



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

NOTICE OF REGULAR BOARD MEETING

DAY: WEDNESDAY

DATE: SEPTEMBER 12, 2012

**TIME: → REGULAR SESSION
6:00 pm**

PLACE: BOARD ROOM

175 INGRAM STREET



**Joe Barry
Corporate Secretary**



C·V·R·D

REGULAR BOARD MEETING

WEDNESDAY, SEPTEMBER 12, 2012

6:00 PM – CVRD BOARD ROOM

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| 2. <u>ADOPTION OF MINUTES:</u> | | |
| M1 | Adoption of Minutes of Regular Board meeting of August 1, 2012 | 5-16 |
| M2 | Adoption of Minutes of Special Board meeting of August 8, 2012 | 17 |
| 3. <u>BUSINESS ARISING FROM THE MINUTES:</u> | | |
| 4. <u>DELEGATIONS:</u> | | |
| D1 | Linden Collette, Executive Director, Social Planning Cowichan Re: Presentation of a proposed Affordable Housing Association and Strategic Plan, Homelessness Prevention Programs, and Homelessness Action Week | 18 |
| D2 | Shauna Benson, 2013 World Junior A Hockey Challenge Bid Committee Re: Request for funding to host the 2013 Hockey Canada World Junior A Challenge | 19 |
| 5. <u>REPORT OF THE CHAIRPERSON:</u> | | |
| 6. <u>CORRESPONDENCE:</u> | | |
| 7. <u>INFORMATION:</u> | | |
| 8. <u>COMMITTEE REPORTS:</u> | | |
| CR1 | Electoral Area Services Committee – Director Walker Report and Recommendations of Meeting of September 4, 2012 | To Be Distributed |
| CR2 | Parks Committee – Director Dorey Report and Recommendations of Meeting of September 12, 2012 | To Be Distributed |

9. STAFF REPORTS:

SR1 Staff Report from the General Manager, Corporate Services Department 20-23
Re: Permissive Tax Exemption

10. PUBLIC HEARINGS:

PH1 Public Hearing Report and Minutes 24-39
Re: Official Community Plan Amendment Bylaw No. 3599 and Zoning Amendment Bylaw No. 3600 (Sun Lotus), applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora and Electoral Area F – Cowichan Lake South/Skutz Falls.

PH2 Public Hearing Report and Minutes 40-52
Re: Zoning Amendment Bylaw No. 3610, applicable to Electoral Area B – Shawnigan Lake (Hornick and Anderson).

PH3 Public Hearing Report and Minutes 53-56
Re: South Cowichan Official Community Plan Amendment Bylaw No. 3620 and Zoning Amendment Bylaw No. 3621 (Maxwell), applicable to Electoral Area A – Mill Bay/Malahat

11. BYLAWS:

B1 "CVRD Bylaw No. 3538 – Cobble Hill Drainage System Service Merger Bylaw, 2012", adoption. 57-60

B2 "CVRD Bylaw No. 3615 – Saltair Water System Service Amendment Bylaw, 2012", adoption. 61-62

B3 "CVRD Bylaw No. 3626 – Lanes Road Drainage System Service Amendment Bylaw, 2012", adoption. 63-64

B4 "CVRD Bylaw No. 3629 – Tax Exemption (Permissive) Bylaw, 2012", 1st, 2nd and 3rd reading. 65-66

B4 "CVRD Bylaw No. 3629 – Tax Exemption (Permissive) Bylaw, 2012", adoption.

B5 "CVRD Bylaw No. 3630 – Malahat Fire Protection Service Loan Authorization (Type 2 Fire Engine), Bylaw, 2012", 1st, 2nd and 3rd reading. 67-68

B6 "CVRD Bylaw No. 3634 – Electoral Area A – Mill Bay/Malahat Critical Location Streetlighting Service Amendment Bylaw, 2012", 1st, 2nd and 3rd reading. 69-70

Electoral Area Directors only vote on the following bylaws under Part 26 OR Section 791 of the *Local Government Act*:

B7 "CVRD Bylaw No. 3599 – Area E – Cowichan Station/Sahtlam/Glenora and Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (Sun Lotus), 2012", 3rd reading. 71-74

B8 "CVRD Bylaw No. 3600 – Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Sun Lotus), 2012", 3rd reading. 75-78

| | | |
|-----|---|-------|
| B9 | "CVRD Bylaw No. 3610 – Area B – Shawnigan Lake Zoning Amendment Bylaw (Hornick & Anderson), 2012", 3 rd reading. | 79-81 |
| B10 | "CVRD Bylaw No. 3620 – South Cowichan Official Community Plan Amendment Bylaw (Maxwell), 2012", 3 rd reading. | 82-84 |
| B11 | "CVRD Bylaw No. 3621 – Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Maxwell), 2012", 3 rd reading. | 85-88 |

12. RESOLUTIONS:**13. UNFINISHED BUSINESS:****14. NOTICE OF MOTION:****15. NEW BUSINESS:****16. QUESTION PERIOD:**

- a) Press
- b) Public

17. CLOSED SESSION:

Motion 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.

| | | |
|-------|--|-------------------|
| CSM1 | Adoption of Closed Session Minutes of August 1, 2012 | 88-90 |
| CSCR1 | Law Enforcement {Sub (1) (f)}, Legal Opinion {Sub (1) (i)} | To Be Distributed |
| CSSR1 | Potential Litigation {Sub (1) (g)} | 91 |
| CSSR2 | Potential Litigation {Sub (1) (g)} | To Be Distributed |

18. ADJOURNMENT:

The next Regular Board meeting will be held October 10, 2012 at 6:00 pm, in the Board Room, 175 Ingram Street, Duncan BC.

Minutes of the Regular meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan BC, on Wednesday, August 1, 2012 at 6:04 pm

PRESENT: Chair R. Hutchins,
Directors L. Iannidinardo, M. Dorey, L. Duncan, B. Fraser,
G. Giles, B. Lines, M. Marcotte, T. McGonigle, M. Walker,
P. Kent, I. Morrison, R. Hartmann, J. Lefebure, and
P. Weaver

ALSO PRESENT: Warren Jones, Chief Administrative Officer
Joe Barry, Corporate Secretary
Brian Dennison, General Manager,
Engineering and Environmental Services
Dave Leitch, Manager, Water Management
Kate Miller, Manager, Regional Environmental Policy
John Elzinga, Manager, Island Savings Centre
Ilse Sarady, Environmental Technologist

**APPROVAL OF
AGENDA**

12-377

It was moved and seconded that the agenda be amended by deleting item CR5, and by adding the following New Business items:

NB1 Staff Report from Manager, Legislative Services re: Grant Application, Youth Dialogue and Action Project;

NB2 Staff Report from Manager, Legislative Services re: Cowichan Sportsplex, Proposed Annual Financial Contribution Service;

NB3 Staff Report from Project Engineer, Capital Projects re: Lambourn Estate Sewer – WWTP Salsnes Sole Source Purchase;

NB4 "CVRD Bylaw No. 3595 – Electoral Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (All Sports Lands Ltd.), 2012";

NB5 "CVRD Bylaw No. 3596 – Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (All Sports Lands Ltd.), 2012";

CSNB1 Multi-Jurisdictional Negotiations {Sub (2) (b)};

CSCR2 Provision of a Municipal Service {Sub (1) (k)}; and

that the agenda, as amended, be approved.

MOTION CARRIED

ADOPTION OF MINUTES

12-378 It was moved and seconded that the minutes of the July 11, 2012 Regular Board meeting be adopted.

MOTION CARRIED

REPORT OF CHAIRPERSON

RC1 Presentation of Certificate of Commendation

Chair Hutchins, on behalf of His Excellency the Right Honourable David Johnston, Governor General of Canada, presented Mr. Richard Ruppenthal with a Certificate of Commendation for recognition of his actions in the rescue of an elderly man from a burning house, in Chemainus, on July 22, 2008.

RC2 Regional Energy Analysis

Chair Hutchins invited Kate Miller, Manager, Environmental Policy Division, to provide the Board with an overview of the Regional Energy Analysis for the CVRD.

INFORMATION

IN1 South Island Aggregates Waste Discharge Permit Application

The Public Meeting Minutes re: South Island Aggregates (SIA), Waste Discharge Permit Application and Mining Permit Application, was received for information.

IN2 Active Earth Engineering Ltd. Correspondence re: Application for Authorization to Discharge Waste, 640 Stebbings Road, Shawnigan Lake BC (SIA) was considered.

12-379 **It was moved and seconded that:**

WHEREAS the Shawnigan Lake watershed, designated by government in 1995 as a "Community Watershed", is the sole domestic water supply of over 4500 residents with the majority drawing their water from Shawnigan Lake, either directly or through licensed water purveyors; and

WHEREAS the Shawnigan Community has a growing population that is placing ever greater demands on the surface water and aquifers of the area; and

WHEREAS the Shawnigan Basin is predicted to face increasing watershed instability through the balance of this century due to climate change; and

WHEREAS the CVRD is a formal water purveyor that provides lake water to a group of over 2000 Shawnigan residents to whom it is legally responsible for a safe water supply; and

WHEREAS the watershed area is already being extensively used for dumping of soils on private land without effective environmental monitoring or controls; and

WHEREAS the Ministry of Environment is dealing with a current application to use contaminated soils for reclamation of a mine lying within the headwaters of the Shawnigan Community Watershed; and

WHEREAS it cannot be guaranteed that seismic events, major storms or human error will not lead to future contamination of water from even the best current state-of-the art engineering designs; and

WHEREAS there are current examples of hazardous waste reaching unapproved dump sites within the Shawnigan Watershed that have not been immediately rectified; and

WHEREAS the Shawnigan Community bears the ultimate risks to the safety of its public water supply from any incident resulting in water contamination arising from contaminated soils being dumped in the watershed; and

WHEREAS community comment arising from the recent public meeting held by the Regional District on July 12, 2012 clearly indicated extensive concern for the security of the Shawnigan public water supply and the lack of support for taking additional risks; and

WHEREAS the Minister of Environment has acknowledged the seriousness of the contaminated soil dumping issue in his commitment to working collaboratively with the CVRD to address the issue of managing the movement of contaminated soils into the Regional District to ensure the safety of community water supplies;

BE IT RESOLVED that the Cowichan Valley Regional District indicate to the Provincial Government that it is strongly opposed to the deliberate permitting of the use of contaminated soil for land or mine reclamation or other purposes within the public domestic water supply watersheds of the region, including specifically the watershed of the Shawnigan Community; and

BE IT FURTHER RESOLVED that the CVRD indicate to the Ministry of Environment that it is opposed to the granting of a waste management permit to South Island Aggregates for the use of contaminated soil in the reclamation of their Stebbings Road Quarry lying within the provincially designated Shawnigan Community Watershed; and

BE IT FURTHER RESOLVED that the CVRD prepare the necessary bylaw to prohibit dumping of contaminated soil or waste in a designated community watershed that lies within the Regional

District; and

BE IT FURTHER RESOLVED that the collaborative working relationship between the CVRD and the Ministry of Environment be employed to determine how the CVRD bylaws and the provincial contaminated soil regulations can be harmonized and strengthened to prevent future risks to community domestic water supplies within the Region.

MOTION CARRIED

COMMITTEE REPORTS

CR1 The report and recommendations from the Regional Services Committee meeting of July 25, 2012, listing two items, were considered.

12-380 It was moved and seconded:

1. 1. That the 2013-2017 Five Year Financial Plan objectives, as presented, be endorsed; and
2. That staff prepare budgets for the ten Regional Budgets reflecting both a 0% and a 1.5% increase and outline the effect on each service.
2. That CVRD staff, Dr. Paul Hasselback, Chief Medical Health Officer, and Directors for Electoral Areas A – Mill Bay /Malahat, B – Shawnigan Lake, C – Cobble Hill, D – Cowichan Bay, and possibly E – Cowichan Station/Sahtlam/Glenora meet with representatives from the three south end Improvement Districts in September or October to discuss outdoor burning and air quality.

MOTION CARRIED

CR2 The report and recommendations from the Electoral Area Services Committee meeting of July 31, 2012, listing ten items, were considered.

12-381 It was moved and seconded:

1. That staff seek a legal opinion regarding the non-conforming status of the former Seaside Trailer Park, located at 11255 Chemainus Road, in Electoral Area G – Saltair/Gulf Islands.
2. That Development Permit Application No. 7-B-12DP (Elkington Forest – Midlands Phase) be approved, and that a development permit be issued to Living Forests GP Ltd. for a 25 lot bare land strata subdivision and associated development subject to:
 1. Compliance with RAR assessment report for the Midlands Phase.
 2. Demarcation of SPEA boundaries with fencing and signage and submission of a post-development report prepared by a Qualified Environmental Professional prior to subdivision.
 3. Registration of a restrictive covenant to confirm permitted uses and to preclude further subdivision of the proposed lots.
 4. Registration of a restrictive covenant to preclude development of the identified Streamside Protection and

- Enhancement Areas and the protective zones identified in the RAR assessment report.
5. Compliance with Covenants CA1648147 and CA1648148 (Fire Protection).
 6. Compliance with Covenants CA1648144 and CA1648145 (Parks).
 7. Compliance with Covenant CA1648146 (Servicing).
 8. Demonstration that the applicable zoning bylaw has been amended to permit residential use of the subject lots and that proposed dwellings comply with criteria listed on Schedule 7 prior to issuance of a building permit.
 9. Submission and approval of a drainage design that incorporates the storm and rain water management concepts described in Schedule 8, prior to subdivision of lots in the Midlands Phase.
3. That Application No. 3-B-12DVP by Mike and Kari Thompson to vary Section 5.10 of Zoning Bylaw No. 985 by increasing the maximum permitted height of a fence from 1.2 metres to 1.8 metres along the front parcel line of Lot B, Shawnigan Suburban Lots, Shawnigan District, Plan 18509 (PID: 003-754-880), be approved.
 4. That application No. 8-E-12DP, submitted by Marbre Construction No. 8-E-12DP, for C&C Holdings, for construction of ten mini-warehouse buildings on Lot 1, Section 14, Range 6, Quamichan District, Plan 37379 (PID: 001-048-171) be approved, subject to the following conditions:
 1. Development is in substantial compliance with the attached plans.
 2. An irrevocable letter of credit in a form suitable to the CVRD is received, equivalent to 125% of the landscaping costs, to be refunded after two years, if the plantings are successful and to the satisfaction of a qualified professional.
 3. Compliance with a rain and stormwater management plan prepared by a Qualified Professional at the time of building permit application, which is designed to promote low impact development techniques and onsite rainwater management.
 6. That the Regional District be authorized to amend the current Provincial Water Lot Lease No. 105062 located at the former Hayes site in Cowichan Bay (legally described as District Lot 160, Cowichan District) from a log sort use to a community use and enter into a renewable 10 year term.
 7. 1. That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to enter into a Land Exchange Agreement with Alexander Jacob to equally subdivide a portion of his land (Lot 15, District Lot 107, Malahat District, Plan VIP63859) and a portion of CVRD land, (PARK, District Lot 107, Malahat District, Plan VIP57604) namely Fern Ridge Park and exchange them in order to complete a boundary adjustment between both lands.

2. That a bylaw be prepared authorizing an AAP process for approval of the electorate to subdivide and exchange the said lands.
 3. That the Board Chair and Corporate Secretary be authorized to sign necessary documents in order to complete the subdivision and exchange of these lands.
9. That Condition 3 (iii) of Development Variance Permit No. 1-H-10DVP (McCullough) be amended to allow removal of trees #5 to #9, identified in the Tree Risk Assessment report prepared by B. Furneaux, dated March 22, 2011, subject to planting of ten new trees with a minimum height of 2.0 metres as well as planting five new Arbutus trees, which are native to the area and posting of an irrevocable letter of credit equivalent to 125% of tree installation, to be refunded after two years if the trees are successfully established, as determined by the General Manager of Planning & Development.

MOTION CARRIED

12-382

(Amended from original Committee recommendation):

It was moved and seconded:

5. That Application No. 1-C-12DP/VAR (Landmark Sign) be approved, and that a development permit with variance be issued to permit a free-standing sign with a maximum sign area of 9.7 m² for the Valleyview Centre on Lot 1, Section 18, Range 5, Shawnigan District, Plan 8038 (PID: 005-633-133), subject to reduction of the sign height to 5 metres.

Opposed: Director I. Morrison

MOTION CARRIED

12-383

It was moved and seconded:

8. That CVRD Board Resolution #12-098-4 dated March 14, 2012, regarding the possible disposition of Don's Park, be rescinded.
10. That the application from the Shawnigan Cobble Hill Farmers Institute and Agricultural Society to use the Cobble Hill Common property in Cobble Hill to stage displays and events as part of the 103rd Cobble Hill Fair on August 24 and 25, 2012, be approved subject to the following conditions:
 1. Proof of \$5,000,000 liability insurance that the Society has to cover the event which also identifies the CVRD named as additional insured.
 2. That the activities and use of the Common by the Society is per the layout plan provided July 26, 2012.
 3. That no displays or equipment are located on the planted berm and that the berm is cordoned off with temporary fencing to prevent the public from walking on the planted areas.

4. That the Society agrees to reimburse the CVRD for costs incurred to replace any damaged plants or damage to other recent improvements made within the Common incurred as a result of the Fair event.

MOTION CARRIED

CR3

The report and recommendations from the Engineering and Environmental Services Committee meeting of July 25, 2012, listing seven items, were considered.

12-384

It was moved and seconded:

1. 1. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting establishment of a water system service area and authorizing the borrowing of up to \$50,000 be received.
2. That Service Establishment and Loan Authorization Bylaws for Woodley Range Water System Service Area be prepared and forwarded to the CVRD Board for consideration of three readings, and following provincial approval, adoption.
3. That following adoption of the Service Establishment and Loan Authorization Bylaws, a Capital Reserve Fund Establishment Bylaw, a Parcel Tax Roll Bylaw and a Management Bylaw be prepared for the Woodley Range Water System, and that these bylaws be forwarded to the Board for consideration of three readings and adoption.
2. 1. That first stage approval and authorization of staff time be provided to investigate the takeover of the Fairbridge Water System, located in Electoral Area E, as requested by Doug McPhee, operator of the Fairbridge Strata Water Utility, subject to the following conditions and with the understanding that nothing is intended by this approval to fetter future CVRD Board decisions on required bylaws:
 1. All lands with infrastructure works are to be transferred to the CVRD, or, if not possible be placed within registered Statutory Rights-of-Way, using the CVRD's standard charge terms.
 2. A utility transfer agreement be executed between the CVRD and the owner.
 3. A CVRD review of the system be undertaken in order to address deficiencies in the water system.
 4. The owner of the utility be willing to transfer the system to the CVRD.
 5. A public consultation process regarding CVRD takeover be undertaken.
 6. A petition process be carried out and completed by at least 50% of the owners of parcels within the proposed service area with the total value of the parcels representing at least 50% of the net taxable value of all

- land and improvements in the service area.
7. This list is not exhaustive and items may be added, deleted or altered prior to a formal agreement being executed; and further
 2. That an assessment of the system be carried out, funded to a maximum cost of \$15,000 from the CVRD Feasibility Study Function and repaid upon establishment of a CVRD function for this water system.
 3. That, upon completion of a successful petition process, bylaws be prepared to create a service area for this utility.
3. 1. That the *Certificate of Sufficiency*, confirming that a sufficient petition requesting inclusion into the Lanes Road Drainage Service Area be received.
 2. That "CVRD Bylaw No. 3078 – Lanes Road Drainage System Service Establishment Bylaw, 2008", be amended to include "PID: 001-098-241, Lot 3, Section 4, Range 6, Plan 32129, Cowichan District".
 3. That the amended bylaw be forwarded to the Board for consideration of three readings and adoption.
4. 1. That a bylaw be prepared to amend "CVRD Bylaw No. 2137 – Electoral Area A – Mill Bay/Malahat Critical Location Street Lighting Service Establishment Bylaw, 2001", to increase the maximum requisition limit from \$2,000 to \$5,000.
 2. That the amendment bylaw be forwarded to the Board for consideration of three readings and, following provincial and voter approval, adoption.
 3. That voter approval for adoption of the amendment bylaw be obtained through an Alternative Approval Process.
5. 1. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting establishment of a water system service area and authorizing the borrowing of up to \$85,000.00, be received.
 2. That Service Establishment and Loan Authorization Bylaw for the Shellwood Water System Service Area be prepared and forwarded to the CVRD Board for consideration of three readings and, following provincial approval, adoption.
 3. That, following adoption of the Service Establishment and Loan Authorization Bylaws, a Capital Reserve Fund Establishment Bylaw, a Parcel Tax Roll Bylaw and a Management Bylaw be prepared for the Shellwood Water System, and that these bylaws be forwarded to the Board for consideration of three readings and adoption.
6. 1. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting establishment of a water system service area and authorizing the borrowing of up to \$50,000.00, be received.
 2. That Service Establishment and Loan Authorization Bylaws for the Carlton Water System Service Area be prepared and

forwarded to the Board for consideration of three readings and, following provincial approval, adoption.

3. That, following adoption of the Service Establishment and Loan Authorization Bylaws, a Capital Reserve Fund Establishment Bylaw, a Parcel Tax Roll Bylaw and a Management Bylaw be prepared for the Carlton Water System, and that these bylaws forwarded to the Board for consideration of three readings and adoption.

7. That the CVRD apply a Water Conservation Fee of \$10,000 per connection to properties requesting inclusion into the Shawnigan Lake North Water System Service Area, lying within the Village Containment Area in the South Cowichan Official Community Plan, for the purpose of continued funding of the *Water Conservation, Metering and Backflow Prevention Program*.

MOTION CARRIED

CR4 The report and recommendation from the Island Savings Centre Commission meeting of July 12, 2012, listing one item, was considered.

12-385 It was moved and seconded that the CVRD Board enter into a 5-year Licence of Occupation for parking areas at the Island Savings Centre with the District of North Cowichan and the City of Duncan, beginning July 1, 2012 and ending June 30, 2017 at a fee of \$1 per year; and further, that the CVRD Board Chair and Corporate Secretary be authorized to sign the Licence of Occupation.

MOTION CARRIED

CR5 Item CR5 was deleted during adoption of the agenda.

CR6 The report and recommendations from the Transit Committee meeting of August 1, 2012, listing two items, were considered.

12-386 It was moved and seconded:

1. That the Board support the use of available transit buses not in regular operation during the 2016 or 2018 BC Summer Games to transport BC Summer Games participants at no cost to the Host Society or BC Games Society, except for incremental costs associated with use of the buses including fuel and insurance and possibly wages if not volunteered.
2. That cash fares on the Cowichan Valley Regional Transit System, both conventional and handyDART, be reduced to zero (no charge) during the four event days of the 2016 or 2018 games, if Cowichan is successful in their bid to host the games.

MOTION CARRIED

STAFF REPORTS

SR1 The Staff Report from the Planner I, Planning & Development Department, dated July 18, 2012, re: Rezoning Application 1-F-11Rs (All Sports Lands Ltd.) was received for information.

SR2 The Staff Report from Planner II, Planning & Development Department, dated July 24, 2012, re: Temporary Use Permit Application 1-A-11TUP (Malahat Holdings Ltd.) was considered.

12-387 It was moved and seconded that the application from Malahat Holdings Ltd. for a Temporary Use Permit to allow rock processing on 8.0 ha of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86317 be referred back to staff to arrange a meeting that includes staff, the proponent and First Nations representation; and further, that staff report back to the Board.

MOTION CARRIED

BYLAWS

B1
12-388 It was moved and seconded that "CVRD Bylaw No. 3617 – Lambourn Estates Water System Capital Reserve Fund Expenditure (Reservoir and Water Treatment System Upgrades) Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B1
12-389 It was moved and seconded that "CVRD Bylaw No. 3617 – Lambourn Estates Water System Capital Reserve Fund Expenditure (Reservoir and Water Treatment System Upgrades) Bylaw, 2012", be adopted.

MOTION CARRIED

B2
12-390 It was moved and seconded that "CVRD Bylaw No. 3618 – Kerry Park Recreation Centre Reserve Fund Expenditure (Sewer System Upgrades) Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B2
12-391 It was moved and seconded that "CVRD Bylaw No. 3618 – Kerry Park Recreation Centre Reserve Fund Expenditure (Sewer System Upgrades) Bylaw, 2012", be adopted.

MOTION CARRIED

B3
12-392 It was moved and seconded that "CVRD Bylaw No. 3616 – Woodley Range Water System Service Establishment Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B4
12-393 It was moved and seconded that "CVRD Bylaw No. 3623 – Woodley Range Water System Service Loan Authorization Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B5
12-394 It was moved and seconded that "CVRD Bylaw No. 3624 – Shellwood Water System Service Establishment Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B6
12-395 It was moved and seconded that "CVRD Bylaw No. 3625 – Shellwood Water System Service Loan Authorization Bylaw, 2012",

be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B7
12-396

It was moved and seconded that "CVRD Bylaw No. 3626 – Lanes Road Drainage System Service Amendment Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B8
12-397

It was moved and seconded that "CVRD Bylaw No. 3627 – Carlton Water System Service Establishment Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B9
12-398

It was moved and seconded that "CVRD Bylaw No. 3628 – Carlton Water System Service Loan Authorization Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

NEW BUSINESS

NB1

The Staff Report from the Manager, Legislative Services dated July 27, 2012, re: Youth Dialogue and Action Project – Phase 2 was considered.

12-399

It was moved and seconded that the Board supports the submission of grant applications to Status of Women Canada and the Vancouver Foundation for Phase 2 of the Youth Dialogue and Action Project.

MOTION CARRIED

NB2

The Staff Report from the Manager, Legislative Services dated July 27, 2012, re: Cowichan Sportsplex - Proposed Annual Financial Contribution Service was considered.

12-400

It was moved and seconded that a poll be conducted to determine which CVRD member municipalities and electoral areas are interested in participating in an annual financial contribution service to requisition \$146,000 in 2013 to assist with funding the Cowichan Sportsplex.

Opposed: Directors M. Marcotte and P. Weaver

MOTION CARRIED

NB3

The Staff Report from the Project Engineer, Capital Projects dated July 31, 2012, re: Lambourn Estates Sewer – WWTP Salsnes Sole Source Purchase was considered.

12-401

It was moved and seconded that the Board approve the sole source purchase of a Salsnes SF 2000 screen to remove solid material from the influent to the Lambourn Estates wastewater treatment plant for the purchase price of \$111,000, as there is an absence of competition that meets the technical requirements for provision of this screen.

MOTION CARRIED

NB4 CVRD Bylaw No. 3595 Electoral Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (All Sports Lands Ltd.), 2012 was considered.

12-402 It was moved and seconded that "CVRD Bylaw No. 3595 Electoral Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (All Sports Lands Ltd.), 2012", be granted 3rd reading.

MOTION CARRIED

NB5 CVRD Bylaw No. 3596 Electoral Area F – Cowichan Lake South/Skutz Falls Official Zoning Amendment Bylaw (All Sports Lands Ltd.), 2012 was considered.

12-403 It was moved and seconded that "CVRD Bylaw No. 3596 Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (All Sports Lands Ltd.), 2012", be granted 3rd reading as amended by adding the following that would amend Section 1.3 – Definitions of Bylaw No. 2600: "Abattoir means the use of land, buildings or structure for the slaughter of livestock, animals, fish, poultry and other fowl and the preliminary processing of animal carcasses"; and further, by deleting the comma after the words "fish processing" in Section 5.19 (1) (e).

MOTION CARRIED

**RESOLVING INTO
CLOSED SESSION**

12-404 It was moved and seconded that the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90, {Sub (1) (e)} Land Acquisition; {Sub (1) (g)} Potential Litigation; {Sub (1) (k)} Provision of a Municipal Service; and {Sub (2) (b)} Multi-Jurisdictional Negotiations.

8:26 pm

MOTION CARRIED

**RISE FROM
CLOSED SESSION**

12-410 It was moved and seconded that the Board rise with report on items SNB1 and CSCR2, when appropriate, and return to the Regular portion of the meeting.

10:34 pm

MOTION CARRIED

ADJOURNMENT

12-411 It was moved and seconded that the Regular Board meeting be adjourned.

10:34 pm

MOTION CARRIED

The meeting adjourned at 10:34 pm

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____

Minutes of the Special meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, August 8, 2012 at 2:46 pm.

PRESENT: Chair R. Hutchins
Directors L. Iannidinardo, L. Duncan, B. Fraser, G. Giles, R. Hartmann, P. Kent, J. Lefebure, B. Lines, M. Marcotte, T. McGonigle, I. Morrison, M. Walker, and P. Weaver

ALSO PRESENT: Warren Jones, Chief Administrative Officer
Joe Barry, Corporate Secretary

ABSENT: Director M. Dorey

APPROVAL OF AGENDA

12-412 It was moved and seconded that the agenda be approved.

MOTION CARRIED

BYLAWS

B1
12-413 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3595 – Electoral Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (All Sports Lands Ltd.), 2012", be adopted.

MOTION CARRIED

B2
12-414 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3596 – Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (All Sports Lands Ltd.), 2012", be adopted.

MOTION CARRIED

ADJOURNMENT

12-415
2:48 pm It was moved and seconded that the Special Board meeting be adjourned.

MOTION CARRIED

The Special Board meeting adjourned at 2:48 pm.

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____

D1

Request to Appear as a Delegation

Meeting Information

Request to Address:

CVRD Board

Committee

If Committee, specify the Committee here:

Meeting Date: 09/12/2012

Meeting Time:

Applicant Information

Applicant Name: Linden Collette

Representing: Social Planning Cowichan

(Name of organization if applicable)

As: Executive Director

(Capacity / Office)

Number Attending: 2

Applicant Contact Information

Applicant Mailing Address: 135 Third Street

Applicant City: Duncan

Applicant Telephone: 250.746.1004 ext 25

Applicant Fax: 250.746.8819

Applicant Email: info@socialplanningcowichan.org

Presentation Topic and Nature of Request:

Presentation on the activities of Social Planning Cowichan regarding the creation of an affordable housing association, homelessness prevention programs, and upcoming Homelessness Action Week events. Presentation of strategic plan for creating the affordable housing association.

D2**Request to Appear as a Delegation****Meeting Information**

Request to Address:

 CVRD Board Committee

If Committee, specify the Committee here:

Meeting Date: 09/12/2012

Meeting Time: 6:00 pm

Applicant Information

Applicant Name: Shauna Benson

Representing: 2013 World Junior A Hockey Challenge

(Name of organization if applicable)

As: Bid Committee

(Capacity / Office)

Number Attending: 3

Applicant Contact Information

Applicant Mailing Address: 118- 2720 Mill Bay Road ,V0R 2P1

Applicant City: Mill Bay

Applicant Telephone: 250.743.3566

Applicant Fax: 250.743.5332

Applicant Email: southcowichanchamber@shaw.ca

Presentation Topic and Nature of Request:

Co Hosting the 2013 Hockey Canada World Junior A Challenge.

We are collaborating with Island Savings Arena, Kerry Park Arena and Bear Mountain Arena to bring this great event to the Cowichan Valley and Westshore.

We currently have all three arenas on board, the Cowichan Capitals, Kerry Park Islanders and Grizzlies Hockey, BC Hockey, SportHost, Minor Hockey, South Cowichan Chamber, Westshore Chamber and School districts on board with this bid.

We have come out with a schedule that would work with all three arenas and with this, a ratio to which funding we need.



SR1

STAFF REPORT

REGULAR BOARD MEETING OF SEPTEMBER 12, 2012

DATE: August 23, 2012
FROM: Mark Kueber, General Manager,
Corporate Services Department
SUBJECT: Permissive Tax Exemption

FILE NO:
BYLAW No: 3629

Recommendation:

That the CVRD provide tax exemption to the Capital Regional District for 2013.

Relation to the Corporate Strategic Plan:

Permissive tax exemption is not specifically identified in our Corporate Strategic Plan.

Financial Impact: (Reviewed by Finance Division: SEM)

The estimated property tax for 2013 to the CVRD is around \$25,000.

Background:

Under Section 809 of the *Local Government Act*, the Regional District may provide tax exemption for lands or improvements in an electoral area held by another Regional District that is used principally for public purposes. Section 809 provides that prior to October 31st of any year, the Board, by bylaw adopted by two-thirds of the votes cast, may exempt from taxation certain lands and improvements or both for the next calendar year. The Capital Regional District owns two parcels of land within the CVRD that is used as land banked for watershed purposes for future generations of the Lower Island. The Capital Regional District is requesting the CVRD to exempt them from paying 2013 property taxes which is broken down between Provincial, Rural, Police, Hospital, School as well as Regional District. The CVRD provided tax exemption for these two parcels since 2009 which was the first year that this land was owned by the CRD. Prior to 2009 this land was Crown Land, so the CVRD has never received property tax revenue for these parcels. The Province is in the process of having the Regional District Boundaries adjusted so in future years this land would be part of the CRD and this bylaw would not be required.

Submitted by:

Mark Kueber, C.G.A.
General Manager, Corporate Services Department

MK:tk

Attach.

Z:\Mark\Staff Reports - 2012\Staff Report - Permissive Tax Exemption Sep 12.doc



Capital Regional District
625 Fisgard Street, PO Box 1000
Victoria, BC, Canada V8W 2S6

T: 250.360.3000
F: 250.360.3023
www.crd.bc.ca

August 22, 2012

Mark Kueber, General Manager Corporate Services
Cowichan Valley Regional District
175 Ingram Street,
Duncan, B.C. V9L 1N8

Dear Mr. Kueber:

Re: Permissive Tax Exemption

In a May 15, 2012 letter, the Minister of Community, Sport and Cultural Development advised of its intention to proceed with a boundary alteration between the CRD and the CVRD (copy attached).

The Ministry has subsequently advised that, as it cannot be predicted when Cabinet will issue the Letters Patent regarding the boundary adjustment, the CRD must, under Local Government Act 809(4)(g), request that a permissive tax exemption be given by the Cowichan Valley Regional District for 2013, via section 809(3) on the lands within the Cowichan Valley Regional District now held by the Capital Regional District, namely:

1. PID 027-343-260
Roll # 04-765-12370.010
Subdivided portion of Block 1352, now Lot A, Plan VIP84273
2. PID 024-724-670
Lot A, District Lot 87, Malahat District, Plan VIP70361
Roll # 04-765-11914.200

As you are no doubt aware, such exemption needs to be given, by bylaw, by October 31, 2012. Please contact Brian MacDonald at 250-360-3138 if any further information is required.

Yours sincerely,

Diana E. Lokken , Dip Bus Admin, CMA
General Manager, Corporate Services

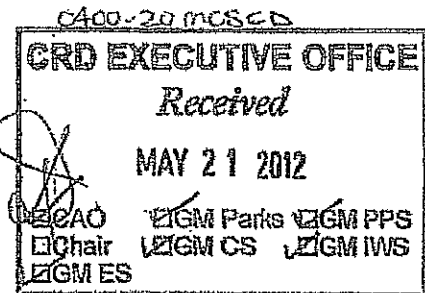
Encl.



MAY 15 2012

Ref: 149862

Mr. Kelly Daniels
Chief Administrative Officer
Capital Regional District
625 Fisgard Street
PO Box 1000
Victoria, BC V8W 2S6



Dear Mr. Daniels:

This letter is to advise of the intention to proceed with a boundary alteration between the Capital Regional District (CRD) and the Cowichan Valley Regional District (CVRD).

In 2008, the CRD submitted a proposal to the Ministry of Community, Sport and Cultural Development to amend boundaries to include watershed lands. These lands are currently within the CVRD boundaries.

The boundary amendment is regarding the following parcels:

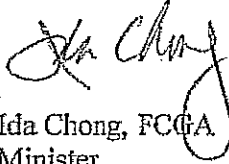
1. PID 024-724-670
Lot A, District Lot 87, Malahat District, Plan VIP70361
2. PID 009-381-902
The North ½ of District Lot 42, Malahat District
3. PID 009-350-233
The North ½ of District Lot 42, Malahat District
4. PID 027-343-260
Subdivided portion of Block 1352, now Lot A, Plan VIP84273

Letters patent implementing the boundary adjustment may not be issued for six months from the date of this notice. If you have any questions regarding this boundary change, please contact Ms. Trisha Kaplan, Senior Planning Officer, by telephone at: 250 387-4031.

Mr. Kelly Daniels
Page 2

I look forward to working together with the CRD and CVRD on this issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ida Chong".

Ida Chong, FCGA
Minister

pc: Rajat Sharma
Senior Manager, Financial Services
Capital Regional District



PH1

PUBLIC HEARING REPORT
Bylaw Nos. 3599 and 3600

Following is a summary of the proceedings of the Public Hearing for Official Community Plan Amendment Bylaw No. 3599 and Zoning Amendment Bylaw No. 3600 (Sun Lotus), applicable to Electoral Area F – Cowichan Lake South/Skutz Falls, on Monday, July 23, 2012, at Sahtlam Fire Hall, 4384 Cowichan Lake Road, Duncan, BC.

HEARING DELEGATES

Director I. Morrison, Electoral Area F – Cowichan Lake South/Skutz Falls
Director L. Duncan, Electoral Area E – Cowichan Station/Sahtlam/Glenora
Director P. Weaver, Electoral Area I – Youbou/Meade Creek

CVRD STAFF PRESENT

Alison Garnett, Planner I, Development Services Division, Planning & Development Department
Mary Anne McAdam, Recording Secretary, Planning & Development Department
Brian Duncan, Manager, Inspections & Enforcement Division, Planning & Development Department

Members of the Public:

There were approximately 60 members of the public present.

CALL TO ORDER

Director Morrison chaired the Hearing and called the meeting to order at 7:05 p.m. The Chairperson introduced the Hearing Delegates and CVRD Staff present.

PROCEDURES

Alison Garnett stated that this Public Hearing is being convened pursuant to Section 890 of the *Local Government Act* in order to consider Cowichan Valley Regional District Official Community Plan Amendment Bylaw No. **3599** and Zoning Amendment Bylaw No. **3600**.

Notice of the Public Hearing was advertised in two consecutive issues of the *Lake Cowichan Gazette* (*Wednesday, July 11, 2012, and Wednesday, July 18, 2012*) and one issue of the *Citizen* (*Friday, July 13, 2012*) and one issue of the *News Leader Pictorial* (*Wednesday, July 18, 2012*). Letters were sent to owners and occupiers of properties adjacent to the subject property, as required by the *Local Government Act*.

There are two bylaws under consideration tonight. Copies of both bylaws have been made available on the side table.

The first, **Official Community Plan Amendment Bylaw No. 3599**, proposes to amend Electoral Area E – Cowichan Station/Sahtlam/Glenora, and part of Electoral Area F – Cowichan Lake South/Skutz Falls – Official Community Plan Bylaw No. 1490 by re-designating the subject properties from Rural Residential to Tourist Commercial, and adding a policy that would allow for rezoning to tourist commercial use when an application is considered to be compatible with surrounding land uses, helps diversify the local economy and promotes the natural setting of the area.

Zoning Amendment Bylaw No. 3600 proposes to amend Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 by creating a new zone – Retreat Commercial Zone (C-4B Zone), and rezoning the subject properties, legally described as Lot A, Section 7, Range 5, Sahtlam District, Plan 63091; and Lot 6, Section 8, Range 5, Sahtlam District, Plan 29157, from R-2 (Suburban Residential) to C-4B (Retreat Commercial) Zone. The civic addresses of the subject properties are 5071 Belvedere Crescent and 5070 Culverton Road.

The purpose of Amendment Bylaw Nos. 3599 and 3600 is to change the permitted use of the subject property from single family residential to commercial. Permitted uses listed in the C4-B zone include health, wellness and arts retreat; assembly; temporary stay accommodation; botanical garden and single family dwelling.

Eight (8) submissions have been received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the CVRD office today (July 23, 2012) at 4:30 p.m.

This application applies to 2 properties located at 5070 Culverton Road and 5071 Belvedere Road are 3 ha (7 acres) in size and are zoned R2 (Single Family Residential). Surrounding properties are also zoned R2. Within the Official Community Plan (OCP), the surrounding area is designated Suburban Residential.

The applicant has applied to rezone so they can operate their business, “Sun Lotus”, which is a venue for celebrations and retreats.

The OCP and Zoning amendment bylaws are drafted for the purpose of allowing the applicants to continue to operate on the property. All applicants have the right to apply for rezoning. Part of this process is to hold a public hearing for input from the public.

Questions about the amendment bylaws will be addressed during question period.

The applicant will be describing the proposed development.

Correspondence

The following items were received and are attached to the Minutes as Exhibits:

- 1) E-mail submission dated July 23, 2012, from Bob and Joan Green (EXHIBIT 1);
- 2) Submission from Christian Hoppe, dated July 23, 2012, plus attached documents (EXHIBIT 2)
- 3) Submission dated July 20, 2012, from Allan and Leslie Lundgren (EXHIBIT 3)
- 4) E-mail from Director Loren Duncan, dated July 23, 2012, responding to attached submission from Alan and Leslie Lundgren (EXHIBIT 4)
- 5) Submission from Carl and Donna Bergman, dated July 16, 2012 (EXHIBIT 5)
- 6) E-mail submission from Al Dobinson, dated July 19, 2012 (EXHIBIT 6)
- 7) Submission from Christian Hoppe, dated July 17, 2012 (EXHIBIT 7)
- 8) Submission from Russ and Vickie McArthur, dated July 18, 2012 (EXHIBIT 8)
- 9) Meeting submission from Jenny White (EXHIBIT 9)
- 10) Meeting submission from Karla Rothweiler (EXHIBIT 10)
- 11) Meeting submission from Rhonda Groicher (EXHIBIT 11)
- 12) Meeting submission from Gina and Nigel Smith (EXHIBIT 12)
- 13) Meeting submission from Rose Rogan (EXHIBIT 13)

- 14) Meeting submission from Jim Hart (EXHIBIT 14)
- 15) Meeting submission from Harvey Radons, dated July 23, 2012 (EXHIBIT 15)
- 16) Meeting submission from Harvey Radons, dated July 23, 2012 (EXHIBIT 16)

Location of the File

Director Ian Morrison advised that the Information Binder was available for viewing on the side table, along with copies of the proposed Amendment Bylaws, and also advised that any letters or submissions which are to be included as part of the Public Hearing record must be received at the front table prior to the close of the Public Hearing.

The applicant was invited forward to make a presentation regarding this proposal.

APPLICANT Anita Rafidi

- Applied to rezone property. Nothing additional to what they are already doing. Would like to keep in line with the atmosphere of the community.
- Health and wellness retreat, botanical garden, temporary site accommodation, light agriculture, and home-based business secondary suite are the proposed permitted uses.
- Here to dispel rumours about the possibility of a hotel and pub.
- This is custom fit to accommodate what is already being done. Looks forward to more yoga retreats and classes in the future as well as cultural exchange groups.
- The covenants include the following details:
 - No excessive noise before 9:00 a.m. and not after 10:00 p.m. on weekends. Wishes to be respectful of neighbours and receive the same respect in return. There will be no excessive noise after 9:00 p.m. on all other days of the week. The noise will only occur one day a week during the summer months.
 - No more than 12 large events (defined as under 250 people) per year.
 - Measures were put in place to reduce any disturbances that had been caused. Microphones were banned and dancing is to be in the dance hall with the doors closed. Music is ambient, not loud. Live music cannot run after 9:00 p.m.
 - Website says that events are expected to be fun, relaxed and low-key. Do not tolerate drunk and disorderly behaviour. The host must have a liquor licence, liquor liability insurance and follow appropriate restrictions. The bar is to shut down at 11:00 p.m. and the dance-hall at 1:00 a.m.
 - After 10:00 p.m. music will continue in the dance hall, behind closed doors. Patrons are asked to respect the neighbours by not adjusting the volume of music, stomping or cheering.
 - Eco-friendly.
- An average wedding generates \$56,000es (130 people attending @ \$300 each, plus approximately \$17,000 for the wedding event). At 12 events a year, the total is \$672,000. This money benefits many local businesses in the Cowichan Valley.
- Events held here promote investment and living in the Cowichan Valley. Attracts a demographic age group needed to support the aging population.
- This place enhances the perceived value of the neighbourhood, showing how idyllic a home in this area can be. This is a shining example of what the valley has to offer to residents, visitors, and to prospective business persons.
- Environmentally and socially sustainable.
- Supports the tourist/food/wine industry of local area.
- Money is reinvested in the community.

- Hosts yoga classes or special ceremonies, i.e. weddings, charity events, etc.
- 150 people may sound like a lot but the property is a 7 acre parcel. This number usually drops after supper and then again after 11:00 p.m.
- Sun Lotus hopes to become a sanctuary garden, personal retreat, or join another retreat. Has come a long way in the past 10 years and hopes to have a chance to continue to build a lasting legacy well after they have gone.
- This is a very special property that has the ability to bond people at a time when they are in difficulty.
- Hope neighbours understand what their vision is, that they respect the neighbourhoods and wish to live in peace and harmony.

QUESTION PERIOD

Director Morrison opened the public question period of the Public Hearing by stating that:

- Public Hearing delegates and staff members will answer questions from the floor at this time. After the close of the Question Period and the opening of the formal Public Hearing no more questions will be taken.
- Comments should be brought forward at the Public Comment portion of this meeting.
- Letters and submissions may be viewed on the table at the rear of the hall. Any letters and submissions may be added before the end of the meeting.

Carl Bergman
5050 Culverton Rd.

- Concerned about water, sewer and noise.

Anita Rafidi -
applicant

- Have 3 standing bathrooms (2 units) checked by VIHA. If zoning is approved they will proceed further to attain approval from VIHA.
- Have not had any water issues.
- Cut the use of microphones when made aware of noise concerns.

Calvin Hill
5036 Culverton Rd.

- How will you deal with the police and the issue of drinking and driving?

Anita Rafidi -
applicant

- Wishes to attract a mindful community of people. Has banned hard alcohol.

Calvin Hill

- Noise from drunk and disorderly people can be heard from the Sun Lotus property. Hooting and hollering would only come from people under the influence. People who are clearly intoxicated have banged on their door wanting to know how they can get home.

Anita Rafidi -
applicant

- Not aware of this. Most weddings have a shuttle service provided. Mindful not to serve people who have consumed too much.

Calvin Hill

- Questioned ability to monitor the drinking habits of large groups with upwards of 150 people.

Anita Rafidi -
applicant.

- There has never been 150 people. After the wedding, and as the evening goes on, numbers diminish to 40 to 50 people. This is a family atmosphere, not random strangers going to a pub.

Calvin Hill

- People come for the party and to enjoy themselves. You are subjecting the neighbourhood to people who are here to celebrate an event. It is not fair to the guests to ask them to be quiet.

- Calvin Hill**
- Not against your ideas, but the property is not big enough and you are subjecting the entire neighbourhood to noise.
- Anita Rafidi - applicant**
- Have you noticed an improvement since last year?
- Calvin Hill**
- Very little. The last event kept him up until 1:30 a.m.
- Anita Rafidi - applicant**
- At 1:00 a.m. the last 8 – 10 were on the deck and there was no music on. They weren't loud. Problems were addressed from last year when the speakers were configured the wrong way. This was the first time they were aware of these issues. Completely revamped the sound system.
- Cavetta Tarr
5020 Culverton
Road**
- Petitioned the Regional District and Bylaw Enforcement Officer. This was totally disregarded. Everyone at the CVRD reassured her that that this would not go through. Advised the CVRD that the weddings are very noisy. Fencing has been knocked down and the RCMP needed to be called to deal with an unexploded device. Why was the petition ignored by the CVRD and a temporary permit given for these weddings?
- Director Morrison**
- From the perspective of a director, a petition was presented. Every individual who is a property owner has a right to pursue a rezoning application. Previously booked events precipitated a request by the applicants to pursue the events during the rezoning process. Discussion followed at a meeting of the Electoral Area Services Committee where a majority of the members of the committee and the following CVRD Board agreed to allow the previously booked events to continue.
- Cavetta Tarr**
- Then you are in conflict, because the enforcement officer is telling part of the neighbourhood one thing by saying that it would cost the Regional District too much money to take the applicant to court and that there was no way the applicants would be able to obtain any sort of permit. Yet here we are with this rezoning, and none of the neighbours were informed. Spoke with Ms. Garnett, and twice with the Bylaw Enforcement Officer. No one supported them; now we are here discussing a rezoning.
- Director Morrison**
- Asked Alison Garnett, CVRD Planner, to review the process of notification as set out by the *Local Government Act*. Important for those here to know that we have a very restrictive process that is laid out and must be followed. Believe the CVRD, met all those requirements.
- Alison Garnett,
CVRD Planner**
- As part of the rezoning application process, there is a requirement that neighbours are notified as was explained in the introduction. The difficulty is that there is a parallel process here. One is a bylaw enforcement aspect and the other is the rezoning application. We have followed due process for the rezoning application. There is no legislative requirement to notify adjacent property owners about Board decisions pertaining to bylaw enforcement.
- Anita Rafidi - applicant**
- Commented on the fencing issue raised by Cavetta Tarr. Thinks that the hairpin turn and the way the sun rises can affect visibility on this turn which could cause someone to misjudge and run into the fence. Her mother-in-law watched this happen. Cannot accuse us of having anything to do with an unexploded device.

- Director Morrison**
- Reminded that this is a rezoning application. We need everyone to be heard and questions to be answered in response to the application before us.
- Anita Rafidi - applicant**
- Cavetta Tarr had presented the petition to her and stated that at that time the events did not bother her, that they do not hear them.
- Director Morrison**
- Reminded that this is a separate issue from the rezoning question at hand. Comments can be made at the official section of this Hearing. Questions with regards to this rezoning need to be answered at this time.
- Phil Ashton
4685 Cowichan Lake Rd**
- How long have you had this business in operation? At what stage did you apply for rezoning? Was there something that prompted this decision? Concerned that this scenario may be cropping up more than once.
- Anita Rafidi - applicant**
- Operated as a bed and breakfast guesthouse for ten years. Occasional wedding was hosted about five or six years ago. The bylaw enforcement officer paid a visit the first year that weddings were held and it was her understanding that the weddings wouldn't be an issue as long as there were no complaints. Five years later, after 52 weddings, there was a complaint, the Bylaw Enforcement Officer returned and was surprised that this had escalated to this degree without the CVRD being aware of it. Was not aware that they were disturbing anyone because no one had said anything, so they continued. At this time they were advised that they would have to apply for rezoning if they wanted to continue with the business. This happened last year. Were advised that they far exceeded the parameters of a bed and breakfast and that rezoning would be necessary for this particular activity to continue.
- Phil Ashton**
- Although he is not directly affected by this facility, he is concerned that since this has affected friends on Culverton Road, he would like to have similar support from them should a similar activity affect him. Concerned that since this surfaced we now must address how to make it legal. Is this the way we want our elected officials to operate?
- Director Duncan**
- From time to time this is how we are operating. This is a discretionary decision that the Committee and Board makes which would enable the business to continue through the process of rezoning. In some instances the aid of the judiciary is required to stop an activity. This can be very expensive and time-consuming. If the applicants do not agree to stop an activity then it becomes necessary to obtain an injunction. This can be a difficult process, particularly when the question is up in the air throughout the application.
 - Alderlea Farm in Glenora is an application that comes to mind. They had a barn that eventually evolved into a restaurant, until a complaint was received. In this instance the restaurant was allowed to continue to operate throughout the process of rezoning. The majority of attendees at the Public Hearing concluded that this was a good addition to the community.
 - Cannot always shut a business down through the rezoning process.
- Phil Ashton**
- Can appreciate the example but finds the process is frustrating. It seems easier to ask for forgiveness than it is to ask for permission.

- Anita Rafidi - applicant**
- Had made two petitions because of the weddings that had been booked in advance of the rezoning. Felt that 52 weddings without complaint helped in the decision making process and should give them a chance to put forth further measures. Officials were sensitive to those who would have been left high and dry.
- Director Morrison**
- Reiterated Loren's example of Alderlea Farm. Was on the opposite side to Director Duncan on the barn that was turned into a café/restaurant. These applicants had obtained VIHA and WorkSafe approval but neglected to obtain the necessary zoning. Initially thought this was deliberately done to circumvent the CVRD and felt this should be shut down. The Committee and the community sided with Director Duncan's position that they should be able to operate through the rezoning process.
- Brian Duncan, Manager, CVRD Inspections & Enforcement Division**
- Agreed that there were several weddings that took place on the subject property, however the CVRD did not receive an official complaint, which would have included a name and address, until last July (2011). Complaints have not been received over the past couple of months, just a couple of telephone inquiries. Very few complaints.
- Phil Ashton**
- Residents want to feel comfortable that zoning will be in place prior to running a particular business. The trend is of concern since it seems that if there aren't any complaints about the business then you are home-free. Not accusing applicant of doing this, but as a resident one begins to feel this is the case. The process is of concern.
- Brian Duncan**
- It's up to residents to contact us. Enquiries do not seem to go further. Rarely do residents leave a name and number for this to become an official complaint that we can act on.
- Phil Ashton**
- May be in favour of this venture but not the process that was undertaken. Most business owners are diligent about compliance so that their business is protected. This is not only because of this application – it seems to be a trend.
- Michael Gintowt
3075 Lashman Ave.**
- Understands businesses start and may evolve into a different avenue. Evolution has happened. Did not plan to start out with weddings, this evolved. Understands the sensitivities of neighbours. Given the organic nature and the sensitivities of the immediate neighbours, prior to this complaint driven process, correct zone or not, is there not a mediator who can work with complainants and the business in question to do some collaborative problem solving so that everyone, including the authorities, can live and let live as a first step. If that fails, then go forward for a more rule bound, black and white process. Is there any chance of seeing such a process?
- Director Loren Duncan**
- No. We are a complaint driven organization. When things are not right we rely on complaints. We rely on rules set out by the *Local Government Act* and decide whether or not to enforce the rules.
 - This is somewhat of an arbitration decision.
- Greg Tabler
2030 Belvedere Crescent**
- When there is an event the sound is so clear that he can hear the address to the bride and the clapping of up to 150 people. Has gone over and asked Anita when this was going to stop. Wants a resolution but didn't want to involve the CVRD (local government).

- Paul (Daan) has been over to Greg's property and can hear the music. Cannot enjoy the peace and quiet of his property when these events are on.
- Greg Tabler**
- Phoned and asked if there was any chance of shutting the music down.
- Anita Rafidi – applicant**
- Asked Paul if he had received complaints.
- Paul Daan**
- Answered that he can't recall.
- Anita Rafidi - applicant**
- Since they are not using a microphone anymore you should not be able to hear an address to the bride.
- Greg Tabler**
- There was no microphone this past weekend?
- Anita Rafidi – applicant**
- Just used for the ceremony; for 30 minutes in the middle of the day.
- Greg Tabler**
- Maybe you didn't use a microphone but he is always aware that at least once a week you are there.
- Anita Rafidi - applicant**
- Is aware of where her neighbours are.
- Greg Tabler**
- Would like a decision made on this. He knows that his zoning is R-2 and this business is not compliant with the existing zoning.
- Director Morrison**
- After this meeting is concluded and we've completed the Public Hearing portion, all the submissions and all the comments will be compiled as a Public Hearing record and presented to the nine Electoral Area directors on the Electoral Area Services Committee. The Public Hearing Minutes will be read and discussed, and a vote will be held based on much of the information that has been heard tonight. Suggested that comments be written down and handed in if you are unable to remain for the public hearing portion.
- Greg Tabler**
- Will the comments of the neighbourhood be considered?
- Director Morrison**
- Will weigh everything that is heard here tonight. Not only the three directors present tonight, but all directors will have a full record of what has transpired here.
- Pema
5810 Wilson Ave**
- Heard of many complaints and also respects the desire for privacy.
 - Has used and is grateful for the facilities offered at this property. Respects the neighbours privacy, yet would not like to lose such a beautiful facility.
 - What can the CVRD do to satisfy the needs and desires of everyone?
- Director Morrison**
- Bound by the *Local Government Act*, and there will have to be a yes or no decision. There is a zone that would allow this activity. If the applicant is successful they will be allowed to proceed and if not, they won't.
- Anita Rafidi - applicant**
- The following restrictions apply:
 - a covenant with time restrictions, and
 - restrictions on the number of events so that this will be a better fit in the community.

- Director Morrison**
- This is a rezoning and the question will be before the Board to determine whether the rezoning is successful or not.
- Katie Daan**
5071 Belvedere Crescent
- Her property is part of Paul and Anita's business. Did have some complaints last year. Not being a fan of noise, she asked Paul and Anita to turn the sound down. This year has been wonderful and she has not been bothered at all. No one has said anything about the adjacent property owner to Paul and Anita.
- Director Morrison**
- Reminded speaker that we are here to answer questions about this application. Complaints should be directed by phone or in writing to Brian Duncan, Manager of Inspections & Bylaw Enforcement. There are regulations that address noise and other related activities.
- Katie Daan**
- Does not financially benefit from the applicant's business.
- Director Morrison**
- Reminded the speaker that this is the time for questions, not comments.
- Katie Daan**
- This has gone on for over five years with only an occasional complaint.
- Director Morrison**
- We are here because there have been official complaints and there is a request to rezone the property. It only takes one official complaint.
- Joan Green**
5115 Culverton Road
- Do comments from people who do not live in the area, and are not affected by the rezoning, have any weight on the decision that will be made?
- Director Morrison**
- That is why we ask for the addresses of the speakers.
- Director Morrison**
- Reminded everyone that the file, containing the bylaws and letters of submission, may be inspected at any time during the Public Hearing and is located on the table at the back of the hall. All letters of submission to be included as part of the Public Hearing record must be received prior to the close of the hearing. We are still in the question and answer portion of the Public Hearing. Once we advance to the official Public Hearing portion, we will not be able to answer any questions.
- Leana Binder**
5036 Culverton Road
Speaker
- Who has phoned Paul and Anita?
 - Many times. ?? have complained to you many times.
- Anita Rafidi – applicant**
- Denied the calls happened.
- Speaker**
- This did happen, he was there when the calls were made to you [Anita].
- Director Morrison**
- Asked if there are any questions or if anyone requires clarification from the head table. Asked the applicant, Anita Rafidi if she would like to clarify this statement.
- Anita Rafidi - applicant**
- Got complaint calls from Calvin. Asked many times if the ?? bothered them and many times they weren't bothered. Don't ever recall receiving a complaint from Greg [Tabler].

- Director Morrison**
- Anyone who feels their interests are affected has the right to comment during the Public Comments portion of this meeting.
 - Asked twice if there are any more questions.
- Calvin Hill**
- Why is the parcel at 5070 Culverton Road even being entertained for rezoning when it is below the minimum parcel size? There are two separate parcels with separate titles.
- Alison Garnett, CVRD Planner**
- Minimum parcel size becomes relevant in the subdivision process. The minimum parcel size has not changed in the R-2 zone, it's a 2 ha minimum. They currently can't subdivide and won't be able to subdivide. You can continue to use your property under the permitted uses of the zone, even if it's below that minimum. It doesn't affect the land use; it affects subdivision.
- Calvin Hill**
- Question about the minimum parcel size.
- Alison Garnett, CVRD Planner**
- The two parcels (separate titles) combined is approximately 3 ha. The R-2 zone at this time has a 2 ha minimum lot size. To be capable of subdivision 4 ha is required to create 2 lots. That minimum lot size stays the same with the proposed C-4B zone, so they would not be able to subdivide. There are 2 lots in this application and they would be able to operate under the C-4B zone.
- Greg ??
4660 Old Lake
Cowichan Road**
- Are you going to take the most legitimate questions and resurface them to the applicant through your voices?
 - There must be noise complaints; noise travels across water. Realizes that voices can travel through the bush. Some parties are unsolicited spontaneous events. This is more about a planned solicited event. Is this for yoga and marriages?
- Anita Rafidi - applicant**
- Hoping to move towards a retreat centre. Yoga events, including sacred ceremonies such as weddings and funerals.
- Greg ??
4660 Old Lake
Cowichan Road**
- Is there an ordained person on this property? The applicant, Anita, responded that people hire their own.
 - So you hire this out. It's a commercial venue? The applicant, Anita, responded in the affirmative.
- Director Morrison**
- All the questions will be recorded and made available to all the directors.
- Greg ??
4660 Old Lake
Cowichan Road**
- Concerned about increased traffic from these events being held in a residential area. Creates business traffic, which is a concern for individuals and children who live in the area.
- Director Morrison**
- Traffic is very near to the top of the list, as it is, in nearly every rezoning we deal with.
- Anita Rafidi - applicant**
- We are talking about 12 large events (12 days) – about 50 cars – coming in once, then leaving.
- Maureen Hayes
4734 Sahtlam
Estates Road**
- Agrees with Greg. It sounds like a hootenanny coming through the bush, across the water and through the air from somewhere in the direction of Anita's property. Her neighbours have asked where the party is. With the

new development going in (Caromar), how is noise and additional traffic going to affect the peace and comfort of residents in this new community?

- Director Duncan**
- Oasis Bible Camp on Riverbottom Road has loud music events in the summer. At some time in the summer you may hear events that are on Riverbottom Road; this site has the appropriate institutional zoning.
- Christoph Hoppe
5095 Belvedere
Crescent**
- Owns two lots on Belvedere Crescent, bordering both of the applicant's properties. His trees serve as a beautiful backdrop for the ambiance mentioned on the applicant's website. The applicant's site started with a bicycle club, then had old buses propped up on temporary foundations for which there were no permits. Since the applicants moved into a residential neighbourhood and did not follow any of the current bylaws, what will be done to enforce the bylaws once these covenants are in place?
- Director Morrison**
- Reminded Mr. Hoppe that he should reserve comments for the appropriate portion of this Hearing. Brian Duncan, Manager, CVRD Inspections & Enforcement Division, will respond to the question of how noise complaints are handled.
- Brian Duncan,
Manager,
Inspections &
Enforcement
Division**
- WorkSafe BC has decibel levels for outdoor venues ranging from 80 decibels, up to 90 decibels at which your windows would vibrate; most are around 80 decibels. Since we know when the weddings will take place this summer, we will randomly monitor one of these events with a sound meter. Traffic will be observed, as well as the hours of operation.
- Christoph Hoppe**
- Complaints about the parking arrangements. Concerned about fire hazards and well contamination on lot 6 which is being used for parking. Has anyone observed the parking on lot 6 during a wedding? There is also parking on lot 8, which is a bigger lot.
- Brian Duncan,
Manager,
Inspections &
Enforcement
Division**
- We will be observing the parking arrangement from a safety perspective.
- Christoph Hoppe**
- Based on the past, why would the application follow the regulations now? What would the CVRD do to enforce these regulations?
- Anita Rafidi -
applicant**
- We can only operate with your co-operation.
- Christoph Hoppe**
- This is a residential zone. What will happen with the remaining 5 weddings? Will they continue with these weddings?
- Director Morrison**
- The ultimate decision will likely be made in early fall. By this time, the wedding season will be over.
- Christoph Hoppe**
- So, for now, the weddings will continue.
- Director Morrison**
- Any more questions?

- Gregory Low**
4660 Lake Cowichan Road
- Understands the predicament the business experienced with weddings being pre-booked for this year. If these were the last 5 weddings to be booked, would you be willing to stop?
- Anita Rafidi - applicant**
- Waiting to find out.
- Gregory Low**
- There will be no more bookings or plans for the future?
- Anita Rafidi - applicant**
- Not until the zoning goes through.
- Gregory Low**
- Doesn't want to ruin someone's special day. Would you be willing to stop the wedding business and only continue with the yoga events?
- Anita Rafidi – applicant**
- Could not make a living without the wedding events.
- Director Morrison**
- Explained that once Question Period is completed, the Hearing delegates will hear comments, for or against this rezoning. You won't be able to ask any more questions once the comments section of the Hearing has commenced. The information given, and your views, will be reviewed by the Hearing delegates and the remainder of the CVRD Board. The Board will take all information into consideration during the decision making process.
 - Asked three times if there were further questions from the public present regarding Official Community Plan Amendment Bylaw No. 3599 and Zoning Amendment Bylaw No. 3600. There being no further questions, Question Period was concluded.

PUBLIC COMMENTS

- Director Morrison**
- Reminded that any submissions considered as part of this Public Hearing record will need to be received prior to third call for comments.
- Michael Gintowt**
3075 Lashman Avenue
- Problems with the neighbours need to be resolved. Services provided by Sun Lotus impact many people outside the immediate neighbourhood. Professionals are investigating the use of this site for workshops and classes. It is more than a local neighbourhood issue.
- Director Morrison**
- Reminder to please be respectful of others comments, even if we don't agree with them. Also reminded the audience that questions will not be answered at this stage of the Hearing.
- Greg Tabler**
5030 Belvedere Crescent
- Can't support this. Moved to this neighbourhood for the peace and quiet, then a party moved in next door.
- Pema – 5810 Wilson Avenue**
- The applicant offered this facility free for a 2-day retreat. This helped raise money for the victims of an earthquake in Tibet. Respects the opinions of the neighbours. Seven acres is a large parcel that helps to support local business. Would like to see a solution to please everyone.

Christian Hoppe
5099 Belvedere
Crescent

- The trees on his property help absorb the noise. This could prove to be a valuable venue if it were located in a place that was appropriately zoned for these activities; however, this is a residential zone.
- All the lots in this subdivision are zoned residential.
- Observed the gradual development of the property from a proposed bike club to another venture that would be run as a hostel. People also boarded here. When this venture failed, wedding venues began.
- As one looks forward to a quiet weekend evening on your deck, you are faced with the noise emanating from up to 150 people who are there for a celebration. Since they have paid for the event they feel free to do whatever they like. Feels that the neighbours are being forced to cater to the applicants desire to run a business. When the neighbours had finally indicated that they had had enough, they were faced with the potential rezoning of the property, which would allow the business to continue. The residents feel that the applicant is running the show in an established residential zone. The neighbours were not aware of what was going on throughout this process. They came with a presentation to the Board yet none of the support letters asked the neighbours if they would be in favour of rezoning. How much weight does this have? The neighbours did not wish to see someone lose their livelihood and thought they could always fall back on the residential zoning to reverse the situation. If this goes on long enough the perception seems to support the established use, therefore it appears to be acceptable. Other people who cater to weddings have done it correctly.
- The neighbours were given 1 week to respond to what was happening. The applicant's presentation to the Board made this appear to be beneficial to business. Did anyone consider that this business was actually splitting the pie into more pieces, since they are not the only business catering to weddings, and other businesses are based on lands that are zoned for these activities.
- Canvassed the neighbourhood asking if residents were in favour of subdivision. Virtually the whole neighbourhood (25 written submissions) said no, this is residential, and they do not wish to see a change.
- The applicants have no submissions saying this is a good thing and should proceed. The only submissions they have are requests that they not be shut down, and this was worded in such a way as to imply that if the residents don't like it then they will move somewhere else. Doesn't appreciate threats such as this.
- You must weigh the points – the applicants moved into this area to do their own thing, and the neighbours had bought into a certain lifestyle in this area. No one can live with the noise created by these weddings every weekend.
- The local fire chief has concerns.
- Do we take an established R-2 zone, put this [proposed zone] in the middle of it, and expect the neighbours to endure the consequences. If this zoning goes through, the neighbours feel they will be greatly impacted by this business. Real estate values will plummet. Purchased this property in 1978 for the residential peace. Does not have a problem with an unassuming residential, home-based business that does not intrude on the ambience of the neighbourhood. This is not the case with this application.

Calvin Hill
5036 Culverton
Road

- Lives 2 houses east of the subject property. Residents to the east are affected by the noise. Hears everything due to the proximity of the buildings. Dinners are held approximately 50 ft. from the property line so this does not leave much room for the noise to be absorbed. Not against

small business and weddings taking place but does not support where this business is being propagated. You [the applicant] indicated that if you did not have the support of the neighbourhood then you would not continue. You do not, and have never had the support of the neighbourhood.

Sharon Rafidi
Ottawa, Ontario

- The applicant, Anita, is her daughter. Impressed with the beauty of the property and what she is trying to create. Like her daughter, she wishes to live peacefully with the neighbours. Doesn't like rowdiness, likes to see people enjoy themselves. Hoped that out-of-province visitors enjoyed their time on this property. People need to consider the economic and cultural benefits that can be gained from a place such as this.

Cavetta Tarr
5020 Culverton
Road

- Does not wish to have this type of business in the neighbourhood. Situated three properties from the applicants and cannot sleep when there is a wedding. Has had to close windows and raise the volume of her television so she can hear it. Would like to see the business develop in an area that would not impact others.

Jenny White
5640 Jordan's Lane

- Parent of small children. Doesn't like noise either. Already experiences a lot of noise from motor bikes and trucks on her road. Worried about safety. Noise is everywhere and would like to see it in a more remote area. Understands that the noise is bothersome, yet supports the applicant who is trying to support a family with this business. We can work together to get through this.

Mike Lees
4948 Arla Court

- In the past, he has experienced the efforts of rezoning to make properties suitable for employment. The zoning to be applied would be contingent on the people living there now. After the applicants of a rezoning move on, future property owners may not support the covenants that are on the property; however, once the zoning is in place the neighbouring property owners will have to live it. Need to remember that sometimes good intentions in making bylaws may go awry.

Director Morrison

- Asked twice if there were any further comments.

Paul Daan 5070
Culverton Road
(guest cottage)

- Apologized for the noise. Business has been operating for 10 years now and has not heard any complaints until last year. Significant changes have been made and they are open to more suggestions. If the zoning is to proceed, they would not be more arrogant, instead it would make them more conscious of what they are doing.
- This provides a service to the community at large. People need places such as this and they should be safely guarded.

Christian Hoppe

- We need to remember what Dogwood Lumber promised with all their improvements – it was going to be the best there ever was. After their zoning was in place, the property became more valuable so they sold it and the next people proceeded to create an environmental nightmare in the neighbourhood by bringing automobile wrecks onto the property. Mike Lees comments should be taken to heart. Who knows, the present owners may be more respectful than the next ones.
- No one can predict what can happen at an event. Comments about insurance.

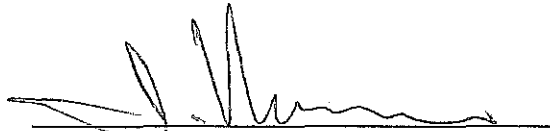
Director Morrison

- Reminded that insurance has no bearing on the rezoning. Comments need to be specific to the rezoning application.

- Calvin Hill**
- Comment to Director Duncan. When doing an inspection of the facility, wouldn't it have been appropriate to look into what was going on there when people first made their complaints? He made a formal complaint to the Bylaw Enforcement Officer yet there was no mention of this. How did the subject property owners know what you would be looking for? Why would they put themselves at risk of non-compliance if they knew you were looking?
- Director Morrison**
- Applicant, Paul Daan, came forward to comment. Director Morrison stated that it is very unusual for an applicant to make a comment at this point but told Mr. Daan to proceed.
- Paul Daan - applicant**
- This is an emotional subject. About 4 out of 30 sets of neighbours are represented. There are neighbours connected to the applicants who aren't here. This is very emotional and the words are strong.
- Director Morrison**
- Asked twice if there were any further comments. Also reminded everyone that any letters or submissions which are to be included as part of the Public Hearing record must be received at the front table prior to the close of the Public Hearing.
- George White
5640 Jordan's lane**
- There are 25 people or households or residents within the Culverton, Belvedere, Ellison and Whimmer Road area who have signed the petition opposing the rezoning. All but 3 are opposed and have signed saying they are opposed.
- Vickie McArthur
5150 Belvedere
Crescent**
- Lives directly across from property A. Acknowledged the petition. She and her husband submitted a 4-page letter voicing their opposition to this rezoning. Have not seen or signed the petition. Although her name is not on the petition she asked that we make a note that she would have signed it.
- Director Morrison**
- Chairperson Morrison asked three times if there were any further public comments or submissions from the public present at this Hearing regarding Official Community Plan Amendment Bylaw No. 3549 and Zoning Amendment Bylaw No. 3454.
- Hearing none, Chairperson Morrison declared the Public Hearing closed at 9:05 p.m.

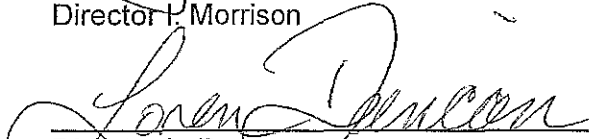
CERTIFICATION:

We attended the Public Hearing on Monday, July 23, 2012, and hereby certify that this is a fair and accurate report of the Public Hearing.



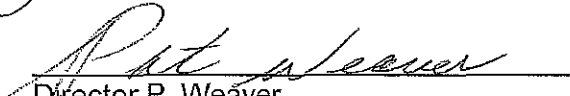
Director P. Morrison

Date SEPT 4, 2012



Director L. Duncan

Date Aug 31, 2012



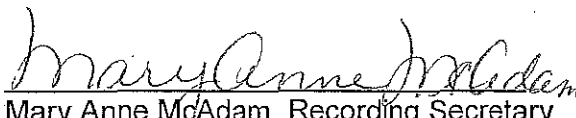
Director P. Weaver

Date Sept 4/12



Alison Garnett, Planner I

Date Sept 4, 2012



Mary Anne McAdam, Recording Secretary

Date August 31, 2012



C·V·R·D

PH2

PUBLIC HEARING REPORT
Bylaws No. 3610

Following is a summary of the proceedings of the Public Hearing for Zoning Amendment Bylaw No. 3610 (Steven Hornick/Janice Anderson), applicable to Electoral Area B – Shawnigan Lake, held on Thursday, July 26, 2012, at the Shawnigan Lake Community Centre (Dance Room), 2804 Shawnigan Lake Road, Shawnigan Lake, BC at 7:00 p.m.

**HEARING
DELEGATES**

Director B. Fraser, Electoral Area B – Shawnigan Lake, Chairperson
Director M. Walker, Electoral Area A – Mill Bay/Malahat
Director M. Marcotte, Electoral Area H – North Oyster/Diamond

**CVRD STAFF
PRESENT**

Ms. D. Leitch, Planner II, Planning & Development Department
Ms. J. Lendrum, Recording Secretary, Planning & Development Department

Members of the Public:
There were 6 members of the public present.

CALL TO ORDER

Director B. Fraser chaired the Hearing and called the meeting to order. The Chairperson introduced the Hearing Delegates and CVRD staff present.

PROCEDURES

Ms. Leitch explained the requirements under Section 890 of the *Local Government Act*. She advised that notice of the Public Hearing was advertised in two consecutive issues of the *Leader Pictorial* (Wednesday, July 18, 2012 and Friday, July 20, 2012) and *Citizen* (Wednesday, July 18, 2012 and Friday, July 20, 2012) and letters had also been sent to adjacent owners and occupiers of the property as required by the *Local Government Act*.

Zoning Amendment Bylaw No. 3610 proposes to amend Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985 by rezoning Lot A, Range 1, Shawnigan District, Plan VIP721158, from F-1 (Primary Forestry) to R-2 (Suburban Residential). The Zoning Amendment Bylaw would permit the subdivision of the approximate 2.52 hectare subject property into four bare land strata lots ranging in size from 0.41 hectares to 0.72 hectares with the presence of community water services.

Ms. Leitch stated that two pieces of correspondence had been received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the CVRD office today, July 26, 2012, at 4:30 p.m.

Ms. Leitch further added:

- The rezoning application was made to the CVRD in the fall of 2011 by Steven Hornick.
- The subject property is located at 3011 Gregory Road, at the end of Baron Road, in Shawnigan Lake.
- The property is approximately 2.52 hectares in size and has two single family dwellings currently located on it.
- The zoning of the property is F-1 (Primary Forestry) and the applicant is proposing to rezone the property to R-2 (Suburban Residential) in order to achieve four strata lots.

- The four strata lots that are being proposed are a 1.0 acre parcel, a 1.5 acre parcel, a 1.7 acre parcel, and a 1.3 acre parcel.
- The applicant is proposing to achieve these parcels by connecting the lands to the Shawnigan Lake North Community Water System. The property is located in the Shawnigan Lake North Water Service Area and is capable of connection.
- There is no capacity in the Shawnigan Beach Estates Community Sewer System to accommodate the subdivision, therefore septic systems are proposed on each lot. The Vancouver Island Health Authority will be referred a copy of the subdivision application. The septic location on each parcel will be determined at the time of subdivision.
- The applicant is proposing to access the site off of Baron Road by a private strata road and the Provincial Approving Officer will be examining the site access in more detail when the applicant applies to subdivide with the Ministry of Transportation and Infrastructure.
- This property was designated as Rural Residential during the South Cowichan Official Community Plan review, therefore no plan amendment is required just a zoning amendment.
- Although the immediate area is still characterized by some forestry uses, smaller lot residential subdivisions have developed in this area over the past 10 years. A majority of the lots east along Nugget and Baron Roads (which are zoned R-2) were created by subdivision in 2006. The lots along Miner Road were created in 2006 and the lots along Ingot Drive were created by subdivision in 2002.
- The South Cowichan Joint Advisory Planning Commission reviewed this application at its meeting March 22, 2012, and recommended that this application be approved.
- This application was reviewed by the Electoral Area Services Committee on May 15, 2012. They recommended that a public hearing be scheduled and that the Zoning Bylaw be forwarded to the CVRD Board for first and second reading.
- At the Committee meeting, staff did recommend that the applicants provide a draft copy of the park land dedication covenant and a wild land urban interface fire hazard assessment prior to scheduling the public hearing. Staff have received these.
- The applicant has also hired a biologist to conduct a Riparian Areas Assessment of the property as there are some sensitive areas onsite. The Biologist determined that the four building sites being proposed will not impact the sensitive areas onsite.
- In terms of park dedication, the applicant is proposing to dedicate a trail corridor on the north end of proposed strata Lot 1 which will continue the Silvermine Trail west towards the Kinstle Trestle. The land area for park dedication is 0.12 hectares (just over a quarter of an acre). As an amenity contribution, the applicant is paying for the cost of constructing the trail.
- Additionally, as an amenity contribution, the applicant is paying for fencing along the existing Silvermine Trail adjacent to proposed strata Lot 4, tree plantings along proposed strata Lot 1 and strata Lot 2 to fill in some gaps in vegetation and provide buffering between the trail and residential dwellings that exist along that section of the trail.
- Copies of the draft parks covenant, the wild land fire hazard assessment, and the draft bylaw have been placed on the side table for the public to view.
- There are also copies of the conceptual subdivision plan for the public to view along with the site plan from the Riparian Areas Assessment.

- The CVRD will be requiring that the property be included into the Shawnigan Lake Fire Protection Area. The applicant has received a letter from the Shawnigan Improvement District stating that the application has been approved.
- The public hearing minutes from tonight's meeting will be forwarded to the Board, and it will then be decided whether the bylaw gets third reading, likely in September 2012.

Correspondence

The following items were received and are attached to the Minutes as Exhibits:

- 1) Email dated July 23, 2012, from Karen Parker (EXHIBIT 1);
- 2) Letter dated July 25, 2012, from Mary Desmond (EXHIBIT 2);
- 3) Received Letter July 26, 2012 from Sue Shortreid (EXHIBIT 3);
- 4) Letter dated July 26, 2012, from Sheila Paul (EXHIBIT 4).

Location of the File

Director B. Fraser advised that the Information Binder was available for review on the back table along with copies of the proposed Amendment Bylaw. He advised that any letters or submissions which were to be included as part of the Public Hearing record must be received at the front table prior to the close of the Public Hearing.

Agent, Denise Kors

Denise Kors, the agent, and the applicants, Steven Hornick and Janice Anderson, were present at the meeting. The agent stated the following with regard to Rezoning Application No. 4-B-11RS:

- Informed the public that she was helping the applicants with their application.
- Thanked the CVRD staff, particularly Dana Leitch and Rob Conway, for their help and support with the application.
- There are currently two houses on the property. The applicant is applying to rezone the property to R-2 in to get four lots all greater than one acre.
- The agent wanted to make sure there was not an OCP amendment required because those can be problematic.
- Pleased to see that this lot is rural residential, which does comply with this type of density and lot size.
- This is the last parcel at the end of the arm of the existing subdivision, which is in the Rural Residential area.
- This plan complies with policies of the Rural Residential designation with respect to lot size, community water service, preserving natural areas and a variety of other development permit requirements.
- Rural Residential designation permits lot size of one acre with a connection to the Community Water System.
- Received approval from the Engineering Department that the Shawnigan North Water has the capacity to service the lots.
- The two homes that are on the property are currently serviced with water.
- The applicants are going to be using the existing road that goes through the property as the access road.
- All the driveways that are going to the homes are either located there now or there will be new driveways.
- Access easement for the future subdivision is required by the Ministry of Transportation and Infrastructure if the rezoning is approved.
- An Environmental Consultant provided a Streamside Protection Report. Before there was a lot layout, the streamside protection areas were looked at to ensure the applicants would not be encroaching or have an impact on the SPEA.
- At this time, a RAR, Riparian Area, and SPEA Study have been completed. The Development Permit has not been applied for at this time.

- The agent used the map to demonstrate the evaluation and protection areas and the fact that there was no encroachment.
- Met with the Parks Commission and it was determined that there is going to be a five percent park dedication at the north boundary. This location is ideal for the dedication because it is going to provide connectivity around the property and into existing trails.
- Considered screening for the people of the homes that will walk on this property as well as other park users. The covenant is committed to provide screening of vegetation as well as a fence.
- The draft covenant needs to be registered prior to the final reading of the bylaws.
- Met with Parks Staff and they outlined that this trail would be a CVRD Type 3 Trail standard. They also gave an idea of a cost for the trail.
- The Applicants committed to the covenant to allow for the trails to be located in that park area to provide connectivity.
- The proposal was forwarded to the Shawnigan Improvement Fire District and has received their approval for inclusion in the fire protection area. A draft Fire Hazard Assessment has been completed to ensure fire smart principles with respect to the development of the property.
- This is a good development and all the impacts to the area have been considered.
- Thanked everyone for attending the public hearing and having the opportunity to review this application with the public.

**APPLICANT,
Hornick & Anderson**

Steven Hornick, the applicant, stated the following with regard to Rezoning Application No. 4-B-11RS:

- Resides at the property and the strata road runs directly beside the property.
- Intends on enhancing the area and does not want to do anything that would damage it.
- If the rezoning is approved it will allow the subdivision to be finished.
- The trails border the whole side of the property. Extending the trail to the back of the property will link to the Silvermine Trail and provide great access to the trail.

QUESTION PERIOD

Director B. Fraser opened the public question period of the Public Hearing. He stated that the Public Hearing Delegates and staff members could answer questions at this time, and that after the close of the Question Period and the opening of the official Public Hearing there could be no questions taken.

**Sue Shortreid
1944 Ingot Drive**

- How is the capacity for the community water system assessed?
- How was the assessment done for the water?

Director Fraser

- The Shawnigan Lake Water System draws directly from Shawnigan Lake and it supplies that general area.

Sue Shortreid

- Is it the Shawnigan Lake Water System that services the Beach Estates?

Director Fraser

- Yes, the Engineering Department assesses the availability of water. They look to determine how much water they are licensed for and whether there is still capacity for more.
- In the last few years the Engineering Department has been working on a conservation program within the system. While in the past, the system was starting to reach the limits of the water license, they have been able to conserve and bring the usage down to 85 percent.
- There is still considerable capacity for these properties to attach to the water system.

- Sue Shortreid** ➤ Do the Beach Estates also get water from the Silvermine Estates Water System?
- Director Fraser** ➤ The Engineers will be looking at the capacity left in the system. This is one of the primary considerations for this kind of subdivision.
- Sue Shortreid** ➤ Are you on the same Shawnigan Beach Estates Water System?
- Applicant** ➤ There is connection to the property, but it has not actually been hooked up yet.
- Sue Shortreid** ➤ Are you planning on connecting the other houses?
- Applicant** ➤ Everything will be hooked up once the application goes through. If the application does not go through the other two houses will still be hooked up.
- Agent** ➤ This property is inside the water services area that the Engineering Department created. If it was not, the applicants would have had to make a request to be included in it.
- Sue Shortreid** ➤ That clarifies what system it will belong to.
- Dana Leitch** ➤ There is a map at the back of the room which shows the properties that are in the Shawnigan Lake North Community Water system.
- Sue Shortreid** ➤ Clarified that Baron Road is in the Silvermine Estates Water System.
- Director Fraser** ➤ Would anybody else like to ask questions of the applicant at this point?
- Sheila Paul** ➤ How and why was the sign put around the corner, as opposed to on your property where you come into the cul-de-sac?
- Applicant** ➤ The sign needed to be located on the subject property and that is why it was put there.
- Agent** ➤ Referred to the map to demonstrate the subject property and location of the sign.
- Sheila Paul** ➤ Was that the recommendation by CVRD Staff?
- Applicant** ➤ The sign was to be put at the edge of the subject property and it is placed at the edge of the subject property.
➤ The property in front, directly at the end of the cul-de-sac, isn't being rezoned or changed and that is why it isn't there.
- Sheila Paul
Shawnigan Lake** ➤ The public cannot see the sign, it is obscured. There are also no trespassing signs and private property signs.
➤ Have lived in the area about 20 years and is quite familiar with signs. The sign needs to be at the beginning of the property.
➤ Are there any comments from the CVRD or directors?
- Director Fraser** ➤ Does the question have to do with the nature of the placement of the sign?
- Dana Leitch** ➤ The Fees and Procedures Bylaw states that signs should be visibly located on the subject property and also have a certain height and size restriction.

- Believes those requirements have been met.
 - The CVRD does get a lot of complaints about signs and the placement of signs. People interpret the placement of signs differently.
- Applicant**
- Would you prefer to see the sign on the front of another piece of property and not on the property that is being subdivided?
- Sheila Paul**
- Placement of the sign should be wherever it is visible.
- Director Fraser**
- Are there any other questions?
- Sheila Paul**
- Was there any consideration for a community access trail as opposed to dedicating something?
 - Specifically asking about Section 56, the simple access trail makes it easy to hook onto the Kinsol Trestle as opposed to the applicant dedicating something. This makes the applicants look like they did a good thing.
 - Was there consideration for the parks?
- Director Fraser**
- Shawnigan Lake Parks and Recreation Commission walked the site and looked at the opportunities for access to the rest of the trail system in the area.
 - The consideration was to have access along the edge of the property, which is currently used as a trail, and at the north end of the dedication parcel. The trail through would allow connections to other trails in the area.
 - They were satisfied that the trail would allow for public access along the edge of the property and to the north into other sections of the trail.
- Sheila Paul**
- Under Section 56, would this have alleviated registering a covenant?
- Bruce Fraser**
- The process is that in order to dedicate those pieces they would be under a registered covenant at the time of the subdivision. It would ensure the public access both along the side and across the north end of the property.
- Sheila Paul**
- Crown Land and the Covenant.
 - Did the parks even consider that?
- Director Fraser**
- That is something I can't answer.
- Director Marcotte**
- What does Section 56 say?
- Sheila Paul**
- Haven't read through it, just making reference to it, but it makes accessing the community trail system simple.
 - That is what they are utilizing on the Trans Canada Trail. That Section is being used a lot.
- Director Marcotte**
- This is the normal process regarding a subdivision application.
 - There is a commitment when there is a covenant. It is the best protection for the public. For example, if the owner never carries through with this application and abandons it, but gets the subdivision, the next owner would then be committed because there is a covenant on the property and not on the owner. Is unclear with Section 56, but will look into it.
- Director Fraser**
- Asked if there were any further questions of the applicant?

- Sheila Paul** ➤ The bylaws are unfinished. The wording Suburban Residential is going to be changed to Rural Residential in the new OCP. Are we not bound by the bylaws as they are right now until they are completed and signed into the law by way of a formal official rezoning?
- Director Fraser** ➤ There is an Official Community Plan and draft bylaws are out for circulation, but at present the existing bylaws are in place.
- Director Marcotte** ➤ Are you referring to Zoning Bylaws?
- Dana Leitch** ➤ Yes, just to Zoning Bylaws.
➤ The Official Community Plan was adopted in July, 2011 and designated this property Rural Residential
➤ The Zoning still needs to be changed, that is why we are going to hearing.
- Director Marcotte** ➤ Are you asking whether it is the draft bylaws or the old ones?
- Sheila Paul** ➤ Bylaws are being changed. In the new OCP, the new name will be Rural Residential. There has not been an official public process for this yet, therefore, which name will be used?
- Dana Leitch** ➤ Are you talking about a Zoning Bylaw?
- Director Marcotte** ➤ This official public process for this application is in loom.
➤ Dealing with a rezoning bylaw includes a whole group all at once, as well as dealing with all the lands in the area.
➤ When there is only one amendment that needs to be changed, it makes sense to change it as if one was amending a bylaw even during a transition period because you never know how long a transition period can last.
- Sheila Paul** ➤ This is a vague and complicated area.
- Sue Shortreid** ➤ Suburban Residential vs Rural Residential.
- Sheila Paul** ➤ Does wildlife interface address the two streams and the presence of fish?
- Dana Leitch** ➤ Yes, the Riparian Area Assessment addressed the protection of the two streams.
- Sheila Paul** ➤ Is the whole issue drafted?
- Dana Leitch** ➤ We have copies on the side.
- Director Marcotte** ➤ Are the reports online?
- Dana Leitch** ➤ The reports are not available online, but could be. There is also a binder at the office with all the information. The binder is also brought to the Public Hearing.
- Director Fraser** ➤ Are those all of your questions Ms. Paul?
- Sheila Paul** ➤ Rural residential is vague and complicated. Does this development contradict Policy 13.1.2?

- Director Fraser** ➤ We are familiar with the clause.
- Dana Leitch** ➤ The application is consistent with most of the rural residential policies and the plan policies with respect to policy 13.1.2
➤ The lots are not tiny, there is some crown land to the west. The lots are over an acre.
➤ They provide a buffer between some of the other parcels to the east.
➤ It is a rural residential type of zone.
➤ It would provide rural residential housing options outside the village containment boundary.
- Director Fraser** ➤ Are there any further questions?
- Sheila Paul** ➤ Are there any concerns that this application is going to pave the way for more?
- Dana Leitch** ➤ Are you asking if it is going to set a precedent?
- Sheila Paul** ➤ Yes, is this the last one?
➤ Could you comment on the density and the development coming forward?
- Dana Leitch** ➤ The South Cowichan Official Community Plan is a long term plan, a visioning document that is supposed to indicate where future growth and development will take place; for example the village containment boundaries.
➤ When Rural Residential was designated, from a planning point of view, the community wanted to see the parcel as a rural residential parcel.
➤ The zoning is not necessarily in line with that, but with regards to plan, the application is consistent with the plan policies
- Sheila Paul** ➤ Are you talking after the fact? It is Forestry right now.
- Dana Leitch** ➤ It is zoned as Forestry with the OCP designation being rural residential.
- Sheila Paul** ➤ Did the OCP decide that this piece of land should fall into that designation?
- Dana Leitch** ➤ It was designated as rural residential at the time of the OCP review.
- Director Fraser** ➤ Are there any further questions?
- Sheila Paul** ➤ There are only two letters in the binder. In one of the letters somebody mentioned the possibility of six dwellings. Could someone please comment on that?
- Dana Leitch** ➤ The proposed zoning permits a single family dwelling and a suit. It could be a secondary suite contained in the principle home or a small suite stand alone or attached accessory building.
➤ If there are four parcels, technically, two dwellings are permitted on each parcel.
➤ There are already two on the property, therefore six more total could be provided.
- Sue Shortreid** ➤ Could they contain a household?
- Dana Leitch** ➤ Yes.

- Sheila Paul**
- Are there allowed to be six more separate homes?
 - Four lots with the possibility of two legal suites, wouldn't that make eight?
- Dana Leitch**
- There are already two dwellings, therefore six more dwellings could be allowed.
- Sheila Paul**
- Which neighbours were notified?
- Dana Leitch**
- Any property that is within 60 metres of the subject property would have been notified.
 - The owners were mailed a letter whether they live there or not and if there is a discrepancy between people that live there or off site, we do hand deliveries to those properties.
- Sheila Paul**
- Were there any comments?
- Dana**
- Just the email.
- Sue Shortreid**
- It is the summer.
- Director Fraser**
- Asked for further questions from the public present three times regarding Zoning Amendment Bylaw No. 3610.

**PUBLIC
COMMENTS**

The Public Hearing was then opened to those members of the public present who deemed themselves affected by the proposed Amendment Bylaws. Chair Fraser reminded the public that the Information Binder was available for review located on the side table and copies of the proposed Amendment Bylaw was located on the back table, and that all submissions must be received at the head table prior to the close of the Public Hearing.

**Sue Shortreid
1944 Ingot**

- Is not against development and has supported other developers in the area, but is concerned about this application.
- Representing neighbours that were not present.
- When Silvermine Estates started, Alf and Ralph got an application to develop 200 acres, the original was for 48 two and a half acre lots that were to be Rural Residential, but under the old name which was Suburban Residential.
- One of the first people to purchase property off Coleman. Ingot was not even in yet. When Ingot Road was developed, an application was submitted to have a secondary driveway for the house.
- There are two main concerns for the people that are living in this area right now. The first is the existing water table. The second is increased traffic.
- Began phoning the CVRD in the summer. The developer drilled the well and received permission for the subdivision to go up top. Apparently there was enough water for the subdivision.
- The CVRD didn't think about the existing people with the 2.5 acre lots who wanted to have animals, a hobby farm, or a stable and horses.
- There was already a chance of having two households on all of those properties, which means two drawing off the water.
- All the 2.5 acre lots had to have wells drilled to a standard in order for the lots to be sold.
- Rents a suite on the property.
- Explained to the CVRD that the water table was being affected. In the summer, before the subdivision went in, there was a lot of water. Being well owners, there is a concern regarding conserving and taking care of the water, paying attention not to over water.

- The first summer the subdivision went in it was astounding how much the water table changed and the concern was expressed to the CVRD. Each of the lots that were for sale could have a house built on it, a suit in the basement to help pay the mortgage, and now there are two households using the water table.
- The CVRD explained that this new residential area would be on the Beach Estates Water System. It is interesting that the CVRD pumped water from those wells to supply the upper subdivision, the wells that already supply the existing residents. The Beach Estates were having issues with their water. It is called the Shawnigan Lake North Water System.

Director Fraser

- Those have since been rectified.

Sue Shortreid

- The CVRD was informed that after short periods of watering, the pump would click on and it was obvious that the water table was down.
- The days the CVRD pump water into Beach Estates to supplement is very obvious. It is affecting the existing homeowners' water. All the water initially went into Silvermine Estates, now it is supplying more subdivisions and homes.
- This property is going to be divided into four pieces of land, within the four pieces of land there actually could be eight households, and some of those houses may have another suite in the basement. The reality is there are a lot more people drawing on the water.
- With the CVRD still pumping water from Silvermine Estates into Beach Estates, it is affecting the water for the people of the existing land area. That is what the CVRD needs to be concerned about. To ignore it is going to allow the chopping of land.
- Spoke with a gentleman at the CVRD yesterday. There is another application going in on another piece of property. It is ten acres and the applicant wants to divide into small lots. That subdivision will also be on the same water system. Gradually, if the OCP has their vision, more applications will come forward on several pieces.
- It is nothing against the applicants. The concern is having water in the future. The applicants should be concerned too. This new application could allow subdivision of little pieces right in everybody's back yard.
- Inquired to the CVRD regarding the size of the lots, but the CVRD was not sure. There was an application in for a subdivision that is going to come off of Ceylon Road and people will be able to drive to Beach Estates.
- As far as the water table goes, the CVRD better know what they are doing. People can't even use their wells in the summer.
- There are about four or five people who moved to this area from Saanich. They love the Cowichan Valley, have horses and want animals. The people in this area don't abuse the water system and are very conscious.
- It is worrisome when people water non-stop and have green lawns up on Baron. There are signs and notices of water restrictions posted, but people ignore it, they are used to living in suburban settings, and don't think of the people living on acreage. They don't understand how water tables work.
- There is going to be added traffic to Coleman Road. What do you think of Coleman Road?

Applicant

- What do I think of Coleman Road?

Sue Shortreid

- There is going to be another subdivision behind the applicant and all the roads are going to connect up.

- Coleman Road is terrible, it is a cow trail. There have been accidents on it and when there is construction on the road it makes it really tough for the regular residence.
- Ingot is too straight and people drive down it very fast. Most people move there for the rural setting and they worry about their kids on bikes.
- CVRD needs to discuss this concern with Ross. People in the neighbourhood have tried to talk to Ross, but he doesn't want to talk.
- There are not traffic signs or numbers anywhere on the road.
- Water and traffic are the two major concerns that need to be considered by the CVRD. The concern was brought to the OCP Committee, but they didn't seem to be concerned. We were told that a lot of places will be on the Beach Estates Water. Water tables are starting to all be connected.
- Submitted a letter in confidence that the CVRD will consider the impacts that are affecting the water table.
- Is not against the development, but wants to ensure to have water now and in five years from now.
- It is a known fact that the Vancouver Island's water table is going down and it is not as good as it used to be 20 years ago. This is a wake-up call.

Director Fraser

- Are there any other comments?

**Sheila Paul
Shawnigan Lake**

- Uses the term Shawnigan Lake as her address because she has had developers come to her house.
- Husband is in the construction business and has been for 30 years.
- Water is an issue. Recently experienced losing water to her house for the first time in 20 years. There has still been no explanation as to why the water was lost. Neighbours are contacting her, but she feels she should not be the one to answer this.

Director Fraser

- Is it the Fern Park Water System?

Sheila Paul

- Is not exactly part of the Fern Park Water System, is on their own water system.
- There is a comment about water in the book and it takes on another interesting perspective.
- Still concerned about the sign, it does not need to be on the subject property, but it is very difficult to find.

Dana Leitch

- Will ask the applicants to move the sign.

Sheila Paul

- It is more friendly and neighbourly if people can actually see the sign.
- Understands the need to have private property and no trespassing signs so people are not driving down the driveway.

Applicant

- It is a liability.

Sheila Paul

- Is going to look further into Section 56. It is known that covenants protect everybody, but it seems that it didn't even occur to the parks.
- The park amenity condition is giving something back to the community, but it was already there in a round-about way with the crown land.
- Walking the dog and kids on Coleman road is like taking your life in your hands.
- Familiar with the trails, but very confused because there is a new boardwalk
- Forestry land that is being subdivided is a very dangerous precedent.

- Sue Shortreid mentioned there is another application in at the CVRD and the area is going to be subdivided little, by little, by little.
- Sue Reidman**
 - Is that in the OCP?
- Sheila Paul**
 - That is the OCP and it is a document that needs to be written so that it will last many years. There are a lot of loose ends and the process still needs to be done. There is no determination regarding how long it will take and it is obvious that applications need to be looked at in the meantime.
 - Sat at OCP hearings where volunteers were trying to drat the document. It takes hours and days. There were concerns about the loose ends.
 - This issue is one of the loose ends in the OCP, and people were concerned. The OCP draft is large, but the comments on the survey were hopefully helpful.
- Director Fraser**
 - Could you focus on the application in your comments?
- Sheila Paul**
 - The final point has to do with the stream. The staff report addresses the issue in detail. Is there any fish in the stream and will they be protected?
- Director Fraser**
 - Do you have anything further to add Sheila?
- Sheila Paul**
 - I am opposed to this application, mostly with respect to the Forestry land.
- Director Fraser**
 - Reminded the public if there are any documents that they would like to file now is your last chance to do so before the end of the hearing. This is also the opportunity to make any further comments. Is there any further comments?
- Applicant**
 - I will make one about the water issues.
- Director Fraser**
 - It is mainly for the public to make comments.
 - All these comments with respect to water will be taken into consideration by the CVRD. Also, if there is a need to talk to the applicant further that may also be done later.
- Sue Shortreid**
 - The neighbours were not contacted with respect to how the neighbourhood water system is working. After all the phone calls, no one ever got back to me.
 - There has been another study and there is a lot of capacity and if it is from the Beach Estates they can draw the lake.
 - There seems to be miscommunication in the CVRD water division.
 - The public hearing is a great place to be heard.
- Director Fraser**
 - That point is well recorded and will be taken up with the CVRD.
- Director Marcotte**
 - If you see us very mute and quiet it is because it is the public hearing portion. This is where we listen and cannot comment.
 - After the hearing closes you cannot speak to the Hearing Committee or the Directors. We don't take phone calls or emails.
- Director Walker**
 - You can talk to staff.
- Director Fraser**
 - Our job is to listen. After this hearing, staff take into consideration the documentation they get and create a staff report to take to the Board and at that time a decision is made.

Director Marcotte

- All of your comments and the minutes are circulated to the Electoral Area Directors.

ADJOURNMENT

Chairperson Fraser asked for public comments or submissions three times from the public present regarding Zoning Amendment Bylaw No. 3610.

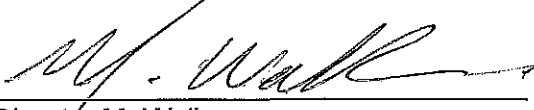
Chairperson Fraser declared the Public Hearing closed at 8:16 p.m.

CERTIFICATION:

We attended the Public Hearing on Thursday, July 26, 2012, and hereby certify that this is a fair and accurate report of the Public Hearing.

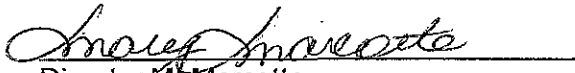
Director B. Fraser

Date _____



Director M. Walker

Date August 28, 2012



Director M. Marcotte

Date ^m Sept 04, 2012



Dana Leitch, Planner II

Date August 27, 2012



Jessica Lendrum, Recording Secretary

Date August 27, 2012



C·V·R·D

PUBLIC HEARING REPORT
Bylaws No. 3620 and 3621

Following is a summary of the proceedings of the Public Hearing for Official Community Plan Amendment Bylaw No. 3620 and Zoning Amendment Bylaw No. 3621 (Ernest Maxwell), applicable to Electoral Area A – Mill Bay/Malahat, held on Monday, August 27, 2012, at the Kerry Park Recreation Centre, Social Lounge, 1035 Shawnigan Mill Bay Road, Mill Bay, BC at 7:00 p.m.

HEARING DELEGATES Director M. Walker, Electoral Area A – Mill Bay/Malahat, Chairperson
Director M. Dorey, Electoral Area G – Saltair/Gulf Islands
Director G. Giles, Electoral Area C – Cobble Hill

CVRD STAFF PRESENT Ms. D. Leitch, Planner II, Planning & Development Department
Ms. J. Lendrum, Recording Secretary, Planning & Development Department

Members of the Public:
There were 16 members of the public present.

CALL TO ORDER Director M. Walker chaired the Hearing and called the meeting to order. The Chairperson introduced the Hearing Delegates and CVRD staff present.

PROCEDURES Ms. Leitch explained the requirements under Section 890 of the *Local Government Act*. She advised that notice of the Public Hearing was advertised in two consecutive issues of the *Citizen* (Friday, August 17, 2012 and Wednesday, August 22, 2012) and the *Leader Pictorial* (Friday, August 17, 2012 and Wednesday, August 22, 2012) and letters had also been sent to adjacent owners and occupiers of the property as required by the *Local Government Act*.

Official Community Plan Amendment Bylaw No. 3620 proposes to amend South Cowichan Official Community Plan Bylaw No. 3510 by adding 13.1.14, which recognizes auto wrecking, salvage, and the sales of used automotive parts and products and associated uses on 3330 Trans Canada Highway (That Part of Lot E, Section 9, Range 8, Shawnigan District, Plan 2592, Lying to the South West of the Island Highway shown on Plan 1288 OS except Part in Plan VIP67616).

Zoning Amendment Bylaw No. 3621 proposes to amend the Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 by creating a new Auto Wrecking/Salvage Industrial Zone, the I-8-Zone, and rezoning That Part of Lot E, Section 9, Range 8, Shawnigan District, Plan 2592, Lying to the South West of the Island Highway shown on Plan 1288 OS except Part in Plan VIP67616, from A-1 (Primary Agricultural) to I-8 (Auto Wrecking/Salvage Industrial).

The purpose of Amendment Bylaw No. 3620 and 3621 is to bring the zoning in line with the current uses on the subject property. These uses include: automobile, truck, and other motor vehicle wrecking and salvage yard and the sales of used automobile parts and products, buildings and structures accessory to a principal permitted use and one accessory

single family dwelling.

Ms. Leitch stated that one piece of correspondence had been received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the CVRD office today, August 27, 2012, at 4:30 p.m.

Ms. Leitch further added:

- This rezoning application was made to the CVRD in the summer of 2011 by Mr. Maxwell.
- The property is located at 3330 Trans Canada Highway and located in Electoral Area A – Mill Bay/Malahat.
- The property is approximately 2.3 ha in size and has an existing shop, approximately four sheds, and a Quonset building located on it.
- The property is zoned A-1 and the applicant is proposing to rezone the property to a zone that would permit the current uses taking place on the property.
- This property has been used for automobiles, trucks, and other motor vehicle wrecking and salvage, and the sales of used automotive parts since 1964. These uses predate the CVRD zoning.
- The owner of the property applied for the property's exclusion from the Agricultural Land Reserve in 2007, and the property was successfully excluded in March 2011.
- This new zone would permit the uses that are currently on the property which include automobile, truck, and other motor vehicle wrecking and salvage yard and the sales of used automobile parts and products. It will also permit building structures accessory to these uses and one accessory single family dwelling.
- When the South Cowichan Official Community Plan was adopted in July 2011, the property was re-designated from Agricultural to Rural Residential. Staff propose to leave the plan designation as is.
- Staff has included a policy in the OCP amendment that recognizes the site as having a Rural Residential designation, but permits auto wrecking, salvage, and the sales of used automotive parts and products specifically on the property.
- The applicant has volunteered to enter a covenant with the CVRD for the protection and maintenance of the Leyland Cypress Hedge. It acts as a great buffer along Trans Canada highway. If the application moves forward, then the covenant will be registered prior to final adoption of the bylaws.
- The Advisory Planning Commission did review the application in September 2011, and recommended that the zoning be brought in line with the uses of the property. The Committee did recommend we move forward to a Public Hearing.
- Meeting minutes from tonight will be brought forward to the Board in September or October for a third reading.
- Ministry of Transportation and Infrastructure will have to sign the zoning bylaw associated with this because it is within a certain distance from the highway.
- There is no re-development of the site at this time.
- The property is not sub-dividable under the current zone and it will not be sub-dividable under the new proposed zone.
- The property is serviced by an existing well and septic. There is no expansion of these services being proposed at this time.
- Access to the property is directly off the Trans Canada Highway. No new access or internal roads will be built as part of this application.

- The property is in a development permit area, therefore if future development occurs on the property, the applicant or owner will be responsible for applying and obtaining a development permit from the CVRD for future development.

Correspondence

The following items were received and are attached to the minutes as Exhibits:

- 1) Email dated August 27, 2012, from Lavonne Huneck (EXHIBIT 1).

Location of the File

Director M. Walker advised that the Information Binder was available for review on the back table along with copies of the proposed Amendment Bylaws and advised that any letters or submissions which were to be included as part of the Public Hearing record must be received at the front table prior to the close of the Public Hearing.

**APPLICANT,
Ernest Maxwell**

Ernest Maxwell, the applicant, stated the following with regard to Rezoning Application No. 2-A-11RS:

- Thanked people for coming and the staff for all the time that has been put into the application.
- Wants this to be done as a proper process.
- Has been at this location since 1964.
- Has established a positive relationship with the Ministry of Environment. They come to inspect regularly and leave very pleased.
- Wants to keep the business going, but one day would like to retire and sell the business.

QUESTION PERIOD

Director M. Walker opened the public question period of the Public Hearing. He stated that the Public Hearing Delegates and staff members could answer questions at this time, and that after the close of the Question Period and the opening of the official Public Hearing there could be no questions taken.

Director M. Walker

Asked for further questions from the public present three times regarding Official Community Plan Amendment Bylaw No. 3620 and Zoning Amendment Bylaw No. 3621.

PUBLIC COMMENTS

The Public Hearing was then opened to those members of the public present who deemed themselves affected by the proposed Amendment Bylaws. Chair M. Walker reminded the public that the Information Binder was available for review located on the side table and copies of the proposed Amendment Bylaws were located on the back table, and that all submissions must be received at the head table prior to the close of the Public Hearing.

**David Durrance
992 Nightingale Road**

- Fully supports and recommends the application go through for the applicant.

**Chris Lavine
3354 Boyles Road**

- Supports the applicant.
- The business is well run and clean.
- The applicant would do quite well with the zoning that he wants.

**Terry Little
1040 Chapman Road**

- 100 percent in favour of this application.

**Merv Manhas
1019 Nightingale**

- Great Idea.

Brenda Stewart
3325 Trans Canada Hwy

- In favour of this application.
- Runs a tight ship at the wrecking yard.

Gerald Zucht
3371 Boyles Road

- Completely supports this application.
- Has bought parts from the applicant a bunch of different times and it is a great facility. It is a pleasure to see what the applicant runs.

Fred Short
3347 Boyles Road

- In favour of what is being asked for.
- It is the cleanest wrecking yard ever seen.

Ruth Genereaux
3255 Trans Canada Hwy

- No objections.

Director M. Walker

Asked for further comments from the public present three times regarding Official Community Plan Amendment Bylaw No. 3620 and Zoning Amendment Bylaw No. 3621

ADJOURNMENT

Chairperson M. Walker asked for public comments or submissions three times from the public present regarding Official Community Plan Amendment Bylaw No. 3620 and Zoning Amendment Bylaw No. 3621.

Chairperson M. Walker declared the Public Hearing closed at 7:15 p.m.

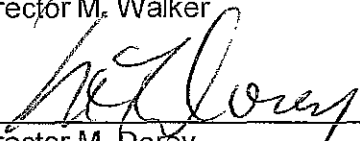
CERTIFICATION:

We attended the Public Hearing on Monday, August 27, 2012, and hereby certify that this is a fair and accurate report of the Public Hearing.



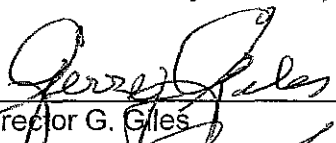
Director M. Walker

Date Sept 4/2012



Director M. Dorey

Date Sept 4/2012



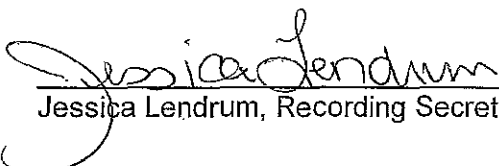
Director G. Giles

Date Sept 4/2012



Dana Leitch, Planner II

Date Sept 4, 2012



Jessica Lendrum, Recording Secretary

Date Sept 4 112



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3538

**A Bylaw to Merge the Twin Cedars Drainage System Service Area,
the Cobble Hill Drainage System Service Area, and
the Cobble Hill Village Drainage #2 System Service Area**

WHEREAS the Board of the Cowichan Valley Regional District established the *Twin Cedars Drainage System Service Area* under the provisions of CVRD Bylaw No. 2858, cited as "CVRD Bylaw No. 2858 – Twin Cedars Drainage System Service Establishment Bylaw, 2006";

AND WHEREAS the Board of the Cowichan Valley Regional District established the *Cobble Hill Drainage System Service Area* under the provisions of CVRD Bylaw No. 3085, cited as "CVRD Bylaw No. 3085 – Cobble Hill Drainage System Service Establishment Bylaw, 2008";

AND WHEREAS the Board of the Cowichan Valley Regional District established the *Cobble Hill Village Drainage #2 Service Area* under the provisions of CVRD Bylaw No. 3104, cited as "CVRD Bylaw No. 3104 – Cobble Hill Village Drainage #2 Service Establishment Bylaw, 2008";

AND WHEREAS pursuant to Section 802.1 of the *Local Government Act*, a regional district may merge together two or more service areas;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to:

- merge the Twin Cedars, Cobble Hill and Cobble Hill Village #2 Drainage System Service Areas; and
- increase the maximum requisition limit for the merged service area.

AND WHEREAS under Section 802 of the *Local Government Act* participating area approval may be given by the Area Director consenting in writing to the adoption of this Bylaw;

AND WHEREAS the Director for Electoral Area C – Cobble Hill has consented, in writing, to the adoption of this bylaw;

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

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3538 – Cobble Hill Drainage System Service Merger Bylaw, 2011**".

.../2

2. SERVICE BEING ESTABLISHED

The Twin Cedars Drainage System Service Area established by Bylaw No. 2858, cited as "CVRD Bylaw No. 2858 – Twin Cedars Drainage System Service Establishment Bylaw, 2006"; the Cobble Hill Drainage System Service Area established by Bylaw No. 3085, cited as "CVRD Bylaw No. 3085 – Cobble Hill Drainage System Service Establishment Bylaw, 2008"; and the Cobble Hill Village Drainage #2 System Service Area established by Bylaw No. 3104, cited as "CVRD Bylaw No. 3104 – Cobble Hill Village Drainage #2 Service Establishment Bylaw, 2008", are hereby merged into one service for the operation and maintenance of a drainage system service.

3. SERVICE AREA BOUNDARIES

The boundaries of the service area are that portion of Electoral Area C – Cobble Hill, shown outlined in Schedule A of this bylaw. The service area shall be known as the "Cobble Hill Drainage System Service Area".

4. PARTICIPATING AREA

Electoral Area C – Cobble Hill is the only participating area for this service.

5. METHOD OF COST RECOVERY

The annual cost of providing this service shall be recovered by one or more of the following:

- (a) property value taxes requisitioned and collected on the basis of the net taxable value of land and improvements within the service area, as per the *Local Government Act*;
- (b) revenues raised by other means authorized by the *Local Government Act*.

6. MAXIMUM REQUISITION

The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$19,600 or an amount that equals the amount raised by applying a property value tax rate of \$0.1792 per \$1,000 to the net taxable value of land and improvements in the service area.

READ A FIRST TIME this 3rd day of August, 2011.

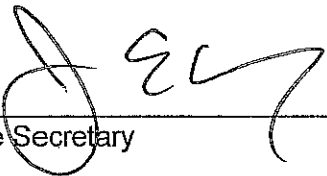
READ A SECOND TIME this 3rd day of August, 2011.

READ A THIRD TIME this 3rd day of August, 2011.

THIRD READING RESCINDED this 13th day of June, 2012.

READ A THIRD TIME AS AMENDED this 13th day of June, 2012.

I hereby certify this to be a true and correct copy of Bylaw No. 3538 as given Third Reading on the 13th day of June, 2012.


Corporate Secretary

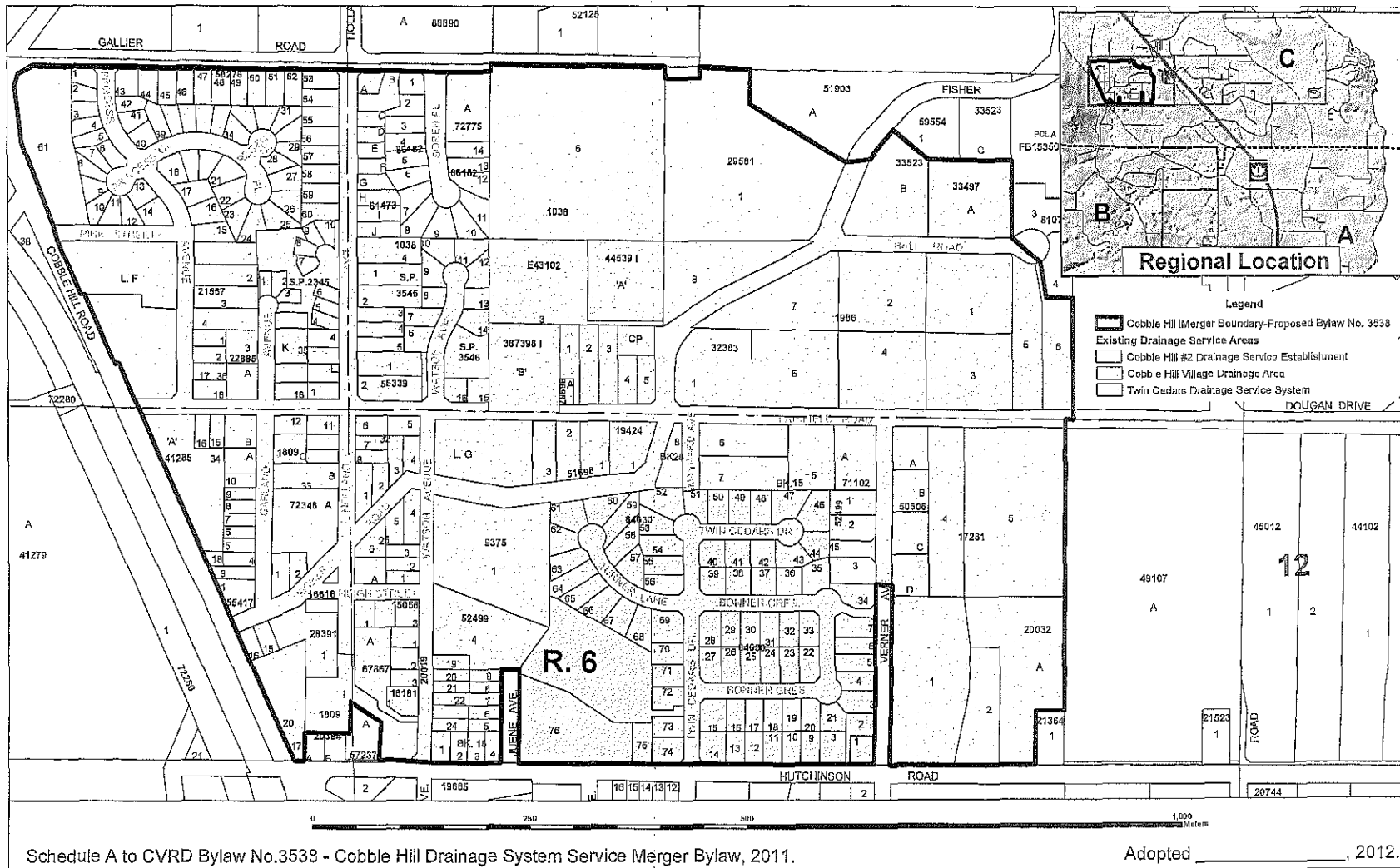
JUNE 26 2012
Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 23rd day of July, 2012.

ADOPTED this _____ day of _____, 2012.

Chair

Corporate Secretary





C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3615

A Bylaw to Amend Saltair Water System Service Establishment Bylaw No. 2178

WHEREAS the Board of the Cowichan Valley Regional District established the *Saltair Water System Service Area* under the provisions of Bylaw No. 2178, cited as "CVRD Bylaw No. 2178 – Saltair Water System Service Establishment Bylaw, 2001", as amended;

AND WHEREAS the Regional District wishes to amend Bylaw No. 2178 by increasing the maximum annual requisition limit from \$190,000 to \$490,000;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors in accordance with the *Local Government Act* and the *Community Charter*;

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

1. CITATION

This bylaw may be cited as "CVRD Bylaw No. 3615 – Saltair Water System Service Amendment Bylaw, 2012".

2. AMENDMENT

That CVRD Bylaw No. 2178 be amended by deleting and replacing the text in paragraph One of Section 4 "Cost Recovery" with the following:

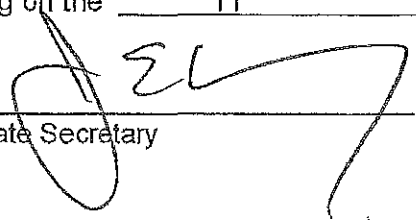
"The maximum amount of money that may be requisitioned annually in support of this service shall not exceed Four Hundred and Ninety Thousand Dollars (\$490,000)".

READ A FIRST TIME this 11th day of July , 2012.

READ A SECOND TIME this 11th day of July , 2012.

READ A THIRD TIME this 11th day of July , 2012.

I hereby certify this to be a true and correct copy of Bylaw No. 3615 as given Third Reading on the 11th day of July , 2012.



Corporate Secretary

JULY 18, 2012

Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES UNDER SECTION 802(3) OF THE LOCAL GOVERNMENT ACT this 23rd day of July, 2012.

ADOPTED this _____ day of _____, 2012.

Chair

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3626

A Bylaw to Amend the Boundaries of the Lanes Road Drainage System Service Area

WHEREAS the Board of the Cowichan Valley Regional District established the *Lanes Road Drainage System Service Area* under the provisions of Bylaw No. 3078, cited as "CVRD Bylaw No. 3078 – Lanes Road Drainage System Service Establishment Bylaw, 2008";

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to extend the boundaries of the service area to include the following property:

- PID 001-098-241, Lot 3, Section 4, Range 6, Cowichan District, Plan VIP32129;

AND WHEREAS the owner of the above noted property has petitioned the Regional District to have their property included in the service area;

AND WHEREAS the Director of Electoral Area D – Cowichan Bay, has consented, in writing, to the adoption of this bylaw;

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3626 – Lanes Road Drainage System Service Amendment Bylaw, 2012**".

2. **AMENDMENT**

That Bylaw No. 3078 be amended by deleting the existing Schedule A and replacing it with the Schedule A attached to this bylaw.

READ A FIRST TIME this 1st day of August , 2012.

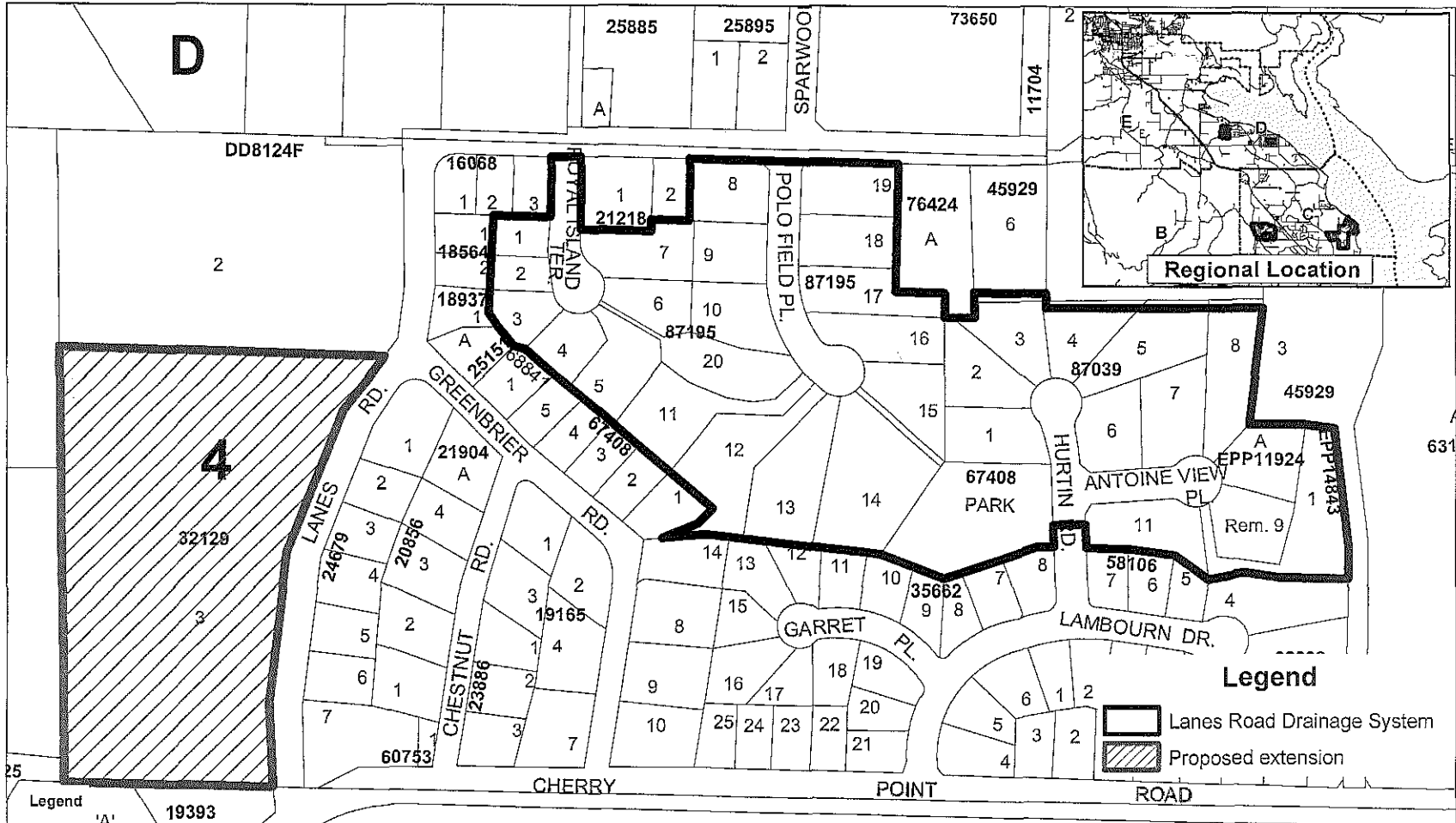
READ A SECOND TIME this 1st day of August , 2012.

READ A THIRD TIME this 1st day of August , 2012.

ADOPTED this _____ day of _____, 2012.

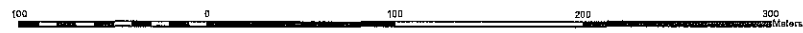
Chairperson

Corporate Secretary



Legend 'A' 19393

Schedule A to CVRD Bylaw No.3078 - Lanes Road Drainage System Service Establishment Bylaw, 2008. As amended by Bylaw No. 3626.



Adopted _____, 2012.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3629

**A Bylaw to Authorize a Tax Exemption by the
Cowichan Valley Regional District for Lands and Improvements Which
Qualify for a Permissive Exemption Under Section 809**

WHEREAS under Section 809(4)(g) of the *Local Government Act* the Cowichan Valley Regional District may provide a tax exemption for lands or improvements in an electoral area owned or held by a municipality, regional district or other local authority and are used for a purpose of the local authority;

AND WHEREAS Section 809(3) of the *Local Government Act* provides that prior to October 31st of any year, the Cowichan Valley Regional District Board, by bylaw adopted by two-thirds of the votes cast, may exempt from taxation imposed under Section 809 of the *Local Government Act*, certain lands and improvements or both, for the next calendar year;

AND WHEREAS the Board wishes to exempt certain land and improvements owned, held or operated for the uses or purposes set out in Section 809(4)(g) of the *Local Government Act* from taxation for the calendar year 2013;

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

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3629 – Tax Exemption (Permissive) Bylaw, 2012**".

2. PERMISSIVE TAX EXEMPTION LAND

The parcels of land outlined in Schedule A attached to this bylaw and any improvements on the lands shall be exempt from taxation under Section 809 of the *Local Government Act* for the year 2013.

READ A FIRST TIME this _____ day of _____, 2012.

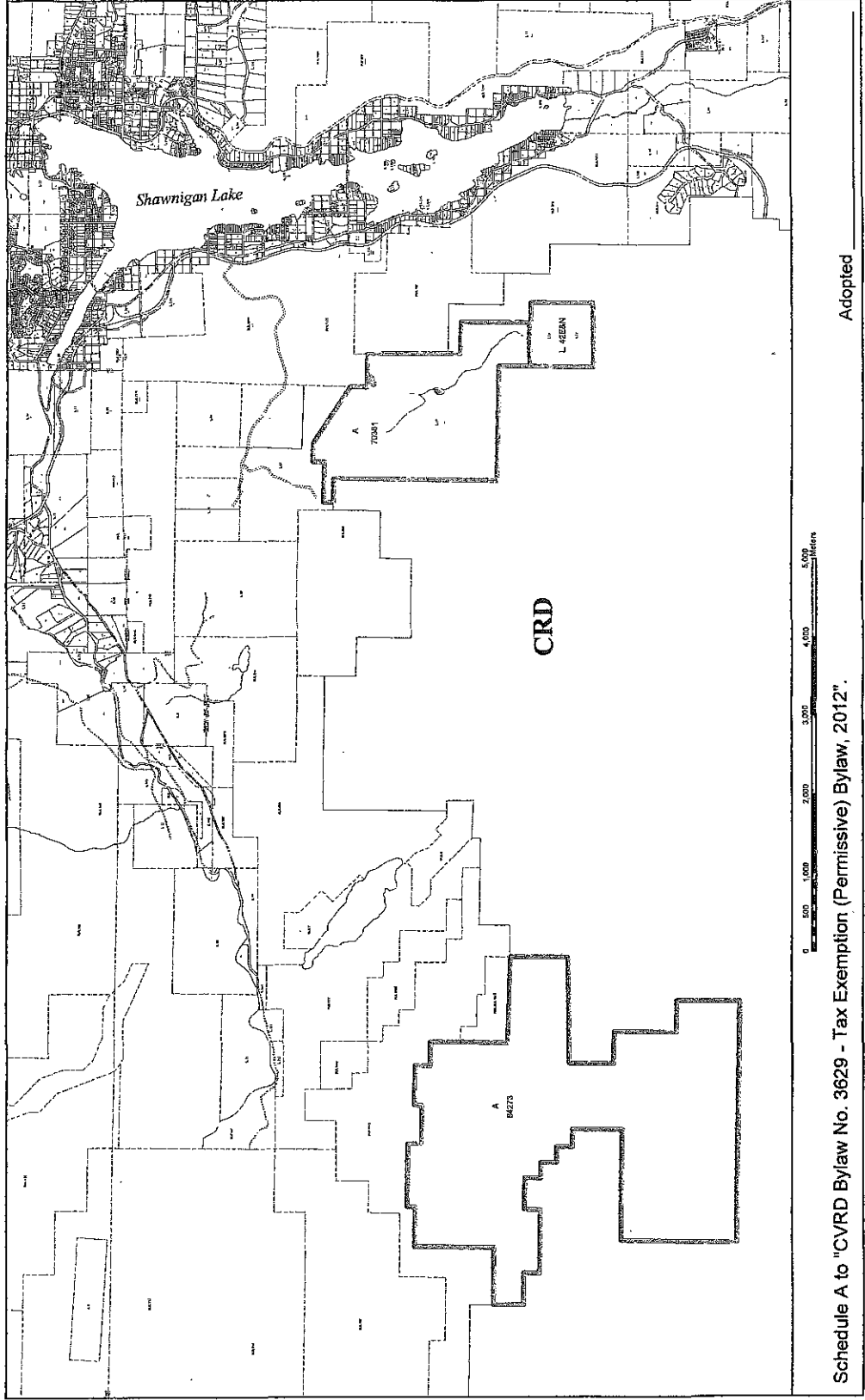
READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Corporate Secretary





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3630

A Bylaw to Authorize the Borrowing of Funds to Help Finance the Purchase of a new First Line Type 2 Fire Engine for the Malahat Fire Protection Service Area

WHEREAS the Board of the Cowichan Valley Regional District established the *Malahat Fire Protection Service Area* under the provisions of Bylaw No. 2414, cited as "CVRD Bylaw No. 2414 – Malahat Fire Protection Service Establishment Bylaw, 2003", as amended;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to borrow money to help finance the purchase of a new first line Type 2 fire engine for the Malahat Fire Protection Service Area;

AND WHEREAS the estimated total cost of the new first line Type 2 fire engine, including expenses incidental thereto, is Four Hundred Twenty Five Thousand Dollars (\$425,000);

AND WHEREAS the sum to be borrowed is not to exceed Two Hundred Sixty Five Thousand Dollars (\$265,000), which is the amount of debt to be created by this bylaw;

AND WHEREAS the authority to borrow under this bylaw expires five years from the date on which it is adopted;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors in accordance with the *Local Government Act* and *Community Charter*;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3630 – Malahat Fire Protection Service Loan Authorization (Type 2 Fire Engine) Bylaw, 2012.**"

.../2

2. LOAN AUTHORIZATION

The Cowichan Valley Regional District is hereby empowered and authorized to purchase a new first line Type 2 fire engine for the Malahat Fire Protection Service Area in general accordance with the plans on file in the Regional District office, and to do all things necessary in connection therewith and, without limiting the generality of the foregoing, to borrow upon the credit of the Regional District a sum not exceeding Two Hundred Sixty Five Thousand Dollars (\$265,000).

3. TERM OF DEBENTURES

The maximum term for which debentures may be issued to secure the debt created by this Bylaw is 15 years.

4. SERVICE TO WHICH THE LOAN AUTHORIZATION RELATES

This Bylaw relates to the *Malahat Fire Protection Service Area* established pursuant to Bylaw No. 2414, as amended, cited as "CVRD Bylaw No. 2414 – Malahat Fire Protection Service Establishment Bylaw, 2003".

READ A FIRST TIME this _____ day of _____, 2012.

READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

I hereby certify this to be a true and correct copy of Bylaw No. 3630 as given Third Reading on the _____ day of _____, 2012.

Corporate Secretary Date

RECEIVED the approval of the Inspector of Municipalities this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson Corporate Secretary



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3634

**A Bylaw to Amend Electoral Area A – Mill Bay/Malahat Critical Location
Streetlighting Service Establishment Bylaw No. 2137**

WHEREAS the Board of the Cowichan Valley Regional District established the *Electoral Area A – Mill Bay/Malahat Critical Streetlighting Service Area* under the provisions of Bylaw No. 2137 cited as "CVRD Bylaw No. 2137 – Mill Bay/Malahat Critical Location Streetlighting Service Establishment Bylaw, 2001";

AND WHEREAS the Regional District wishes to amend Bylaw No. 2137 by increasing the maximum annual requisition limit from \$2,000 to \$5,000;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors in accordance with the *Local Government Act* and *Community Charter*;

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

1. CITATION

This bylaw may be cited as "**CVRD Bylaw No. 3634 – Electoral Area A – Mill Bay/Malahat Critical Location Streetlighting Service Amendment Bylaw, 2012**".

2. AMENDMENT

That CVRD Bylaw No. 2137 be amended by deleting the following text: "Two Thousand (\$2,000.00) Dollars", as it appears in the third Whereas clause in the Preamble of the bylaw and in the first paragraph under Section 5 – Cost Recovery; and replacing it with the following text "Five Thousand Dollars (\$5,000)".

READ A FIRST TIME this _____ day of _____, 2012.

READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

I hereby certify this to be a true and correct copy of Bylaw No. 3634 as given Third Reading on the _____ day of _____, 2012.

Corporate Secretary

Date

RECEIVED the approval of the Inspector of Municipalities this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3599

**A Bylaw for the Purpose of Amending Official Community Plan Bylaw No. 1490
Applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora and Part of
Electoral Area F – Cowichan Lake South/Skutz Falls**

WHEREAS the *Local Government Act*, hereafter referred to as the "Act", as amended, empowers the Regional Board to adopt and amend official community plan bylaws;

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora and Part of Electoral Area F – Cowichan Lake South/Skutz Falls, that being Official Community Plan Bylaw No. 1490;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1490;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3599 - Area E - Cowichan Station/Sahtlam/Glenora and Area F - Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (Sun Lotus), 2012**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1490, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. **CAPITAL EXPENDITURE PROGRAM**

This bylaw has been examined in light of the most recent Capital Expenditure Program and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

READ A FIRST TIME this 9th day of May , 2012.

READ A SECOND TIME this 9th day of May , 2012.

READ A THIRD TIME this day of , 2012.

ADOPTED this day of , 2012.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3599

Schedule A to Official Community Plan Bylaw No. 1490, is hereby amended as follows:

1. Policy 8.4.3 is added to the Tourist-Recreational Commercial Policies:

POLICY 8.4.3

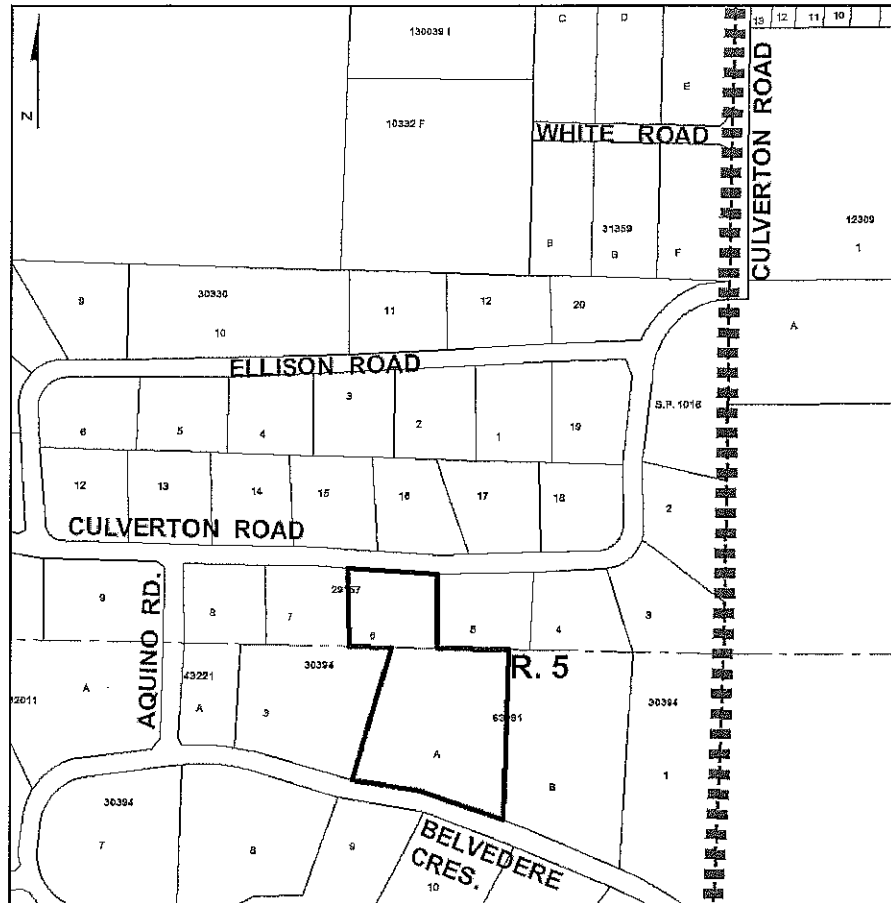
Tourist Commercial uses that are deemed by the Board to be compatible with surrounding land uses, assist in the diversification of the local economy, and promote the Plan Area's natural setting and rural character may be considered through site specific amendments.

2. That Lot A, Section 7, Range 5, Sahtlam District, Plan 63091 and Lot 6, Section 8, Range 5, Sahtlam District, Plan 29157, as shown outlined in solid black on Schedule B attached hereto and forming part of this bylaw, numbered Z-3599, be re-designated from Rural Residential to Tourist Commercial, and that Schedule B of Bylaw No. 1490 be amended accordingly.

PLAN NO. Z-3599

**SCHEDULE "B" TO PLAN AMENDMENT BYLAW NO.
OF THE COWICHAN VALLEY REGIONAL DISTRICT**

3599



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Rural Residential

TO

Tourist Commercial

APPLICABLE

TO ELECTORAL AREA E&F



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3600

**A Bylaw for the Purpose of Amending Zoning Bylaw No. 2600
Applicable to Electoral Area F – Cowichan Lake South/Skutz Falls**

WHEREAS the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt and amend zoning bylaws;

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area F – Cowichan Lake South/Skutz Falls, that being Zoning Bylaw No. 2600;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 2600;

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

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3600 – Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Sun Lotus), 2012**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 2600, as amended from time to time, is hereby amended in the following manner:

- a) That Part 5 be amended by adding the following after Section 5.18, and remaining sections renumbered accordingly, and added to the Table of Contents:

5.19 C-4B Retreat Commercial Zone

Subject to compliance with the general regulations detailed in Part 3 of this bylaw, the following regulations apply in the C-4B Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the C-4B Zone:

- a. Single family dwelling

The following accessory uses are permitted in the C-4B Zone:

- a. Health, Wellness and Arts Retreat;
- b. Assembly;
- c. Temporary stay accommodation;
- d. Botanical garden;
- e. Agriculture, excluding intensive agriculture;
- f. Buildings and structures accessory to a principal permitted use;
- g. Home-based business;
- h. Secondary suite.

2. Density

The following density limits apply in the C-4B Zone:

- a. Not more than one single family dwelling is permitted per parcel;
- b. Not more than 20 temporary stay accommodation units are permitted per parcel, provided appropriately sized and VIHA approved sewage disposal methods are in place for the total density on the parcel;
- c. Not more than two buildings or structures intended for an accessory commercial use are permitted per parcel;
- d. The combined maximum floor area for accessory use buildings and structures is 300 m² per parcel.

3. Minimum Parcel Size

The minimum parcel size in the C-4B Zone is 2 hectares.

4. Setbacks

The following minimum setbacks apply in the C-4B Zone:

| Type of Parcel Line | Residential Buildings and Structures | Commercial Buildings and Structures | Agricultural Buildings and Structures |
|---------------------------|--------------------------------------|-------------------------------------|---------------------------------------|
| Front parcel line | 7.5 metres | 7.5 metres | 30 metres |
| Interior side parcel line | 3.0 metres | 6 metres | 15 metres |
| Exterior side parcel line | 4.5 metres | 6 metres | 15 metres |
| Rear parcel line | 7.5 metres | 3 metres | 15 metres |

5. Height

In the C-4B Zone, the height of all buildings and structures shall not exceed 10 metres, except in accordance with Section 3.9 of this bylaw.

6. Parcel Coverage

The parcel coverage in the C-4B Zone shall not exceed 10 percent for all buildings and structures.

7. Parking and Loading

Off-street parking spaces in the C-4B Zone shall be provided in accordance with Section 3.15 of this bylaw.

- b) That Part 4, Section 4.1 Creation of Zones be amended by adding the following to the Zones Table in the Commercial category:

“Retreat Commercial 4B Zone (Abbreviation C-4B)”

- c) That Appendix One- Minimum Parcel Size Summary be amended by adding the minimum parcel size for C-4B Zone.
- d) That Schedule B (Zoning Map) to Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 is amended by rezoning Lot A, Section 7, Range 5, Sahtlam District, Plan 63091 and Lot 6, Section 8, Range 5, Sahtlam District, Plan 29157 as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3600, from R-2 (Suburban Residential) to C-4B (Retreat Commercial).

3. FORCE AND EFFECT

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

READ A FIRST TIME this 9th day of May, 2012

READ A SECOND TIME this 9th day of May, 2012.

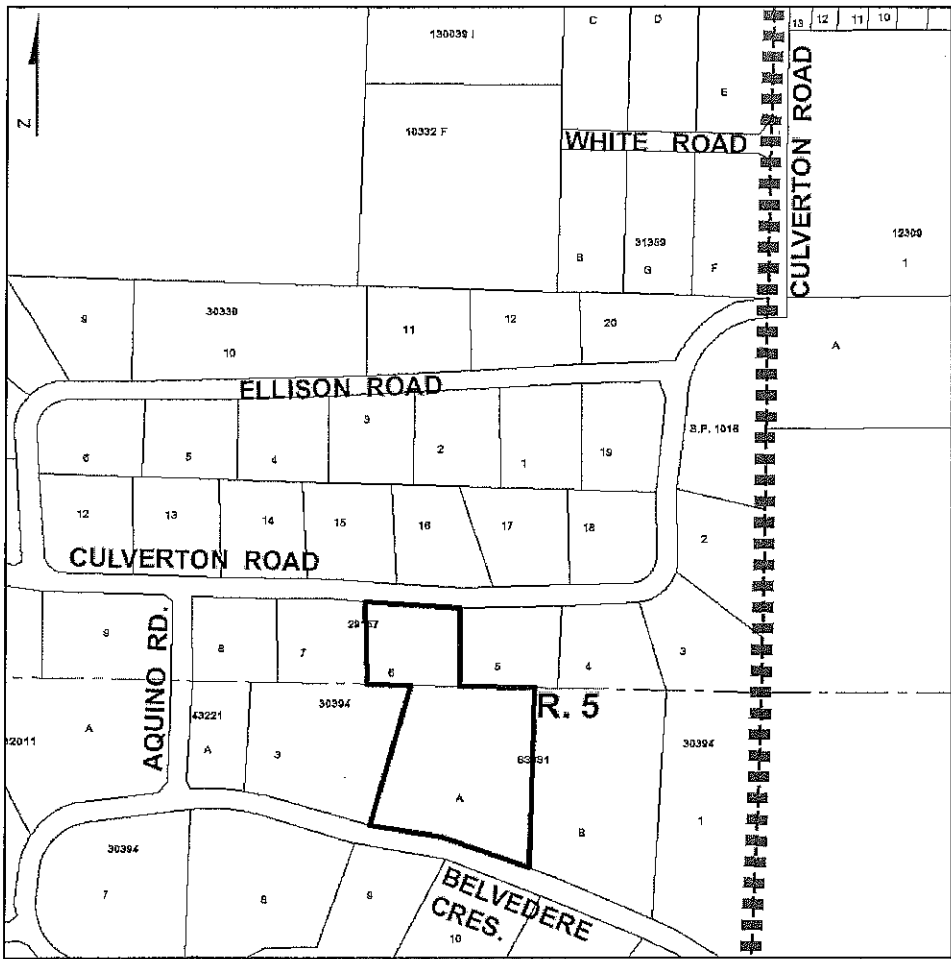
READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Corporate Secretary

SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. 3600
OF THE COWICHAN VALLEY REGIONAL DISTRICT



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM
R-2 (Suburban Residential) TO
C-4B (Retreat Commercial) APPLICABLE
 TO ELECTORAL AREA F



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3610

**A Bylaw for the Purpose of Amending Zoning Bylaw No. 985
Applicable to Electoral Area B – Shawnigan Lake**

WHEREAS the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt and amend zoning bylaws;

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area B – Shawnigan Lake, that being Zoning Bylaw No. 985;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 985;

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

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3610 - Area B – Shawnigan Lake Zoning Amendment Bylaw (Hornick & Anderson), 2012**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 985, as amended from time to time, is hereby amended in the following manner:

- a) That Schedule A (Zoning Map) to Electoral Area B – Shawnigan Lake No. 985 be amended by rezoning Lot A, Range 1, Shawnigan District, Plan VIP72158 as shown outlined in black and shaded in gray on Schedule A, Plan Z-3610, attached hereto and forming part of this bylaw, from F-1 Zone (Primary Forestry) to R-2 Zone (Suburban Residential).

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this 13th day of June, 2012.

READ A SECOND TIME this 13th day of June, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

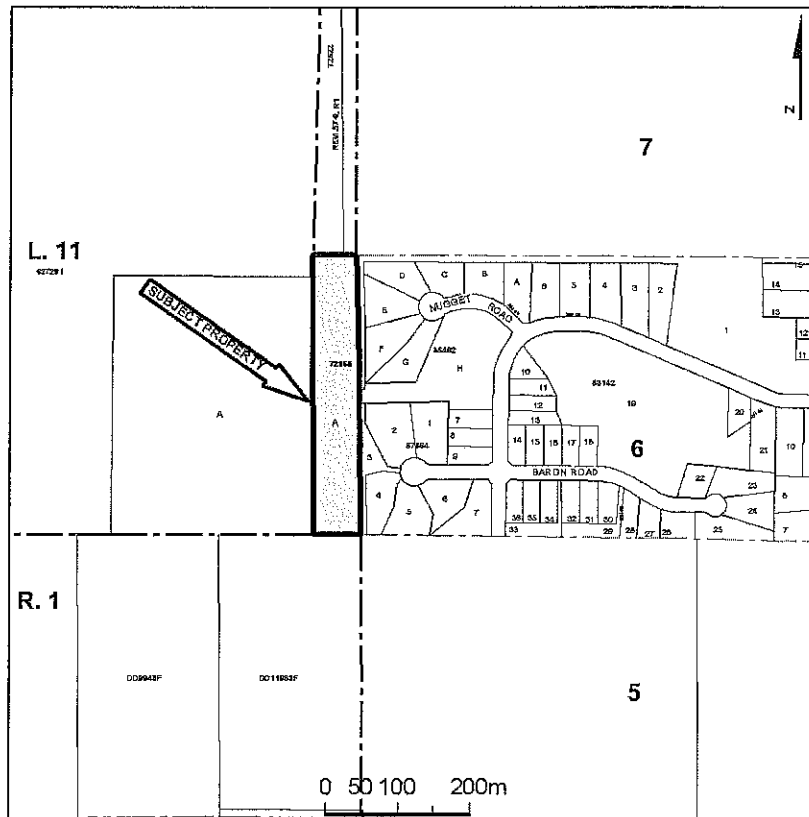
Chairperson

Corporate Secretary

PLAN NO. Z-3610

**SCHEDULE "A" TO PLAN AMENDMENT BYLAW NO.
OF THE COWICHAN VALLEY REGIONAL DISTRICT**

3610



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Primary Forestry (F-1) TO

Suburban Residential (R-2) APPLICABLE

TO ELECTORAL AREA B



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3620

A Bylaw for the Purpose of Amending South Cowichan Official Community Plan Bylaw No. 3510, Applicable to Electoral Area A – Mill Bay/Malahat, Electoral Area B – Shawnigan Lake and Electoral Area C – Cobble Hill

WHEREAS the *Local Government Act*, hereafter referred to as the "Act", as amended, empowers the Regional Board to adopt and amend official community plan bylaws;

AND WHEREAS the Regional District has adopted an Official Community Plan bylaw for Electoral Area A – Mill Bay/Malahat, Electoral Area B – Shawnigan Lake and Electoral Area C – Cobble Hill, that being South Cowichan Official Community Plan Bylaw No. 3510;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 3510;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3620 – South Cowichan Official Community Plan Amendment Bylaw (Maxwell), 2012**".

2. **AMENDMENTS**

South Cowichan Official Community Plan Bylaw No. 3510, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. **CAPITAL EXPENDITURE PROGRAM**

This bylaw has been examined in light of the most recent Capital Expenditure Program and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

READ A FIRST TIME this 11th day of July, 2012.

READ A SECOND TIME this 11th day of July, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3620

Schedule A to Official Community Plan Bylaw No. 3510, is hereby amended as follows:

1. The following is added after Policy 13.1.13:

POLICY 13.1.14

Notwithstanding its designation as Rural Residential, the implementing zoning bylaw permits auto wrecking, salvage, the sales of used automotive parts and products and associated uses on 3330 Trans Canada Highway legally described as That Part of Lot E, Section 9, Range 8, Shawnigan District, Plan 2592, Lying to the South West of the Island Highway as said highway is shown on Plan 1288 OS except Part in Plan VIP67616.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3621

**A Bylaw For The Purpose Of Amending Zoning Bylaw No. 2000
Applicable To Electoral Area A – Mill Bay/Malahat**

WHEREAS the *Local Government Act*, hereafter referred to as the "Act", as amended, empowers the Regional Board to adopt and amend zoning bylaws;

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area A – Mill Bay/Malahat, that being Zoning Bylaw No. 2000;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 2000;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "CVRD Bylaw No. 3621 - Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Maxwell), 2012".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 2000, as amended from time to time, is hereby amended in the following manner:

- a) That Section 6.1 "Creation of Zones" be amended by adding I-8 (Automobile Wrecking/Salvage Industrial Zone) to the list of zones
- b) That the following be added after Section 11.4(d):

11.5 **I-8 ZONE - AUTO WRECKING/SALVAGE INDUSTRIAL**

Subject to compliance with the general requirements detailed in Parts 4 and 5 of the Bylaw, the following regulations apply in the I-8 Zone:

(a) Permitted Uses

The following principal uses and no others are permitted in an I-8 Zone:

1. Automobile, truck, and other motor vehicle wrecking and salvage yard; and
2. Sales of used automotive parts and products

The following accessory uses are permitted in the I-8 Zone:

3. Buildings and structures accessory to a principal or accessory use;
4. One single family dwelling

(b) Parcel Coverage Limit

The parcel coverage in the I-8 Zone shall not exceed 60 percent for all buildings and structures.

(c) Height

The height of all buildings and structures in the I-8 Zone shall not exceed 12 metres, except in accordance with Section 5.10 of this Bylaw.

(d) Screening

Any parcel in the I-8 zone shall be comprehensively screened by continuous vegetation from any fronting public road.

(e) Setbacks

The setbacks for buildings and structures in the I-8 Zone are as follows:

| Type of Parcel Line | Industrial Use | Residential Use |
|---------------------|----------------|-----------------|
| Front | 7.5 metres | 7.5 metres |
| Interior Side | 9 metres | 3.0 metres |
| Exterior Side | 4.5 metres | 4.5 metres |
| Rear | 9 metres | 4.5 metres |

(f) Minimum Parcel Size

The minimum parcel size in the I-8 Zone is 2 hectares.

(g) Off-Street Parking and Loading Spaces

Off-street parking and loading spaces in the I-8 Zone shall be provided in accordance with the Cowichan Valley Regional District Parking requirements.

- c) That Schedule B (Zoning Map) be amended by adding I-8: Auto Wrecking/Salvage Industrial Zone to the legend;
- d) That Schedule B (Zoning Map) to Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 be amended by rezoning That Part of Lot E, Section 9, Range 8, Shawnigan District, Plan 2592, Lying to the South West of the Island Highway as said highway is shown on Plan 1288 OS except Part in Plan VIP67616 as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3621, from A-1 (Primary Agricultural) to I-8 (Automobile Wrecking/Salvage Industrial Zone).

3. FORCE AND EFFECT

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

READ A FIRST TIME this 11th day of July , 2012.

READ A SECOND TIME this 11th day of July , 2012.

READ A THIRD TIME this _____ day of _____ , 2012.

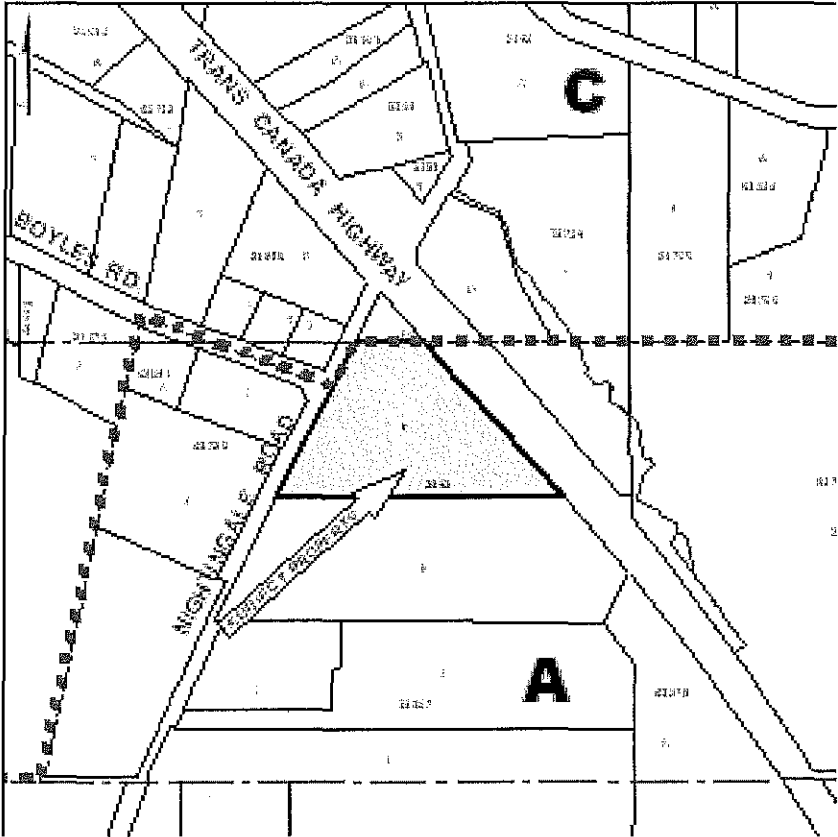
ADOPTED this _____ day of _____ , 2012.

Chairperson

Secretary

PLAN NO. Z-3621

SCHEDULE "B" TO ZONING AMENDMENT BYLAW NO. 3621
OF THE COWICHAN VALLEY REGIONAL DISTRICT



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

A-1 (Primary Agricultural) TO

I-8- (Auto Wrecking/Salvage Industrial Zone) APPLICABLE

TO ELECTORAL AREA A



NEW BUSINESS SUMMARY

BOARD MEETING SEPTEMBER 12, 2012

- NB1** "CVRD Bylaw No. 3633 – Fireworks Sale and Discharge Regulation Amendment Bylaw, 2012", 1st, 2nd and 3rd reading
- NB1** "CVRD Bylaw No. 3633 – Fireworks Sale and Discharge Regulation Amendment Bylaw, 2012", adoption
- NB2** Staff Report from Brian Duncan, Manager, Inspections & Enforcement re: Feast of Fields – Special Occasion Licence
- NB3** Staff Report from J. E. Barry, Manager, Legislative Services re: Poll Results - Cowichan Sportsplex Annual Financial Contribution
- CSCR2** Land Acquisition – Section 90 (1)(e) of the *Community Charter*
- CSSR3** Land Disposal – Section 90 (1)(e) of the *Community Charter*



NB1

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3633

A Bylaw to amend Fireworks Sale and Discharge Regulation Bylaw No. 39

WHEREAS the Board of the Cowichan Valley Regional District established regulations to regulate the sale and use of fireworks within the Cowichan Valley Regional District, excluding the City of Duncan and the District of North Cowichan, under the provisions of Bylaw No. 39, cited as "Fireworks Sale and Discharge Regulation Bylaw No. 39, 1970";

AND WHEREAS the Board wishes to amend CVRD Bylaw No. 39 to further regulate the sale and discharge of fireworks;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3633 – Fireworks Sale and Discharge Regulation Amendment Bylaw, 2012**".

2. **AMENDMENTS**

Cowichan Valley Regional District Fireworks Sale and Discharge Regulation Bylaw No. 39, 1970, as amended from time to time, is hereby amended in the following manner:

a) Section 1 DEFINITIONS be amended by deleting the definition of "Fireworks Operator Certificate".

b) Section 1 DEFINITIONS be amended by deleting the definition of "Public Special Event or Festival" and replace with the following:

"Public Special Event or Festival" means the observance or celebration of a public special event, festival or other ceremony sponsored or conducted by an organization or person.

c) Section 1 DEFINITIONS be amended by adding the following definitions:

"Board" means the Board of Directors of the Cowichan Valley Regional District.

"Bylaw Enforcement Officer" means the person designated by the Board to administer and enforce bylaws within the Cowichan Valley Regional District.

"Fire Chief" means the Chief of the Fire Department in the jurisdiction that the public special event or festival is being held.

"*Fireworks Discharge Permit*" means a current and valid permit in the form attached as Schedule A to this Bylaw, specifying and authorizing a person or organization to possess and discharge fireworks.

"*Ticket*" means municipal ticket information in the form described in the Community Charter Bylaw Enforcement Ticket Regulation.

- d) Section 4 REQUIREMENTS FOR SPECIAL EVENTS be amended by deleting the existing paragraph and replace with the following:
 - a) Despite subsections 3(a) and (b), any person or organization may possess and discharge fireworks at a public special event or festival if the person or organization has a fire safety plan and holds a valid Fireworks Discharge Permit for the level appropriate to the nature of the fireworks being possessed and discharged, as confirmation of their knowledge and ability to safely possess and discharge fireworks in a sufficiently controlled environment.
 - b) Fireworks Discharge Permits will be issued for one day only and must be approved by the CVRD.
 - c) One day permits will be issued for the following days only: January 1st ; July 1st ; October 31st .

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____ , 2012.

READ A SECOND TIME this _____ day of _____ , 2012.

READ A THIRD TIME this _____ day of _____ , 2012.

ADOPTED this _____ day of _____ , 2012.

Chairperson

Secretary



SCHEDULE "A"
To CVRD Bylaw No. 3633

FIREWORKS DISCHARGE PERMIT

LOCATION: _____

DATE: * _____

*Date must be January 1st, July 1st, or October 31st – Special request dates must be approved the CVRD Board.

*July 1st date may be subject to LOCAL FIRE DEPARTMENT APPROVAL

Fireworks may be discharged only between the hours of 6:00 pm and 12:00 midnight on July 1st or October 31st, and on January 1st between 12:00 midnight and 1:00 am.

I, _____, have read and understand the contents of CVRD Fireworks Sale and Discharge Regulation Bylaw No. 39, and amendments, and the Fireworks Safety Awareness Information package, available at the CVRD office. I am over 19 years of age and assume responsibility for the discharge of fireworks on the date and at the location noted above.

Signed: _____

Date: _____

This Permit is approved by: _____

CVRD Bylaw Enforcement Officer

Date

Note: The RCMP and local Fire Department will be notified of the above event.



NB2

STAFF REPORT

**REGULAR BOARD MEETING
OF SEPTEMBER 12, 2012**

DATE: September 10, 2012 **FILE NO:**
FROM: Brian Duncan, Manager, Inspections & Enforcement **BYLAW NO:**
SUBJECT: Feast of Fields – Special Occasion License

Recommendation/Action:

That the Regional Board approve the issuance of a Special Event License to Farm Folk/City Folk for the Feast of Fields event to be held on Sunday, September 16, 2012 from 1-5 p.m. at Alderlea Farm in Glenora.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: *(Reviewed by Finance Division: N/A)*

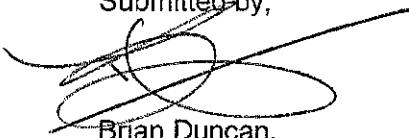
Background:

Farm Folk/City Folk will be hosting the 15th Annual "Feast of Fields" this Sunday, September 16th, from 1–5 pm at Alderlea Farm on Glenora Road. This is the seventh time the event has been hosted at a rural property within the CVRD. As it is expected that this year's event will attract over 500 people, organizers must obtain approval from the CVRD Board as per CVRD Special Event Bylaw #40.

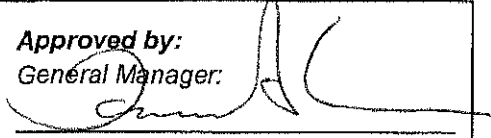
In accordance with Bylaw requirements, an adjacent field has been rented for parking, Commissionaires have been hired to control parking and provide security, adequate sanitation facilities will be provided and the approval of the RCMP has been granted as per the attached Special Occasion License issued by the Liquor Control and Licensing Branch.

As we have not received any complaints regarding the events held in previous years, staff have no objection to the Regional Board issuing approval for this event.

Submitted by,


Brian Duncan,
Manager
Inspections and Enforcement Division
Planning & Development Department

Approved by:
General Manager:



BD/ca
Attachment

"A"

SPECIAL OCCASION LICENCE APPLICATION

A. APPLICANT INFORMATION

Name of the Applicant: (society, organization, company) FarmFolk/City Folk
 Mailing Address: 1661 Duranlean City: Vancouver Postal Code: V6H 3S3
 Name of Person Completing this Application: (photo ID may be required) Melanie Baras 25-470
 Mailing Address: (if different from above) 1146 Mason St. City: Victoria Postal Code: V8T 1A6
 Daytime Phone: (250) 893 0803 Evening Phone: same Email: melaniebaras@gmail.com
 Your Position in the Applicant Organization: Event Coordinator/honorary member Your Serving It Right number: 00000683205
 (You may be asked for documentation.)

B. EVENT INFORMATION

Private or Public: Private Public Type of Event (check one): Community Event Business-Host Event Liquor Tasting
 Please describe your event (e.g., concert, baseball tournament, staff party, club event): Harvest Celebration
 Event address: Alduska Farm 3390 Glenora Rd City: Duncan
 Area(s) where liquor will be consumed: A Fenced Field
 Date of Event: ~~10/15/10~~ Time of Event - From: 1-5pm To: _____
 Total Number of Attendees: 1000 Total Number of People 19 Years or Older: 985
 Security Plan (see over): Security plan is required and has been approved by the Liquor Control and Licensing Branch: Yes No

C. LIQUOR QUANTITIES AND SELLING PRICES

Or check here: Liquor will not be sold

| | QUANTITY | SELLING PRICE |
|-----------------------|------------------------|-----------------------------|
| Packaged Beer | <u>5 Doz</u> | \$ per bottle/can |
| Draught Beer | | \$ per 12 oz (340 ml) glass |
| Packaged Cooler/Cider | | \$ per bottle/can |
| Draught Cider | | \$ per 12 oz (340 ml) glass |
| Wine | <u>480 Bottles 480</u> | \$ per 750 ml bottle |
| Wine | | \$ per 4 oz (115 ml) glass |
| Spirits | | \$ per oz (28 ml) |

Quantities are the maximum permitted. Selling prices are subject to legal maximums.

HOW MUCH DO YOU NEED?

Please see the SOL booklet to determine how much liquor you will need at your event and the maximum price at which it can be sold.

All liquor for this event must be purchased from a Government Liquor Store or other approved outlet.

UBrew / UVin / homemade beers and wines are not permitted.

D. DECLARATION

I, Melanie Baras, certify that all of the information given is true and complete to the best of my knowledge. I have read the terms & conditions of the licence on the reverse of this form, and, if this application is approved, the applicant named above will be the licensee and be responsible for liquor service at the event.
 Signature: Melanie Baras Date (mm/dd/yy): _____

E. POLICE COMMENTS/ENDORSEMENT

Approved Bin appropriate
S/Sgt. Jack MacNeill

F. LOCAL GOVERNMENT/FIRST NATIONS COMMENTS/ENDORSEMENT

North Cowichan/Duncan Detachment

G. GOVERNMENT LIQUOR STORE MANAGER COMMENTS

License No: 12270
 Store Name: Duncan Store # 12 Manager: [Signature] Phone # 246-1923

THIS APPLICATION MUST BE POSTED WITH THE LICENCE IN A VISIBLE LOCATION DURING EVENT HOURS

WHITE: APPLICANT PINK: LIQUOR STORE MANAGER YELLOW: POLICE

will be posted by courier



STAFF REPORT

BOARD MEETING
OF SEPTEMBER 12, 2012

DATE: September 12, 2012
FROM: J.E. Barry, Manager, Legislative Services
SUBJECT: Poll Results - Cowichan Sportsplex Annual Financial Contribution

Recommendation/Action:

For information.

Background:

At the August 1, 2012 Board meeting, the following resolution was passed:

"That a poll be conducted to determine which CVRD member municipalities and electoral areas are interested in participating in an annual financial contribution service to requisition \$146,000 in 2013 to assist with funding the Cowichan Sportsplex."

The results of the 2012 summer poll were:

| <i>Are you interested in participating in an annual financial contribution service to requisition \$146,000 in 2013 to assist with funding the Cowichan Sportsplex?</i> | | | |
|--|-------------------------------|--|---|
| Yes | Yes, (with conditions) | No | |
| North Cowichan | Area G Duncan | Area A Area C Area F Area I Ladysmith Area E declined to answer | Area B Area D Area H Lake Cowichan |

The specific resolutions from the municipal councils were:

City of Duncan:

That the City of Duncan express to the CVRD that the City would be interested in participating in a new function for the Cowichan Sportsplex if the majority of jurisdictions participate;
And that if the majority of jurisdictions are not interested at this time, that the status quo of an annual grant in aid (increased to \$149,000) continue until the Regional Recreation discussions have been completed;
And that the annual grant in aid be committed to by the board prior to the end of each calendar year to assist in the Cowichan Sportsplex board's planning purposes.

Town of Ladysmith:

That the Town of Ladysmith declines to participate in an annual Cowichan Valley Regional District financial contribution service to requisition \$146,000 in 2013 to assist with funding the Cowichan Sportsplex, and requests Cowichan Valley regional District consideration of a funding formula for Cowichan Sportsplex similar to the model used for funding the Cowichan Theatre.

North Cowichan:

That Council inform the Board of the Cowichan Valley Regional District that Council supports the creation of a region-wide annual financial contribution service for the Cowichan Sportsplex to requisition \$146,000 in 2013.

Town of Lake Cowichan:

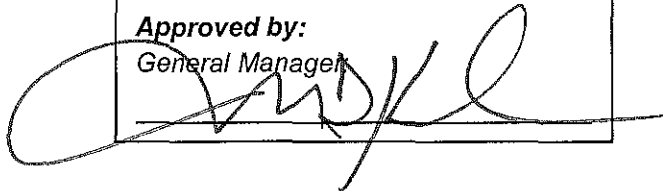
The Town voted in favour of not participating.

Electoral Areas:

The Director from Area G advised that he is interested in participating but only if everybody was a partner. The Director from Area E declined to answer the question. All the remaining Directors said no.

Submitted by


J.E. Barry
Manager, Legislative Services

| |
|---|
| <p>Reviewed by: Division Manager: <u>Not applicable</u></p> <p>Approved by: General Manager: </p> |
|---|