



August 21, 2020

Mr. Frank Limshue
Manager of Development Services
Cowichan Valley Regional District (CVRD)
175 Ingram St
Duncan, BC, V9L 1N8

RE: The Project known as: "Cowichan Bay Campgrounds", Lochmanerz Road (PID: 024-681-814) – Lot 2 Section 10, Range 2, and District Lot 690 Cowichan District, Plan VIP70020

Further to our conversation of August 19, 2020:

According to records on hand, the Cowichan Bay Campgrounds has been in business and continually operating since 1985; providing a large number of recreational travelers the opportunity to use and enjoy a very well-situated, private campground facility, nestled on the head of Cowichan Bay.

However, through this same period, the subject property has been under constant scrutiny by several governing bodies, who's jurisdictional regulations have resulted in unnecessary barriers to the operations and maintenance of the campgrounds. I refer to the previous and current Owner's ongoing challenges to meet the ever-changing demands of the many regulations and compliance requirements.

To make sense of this aged file, Bell Group has, at the Owner's expense, completed an exhaustive and comprehensive review of the subject property's history. Subsequently, Bell Group has cataloged and compiled all relevant documents into a chronological summary and index for your reference and convenience – Please see Dropbox link below:

<https://www.dropbox.com/sh/kivg1yy7blnjgor/AAB3pd1a9LLh5qMKij6MTfVva?dl=0>

Through Bell Group's review process, a number of application and process discrepancies were discovered. It was also discovered that various government bodies failed to act within a reasonable timeframe, which has greatly contributed to this file being held in flux for an extended period of time and negatively impacting the financial wellbeing of the current Ownership's investment.

Bell Group has undergone a lengthy review process in an effort to cooperatively move this ancient file forward and successfully conclude the DP application process. Records indicate that a DP application was originally submitted in 2016 for the recovery of the campgrounds business.

Additionally, please find highlighted below, the most recent and relevant information available that may be useful to expeditiously move the DP process forward:

- 1.0** March 30, 2017 - The DP application made in 2016 was presented to the Electoral Area D - APC, which resulted in a recommendation to the Board that the Board approve the DP Application subject to a few minor additional recommendations (Please refer to Exhibit 67, Pages 1-2). The APC also noted that the subject application complies with OCP, Section 7.6, Objective 1 as the subject application supports the growth of tourism through low-impact activities.

- 2.0** December 18, 2015 – Correspondence from Mr. Rob Conway / Former CVRD Manager, Development Services Division to Mr. Johnston (former Owner's Rep) stating that the CVRD, as well as CVRD's legal counsel, are in agreement regarding the current use of subject property being considered legal non-conforming. Please refer to Exhibit 64.

- 3.0** April 13, 2017 - The Agricultural Land Commission confirmed that the previously provided ALC approvals are still valid; the approvals confirmed by the ALC are for: 28 recreational vehicle campsites (#1340/86), a further 15 recreational vehicle campsites (for a total of 43 recreational vehicle campsites) along with: 1 tenting area, washroom facilities, a second dwelling, 5 (20' x 26') seasonal cabins, and a 1 covered 10-stall golf driving range (#329/90). Please refer to Exhibit 67.

- 4.0** June 20, 2017 - An email from Mr. Rob Conway to Mr. Johnston states that the DP application was presented to the Cowichan Estuary Environmental Management Committee in a meeting which occurred on July 1, 2017. During the meeting, the CEEMP stated that they are willing to provide formal recommendation for approval of the DP after the CVRD has authorized the issuance of the DP. Please refer to Exhibit 70.

On December 15, 1989, the Ministry of Environment's Office (Deputy Minister Mr. Dalton) approved the subject property for a previous, unfinished rezone application after receiving a recommendation to approve the rezone from the Cowichan Estuary Environmental Management Committee. Please refer to Exhibit 27.

- 5.0** January 25, 2019 - An email from Mr. Mike Tippett / CVRD – Manager, Community Planning was received by Mr. Johnston (refer to Exhibit 71) stating that all items mentioned in Rob Conway's June 20, 2017 email to Mr. Johnston (refer to Exhibit 70) were addressed by Ownership, except for the following items (shown below, quoted from Mr. Tippett's email), which were subsequently addressed by Mr. Johnston on behalf of Ownership via an email to Mike Tippett in February 11, 2019 (refer to Exhibit 72):
 - 5.1** "Whether the owners are willing to enter into a covenant reinforcing the regulation in zoning that states none of the parts of the campground or buildings, RVs, trailers, or tents on it may be used as dwellings"

- 5.1.1** February 11, 2019 - Mr. Johnston's response: Mr. Johnston confirmed, on behalf of current Ownership, that current ownership is prepared to enter into a covenant as required, as long as the covenant includes a clause that allows the caretaker's apartment above the laundry to be exempt from the covenant that restricts the amount of days of occupancy within a calendar year.
- 5.2** "What the plan is with respect to removing invasive species prior to final redevelopment."
- 5.2.1** February 11, 2019 - Mr. Johnston's response: Mr. Johnston confirmed that Ownership recognizes that invasive species shall be removed, and Ownership is prepared to have this requirement be included as a condition of the DP.
- 5.3** "Copies of all of the encumbrances that are registered against the title, including SRWs, rights of entry, easements, covenants, and judgements."
- 5.3.1** February 11, 2019 - Mr. Johnston's response: This item was attached to the Feb 11, 2019 email from Mr. Johnston to Mike Tippett.
- 5.4** "Indication on the maps of the extent of the 200-year flood construction level on the subject property insofar as buildings and proposed buildings are concerned"
- 5.4.1** February 11, 2019 - Mr. Johnston's response: Mr. Johnston mentions that this item has already been addressed and provided by Mike Achtem, P.Eng., Islander Engineering.

Mr. Johnston's correspondence on Feb 11, 2019 responding to Mr. Tippett's January 25, 2019 email is the final item that Bell Group has found to be on record regarding the progress in the subject property's file.

While the extensive history of the subject property is evident, and given the amount of resource time and subsequent costs incurred by all; Bell Group recommends that the DP application originally submitted in 2016, along with the recommendations by Staff and the Electoral Area D - APC for CVRD Board approval, be brought forward to the CVRD Board for approval at the earliest possible date. Bell Group sees this outcome as the most effective way for all involved to close out this file.

Sincerely,



Dale Bellavance
Principal & CEO
Bell Group