkhill Park and Trail system is part of the approximately 6.0 acre land dedication agreed to under the original rezoning application of the total 70 acre parcel in 2008/9.

This land dedication (6.0 acre Hawkhill park and trail) was agreed to be sufficient for the entire ~70 acre property at almost 9% of the that land size.

Here is an early timeline on this project FYI;

Pre- 2009 – various meeting with staff and area rep's.

Formulate an acceptable rezoning proposal

CVRD Board Meeting August 13, 2008 – “It was moved and seconded that (13.1) application 1-F-06RS proceed to public meetingbe referred to Area F Parks...be referred to VIHA.....if approved be given 1st and 2nd reading.....

Park land dedication agreed to by all parties.

Feb. 5, 2009, Area F Parks Commission Meeting – to recommend the Cooper application for a change from F-1 to F-2A and R-1 zoning be approved.

April 7, 2009, EASC meeting – it was moved and seconded that rezoning app 1-F-06RS be approved subject to park dedication and forwarded for first and second reading.

This is when the board chair asked: “ Why are you doing split zoning? I don't understand split zoning.” and I replied in shock by saying “ Well, let's leave the western section of the project (to be F-2A) for another meeting then.”

The motion as presented was defeated and sent back to staff for clarification.

June 2, 2009 EASC Meeting, Planner Dana Beatson presented my amended application for rezoning the eastern section to R-1 and it was accepted.

The public hearing was a complete success with NO people speaking out against the project.

Since that time I have been working to rezone the western section of the property – as promised. This latest amendment of the application, once again to F-2A and with fewer but larger lots is in line with the original application that was accepted by Parks, VIHA, Cowichan Tribes, Ministry of Transport, BC Hydro, etc.

The 6.0 acre dedication of Hawkhill park and trail was agreed upon as a ~9% land dedication for the entire ~70 acre parcel. If it was only agreed upon as dedication for the R-1 section it would represent ~30% land dedication. Obviously the park was

dedicated for the entire property. I did not ask to amend it when I amended my application believing the process would be contiguous.

In conclusion: At the time of the original rezoning application and hearings, the split zoning of R-1 and F-2A was agreed upon by all involved. It was only at the last minute that One Council Member expressed concern about “split zoning” and so I suggested we revisit the western section at a later date. In retrospect, I now believe Council of the day was actually suggesting all the land should be R-1. Unfortunately it has not gone that way and so I have backed off to the original F-2A zoning request. In doing so I have had to drastically change my plans for the property. Instead of a Residential area with 5 acre properties, I am suggesting a 2 lot subdivision and a Remainder. I will either sell 2 lots or build on them in the future for family – finances being the deciding factor.

I feel what I am doing here is simply continuing on with a rezoning and subdivision as it was laid out in 2008-2012 as it was described at a public hearing in 2009 (CVRD Board Minutes – December 9, 2009) and that hearing was accepted by the board. A split zoning F-2A and the now existing R-1 zoning with 6.0 acres of land already dedicated, including a trail. There are existing wildlife corridors, RAR reports, Water reports, I have worked with the provincial water board, I have consulted with foresters, and larger lots are proposed to appease neighbour's and wildlife concerns. There will be the minimum of road building and disturbance to the land. I have reached the end of the road on this proposal and this is the best I can do. I hope you agree that it is a good proposal for all concerned.

Thank you.

Paul Cooper
