



**COWICHAN VALLEY REGIONAL DISTRICT**

**NOTICE OF REGULAR BOARD MEETING**

**DAY: WEDNESDAY**

**DATE: APRIL 8, 2009**

**TIME: → REGULAR SESSION  
6:00 P.M.**

**PLACE: BOARD ROOM**

**175 INGRAM STREET**



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**Joe E. Barry  
Corporate Secretary**



# C·V·R·D

## REGULAR BOARD MEETING

WEDNESDAY, APRIL 8, 2009

6:00 PM - CVRD BOARD ROOM

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### AGENDA

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| B3 | "CVRD Bylaw No. 3270 - Electoral Area B - Shawnigan Lake Parks & Recreation Commission Amendment Bylaw, 2009", 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> reading.                         | 55 - 56 |
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| B4 | "CVRD Bylaw No. 3271 - Electoral Area D Parks & Recreation Commission Amendment Bylaw, 2009", adoption.   |         |

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

- |    |  |         |
|----|--|---------|
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| B5 | "CVRD Bylaw No. 3142 - Area C - Cobble Hill Zoning Amendment Bylaw (I-1B Parcel Coverage/Outdoor Storage), 2008", be amended by adding outdoor storage as a permitted use in I-1B zone. ( <i>Resolution No. 09-173.14.2 adopted March 25, 2009</i> ) |         |
| B5 | "CVRD Bylaw No. 3142 - Area C - Cobble Hill Zoning Amendment Bylaw (I-1B Parcel Coverage/Outdoor Storage), 2008", 2 <sup>nd</sup> reading as amended.  |         |

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- a) Public
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17. **CLOSED SESSION:**
- |       |  |       |
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18. **ADJOURNMENT:**

The next Regular Board meeting will be held May 13, 2009 at 6:00 p.m., 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, March 11, 2009 at 6:06 pm.

**PRESENT:** Chair G. Giles,  
Directors K. Cossey, M. Dorey, L. Duncan,  
B. Harrison, R. Hutchins, L. Iannidinardo,  
P. Kent, K. Kuhn, M. Marcotte, T. McGonigle,  
I. Morrison, G. Seymour and T. Walker  
and Alternate Director R. Hartmann

**ALSO PRESENT:** Warren Jones, Administrator  
Joe Barry, Corporate Secretary  
Mark Kueber, General Manager Corporate Services  
Ron Austen, General Manager Parks, Recreation & Culture  
Kathleen Harrison, Deputy Corporate Secretary  
Sharon Moss, Manager Finance Division

**ABSENT:** Director D. Haywood

**GUESTS:** Former Director J. Allan  
Former Director J. Lefebure  
Former Director G. Ridgway  
Former Director M. Tansley  
Former Director M. Walker  
Former CVRD Administrator, F. Raimondo

## **APPROVAL OF AGENDA**

**09-107** It was moved and seconded that the agenda be amended with the addition of the following New Business items:

**NB1** Correspondence from Jean Crowder, MP

**NB2** Transit Committee Report and Recommendations of March 11, 2009

**And Closed Session New Business items:**

**CSNB1** Law Enforcement {Sub (1) (f)} and Land Acquisition {Sub (1) (e)}

**CSNB2** Land Acquisition {Sub (1) (e)}

**and that the agenda, as amended, be adopted**

**MOTION CARRIED**

**RECOGNITION  
CEREMONY**

Chair Giles welcomed the assembled former CVRD Directors and with the assistance of the Corporate Secretary, distributed commemorative recognition gifts to each of the former directors.

Selected speakers provided a brief history of the political CVRD career of each of the former Directors.

Director Dorey reflected on the statesman-like demeanor of former Director Tansley and the seriousness with which he carried out his responsibility as a CVRD Director.

Director Cossey encapsulated the effect and inspiration that former Director Walker brought to his role as a former CVRD Director and the impact Mr. Walker had on the Mill Bay/Malahat area.

Alternate Director Hartmann provided a thoughtful summarization of former Director Lefebure's accomplishments and life.

Director Walker captured the reflective irreverence and foresight of former Director Ridgway's delivery at the Committee and Board level.

Former Administrator Raimondo touched upon the highlights and achievements of former Director Allan's political life and his service to his community and the strong regional vision former Director Allan had as Chairman of the Board.

**ADOPTION OF  
MINUTES**

**09-108** It was moved and seconded that the minutes of the Special Board meeting of February 10, 2009 be adopted.

**MOTION CARRIED**

**09-109** It was moved and seconded that the minutes of the Regular Board meeting of February 11, 2009 be adopted.

**MOTION CARRIED**

**09-110** It was moved and seconded that the minutes of the Special Board meeting of February 12, 2009 be adopted.

**MOTION CARRIED**

**REPORT OF  
CHAIRPERSON**

**RC1** Appointment of the Nanaimo Airport Commission.

**09-111** It was moved and seconded:

1. That the CVRD solicit interest in the local newspapers for qualified candidates to represent the CVRD on the Nanaimo Airport Commission.
2. That a committee be struck comprised of Directors Hutchins, Dorey, Marcotte, Kent and Giles to make the candidate selection.

**MOTION CARRIED**

**RC2** 2009 Prestige Awards presented by the Canadian Sport Tourism Alliance for sport tourism events that have taken place in 2008.

**09-112**

It was moved and seconded that the Cowichan Valley Regional District nominate the 2008 Cowichan North American Indigenous Games (NAIG) Society for the "2008 CSTA (Canadian Sport Tourism Alliance) Sport Event of the Year Award (budget over \$250,000)".

**MOTION CARRIED**

**CORRESPONDENCE**

**C1** Memorandum from the General Manager, Corporate Services dated March 4, 2009 re: 2009 Budget Revision was considered for information purposes.

**COMMITTEE REPORTS**

The Corporate Secretary advised that NB1 should be considered at the same time as CR1 recommendation number 5.

**CR1** The report and recommendations of the Regional Services Committee meeting of February 25, 2009 listing seventeen items was considered.

**09-113** It was moved and seconded:

1. That the Chairperson and Corporate Secretary be authorized to sign the Engagement Letter with the Auditors for the 2008 Audit.
2. That the CVRD provide tax exemption to the Capital Regional District for 2009 for parcel #4-765-11914.200.

3. That the CVRD Asset Disposal Policy be waived and that the Regional District donate the Cowichan SAR 1989 Ford Bus to the CRD Salt Spring Emergency Program for use by amateur radio, emergency program and search and rescue personnel as a radio communications link during emergency events.
4. That the 2009 Regional Grant in Aid request from the Chesterfield Sports Society dated December 17, 2008 for the Cowichan Sportsplex be approved for \$80,000. and be included in the 2009 Budget.
5. That the 2009 Regional Grant in Aid request from O.U.R. Ecovillage/O.U.R. Community Association dated September 1, 2008 for \$20,000. be included in the 2009 Budget.
6. That the 2009 Regional Grant in Aid request for the Olympic Torch Relay project be approved for \$20,000. and be included in the 2009 Budget.
7. That funding in the amount of \$75,000. for the South Cowichan Water Plan Study Function be included in the 2009 Budget.
8. That funding in the amount of \$27,500. for the Safer Futures Function be included in the 2009 Budget.
9. That funding in the amount of \$50,000. for the Social Planning Cowichan Function be included in the 2009 Budget.
10. That funding in the amount of \$25,000. for SAR Base of Operations, under Function 205 – Emergency Planning, be included in the 2009 Budget.
11. That the Town of Lake Cowichan's contribution to Function 472 – Senior Centre Grant be increased from \$4,500. to \$5,000. and that this amendment be included in the 2009 Budget.
12. That the requisition, under Function 113 – Grants-in-Aid Area C, be increased from \$9,994. to \$10,994. and that this amendment be included in the 2009 Budget.
13. That under Function 282 – South End Parks: Transfer/General Capital Fund be reduced by \$10,000.; an Expenditure be created for the Cobble Hill Cenotaph in the amount of \$10,000.; and that these amendments be included in the 2009 Budget.
14. That the requisition, under Function 115 – Grants-in-Aid Area E, be reduced to \$0. And that this amendment be included in the 2009 Budget.



15. That the requisition, under Function 111 - Grants-in-Aid Area A, be increased by \$3,500. and that this amendment be included in the 2009 Budget.

16. That under Function 355 – Fire Protection Malahat: Donations – Firemans Fund be increased to \$15,000.; Transfer/Reserve Fund be reduced by \$12,500.; and that these amendments be included in the 2009 Budget.

**MOTION CARRIED**

**09-114** It was moved and seconded:

17. That the requisition for Function 285 - Regional Parkland Acquisition be reduced from \$500,000. to \$300,000. and that this amendment be included in the 2009 Budget.

Opposed: Directors Duncan and Morrison

**MOTION CARRIED**

**09-115** It was moved and seconded:

1. That the requisition, under Function 111 - Grants-in-Aid Area A, be increased by \$2,000.
2. That the requisition, under Function 112 - Grants-in-Aid Area B, be increased by \$2,000.
3. That the requisition, under Function 113 - Grants-in-Aid Area C, be increased by \$3,000.

**MOTION CARRIED**

**CR2** The report and recommendations of the Electoral Area Services Committee meeting of February 17, 2009 listing seventeen items were considered.

**09-116** It was moved and seconded:

2. That the CVRD compensate Ian & Kelli Anderson \$450 for their loss of livestock due to an attack by unknown dog(s).
3. That a grant-in-aid (Electoral Area E – Cowichan Station/Sahtram/Glenora) in the amount of \$250 be given to The Cowichan Spirit of Women to assist with funding their programs and projects.

4. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$1,500 be given to Cowichan Secondary School to provide two bursaries (\$750 each) to students living in Electoral Area B.
5. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$1,800 be given to the Cowichan Family Caregivers Support Society to assist with the operation of the various Society Caregiver programs.
6. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$1,000 be given to Frances Kelsey School to provide one bursary to a student living in Area B.
7. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$250 be given to The Cowichan Spirit of Women to assist with funding their programs and projects.
8. That CVRD Bylaw No. 2057, Electoral Area B - Shawnigan Lake Parks and Recreation Commission Establishment Bylaw, 2000 be amended to increase the membership from seven (7) to nine (9) members and that the amendment bylaw be forwarded to the Board for three readings and adoption.
9. That a Part Time position in Bylaw Enforcement Function 328 be re-affirmed, and that \$25,000 be added to General Expenditures/Salaries/Part Time Regular.
10. That the proposed 2009 Area C Community Parks Budget Function 233 be amended by increasing the Revenue by \$365,000 with \$150,000 included as a bank loan and \$215,000 included as a transfer from reserve fund, and that the General Capital Fund under Expenditures be increased by \$365,000.
11. That the proposed 2009 Area H Community Parks Budget Function 238 be amended to reduce the Miscellaneous Equipment Budget Expenditures by \$9,884 and to increase the Transfer to Reserve by \$9,884.
12. That the proposed 2009 Area B Community Parks Budget Function 232 be amended by increasing the requisition by \$152,000 to \$372,000 and that the General Capital Fund under Expenditures be increased by \$152,000.
13. That a Reserve Fund be established for Bright Angel Park Function 281.

**MOTION CARRIED**

*(Amended from original Committee recommendation)*

It was moved and seconded:

1. That the following Regional Board Policy be adopted:  
*“That relocated modular and mobile homes must be manufactured under the CSA Z-240 Standard for Mobile Homes, or A-277 Standard for Manufactured Homes. Further, that homes manufactured under the A-277 Standard, when relocated within the CVRD electoral areas, must be placed on a permanent foundation. Z-240 mobile homes, single and doublewide, are permitted to be placed on strip footings and blocking.”*

09-117 It was moved and seconded that the proposed Regional Board Policy be referred back to the Electoral Area Services Committee.

Opposed: Directors Marcotte and Morrison

**MOTION CARRIED**

09-118 It was moved and seconded:

14. That Application No. 8-I-08DP be approved, and the Development Services Division be authorized to issue a development permit to Lucy and Doug Denham for the reconstruction of the principal residence on Lot 1, Section 45, Renfrew District, (situate in Cowichan Lake District), Plan VIP19229, subject to:
  - Strict compliance with RAR Report # 840 by Harry Williams, RP Bio, and
  - The 15 m Streamside Protection and Enhancement Area is flagged by a surveyor prior to construction and snow fencing is established separating the construction area from the SPEA;
  - The reconstruction is to be located outside the 15 metre Streamside Protection and Enhancement Area, measured from the 164 metre high water mark.
15. That Application No. 4-E-08ALR (Brant Raymond Weninger & Gwen Anne Siciliano) for a subdivision within the Agricultural Land Reserve, be forwarded to the Agricultural Land Commission with a recommendation to deny.

16. That the CVRD enter into a restrictive covenant with 613711 BC Ltd; T. A. Williams; P. A. Faganello, and D. J. Preston, which would protect the Streamside Protection and Enhancement Area of Strata Lots 1 through 11, Block 488, Cowichan Lake District, Plan VIS6095 in accordance with RAR Report No. 159 and establish a rent charge in the favour of the CVRD for the ongoing monitoring of the SPEA and related matters, and that the rent charge monies be directed to the *Protection of Waters and Riparian Areas on Cowichan Lake Fund*, established under CVRD Bylaw No. 2805.
17. That Official Community Plan Amendment Bylaw No. 3139 (Kaelble) and Zoning Amendment Bylaw 3140 (Kaelble) be referred back to the Board for consideration of third reading in their present form, with a recommendation to defeat, AND FURTHER that the question of the land use designation and zoning on this property be examined at the time of the Cowichan-Koksilah Official Community Plan review, presently scheduled to commence in 2010.

**MOTION CARRIED**

**CR2** The report and recommendations of the Electoral Area Services Committee meeting of March 3, 2009, listing fifteen items were considered.

**09-119** It was moved and seconded:

1. That a Notice Against Land Title be filed for property owned by Erik & Margaret Simensen and Arild and Astrid Solbakken, located at 11420 Youbou Road and legally described as PID 000-486-248, Plan 1736, Lot 35, Block 8, Cowichan Lake District.
2. That Notice Against Land Title be filed for property owned by Richard & Barbara Temple, located at 3579 Yellow Point Road and legally described as That part of parcel B (DD 12263N) of District Lot 36, Oyster District, Shown outlined in red on Plan 880R; and further, that legal action be held in abeyance at this time.
3. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$500 be given to Cowichan Foundation to assist with on-going community work.
4. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$1,000 be given to Cowichan Secondary School for two bursaries (\$500 each) to be awarded to students living in Electoral Area C.

5. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$250 be given to Cowichan Spirit of Women to assist with operation costs of the Womens Resource Centre.
6. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$1,500 be given to Frances Kelsey Secondary School for bursaries to be awarded to students living in Electoral Area C.
7. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$500 be given to Cowichan Family Caregivers Society to assist with ongoing community work.
8. That a grant-in-aid (Electoral Area E – Cowichan Station-Sahtlam-Glenora) in the amount of \$375 be given to Bike to Work Cowichan to assist with program operation costs.
9. That a grant-in-aid (Electoral Area E – Cowichan Station-Sahtlam-Glenora) in the amount of \$500 be given to BC Coalition for Health Promotion to assist with production costs of an educational documentary.
10. That a grant-in-aid (Electoral Area D – Cowichan Bay) in the amount of \$500 be given to BC Coalition for Health Promotion to assist with production costs of an educational documentary.
11. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$300 be given to BC Coalition for Health Promotion to assist with production costs of an educational documentary.
- 12.1. That the 2009-2010 Electoral Area F Community Parks Maintenance Services Contract be awarded to Easy Living Holdings Ltd. of Duncan in the amount of \$69,999.99 including GST, based on the RFP bid received Friday February 13, 2009.
  2. That the 2009-2010 Electoral Area I Community Parks Maintenance Services Contract be awarded to Easy Living Holdings Ltd. of Duncan in the amount of \$67,999.99 including GST, based on the RFP bid received Friday February 13, 2009.
13. That the Purchasing Policy be waived to allow the following list of works to proceed prior to the adoption of the CVRD 2009 Five Year Financial Plan in order to ensure the projects are completed prior to mid-spring when public use becomes very active at these parks and in particular at Saltair Centennial Park where the league play on the ball fields is scheduled to commence:

1. Area C – Construction of Bike Skills Park at Quarry Nature Park;
2. Area F – Emergency Repairs to Bear Lake Park Swim Float and approach ramp; and
3. Area G – Installation of Irrigation system at Saltair Centennial Park ball field.

14. That Director K. Kuhn and Director I. Morrison be authorized to attend the next FCM conference to be held in Whistler, subject to budget funding.

**MOTION CARRIED**

09-120 It was moved and seconded:

15. That Development Variance Permit Application No. 1-E-09DVP be approved, and that the Planning Division be authorized to issue a Development Variance Permit to Werner and Maureen Schwan with respect to Lot 3, Section 3, Range 1, Cowichan District, Plan 25530 that would vary Section 7.3(b)(4) of Zoning Bylaw No. 1840 by 1.2 metres for the construction of an accessory building 1.8 metres from the interior side parcel line.

**MOTION CARRIED**

CR2 The report and recommendations of the Electoral Area Services Committee Special meeting of March 3, 2009, listing seventeen items were considered.

09-121 It was moved and seconded:

1. That Community Planning Function 325, 2009 Annual Budget, be approved.
2. That Building Inspection Function 320, 2009 Annual Budget, be approved.
3. That Area F Grants-in-Aid Function 116, 2009 Annual Budget, be amended by increasing the requisition amount by \$3000 from \$7072 to \$10,072, and that budget Function 116, as amended, be approved.
4. That Area C Grants-in-Aid Function 113, 2009 Annual Budget, be amended by a further increase of \$2000 (total increase \$3000), and that budget Function 113, as amended, be approved.
5. That Area I Grants-in-Aid Function 118, 2009 Annual Budget, be increased by \$5000 to \$10,000, and that budget Function 118, as amended, be approved.

6. That Area F Community Parks Function 236, 2009 Annual Budget, be amended by increasing the requisition to \$144,000 with a corresponding increase to Capital, and that budget Function 236, as amended, be approved.
7. That Bright Angel Park Function 281, 2009 Annual Budget, be approved.
8. That Animal Control Function 310, 2009 Annual Budget, be approved.
9. That North Oyster Fire Protection Function 350, 2009 Annual Budget, be amended by increasing the requisition to \$239,000 with increase directed to Transfer to Reserve, and that budget Function 350, as amended, be approved.
10. That Mesachie Lake Fire Protection Function 351, 2009 Annual Budget, be approved.
11. That Cowichan Lake Fire Protection Function 352, 2009 Annual Budget, be approved.
12. That Saltair Fire Protection Function 353, 2009 Annual Budget, be approved.
13. That Sahtlam Fire Protection Function 354, 2009 Annual Budget, be approved.
14. That Malahat Fire Protection Function 355, 2009 Annual Budget, be approved.
15. That Eagle Heights Fire Protection Function 356, 2009 Annual Budget, be approved.
16. That Honeymoon Bay Fire Protection Function 357, 2009 Annual Budget, be approved.
17. That Youbou Fire Protection Function 358, 2009 Annual Budget, be approved.

**MOTION CARRIED**

CR3 The report and recommendations of the Engineering Services Committee meeting of February 25, 2009, listing ten items, were considered.

09-122 It was moved and seconded:

1. That the CVRD provide the following relief to Vancouver Island Recycling Centre:
  1. Waive the \$400.00 monthly payment required under the current contract for a period not to exceed six months; and
  2. Impose a \$10 per tonne tipping fee for material accepted under the multi-bin program for a period not to exceed six months.
3. That the CVRD Board support the proposed workshop on environmental aspects to planning decisions, Saturday, March 28, 2009, and encourage appropriate CVRD and member municipal staff, advisory planning commission and park commission members and others to attend.
4.
  1. That "CVRD Bylaw No. 3253 – Cowichan Bay Sewer System Management Amendment Bylaw, 2009" be forwarded to the Board for three readings and adoption.
  2. That "CVRD Bylaw No. 3254 –Eagle Heights Sewer System Management Amendment Bylaw, 2009" be forwarded to the Board for three readings and adoption.
  3. That "CVRD Bylaw No. 3255 – Cobble Hill Sewer System Management Amendment Bylaw, 2009" be forwarded to the Board for three readings and adoption.
5.
  1. That CVRD Bylaw No. 3257 – Youbou Water System Management Amendment Bylaw, 2009, amending Schedule B – Metered Water Rates and Charges be forwarded to the Board for consideration of three readings and adoption.
  2. That Bylaw No. 3240 – Arbutus Mountain Estates Water System Management Amendment Bylaw, 2009 be forwarded to the Board for consideration of three readings and adoption.
6. That the Board approve the purchase of a new Skidsteer Loader for the Recycling and Waste Management Division in the amount of \$45,808.00, prior to the adoption of the CVRD 2009 Five-year Financial Plan.
7. That the CVRD Board authorize staff time to investigate takeover of the existing Douglas & Moth Water System located in Electoral Areas C and D, as requested in the attached correspondence from Leighton Mellemstrand, Secretary, Douglas Hill Ratepayers Association, subject to the following conditions:
  1. All lands on which infrastructure works are located will 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 owners;
  3. A CVRD in-house review of the system be undertaken in order to address deficiencies in the water system;
  4. The owner of the Douglas and Moth Water Utility be willing to sell and/or 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.

and further that, upon completion of a successful petition process, bylaws be prepared to create a service area for this utility.

8. That the following projects be submitted for funding under the Canada-British Columbia Building Canada Fund – Communities Component:
  1. Shawnigan Lake North Water System Upgrades
  2. Bings Creek Organics Tipping Floor.
9. That the following amendments be made to the 2009 budgets and forwarded to the Board for consideration:
  1. Budget 670 – Cherry Point Estates Water Fund: Set Parcel Tax Requisition to \$18,750 and transfer \$3,327 to reserve.
  2. Budget 800 – Cowichan Bay Sewer Fund: Set Parcel Tax Requisition to \$147,620 and transfer \$56,295 to reserve.
  3. Budget 860 – Youbou Sewer Fund: Set Parcel Requisition to \$37,000 and transfer \$4,079 to reserve.
10. That the Board provide approval to incur a sole source expense of a Salness Filter against the Shawnigan Beach Estates Sewer System capital budget in the amount of \$105,000, prior to approval of the 2009 budget.

**MOTION CARRIED**

**7:30 pm** Director McGonigle left the meeting at 7:30 pm.

It was moved and seconded:

2. 1. That "CVRD Bylaw No. 2942 - Air Pollution Control Service Establishment Bylaw, 2007", not be proceeded with.
2. That staff prepare a new bylaw for air pollution control with the nine electoral areas as the participating areas.

3. That "CVRD Bylaw No. 3258 - Air Pollution Control Service Establishment Bylaw, 2009", be forwarded to the Board for consideration of three readings, and following Provincial approval, adoption.

**09-123** It was moved and seconded that recommendation number 2 be referred to the Electoral Area Services Committee.

Opposed: Chair Giles, Directors Hutchins, Seymour, Iannidinardo, Harrison, Cossey, Kent and Alternate Director Hartmann

**MOTION DEFEATED**

**09-124** **VOTING RESUMED ON THE ORIGINAL MOTION**

Motion restated for clarification:

**It was moved and seconded:**

2. 1. That "CVRD Bylaw No. 2942 - Air Pollution Control Service Establishment Bylaw, 2007", not be proceeded with.
2. That staff prepare a new bylaw for air pollution control with the nine electoral areas as the participating areas.
3. That "CVRD Bylaw No. 3258 - Air Pollution Control Service Establishment Bylaw, 2009", be forwarded to the Board for consideration of three readings, and following Provincial approval, adoption.

Opposed: Directors Marcotte and Cossey

**MOTION CARRIED**

**CR4** The report and recommendations from the Parks Committee Special meeting of February 25, 2009 listing two items, were considered.

**09-125** **It was moved and seconded:**

1. That the 2009 Regional Parks Budget, Function No. 280, be approved.

**MOTION CARRIED**

Parks Committee recommendation #2 was dealt with previously under CR2 recommendation number 17.

CR4 The report and recommendations of the Kinsol Trestle Revitalization Committee meeting of March 3, 2009 listing two items, were considered.

09-126 It was moved and seconded:

1. 1) That the Board recognize the Kinsol Trestle as having heritage value and character, and that it be placed on a Community Heritage Register in the Cowichan Valley Regional District.
  - 2) That, pursuant to Section 974 of the *Local Government Act*, the CVRD notify the owner of the heritage property of the CVRD Board's intention to register the Kinsol Trestle on a Community Heritage Register in the Cowichan Valley Regional District.
  - 3) That, pursuant to Section 977 of the *Local Government Act*, the CVRD notify the Minister responsible for the *Heritage Conservation Act*, that the CVRD recognizes the Kinsol Trestle as having heritage value and character and that it be placed on a Community Heritage Register in the Cowichan Valley Regional District.
2. That the Board authorize final payment in the amount of \$13,617.14 to Commonwealth Historic Resource Management for consulting services to prepare the Kinsol Trestle Rehabilitation Phase II report.

MOTION CARRIED

CR5 The report and recommendation from the Island Savings Centre Commission meeting of February 19, 2008 listing one item was considered.

09-127 It was moved and seconded that the Board provide approval to incur the capital expense of purchasing the Arena Score Clock to a maximum of \$40,000, prior to the adoption of the 2009 CVRD Budget.

MOTION CARRIED

CR5 The report and recommendation from the Island Savings Centre Commission Special meeting of March 3, 2009 listing one item was considered.

09-128 It was moved and seconded that the Board accept the revised 2009 Island Savings Centre Budget that reflects a budget reduction of \$258,090 from Function 421 to Function 438 inclusive, and that the amendments be included in the 2009 Budget.

MOTION CARRIED

**CR6** The report and recommendations from the Cowichan Lake Recreation Commission meeting of February 19, 2009 listing two items were considered.

**09-129** It was moved and seconded:

1. That the CVRD Purchasing Policy be waived, and that the Chair and Corporate Secretary be authorized to sign an agreement with CEI Architecture Planning Interiors, for a cost of \$385,560, for the completion of architectural services for the Cowichan Lake Sports Arena project.
2. That the Board approve adding the following items back into Function 405 Cowichan Lake Recreation:

Salaries and Benefits	\$58,263
Miscellaneous Equipment	\$50,000
Capital Machinery and Equipment	\$6,000

for a total Function 405 increase of \$114,263 for a proposed 2% decreased requisition of \$1,364,566., and that the budget amendments be included in the 2009 Budget.

Opposed: Director Kuhn

**MOTION CARRIED**

**CR7** The report and recommendations from the Kerry Park Recreation Commission meeting of February 24, 2009 listing four items were considered.

**09-130** It was moved and seconded:

1. That the Cowichan Valley Regional District Board support the grant application to the Celebrate Canada Committee for British Columbia c/o Canadian Heritage for funds to host the Canada Day Celebration in the South Cowichan Area.
2. That the requisition, under Function 411 – Cost of Referendum - be increased by \$18,000 to a total of \$1,010,289 and that this amendment be included in the 2009 budget.
3. That the requisition, under Function 412 – Machinery and Equipment- be decreased by \$13,000 to a total of \$172,055 and that this amendment be included in the 2009 budget.
4. That the requisition, under Function 413 – Buildings - be decreased by a total of \$24,500 to a total of \$221,500, and that this amendment be included in the 2009 budget.

**MOTION CARRIED**

**STAFF REPORTS**

**SR1** Staff Report from the Legislative Services Coordinator dated February 17, 2009 re: Amendments to CVRD Bylaw No. 3085 - Cobble Hill Drainage Service was considered.

**09-131** It was moved and seconded that the Staff Report from the Legislative Services Coordinator dated February 17, 2009 re: Amendments to CVRD Bylaw No. 3085 - Cobble Hill Drainage Service be received and filed.

**MOTION CARRIED**

**SR2** Staff Report from the Deputy Corporate Secretary dated February 24, 2009 re: Results of Alternative Approval Process - Bylaw No. 3138 - South Cowichan Water Plan Study Service was considered .

**09-132** It was moved and seconded that the *Certificate of Results* confirming that the CVRD Board may proceed to adopt Bylaw No. 3138 be received.

**MOTION CARRIED**

**SR3** Staff Report from the General Manager, Corporate Services dated March 3, 2009 re: Strategic Community Investment Funds was considered.

**09-133** It was moved and seconded that the Chair and Corporate Secretary be authorized to execute the Province of British Columbia's, Strategic Community Investment Funds agreement on behalf of the CVRD.

**MOTION CARRIED**

**SR4** Staff Report from the Parks Operations Superintendant dated March 3, 2009 re: Rescinding of February 11, 2009 Board Resolution 09-067 Purchase of Used 4x4 Parks Truck was considered.

**09-134** It was moved and seconded:

1. That Board Resolution No. 09-067 dated February 11, 2009, be rescinded.
2. That up to a maximum of \$30,000 in short term borrowing for the purchase of a used 4x4 six passenger Crew Cab truck and biodiesel storage tank for the Parks and Trails Division, be approved, and that the loan be paid back over five years under the Liability Under Agreement Section 175 of the *Community Charter*.

**MOTION CARRIED**

**SR5** Staff Report from the Short Range Planner dated March 3, 2009 re: Zoning Amendment Bylaw No. 3241 (Cottyn Developments Ltd.) was considered for information.

**09-135** It was moved and seconded that the Staff Report from the Short Range Planner dated March 3, 2009 re: Zoning Amendment Bylaw No. 3241 (Cottyn Developments Ltd.) be received and filed.

**MOTION CARRIED**

**SR6** Staff Report from the Manager, Development Services dated March 2, 2009 re: First and Second Reading of Zoning Amendment Bylaw 3234 (Bahler) was considered.

**09-136** It was moved and seconded:

1. That Rezoning Application 4-F-07RS (Bahler) be approved;
2. That Zoning Amendment Bylaw No. 3234 to rezone Lot 10, Section 10, Range 4, Sahtlam District, Plan 46107 from F-1 (Forestry Resource 1) to F-2A (Forestry Residential) be forwarded to the Regional Board for consideration of first and second reading;
3. That a public hearing be scheduled for Zoning Amendment Bylaw No. 3234 and that Directors Morrison, Duncan and Kuhn be delegated to the hearing.

**MOTION CARRIED**

**SR7** Staff Report from the Division Manager, South Cowichan Recreation dated March 4, 2009 re: Shawnigan Lake Community Centre 2009 Budget was considered.

**09-137** It was moved and seconded that the following amendments to the Shawnigan Lake Community Centre 2009 Budget be approved:

- Increase the Tax Requisition of Function 464 to a total of \$529,171,
- Increase the Transfer from Reserve Fund to a total of \$43,475,
- Increase Rentals to a total of \$24,000,
- Increase Telephone to a total of \$5,000,
- Increase fuel to a total of \$5650,
- Increase Electricity to a total of \$17,300,
- Increase Capital Buildings to a total of \$533,900,

and, that the budget amendments be included in the 2009 Budget.

**MOTION CARRIED**

**09-138** It was moved and seconded that the CVRD 2009 Annual Budget be approved as amended.

Opposed: Directors Marcotte, Kuhn, Duncan and Morrison

**MOTION CARRIED**

**SR8** Staff Report from the Administrator dated March 4, 2009 re: Recommended Projects for Application to the Canada-BC Building Canada Fund was considered.

**09-139** It was moved and seconded that the following projects for application to the *Canada-British Columbia Building Canada Funding Program (BCF-CC)* be approved:

1. Lake Cowichan Arena & Training Facility Upgrade
2. Trans Canada Trail (North) Completion
3. Historic Kinsol Trestle Rehabilitation
4. Shawnigan Lake North Water Conservation and Quality Enhancements
5. Peerless Road Ashfill Reclamation and Recycling Project
6. Saltair Water Conservation & Quality Project
7. Mesachie Lake Waste Water & Habitat Protection Project.

**MOTION CARRIED**

**SR9** Staff Report from the Planner III, dated March 10, 2009, re: OCP Amendment Bylaw No. 3222 and Zoning Amendment Bylaw No. 3223 (Elkington Estates/Macaroff/Gates).

**09-140** It was moved and seconded that SR9, Staff Report from the Planner III, dated March 10, 2009, re: OCP Amendment Bylaw No. 3222 and Zoning Amendment Bylaw No. 3223 (Elkington Estates/ Macaroff/Gates), and Bylaws No. 3222 and No. 3223 be referred to the Special Board meeting scheduled for March 25, 2009.

**MOTION CARRIED**

## **PUBLIC HEARINGS**

**PH1** Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3231 and Zoning Amendment Bylaw No. 3232 (Industrial Development Permit Area/Loken), applicable to Electoral Area B - Shawnigan Lake were considered.

**09-141** It was moved and seconded that the Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3231 and Zoning Amendment Bylaw No. 3232 (Industrial Development Permit Area/Loken), applicable to Electoral Area B - Shawnigan Lake be received.

**MOTION CARRIED**

**PH2** Public Hearing Report and Minutes re: Zoning Amendment Bylaw No. 3241 (Cottyn Developments Ltd.) applicable to Electoral Area B - Shawnigan Lake were considered.

**09-142** It was moved and seconded that Public Hearing Report and Minutes re: Zoning Amendment Bylaw No. 3241 (Cottyn Developments Ltd.) applicable to Electoral Area B - Shawnigan Lake be received.

**MOTION CARRIED**

**BYLAWS**

**B1** It was moved and seconded that "CVRD Bylaw No. 3085 - Cobble Hill  
**09-143** Drainage System Service Establishment Bylaw, 2008", 3<sup>rd</sup> reading be **RESCINDED**.

**MOTION CARRIED**

**B1** It was moved and seconded that "CVRD Bylaw No. 3085 - Cobble Hill  
**09-144** Drainage System Service Establishment Bylaw, 2008", be amended in accordance with Item SR1.

**MOTION CARRIED**

**B1** It was moved and seconded that "CVRD Bylaw No. 3085 - Cobble Hill  
**09-145** Drainage System Service Establishment Bylaw, 2008", be granted 3<sup>rd</sup> reading as amended.

**MOTION CARRIED**

**B2** It was moved and seconded that "CVRD Bylaw No. 3138 - South Cowichan  
**09-146** Water Plan Study Service Establishment Bylaw, 2008", be adopted.

**MOTION CARRIED**

**B3** It was moved and seconded that "CVRD Bylaw No. 3231 - Area B -  
**09-147** Shawnigan Lake Official Community Plan Amendment Bylaw (Industrial Development Permit Area/Loken), 2008", be granted 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B3** It was moved and seconded that "CVRD Bylaw No. 3231 - Area B -  
**09-148** Shawnigan Lake Official Community Plan Amendment Bylaw (Industrial Development Permit Area/Loken), 2008", be adopted.



MOTION CARRIED

B4 It was moved and seconded that "CVRD Bylaw No. 3232 - Area B -  
09-149 Shawnigan Lake Zoning Amendment Bylaw (Loken), 2008", be granted 3<sup>rd</sup>  
reading.

MOTION CARRIED

B4 It was moved and seconded that "CVRD Bylaw No. 3232 - Area B -  
09-150 Shawnigan Lake Zoning Amendment Bylaw (Loken), 2008", be adopted.

MOTION CARRIED

B5 It was moved and seconded that "CVRD Bylaw No. 3234 - Area F -  
09-151 Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Bahler),  
2009", be granted 1<sup>st</sup> and 2<sup>nd</sup> reading.

MOTION CARRIED

B6 It was moved and seconded that "CVRD Bylaw No. 3241 - Area B -  
09-152 Shawnigan Lake Zoning Amendment Bylaw (Cottyn Developments Ltd.),  
2008", be granted 3<sup>rd</sup> reading as amended in accordance with Item SR5.

MOTION CARRIED

B7 Referred to the Special Board meeting of March 25, 2009 with Item SR9.

B8 Referred to the Special Board meeting of March 25, 2009 with Item SR9.

RESOLUTIONS

RES1 It was moved and seconded that the following appointments to the Electoral  
09-153 Area C - Cobble Hill Parks and Recreation Commission be approved:

Term to expire December 31, 2010:

Elected:

Alan Seal

Ian Sparshu

MOTION CARRIED

RES2 It was moved and seconded that the following appointments to the South  
09-154 End Parks Commission be approved:

Term to expire November 30, 2010:

Appointed:

Ian Sparshu

Lynn Wilson

MOTION CARRIED

RES3            It was moved and seconded that the following appointment to the Electoral  
09-155           Area G - Saltair/Gulf Islands Advisory Planning Commission be approved:

Term to expire December 31, 2009:  
David Thomas

MOTION CARRIED

RES4            It was moved and seconded that the following appointments to the Electoral  
09-156           Area D - Cowichan Bay Parks and Recreation Commission be approved:

Term to expire December 31, 2010:  
Elected:  
Steve Garnett  
Megan Stone  
Val Townsend

Term to expire December 31, 2010:  
Appointed:  
Danica Rice  
Kerri Talbot

MOTION CARRIED

RES5            It was moved and seconded that the following appointments to the Electoral  
09-157           Area H - North Oyster/Diamond Parks and Recreation Commission be  
approved:

Term to expire March 31, 2011:  
Elected:  
Don Pigott

Term to expire March 31, 2011:  
Appointed:  
Barbara Waters  
Bruce Mason

MOTION CARRIED

RES6            *(Amended from original recommendation):*  
09-158

It was moved and seconded that the following appointment to the Electoral  
Area F - Cowichan Lake South/Skutz Falls Parks and Recreation  
Commission be approved:

Term to expire December 31, 2009:  
Appointed:  
Winn Peters

MOTION CARRIED

**UNFINISHED BUSINESS**

Director Kent asked about the status of the Cowichan Basin Water Management Plan.

The Administrator reported that the CVRD is still attempting to meet with the Honourable Barry Penner, Minister of Environment and Minister responsible for Water Stewardship and Sustainable Communities and are continuing to work to pull funding together from a variety of sources.

The Administrator will ensure that copies of the Cowichan Basin Water Management Plan are provided to the new Directors as well as have Kate Miller, Manager, Regional Environmental Policy Division, provide an update and presentation of the Plan.

**NEW BUSINESS**

**NB1** Dealt with earlier under agenda item CRI recommendation number 5.

**NB2** The report and recommendations of the Transit Committee meeting of March 11, 2009 listing five items, were considered.

**09-159** It was moved and seconded:

1. That the Board approve the restructured Transit service proposal for the Cowichan Valley Regional Transit System; and that potential for schedule integration with Commuter service be reviewed; and further, that public consultation with stakeholders for information and input prior to implementation be initiated.
2.
  1. That the CVRD proceed with the implementation of Route 5 - Eagle Heights Cowichan Commons, effective September 2009 subject to funding from BC Transit.
  2. That the CVRD proceed with the introduction of a Community bus Route serving Cowichan Station and other rural areas south of the Cowichan River including Telegraph Road, Satellite Park, Arbutus Ridge and Glenora effective September 2009 subject to funding from BC Transit.
3.
  1. That cash fares on the local Cowichan Valley Regional Transit System be reduced to zero (no charge) on Wednesday, June 3, 2009 in support of Clean Air Day and on Friday, December 18, 2009 to celebrate the holiday season.
  2. That free transit be offered to veterans on Remembrance Day, November 11, 2009.
  3. That free transit be offered on HandyDART Service to veterans on Remembrance Day, November 11, 2009.

- 4. That the Chair and Corporate Secretary be authorized to sign the Cowichan Valley Regional Transit System: 2008/09 Annual Operating Agreement - Amendment #1.
- 5. That the Chair and Corporate Secretary be authorized to sign the Cowichan Valley Regional Transit System: 2008/09 Annual Operating Agreement - Amendment #2.

MOTION CARRIED

RESOLVING INTO  
CLOSED SESSION

09-160  
8:34 pm

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, Subsection 1 (e), (f), and (g) be approved.

MOTION CARRIED

RISE FROM  
CLOSED SESSION

09-168  
8:59 pm

It was moved and seconded that the Board rise without report and return to the Regular portion of the meeting.

MOTION CARRIED

ADJOURNMENT

09-169  
8:59 pm

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

MOTION CARRIED

The meeting adjourned at 8:59 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, March 25, 2009 at 6:00 pm.

**PRESENT:** Chair G. Giles,  
Directors M. Dorey, L. Duncan,  
B. Harrison, D. Haywood, R. Hutchins,  
L. Iannidinardo, P. Kent, K. Kuhn, M. Marcotte,  
T. McGonigle, I. Morrison, G. Seymour and  
Alternate Directors R. Hartmann and G. Gutensohn

**ALSO PRESENT:** Warren Jones, Administrator  
Joe Barry, Corporate Secretary  
Mark Kueber, General Manager Corporate Services Dept.  
Ron Austen, General Manager,  
Parks, Recreation and Culture Dept.  
Dan Derby, General Manager Public Safety Dept.  
Brian Farquhar, Manager Parks & Trails Division

**ABSENT:** Directors K. Cossey and T. Walker

## APPROVAL OF AGENDA

09-170

It was moved and seconded that the agenda be amended with the:

1. Addition of New Business item NB1 - Staff Report from the Parks Operations Superintendent, and
2. The referral of item B6 - CVRD Bylaw No. 3258 - Air Pollution Control Service Establishment Bylaw, 2009 to the April 8<sup>th</sup> Board meeting,

and that the agenda, as amended, be approved.

**MOTION CARRIED**

## REPORT OF CHAIRPERSON

RC1

Appointment to the Community Safety Advisory Committee.

The Chair advised that she has appointed Candace Spilsbury as the Cowichan Valley School District No. 79 representative on the Community Safety Advisory Committee.

**COMMITTEE REPORTS**

**C1** Report and Recommendations of the Electoral Area Services Committee meeting of March 17, 2009 listing seventeen items, was considered.

**09-171** It was moved and seconded:

1. That a grant-in-aid (Electoral Area D – Cowichan Bay) in the amount of \$750 be given to Cowichan Secondary School to provide a bursary to a student residing in Area D.
2. That a grant-in-aid (Electoral Area D – Cowichan Bay) in the amount of \$750 be given to Frances Kelsey Secondary School to provide a bursary to a student residing in Area D.
3. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$250 be given to Pacific Coast Masters Curling Association to assist with fundraising to hold a senior men's curling competition.
4. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$350 be given to bard@ brentwood to assist with their 2009 play production costs.
5. That a grant-in-aid (Electoral Area A – Mill Bay/Malahat) in the amount of \$250 be given to bard@ brentwood to assist with their 2009 play production costs.
6. That a grant-in-aid (Electoral Area A – Mill Bay/Malahat) in the amount or \$250 be given to Pacific Coast Masters Curling Association to assist with fundraising to hold a senior men's curling competition.
7. That CVRD Bylaw No. 1238 – Electoral Area D Cowichan Bay Parks and Recreation Commission, 1989, be amended by deleting the requirement for one member to be appointed from the Cowichan Bay Waterworks District, and that the appointed members by the Electoral Area Director be increased from two (2) to three (3) members; and further, that the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.
9. That the Ministry of Transportation be requested to install appropriate concrete sound barrier fencing along the Diamond Bridge area.

**MOTION CARRIED**

09-172

It was moved and seconded:

8. That the Ministry of Transportation be requested to replace the inappropriate chain link and vinyl fencing along the Trans Canada Highway through Mill Bay with proper concrete sound barrier fencing.

MOTION CARRIED

09-173

It was moved and seconded:

10. That Application No. 7-A-08DVP by Tom Jarvis for a variance to Section 8.3(b)(3) of Zoning Bylaw No. 2000, to decrease the setback to a front lot line to 0.02 m. (0.06 ft.) and decrease the exterior side lot line to 0.0 m. (0.0 ft) on Lot 3, District Lot 79, Malahat District, Plan 13099, PID004-716-655, be approved, subject to a fence being constructed along the edge of the property, and submission of a structural engineer's report if required.

- 13.1. That Zoning Amendment Application No. 2-D-08RS (Wessex Inn) be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input and draft bylaws and a draft housing agreement.

2. That the applicant provide confirmation from the Engineering and Environmental Services Department that the subject property has a sufficient number of sewer units to service the proposed residential conversion prior to scheduling and notification of the public meeting.

3. That dedication of the land south of RW1961 to the CVRD for protection of Blue Heron habitat be a condition of rezoning approval.

- 14.1. That Application No. 1-C-09RS by South Cowichan Storage Ltd. be approved subject to the following:

- That a restrictive covenant be registered on title to ensure all outdoor storage uses discontinue by the year 2015;
- That a screen slat be inserted into the chain link fence;
- That the landscape buffer between the subject property and School District 79 property be provided;
- That diapers and drip pans be utilized and maintained on all RV's;
- That outdoor storage be limited to RV's and boats only.

2. That "outdoor storage" be added as a permitted use in the I-1B Zone in proposed Zoning Amendment Bylaw No. 3142; that second reading of Bylaw 3142 be rescinded, and that Bylaw 3142, as amended, be presented to the Board for consideration of second reading.

3. That a Public Hearing be arranged respecting Official Community Plan Amendment Bylaw No. 3141 and Zoning Amendment Bylaw No. 3142, and that Directors Giles, Cossey and Harrison be delegated to the hearing.
  4. That the referral of the proposed amendments to the Ministry of Transportation and Infrastructure, Ministry of Community Development, and also Cobble Hill Improvement District, be accepted.
- 15.1. That Mill Bay/Malahat Zoning Bylaw No. 2000 be amended by replacing the present Public Land Dedication regulation for the purposes of parklands in fully serviced areas with a new one that would grant up to 50% reductions in lot area requirements, provided appropriate servicing is in place, where lands over and above the 5% Section 941 park requirement are accepted by the CVRD as either community or regional parkland; and that the amendment bylaw be forwarded to the Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> readings;
2. That a public hearing be arranged and that Director B. Harrison, Director K. Cossey, and Director G. Giles be delegated to the hearing;
  3. That referral of the proposal to the Ministries of Transportation and Community services, and the Vancouver Island Health Authority, be approved.
16. That CVRD Development Application Procedures and Fees Bylaw No. 2255 be amended by raising the supplementary fee schedule for residential, commercial and industrial land uses from \$100 per dwelling unit or 1000 square metres of commercial/industrial lot area proposed to \$120, and that the appropriate amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

09-174

It was moved and seconded:

11. That Application No. 2-D-09ALR by Anthony Van de Mortel made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a small suite on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve the application.



**12. That Application No. 1-E-09ALR by Brian and Josephine Stokes made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to place a second dwelling on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve the application.**

Opposed: Director Marcotte

**MOTION CARRIED**

**09-175 It was moved and seconded:**

**17. That the Liquor Control and Licensing Branch be advised that it is the decision of the Cowichan Valley Regional District not to provide comment respecting the application by the Southside Inn to extend their hours of operation, and that the LCLB undertake the process of determining resident views of the proposed change.**

**MOTION CARRIED**

**CR2 Report and Recommendation of the Island Savings Centre Commission meeting of March 12, 2009 listing one item ,was considered.**

**09-176 That it be recommended that the CVRD Board approve reserve fund expenditures for the following projects already identified under the 2009 Island Savings Centre proposed budget as amended March 3, 2009: Parking Lot Paving; Landscaping; New Telephone Switch; New Ticketing System; and that the amount not exceed \$74,500.**

**MOTION CARRIED**

## **STAFF REPORTS**

**SR1 Staff Report from the Planner III, dated March 13, 2009 re: OCP Amendment Bylaw No. 3222 (Elkington Estates/Makaroff/Gates) was considered for information.**

**SR2 Staff Report from the Manager, Community and Regional Planning Division dated March 17, 2009 re: Zoning Amendment Bylaw No. 3256 (Chemainus First Nations, Area H) was considered for information.**

## **PUBLIC HEARINGS**

**PH1 Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3135 (applicable to Electoral Area H - North Oyster/Diamond) were considered.**

**09-177** It was moved and seconded that the Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3135 (applicable to Electoral Area H - North Oyster/Diamond) be received.

**MOTION CARRIED**

**PH2** Public Hearing Report and Minutes re: Zoning Amendment Bylaw No. 3256 (applicable to Electoral Area H - North Oyster/Diamond) were considered.

**09-178** It was moved and seconded that the Public Hearing Report and Minutes re: Zoning Amendment Bylaw No. 3256 (applicable to Electoral Area H - North Oyster/Diamond) be received.

**MOTION CARRIED**

**BYLAWS**

**B1**  
**09-179** It was moved and seconded that "CVRD Bylaw No. 3240 - Arbutus Mountain Estates Water System Management Amendment Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B1**  
**09-180** It was moved and seconded that "CVRD Bylaw No. 3240 - Arbutus Mountain Estates Water System Management Amendment Bylaw, 2009", be adopted.

**MOTION CARRIED**

**B2**  
**09-181** It was moved and seconded that "CVRD Bylaw No. 3253 - Cowichan Bay Sewer System Management Amendment Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B2**  
**09-182** It was moved and seconded that "CVRD Bylaw No. 3253 - Cowichan Bay Sewer System Management Amendment Bylaw, 2009", be adopted.

**MOTION CARRIED**

**B3**  
**09-183** It was moved and seconded that "CVRD Bylaw No. 3254 - Eagle Heights Sewer System Management Amendment Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B3  
09-184** It was moved and seconded that "CVRD Bylaw No. 3254 - Eagle Heights Sewer System Management Amendment Bylaw, 2009", be adopted.

**MOTION CARRIED**

**B4  
09-185** It was moved and seconded that "CVRD Bylaw No. 3255 - Cobble Hill Sewer System Management Amendment Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B4  
09-186** It was moved and seconded that "CVRD Bylaw No. 3255 - Cobble Hill Sewer System Management Amendment Bylaw, 2009", be adopted.

**MOTION CARRIED**

**B5  
09-187** It was moved and seconded that "CVRD Bylaw No. 3257 - Youbou Water System Management Amendment Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B5  
09-188** It was moved and seconded that "CVRD Bylaw No. 3257 - Youbou Water System Management Amendment Bylaw, 2009", be adopted.

**MOTION CARRIED**

**B6** Referred, upon adoption of agenda, to the April 8, 2009 Board meeting (CVRD Bylaw No. 3258).

**B7  
09-189** It was moved and seconded that "CVRD Bylaw No. 3261 - Five Year Financial Plan (2009 - 2013) Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

Opposed: Directors Duncan, Marcotte and Morrison

**MOTION CARRIED**

**B7  
09-190** It was moved and seconded that "CVRD Bylaw No. 3261 - Five Year Financial Plan (2009 - 2013) Bylaw, 2009", be adopted.

Opposed: Directors Duncan, Marcotte and Morrison

**MOTION CARRIED**

**B8  
09-191**                    **It was moved and seconded that "CVRD Bylaw No. 3135 - Area H - North Oyster/Diamond Official Community Plan Amendment Bylaw (School Sites), 2008", be granted 3<sup>rd</sup> reading.**

**MOTION CARRIED**

**B8  
09-192**                    **It was moved and seconded that "CVRD Bylaw No. 3135 - Area H - North Oyster/Diamond Official Community Plan Amendment Bylaw (School Sites), 2008", be adopted.**

**MOTION CARRIED**

**B9  
09-193**                    **It was moved and seconded that "CVRD Bylaw No. 3139 - Area E - Cowichan- Koksilah Official Community Plan Amendment Bylaw (Kaelble), 2008", be granted 3<sup>rd</sup> reading.**

Opposed: Directors Dorey, Duncan, Harrison, Iannidinarado, Kuhn, Marcotte, Morrison and Giles and Alternate Director Gutensohn

**MOTION DEFEATED**

**B10  
09-194**                    **It was moved and seconded that "CVRD Bylaw No. 3140 - Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Kaelble), 2008", be granted 3<sup>rd</sup> reading.**

Opposed: Directors Dorey, Duncan, Harrison, Iannidinarado, Kuhn, Marcotte, Morrison and Giles and Alternate Director Gutensohn

**MOTION DEFEATED**

**B11  
09-195**                    **It was moved and seconded that "CVRD Bylaw No. 3222 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Living Forest Planning Consultants/Elkington Estates), 2008", 2<sup>nd</sup> reading be RESCINDED.**

**MOTION CARRIED**

**B11  
09-196**                    **It was moved and seconded that "CVRD Bylaw No. 3222 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Living Forest Planning Consultants/Elkington Estates), 2008", be amended in accordance with item SR1.**

**MOTION CARRIED**

B11  
09-197

It was moved and seconded that "CVRD Bylaw No. 3222 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Living Forest Planning Consultants/Elkington Estates), 2008", be granted 2<sup>nd</sup> reading as amended.

MOTION CARRIED

B11  
09-198

It was moved and seconded that "CVRD Bylaw No. 3222 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Living Forest Planning Consultants/Elkington Estates), 2008", 3<sup>rd</sup> reading.

MOTION CARRIED

B11  
09-199

It was moved and seconded that prior to adoption of "CVRD Bylaw No. 3222 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Living Forest Planning Consultants/Elkington Estates), 2008", that the applicant meet the following conditions:

1. That the applicant provide (through statutory agreements) a detailed Fire Protection Plan, for the approval of the General Manager, CVRD Public Safety and the Malahat Volunteer Fire Chief. The Plan should include a service area, to be included in the Malahat Fire Protection Area, Equipment, Fire Hall, Water Supply, Infrastructure and the phasing of fire protection infrastructure and equipment.
2. That the applicant construct shared sewage treatment systems for each of the proposed hamlet areas to the specifications of the CVRD Engineering and Environmental Services Department, with effluent quality to meet Class A requirements for ground discharge and further, the application will consider reuse options.
3. That the applicant construct a community water system serving the hamlet areas to the specifications of the CVRD Engineering and Environmental Services Department, which will be subject to a covenant that allows transfer of the system to the CVRD once, in the opinion of the CVRD Engineering and Environmental Services Department, the system has reach an economically viable size.
4. That the applicant provide a rainwater management system to the specifications of the CVRD Engineering and Environmental Services Department.

5. That conservation covenants and eco-forestry covenants be registered on the title of the subject property, to ensure that a minimum of 85% of the subject property is used for long term ecological protection and sustainable eco-forestry practices, and that the Land Conservancy of Canada and the CVRD be signatories to the covenant for ecological protection, and the Land Conservancy of Canada, the Forest Stewardship Council and the CVRD be signatories to the covenant for eco-forestry areas.
6. That the CVRD receive written notice from the Capital Regional district that the CRD Water Management Division does not oppose the development.
7. That restrictive covenants or like agreements be provided for the CVRD's acquisition of parkland and built park amenities as committed to by the applicant and agreed to by the CVRD, including parkland inclusive of trailhead parking and covered washroom/picnic shelter next to the Cowichan Valley Trail, a nature conservation park and lands for a sensitive conservation area.

**MOTION CARRIED**

B12  
09-200

It was moved and seconded that "CVRD Bylaw No. 3223 - Area B - Shawnigan Lake Zoning Amendment Bylaw (Living forest Planning Consultants/Elkington Estates), 2008", be granted 3<sup>rd</sup> reading.

**MOTION CARRIED**

B13  
09-201

It was moved and seconded that "CVRD Bylaw No. 3256 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (Chemainus First Nation), 2009", 2<sup>nd</sup> reading. be RESCINDED.

**MOTION CARRIED**

B13  
09-202

It was moved and seconded that "CVRD Bylaw No. 3256 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (Chemainus First Nation), 2009", be amended in accordance with item SR2.

**MOTION CARRIED**

B13  
09-203

It was moved and seconded that "CVRD Bylaw No. 3256 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (Chemainus First Nation), 2009", be granted 2<sup>nd</sup> reading as amended.

**MOTION CARRIED**

B13  
09-204 It was moved and seconded that "CVRD Bylaw No. 3256 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (Chemainus First Nation), 2009", be granted 3<sup>rd</sup> reading.

MOTION CARRIED

B13  
09-205 It was moved and seconded that "CVRD Bylaw No. 3256 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (Chemainus First Nation), 2009", be adopted.

MOTION CARRIED

B14  
09-206 It was moved and seconded that "CVRD Bylaw No. 3262 - Development Application Procedures and Fees Amendment Bylaw, 2009", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MOTION CARRIED

B14  
09-207 It was moved and seconded that "CVRD Bylaw No. 3262 - Development Application Procedures and Fees Amendment Bylaw, 2009", be adopted.

MOTION CARRIED

B15  
09-208 It was moved and seconded that "CVRD Bylaw No. 3263 - Area A - Mill Bay/Malahat Zoning Amendment Bylaw (Additional Parkland Regulation), 2009", be granted 1<sup>st</sup> and 2<sup>nd</sup> reading.

MOTION CARRIED

**RESOLUTIONS**

RES1  
09-209 It was moved and seconded that the following appointments to the Electoral Area I - Youbou/Meade Creek Parks Commission be approved:

Term to expire December 31, 2009:

Appointed:

Sheny Gregory

Marcia Stewart

Daniel Nickel

MOTION CARRIED

**NEW BUSINESS**

NB1 Staff Report from the parks Operations Superintendent dated March 24, 2009 re: Electoral Area H Parks Maintenance Contract Award was considered.

09-210                   It was moved and seconded that the 2009-2010 electoral Area H Community Parks Maintenance Services Contract be awarded to I.L.S. Inc., of Ladysmith, based on the proposed bid of \$14,112.00 including GST, received Monday, December 15, 2008, pro-rated to an adjustment start date of April 1, 2009.

MOTION CARRIED

**ADJOURNMENT**

09- 211                   It was moved and seconded that the Special Board meeting be  
6:29 pm                   adjourned.

MOTION CARRIED

The meeting adjourned at 6:29 pm

Certified Correct:

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary

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



**ELECTORAL AREA SERVICES  
COMMITTEE REPORT**

**OF MEETING HELD APRIL 7, 2009**

**DATE:** April 8, 2009

**To:** Chairperson and Directors of the Board

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Your Electoral Area Services Committee reports and recommends as follows:

1. 1. That a loan authorization bylaw be prepared for an amount up to \$130,000, financed over a ten year period, for the purpose of purchasing a new mobile water tender for the Sahtlam Fire Protection Service Area, and that the bylaw be forwarded to the Board for consideration.
2. That the necessary Request for Proposal documents be prepared for the purchase a new mobile water tender for the Sahtlam Fire Protection Service Area following voter approval for the Loan Authorization Bylaw.
3. That a reserve fund expenditure bylaw be prepared authorizing the expenditure of \$70,000 from Sahtlam Fire Protection Specified Service Area Capital Reserve Fund Bylaw No. 1452 for the purpose of assisting with the purchase a new mobile water tender, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.
2. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$200 be given to Kerry Park Men’s Curling League to assist with travel costs to attend the Pacific International Playdowns.
3. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$200 be given to Kerry Park Women’s Curling League to assist with travel costs to attend the Pacific International Playdowns.
4. That a grant-in-aid (Electoral Area A – Mill Bay/Malahat) in the amount of \$2,000 be given to Frances Kelsey Secondary School to provide four bursaries to graduating students at \$500 each.
5. That a grant-in-aid (Electoral Area D – Cowichan Bay) in the amount of \$400 be given to Kerry Park Men’s Curling League to assist with travel costs to attend the Pacific International Playdowns.
6. That a grant-in-aid (Electoral Area F – Cowichan Lake South/Skutz Falls) in the amount of \$500 be given to Honeymoon Bay Community Society to help with costs to host the 2009 Heritage Days event.

7. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$300 be given to Bard@ Brentwood to assist in production of the Bard at Brentwood.
8. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$500 be given to BC Coalition for Health Promotions to assist in building healthy communities.
9. That a grant-in-aid (Electoral Area C – Cobble Hill) in the amount of \$800 be given to Cobble Hill LERN to assist with costs of their emergency preparedness program.
10. That a letter be forwarded to the Ministry of Energy, Mines and Petroleum Resources reiterating the concerns noted in the CVRD's letter dated February 16, 2006, respecting the proposed extraction of gravel on Lot 1, Section 11, Range 4, Quamichan District, Plan 41787 (McLay Gravel Pit).

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

11. That Application No. 2-E-09DVP by Paul Budding on behalf of Andrew and Cindy Pakulak for a variance to Section 5.2(e) of Zoning Bylaw No. 1840 to increase the maximum size of an accessory building from 100 m<sup>2</sup> to 222 m<sup>2</sup> on Lot A, Section 8, Range 9, Sahtlam District, Plan VIP60591 (PID 023-017-376), be approved, subject to registration of a restrictive covenant prohibiting home occupation use in the accessory building.
12.
  1. That the previous delegating portion of resolution No. 08-541 (C) for the hearing for Bylaws 3213, 3214 and 3242 be rescinded and that Directors Kuhn, Morrison and Giles be named as delegates to the hearing for Bylaws 3213, 3214 and 3242; and further that a public meeting be held a few weeks prior to the public hearing to give the public an opportunity to become familiar with the proposed bylaws.
  2. That second reading of Bylaws 3213, 3214 and 3242 be rescinded.
  3. That Bylaws 3213, 3214 and 3242 be amended by removing the following extraneous legal descriptions from the list of legal descriptions in each of those bylaws:
    - i) Block A, District Lot 64, Cowichan Lake District;
    - ii) Section 46, Renfrew District (situated in Cowichan Lake District), except that part shown coloured red on Plan 1210 OS;
    - iii) That Part of District Lot 31, Cowichan Lake District, containing 6.24 acres, more or less, and shown coloured red on Plan Deposited under DD 31052I.
  4. That Bylaw No. 3214 be amended by deleting the permitted uses of the proposed I-3 Zone and replace with permitted uses that list more specific industrial uses.
  5. That Bylaw No. 3242 (Phased Development Agreement) be amended as follows:
    - a) Change the term of agreement from 10 years to 20 years;
    - b) Delete the alphabetical phasing requirement;
    - c) Schedule B - Adjust the timing for construction of the trail through the Arbutus Park extension
    - d) Schedule B – Clarify that “alternate pedestrian network improvements” referred to in Section 11 are for crossing of Cottonwood Creek
  6. That Bylaws 3213, 3214 and 3242, as amended, be considered for second reading.
13.
  1. That the appropriate amendr 41.1 ; be prepared respecting OCP and Zoning

- Amendment Application No. 7-E-07RS (Cherry Blossom Park) and that the bylaws be forwarded to the Regional Board for consideration of first and second readings.
2. That a public hearing be arranged and that Directors Duncan, Morrison and Kuhn be delegated to the public hearing.
  3. That the applicant provide a traffic impact assessment, a hydrological assessment and a preliminary riparian area assessment for the amended application prior to scheduling of the public hearing.
  4. That the applicant provide confirmation of a certificate of compliance or approval in principle for remediation of the subject property from the Ministry of Environment prior to consideration of bylaw adoption.
14. 1. That the appropriate amendment bylaws be prepared regarding Rezoning Application No. 3-B-08RS (Bill Hayes & Jacqueline Logan) and that the bylaws be forwarded to the Regional Board for consideration of first and second readings.
2. That prior to a public hearing being scheduled that the property owners provide in writing to the Cowichan Valley Regional District their commitment regarding park land dedication.
  3. That a public hearing be scheduled and that Directors Cossey, Giles, and Iannidinardo be delegated to the hearing.
15. That CVRD Bylaw No. 3260 – Electoral Area E Community Parks Service Amendment Bylaw, 2009, be forwarded to the Board for consideration of three readings and adoption.
16. That the following Board Policy be adopted:  
*“That relocated modular and mobile homes must be manufactured under the CSA Z-240, Standard for Mobile Homes, or A-277, Standard for Manufactured homes. Further, that homes manufactured under the A-277 Standard, when relocated within the CVRD electoral areas, must be placed on a permanent foundation. Z-240 Mobile Homes, single and doublewide, are permitted to be placed on strip footings and blocking.”*
17. That the Capital Regional District be advised that the CVRD Planning and Development Department has reviewed the CRD proposed Rural Resource Lands OCP Bylaw No. 3591 and proposed Land Use Bylaw No. 3602, and resolve that our Interests are Unaffected.



CVRD

**STAFF REPORT**  
**CVRD BOARD MEETING**  
**OF APRIL 8, 2009**

**DATE:** March 27, 2009 **FILE NO:** Bylaws  
**FROM:** Dave Leitch, ASCT., Manager, Water Management Division  
**SUBJECT:** 2009 Reserve Fund Bylaws.

**Recommendation:**

**That it be recommended to the Board that:**

1. A capital reserve fund expenditure bylaw be prepared for withdrawal of funds not exceeding \$50,000.00 from the *Shawnigan Beach Estates Sewer System Capital Reserve Fund* to help finance upgrades to the Sewer treatment plant, and further that the bylaw be forwarded to the Board for consideration of three readings and adoption.
2. A capital reserve fund expenditure bylaw be prepared for withdrawal of funds not exceeding \$75,000.00 from the *Cowichan Bay Sewer System Capital Reserve Fund* to help finance inflow and infiltration repairs to the sewer collection system and further that the bylaw be forwarded to the Board for consideration of three readings and adoption.
3. A capital reserve fund expenditure bylaw be prepared for withdrawal of funds not exceeding \$20,000.00 from the *Mesachie Lake Water System Capital Reserve fund* for electrical and communication upgrades to the water treatment building and reservoir; and further that the bylaw be forwarded to the Board for consideration of three readings and adoption.
4. A capital reserve fund expenditure bylaw be prepared for withdrawal of funds not exceeding \$5,000.00 from the *Cherry Point Estates Water System Capital Reserve.fund* to finance control upgrades to the water treatment building; and further that the bylaw be forwarded to the Board for consideration of three readings and adoption

**Purpose:** To consider withdrawal of funds from the above noted Capital Reserve Funds.

**Financial Implications:** as discussed.

**Interdepartmental/Agency Implications:** Bylaw preparation by Administrative Services staff.

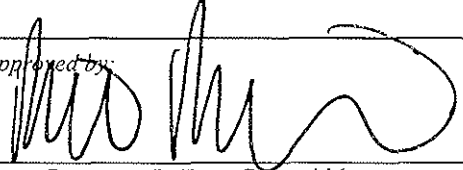
**Background:** As part of the 2009 approved budget, money from Shawnigan Beach Estates Sewer System, Cowichan Bay Sewer System, Mesachie Lake Water System and Cherry Point Estates Water System was identified to be withdrawn from the utilities capital reserve funds to assist in paying for the capital cost of upgrading the above-mentioned works. Without the contribution of these reserve funds, there is insufficient money in the operating budget to complete these capital projects.

This recommendation is being brought directly to the Board in order to expediate the process to allow these projects to get under way.

Submitted by,

Dave Leitch, ASCT.  
 Manager, Water Management Division

Approved by:



Brian Dennison, P. Eng., General Manager,  
 Engineering & Environment

**STAFF REPORT****REGULAR BOARD MEETING  
OF APRIL 8, 2009**

**DATE:** April 1, 2009  
**FROM:** J.E. Barry, Corporate Secretary  
**SUBJECT:** CVRD Bylaw No. 3241 – Area B – Shawnigan Lake Zoning  
Amendment Bylaw (Cottyn Developments Ltd.), 2008.

---

**Recommendation:**

That a 15 metre covenanted vegetated buffer be provided around the perimeter of the property with provision for fencing and lot access where required.

**Purpose:**

To consider correcting a procedural matter arising from the March 11, 2009 Board meeting with respect to this application.

**Background:**

The Board considered a staff report from Planner Dana Beatson at the March 11, 2009 Board meeting regarding Zoning Amendment Bylaw No. 3241 (Cottyn Developments Ltd.). Her report proposed an amendment to the size of the covenanted vegetation buffers around the perimeter of the subject property. The following wording was proposed for consideration by the Board "*That a 15 metre covenanted vegetated buffer be provided around the perimeter of the property with provision for fencing and lot access where required*". The report was subsequently received and filed.

Later in the meeting, the Board passed resolution #09-152 which granted 3<sup>rd</sup> reading to Bylaw No. 3241 "*as amended in accordance with Item SR5*". This was not procedurally correct since the buffer provisions are not contained within the text of the bylaw. The Board clearly gave 3<sup>rd</sup> reading to the Bylaw at the meeting but there is no provision in the bylaw to amend. A separate resolution should have been passed following the resolution granting 3<sup>rd</sup> reading.

Therefore, if the Board wishes to reduce the buffer width, the recommendation above needs to be passed. Attached is a copy of Ms. Beatson's report along with Bylaw No. 3241.

Submitted by,

J.E. Barry  
Corporate Secretary



C·V·R·D

**STAFF REPORT**

**REGULAR BOARD MEETING  
OF MARCH 11, 2009**

**DATE:** March 3, 2009 **FILE NO:** 2-B-05RS  
**FROM:** Dana Beatson, Planner **BYLAW NO:** 3241  
**SUBJECT:** Zoning Amendment Bylaw No. 3241 (Cottyn Developments Ltd)

---

**Recommendation:**

Provided for technical clarification purposes only.

**Purpose:**

To consider third reading of Zoning Amendment Bylaw No. 3241 and to propose amendments to the size of the covenanted vegetation buffers along on the northern, western, eastern, and southern boundaries of the subject property.

**Financial Implications:**

None apparent

**Interdepartmental/Agency Implications:**

None apparent

**Background:**

Zoning Amendment Bylaw No. 3241 went to public hearing on January 29<sup>th</sup> and at that venue the public provided comments regarding the size of the proposed covenanted vegetation buffers along the northern, western, eastern, and southern boundaries of the subject property. Members of the public who attended the hearing suggested that:

- the covenanted vegetation buffers were excessive in size;
- the covenanted buffers were extensive; and
- the buffer should be narrower in size.

At the Electoral Area Services Committee meeting of November 4, 2008 Development Services staff recommended:

1. *“That Rezoning Application No. 2-B-05RS (Cottyn Development Ltd) to amend Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985 to rezone Lot 3, District Lot 96, Malahat District, Plan 32725 from Primary Agricultural (A-1) to Secondary Agricultural (A-2) be approved, subject to the receipt of the following information prior to a public hearing:*
  - *A survey plan illustrating the 25 metre wide vegetated buffers along the northern, western, and southern property boundaries of the subject property and the 30 metre wide vegetated buffer along the eastern boundary of the property, and*
  - *A draft vegetation protection covenant for allocated buffered areas to ensure all trees and vegetation are retained within the buffered areas.*
2. *That a Zoning Amendment Bylaw be prepared that would amend the Shawnigan Lake Zoning Bylaw No. 985 by rezoning Lot 3, District Lot 96, Malahat District, Plan 32725 from Primary Agricultural (A-1) to Secondary Agricultural (A-2), and that the Zoning Amendment Bylaw be forwarded to the Regional Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> readings.*
3. *That Application 2-B-05RS be referred to the Electoral Area B Parks and Recreation Commission for comment.*
4. *That the application referrals to the Vancouver Island Health Authority; the Ministry of Transportation; the Shawnigan Lake Volunteer Fire Department, the School District No. 79, and the Agricultural Land Commission be accepted.*
5. *That a public hearing be arranged and that the Directors for Electoral Area B, C and D be delegated to the hearing.”*

This recommendation was ratified at the Board meeting held on November 12, 2008.

When considering if the bylaws should receive third reading, the Board may also wish to consider amending the width of the buffer areas to respond to the input received at the public hearing. Should the Board wish to consider a reduced buffer width, staff recommend the following:

**That a 15 metre covenanted vegetated buffer be provided around the perimeter of the property with provision for fencing and lot access where required.**

The possibility of reducing the size of the covenanted vegetation buffers was an issue that was openly discussed at the public hearing. A legal opinion was sought to determine whether bringing this amendment to the Board after the public hearing was held would be considered to be “new information” when it was received by the Board. Because the proposed changes to the covenanted areas resulted from an open discussion that took place at the public hearing, it is not considered to be “new information.”

Should this matter be referred back to the Electoral Area Services Committee (EASC), discussion of the application may be considered as “new information” and may necessitate another public hearing. Staff have received legal advice to this effect and therefore recommend that this amendment be reviewed at the Board level and not be sent back to the EASC for discussion.

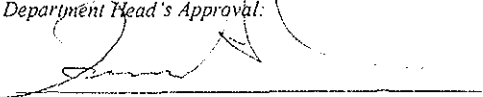
Following direction from the Board and third reading of the Bylaw, staff will coordinate the registration of covenants for securing park dedication and vegetation and tree retention prior to adoption of the bylaws.

Submitted by,



Dana Beatson,  
Planner  
Development Services Department

DB/ca

<i>Department Head's Approval:</i> 
<i>Signature</i>





**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3241**

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

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**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. 3241 – Area B – Shawnigan Lake Zoning Amendment Bylaw (Cottyn Developments Ltd.), 2008**".

2. **AMENDMENT**

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

- a) That Schedule B (Zoning Map) to Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985 is further amended by rezoning Lot 3, District Lot 96, Malahat District, Plan 32725, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3241, from A-1 (Primary Agricultural) to A-2 (Secondary Agricultural).

.../2

3. **FORCE AND EFFECT**

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

READ A SECOND TIME this 10<sup>th</sup> day of December, 2008.

READ A SECOND TIME this 10<sup>th</sup> day of December, 2008.

READ A THIRD TIME this 11<sup>th</sup> day of March, 2009.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary



C.V.R.D.

## STAFF REPORT

REGULAR BOARD MEETING  
OF APRIL 8, 2009

DATE: March 20, 2009 FILE NO: 3133 (A OCP amendment)

FROM: Mike Tippett, Manager BYLAW NO: 3133  
Community and Regional Planning Division

SUBJECT: Hearing Delegation for OCP Amendment Bylaw No. 3133

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**Recommendation:**

1. That June 11, 2008 Board Resolution 08-412.1 be rescinded.
2. Bylaw 3133: Mill Bay/Malahat Official Community Plan Amendment Bylaw (School Sites): Directors Brian Harrison, Ken Cossey and Gerry Giles are named as delegates to the hearing, and that the proposed amendment be referred to the Ministry of Transportation, Ministry of Community Services, School District #79, and to appropriate First Nations.

**Purpose:**

To rename the delegates to a public hearing for the proposed Electoral Area A school sites.

**Financial Implications:**

None apparent

**Interdepartmental/Agency Implications:**

None apparent

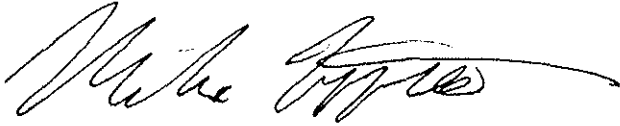
**Background:**

Official Community Plan Amendment Bylaw No. 3133 proposes to alter the Mill Bay/Malahat Official Community Plan by introducing a number of new policies related to the potential closure of school sites. It was given two readings on June 11, 2008. The delegating resolution named former Director Mike Walker to the hearing, but since the amendment will be going to hearing under Director Brian Harrison, re-designating the delegates is required.

Staff's intent is to pair this proposed amendment up with another hearing that should be occurring in the south Cowichan area in the near future. Since the Directors for Areas A, B and C typically would be delegates to any hearing within these three Electoral Areas, it would be appropriate to rescind the previous delegating resolution and pass a new one.

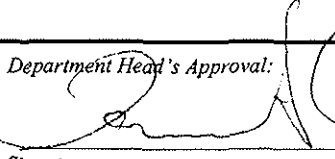
Therefore it is necessary to rescind June 11, 2008 Board Resolution 08-412.1 and pass a new delegating resolution.

Submitted by,



Mike Tippett, MCIP  
Manager  
Community and Regional Planning Division  
Planning and Development Department

MT/ca

<i>Department Head's Approval:</i> 
<i>Signature</i>



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3259**

***A Bylaw Authorizing the Expenditure of Funds from the Mesachie Lake Fire Protection Machinery and Equipment Reserve Fund, Established Pursuant to CVRD Bylaw No. 1252***

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**WHEREAS** as of February 28, 2009, there is an unappropriated balance in the *Mesachie Lake Fire Protection Machinery and Equipment Reserve Fund* of Sixty-Four Thousand Two Dollars (\$64,002.) that has been calculated as follows:

<b>BALANCE</b> in Reserve Fund as at December 31, 2008:	\$63,808.
<b>ADD:</b> Additions to Fund including interest earned for the current year to date.	\$ <u>194.</u>
	\$64,002.
<b>DEDUCT:</b> Commitments outstanding under bylaws previously adopted	<u>NIL</u>
<b>UNCOMMITTED BALANCE</b> in Reserve Fund as at February 28, 2009:	<u>\$64,002.</u>

**AND WHEREAS** it is deemed desirable and expedient to expend not more than Forty-Eight Thousand Dollars (\$48,000.) of the said balance to finance the purchase of a used fire engine.

**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. 3259 – Mesachie Lake Fire Protection Machinery and Equipment Reserve Fund Expenditure Bylaw (Used Fire Engine), 2009.**”

**2. SUM TO BE APPROPRIATED**

- 2.1 An amount not exceeding Forty-Eight Thousand Dollars (\$48,000.) is hereby appropriated from the *Mesachie Lake Fire Protection Machinery and Equipment Reserve Fund* to finance the purchase of a used fire engine.
- 2.2 The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board resolution, adopted February 11, 2009.

**3. SUMS REMAINING**

Should any amounts remain unexpended after the expenditures hereby authorized have been made, the unexpended balance shall be returned to the credit of the said Reserve Fund.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Corporate Secretary



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3265**

**A Bylaw Authorizing the Expenditure of Funds From the *Cowichan Community Centre Capital Project Reserve Fund*, Established Pursuant to CVRD Bylaw No. 755.**

**WHEREAS** as of February 28, 2009, there is an unappropriated balance in the *Cowichan Community Centre Capital Project Reserve Fund* of Two Hundred Sixty-Eight Thousand Six Hundred and Six Dollars (\$268,606.) that has been calculated as follows:

<b>BALANCE</b> in Reserve Fund as at December 31, 2008:	\$267,763.
<b>ADD:</b> Additions to the Fund, including interest earned for the current year to date.	\$ <u>843.</u>
	\$268,606.
<b>DEDUCT:</b> Commitments outstanding under bylaws previously adopted.	<u>NIL</u>
<b>UNCOMMITTED BALANCE</b> in Reserve Fund as at February 28, 2009:	<u>\$268,606.</u>

**AND WHEREAS** it is deemed desirable and expedient to expend not more than Seventy-Four Thousand Five Hundred Dollars (\$74,500.) of the said balance for the following capital projects: Parking Lot Paving; Landscaping; New Telephone Switch and New Ticketing System.

**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. 3265 – Cowichan Community Centre Capital Project Reserve Fund Expenditure Bylaw, 2009".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Seventy-Four Thousand Five Hundred Dollars (\$74,500.) is hereby appropriated from the *Cowichan Community Centre Capital Project Reserve Fund* for the following capital projects: Parking Lot Paving; Landscaping; New Telephone Switch and New Ticketing System.
- b) The expenditures to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution No. 09-176, adopted March 25, 2009.

3. SUMS REMAINING

Should any of the said sum of Seventy-Four Thousand Five Hundred Dollars (\$74,500.) remain unexpended after the expenditures hereby authorized have been made, the unexpended balance shall be returned to the credit of the said Reserve Fund.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Corporate Secretary





**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3270**

**A Bylaw to Amend Electoral Area B - Shawnigan Lake  
Parks & Recreation Commission Bylaw No. 2057**

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**WHEREAS** the Board of the Cowichan Valley Regional District established the Electoral Area B Shawnigan Lake Parks & Recreation Commission under the provisions of Bylaw No. 2057, cited as "CVRD Bylaw No. 2057 – Electoral Area B – Shawnigan Lake Parks & Recreation Commission Establishment Bylaw, 2000";

**AND WHEREAS** the Board wishes to further amend CVRD Bylaw No. 2057 to increase the membership of the Commission;

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3270 – Electoral Area B - Shawnigan Lake Parks & Recreation Commission Amendment Bylaw, 2009**".

2. **AMENDMENT**

That CVRD Bylaw No. 2057 be amended as follows:

a) That Section 4 be deleted and replaced with the following:

"The Electoral Area B – Shawnigan Lake Parks & Recreation Commission shall consist of nine (9) members as follows:

- a) The Director from Electoral Area B – Shawnigan Lake, and in the event of the absence of the Director, the duly appointed Alternate Director shall be deemed to be a member of the Commission for such period of absence.
- b) Eight (8) members shall be elected at the annual General Meeting of qualified electors of Electoral Area B – Shawnigan Lake by nomination and vote. Nominees must be present at the meeting. In the event that there are not eight (8) members elected, the remaining members shall be appointed by the Board upon recommendation of the Electoral Area Director.
- c) Conflict of Interest – No member shall supply goods and/or services to the Commission’s parks or projects.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3271**

**A Bylaw to Amend Electoral Area D  
Parks & Recreation Commission Bylaw No. 1238**

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**WHEREAS** the Board of the Cowichan Valley Regional District established the Electoral Area D Parks & Recreation Commission under the provisions of Bylaw No. 1238, cited as "Electoral Area D Parks & Recreation Commission Bylaw No.1238, 1989";

**AND WHEREAS** the Board wishes to further amend CVRD Bylaw No. 1238 to change the membership of the Commission;

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3271 – Electoral Area D Parks & Recreation Commission Amendment Bylaw, 2009**".

2. **AMENDMENTS**

That CVRD Bylaw No. 1238 be amended as follows:

a) That Section 3 be deleted and replaced with the following:

"The Electoral Area D Parks & Recreation Commission shall consist of seven (7) members as follows:

- a) The Director from Electoral Area D and in the event of the absence of the Director, the duly appointed Alternate Director shall be deemed to be a member of the Commission for such period of absence.
- b) Three (3) members shall be elected at the Annual General Meeting of qualified electors of Area D – Cowichan Bay by nomination and vote. In the event that there are not three (3) members elected, the remaining members shall be appointed by the Board upon recommendation of the Electoral Area Director.
- c) Three (3) members shall be appointed by the Board upon recommendation of the Electoral Area Director.

b) That the Section 9 citation be deleted and replaced with the following:

This Bylaw may be cited for all purposes as "**CVRD Bylaw No. 1238 – Electoral Area D Parks & Recreation Commission Establishment Bylaw, 1989**".

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3142**

**A Bylaw for the Purpose of Amending Zoning Bylaw No. 1405  
Applicable to Electoral Area C – Cobble Hill**

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**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 C – Cobble Hill, that being Zoning Bylaw No. 1405;

**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. 1405;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3142 – Area C – Cobble Hill Zoning Amendment Bylaw (I-1B Parcel Coverage/Outdoor Storage), 2008**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 1405, as amended from time to time, is hereby amended in the following manner:

a) Section 11.3(a)(1) is deleted and the following is added in its place:

(1) Mini warehousing, indoor storage, outdoor storage;

b) Section 11.3(b)(1) is deleted and replaced by the following:

(1) The parcel coverage shall not exceed 50 percent for all buildings and structures.

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this 25<sup>th</sup> day of June, 2008

READ A SECOND TIME this 25<sup>th</sup> day of June, 2008.

SECOND READING RESCINDED this \_\_\_ day of \_\_\_\_\_, 2009.

SECOND READING AS AMENDED this \_\_\_ day of \_\_\_\_\_, 2009

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary



RES1

## COMMISSION APPOINTMENTS

REGULAR BOARD MEETING  
OF APRIL 8, 2009

**DATE:** March 20, 2009

**FROM:** Director Marcotte

**SUBJECT:** Appointments to the Electoral Area H  
- North Oyster/Diamond Advisory Planning Commission

---

**Recommendation:**

That the following appointments to the Electoral Area H - North Oyster/Diamond Advisory Planning Commission be approved:

*Term to expire: November 30, 2009*

Allison Heikes

Jody Shupe



**RES2**

## COMMISSION APPOINTMENTS

REGULAR BOARD MEETING  
OF APRIL 8, 2009

**Date:** March 23, 2009

**FROM:** Director Iannidinardo

**Subject:** Appointment to the Electoral Area D  
- Cowichan Bay Parks and Recreation Commission

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**Recommendation:**

That the following appointment to the Electoral Area D - Cowichan Bay Parks and Recreation Commission be approved:

**Appointed:**

Donna Einarsson

*Term to expire: December 31, 2010*





**RES3**

**COMMISSION APPOINTMENTS**

**REGULAR BOARD MEETING  
OF APRIL 8, 2009**

**Date:** March 30, 2009

**FROM:** Director Kuhn

**Subject:** Appointments to the Electoral Area I - Youbou/Meade Creek Parks Commission

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**Recommendation:**

That the following appointments to the Electoral Area I - Youbou/Meade Creek Parks Commission be approved:

**Elected:**

Gerald Thom  
Dave Charney

***Term to Expire: December 31, 2010***



**RES4**

**COMMISSION APPOINTMENTS**

**REGULAR BOARD MEETING  
OF APRIL 8, 2009**

**Date:** March 30, 2009  
**FROM:** Director Cossey  
**Subject:** Appointments to the Electoral Area B  
- Shawnigan Lake Parks and Recreation Commission

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**Recommendation:**

That the following appointments to the Electoral Area B - Shawnigan Lake Parks and Recreation Commission be approved:

**Elected:**

Al Brunet  
Andy Glover  
Betty Lord  
Bill Savage  
Margaret Symon  
Trina White  
Catherine Whittome  
Lori Treloar

***Term to Expire: March 31, 2011***



RES5

## COMMISSION APPOINTMENTS

REGULAR BOARD MEETING  
OF APRIL 8, 2009

**Date:** April 1, 2009

**FROM:** Director Kuhn

**Subject:** Appointment to the Youbou Fire Service Commission (Area F)

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**Recommendation:**

That the following appointment to the Youbou Fire Service Commission be approved:

**Elected:**

Betty Abbott

*Term to Expire: March 31, 2011*



**RES6**

**COMMISSION APPOINTMENTS**

**REGULAR BOARD MEETING  
OF APRIL 8, 2009**

**Date:** April 1, 2009  
**FROM:** Director Marcotte  
**Subject:** Appointments to the North Oyster Fire Service Commission (Area H)

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**Recommendation:**

That the following appointments to the North Oyster Fire Service Commission be approved:

**Elected:**

Grant Keefer  
Shirley Husband

*Term to Expire: March 31, 2011*

**Appointed:**

Gail Corneliuson

*Term to Expire: March 31, 2010*