



COWICHAN VALLEY REGIONAL DISTRICT

NOTICE OF REGULAR BOARD MEETING

DAY: WEDNESDAY

DATE: MAY 13, 2009

**TIME: → REGULAR SESSION
6:30 P.M.**

PLACE: BOARD ROOM

175 INGRAM STREET



Joe E. Barry
Corporate Secretary



C·V·R·D

REGULAR BOARD MEETING

WEDNESDAY, MAY 13, 2009

6:30 PM - CVRD BOARD ROOM

AGENDA

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18. ADJOURNMENT:

The next Regular Board meeting will be held June 10, 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, April 8, 2009 at 6:00 pm

PRESENT: Chair G. Giles,
Directors K. Cossey, L. Duncan, B. Harrison,
D. Haywood, L. Iannidinardo, P. Kent,
K. Kuhn, M. Marcotte, T. McGonigle,
I. Morrison, G. Seymour and T. Walker
And Alternate Directors M. Dietrich and S. Arnett

ALSO Warren Jones, Administrator
PRESENT: Joe Barry, Corporate Secretary
Bob McDonald, Manager,
Recycling & Waste Management

ABSENT: Directors R. Hutchins and M. Dorey

**APPROVAL OF
AGENDA
09-212**

It was moved and seconded that the agenda be amended with the addition of New Business items:

- NB1 Kerry Park Recreation Commission Report and Recommendation of March 24, 2009;
- NB2 CVRD Bylaw No. 3258 - Air Pollution Control Service Establishment Bylaw, 2009, 1st, 2nd and 3rd reading;
- NB3 CVRD Bylaw No. 3264 - Kerry Park Recreation Centre Commission Establishment Bylaw, 2009, first three readings and adoption;
- NB4 CVRD Bylaw No. 3213 - Area I - Youbou/Meade Creek Official Community Plan Amendment Bylaw (Youbou Lands), 2008 - rescind 2nd reading, amend bylaw in accordance with EASC recommendation, and 2nd reading as amended;
- NB5 CVRD Bylaw No. 3214 - Area I - Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009 - 2nd reading, amend bylaw in accordance with EASC recommendation, and 2nd reading as amended;
- NB6 CVRD Bylaw No. 3242 Phased Development Agreement Authorization Bylaw (Youbou Lands), 2008 - 2nd reading, amend bylaw in accordance with EASC recommendation, and 2nd reading as amended;
- NB7 Appointments to the Shawnigan Lake Community Centre Commission; and
- CSNB1 Law Enforcement {Sub (1)(f)}, Potential Litigation {Sub (1)(g)} and Freedom of Information & Protection of Privacy {Sub (1)(j)}.

and that the agenda as amended be approved.

MOTION CARRIED

ADOPTION OF
MINUTES
09-213

It was moved and seconded that the minutes of the March 11, 2009 Regular Board meeting be amended by correcting Resolution 09-124 by removing Director Cossey as "Opposed" and that the minutes as amended be adopted.

MOTION CARRIED

09-214

It was moved and seconded that the minutes of the March 25, 2009 Special Board meeting be adopted.

MOTION CARRIED

COMMITTEE REPORTS

C1

The report and recommendations of the Electoral Area Services Committee meeting of April 7, 2009 listing 17 items were considered.

09-215

It was moved and seconded:

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).

MOTION CARRIED

09-216

It was moved and seconded:

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 m² to 222 m² 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 amendment bylaws 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 Iannidinaro 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.

MOTION CARRIED

STAFF REPORTS

SR1 Staff Report from the Manger, Water Management Division dated March 27, 2009 re: 2009 Reserve Fund Bylaws was considered.

09-217 It was moved and seconded:

1. That 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. That 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. That 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. That 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.

MOTION CARRIED

SR2 Staff Report from the Corporate Secretary dated April 1, 2009 re: CVRD Bylaw No. 3241 - Area B - Shawnigan Lake Zoning Amendment Bylaw (Cottyn Developments Ltd.), 2008 was considered.

09-218 It was moved and seconded that a 15 metre covenanted vegetated buffer be provided around the perimeter of the property with provision for fencing and lot access where required (Cottyn Developments Ltd.).

MOTION CARRIED

SR3 Staff Report from the Manager, Community and Regional Planning Division dated March 20, 2009 re: Hearing Delegation for OCP Amendment Bylaw No. 3133 was considered.

09-219 It was moved and seconded:

1. That the June 11, 2008 Board Resolution 08-412.1 be rescinded.
2. That 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 Development, School District #79, and to the appropriate First Nations.

MOTION CARRIED

BYLAWS

B1
09-220 It was moved and seconded that "CVRD Bylaw No. 3259 - Mesachie Lake Fire Protection Machinery and Equipment Reserve Fund Expenditure Bylaw (Used Fire Engine), 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B1
09-221 It was moved and seconded that "CVRD Bylaw No. 3259 - Mesachie Lake Fire Protection Machinery and Equipment Reserve Fund Expenditure Bylaw (Used Fire Engine), 2009", be adopted.

MOTION CARRIED

B2
09-222 It was moved and seconded that "CVRD Bylaw No. 3265 - Cowichan Community Centre Capital Project Reserve Fund Expenditure Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B2
09-223 It was moved and seconded that "CVRD Bylaw No. 3265 - Cowichan Community Centre Capital Project Reserve Fund Expenditure Bylaw, 2009", be adopted.

MOTION CARRIED

**B3
09-224** It was moved and seconded that "CVRD Bylaw No. 3270 - Electoral Area B - Shawnigan Lake Parks & Recreation Commission Amendment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B3
09-225** It was moved and seconded that "CVRD Bylaw No. 3270 - Electoral Area B - Shawnigan Lake Parks & Recreation Commission Amendment Bylaw, 2009", be adopted.

MOTION CARRIED

**B4
09-226** It was moved and seconded that "CVRD Bylaw No. 3271 - Electoral Area D Parks & Recreation Commission Amendment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B4
09-227** It was moved and seconded that "CVRD Bylaw No. 3271 - Electoral Area D Parks & Recreation Commission Amendment Bylaw, 2009", be adopted.

MOTION CARRIED

**B5
09-228** It was moved and seconded that 2nd reading of "CVRD Bylaw No. 3142 - Area C - Cobble Hill Zoning Amendment Bylaw (I-1B Parcel Coverage/Outdoor Storage), 2008", be rescinded.

MOTION CARRIED

**B5
09-229** It was moved and seconded that "CVRD Bylaw No. 3142 - Area C - Cobble Hill Zoning Amendment Bylaw (I-1B Parcel Coverage/Outdoor Storage), 2008", be amended by adding outdoor storage of boats and RV units only as a permitted use in I-1B zone.

MOTION CARRIED

**B5
09-230** It was moved and seconded that "CVRD Bylaw No. 3142 - Area C - Cobble Hill Zoning Amendment Bylaw (I-1B Parcel Coverage/Outdoor Storage), 2008", be granted 2nd reading as amended.

MOTION CARRIED

RESOLUTIONS

**RES1
09-231** It was moved and seconded 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

MOTION CARRIED

**RES2
09-232** It was moved and seconded that the following appointment to the Electoral Area D - Cowichan Bay Parks and Recreation Commission be approved:

Term to expire December 31, 2010
Appointed:
Donna Einarsson

MOTION CARRIED

**RES3
09-234** 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, 2010
Elected:
Gerald Thom
Dave Charney

MOTION CARRIED

**RES4
09-235** It was moved and seconded that the following appointments to the Electoral Area B - Shawnigan Lake Parks and Recreation Commission be approved:

Term to expire March 31, 2011
Elected:
Al Brunet
Andy Glover
Betty Lord
Bill Savage
Margaret Symon
Trina White
Catherine Whittome
Lori Treloar

MOTION CARRIED

RES5 It was moved and seconded that the following appointment to the
09-236 Youbou Fire Service Commission be approved:

Term to expire March 31, 2011

Elected:

Betty Abbott

MOTION CARRIED

RES6 It was moved and seconded that the following appointments to the
09-237 North Oyster Fire Service Commission be approved:

Term to expire March 31, 2011

Elected:

Grant Keefer

Shirley Husband

Term to expire March 31, 2010

Appointed:

Gail Corneliuson

MOTION CARRIED

NEW BUSINESS

NB1 The report and recommendation from the Kerry Park Recreation
Commission meeting of March 24, 2009 listing one item was considered.

09-238 It was moved and seconded that "CVRD Bylaw No. 3264 - Kerry
Park Recreation Commission Establishment Bylaw, 2009" be
forwarded to the Board for consideration of three readings and
adoption.

MOTION CARRIED

NB2 It was moved and seconded that "CVRD Bylaw No. 3258 - Air
09-239 Pollution Control Service Establishment Bylaw, 2009", be granted 1st,
2nd and 3rd reading.

Opposed: Directors Marcotte, Morrison, Kuhn and McGonigle

MOTION CARRIED

NB3
09-240 It was moved and seconded that "CVRD Bylaw No. 3264 - Kerry Park Recreation Centre Commission Establishment Bylaw, 2009", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

NB3
09-241 It was moved and seconded that "CVRD bylaw No. 3264 - Kerry Park Recreation Centre Commission Establishment Bylaw, 2009", be adopted.

MOTION CARRIED

6:22 pm Director Iannidinardo declared a conflict of interest as her son is an Executive Director of TimberWest and Director Iannidinardo left the Board room at 6:22 pm.

NB4
09-242 It was moved and seconded that 2nd reading of "CVRD Bylaw No. 3213 - Area I - Youbou/Meade Creek Official Community Plan Amendment Bylaw (Youbou Lands), 2008", be rescinded.

MOTION CARRIED

NB4
09-243 It was moved and seconded that "CVRD Bylaw No. 3213 - Area I - Youbou/Meade Creek Official Community Plan Amendment Bylaw (Youbou Lands), 2008", be amended in accordance with Electoral Area Services Committee April 7, 2009 recommendation number 12.

MOTION CARRIED

NB4
09-244 It was moved and seconded that "CVRD Bylaw No. 3213 - Area I - Youbou/Meade Creek Official Community Plan Amendment Bylaw (Youbou Lands), 2008", be granted 2nd reading as amended.

MOTION CARRIED

NB5
09-245 It was moved and seconded that 2nd reading of "CVRD Bylaw No. 3214 - Area I - Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009", be rescinded.

MOTION CARRIED

NB5
09-246 It was moved and seconded that "CVRD Bylaw No. 3214 - Area I - Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009", be amended in accordance with Electoral Area Services Committee April 7, 2009 recommendation number 12.

MOTION CARRIED

NB5
09-247 It was moved and seconded that "CVRD Bylaw No. 3214 - Area I -
Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands),
2009", be granted 2nd reading as amended.

MOTION CARRIED

NB6
09-248 It was moved and seconded that 2nd reading of "CVRD Bylaw No.
3242 Phased Development Agreement Authorization Bylaw (Youbou
Lands), 2008", be rescinded.

MOTION CARRIED

NB6
09-248 It was moved and seconded that "CVRD Bylaw No. 3242 Phased
Development Agreement Authorization Bylaw (Youbou Lands),
2008", be amended in accordance with Electoral Area Services
Committee April 7, 2009 recommendation number 12.

MOTION CARRIED

NB6
09-249 It was moved and seconded that "CVRD Bylaw No. 3242 Phased
Development Agreement Authorization Bylaw (Youbou Lands),
2008", be granted 2nd reading as amended.

MOTION CARRIED

6:25 pm Director Iannidinardo returned to the Board room at 6:25 pm.

NB7
06-250 It was moved and seconded that the following appointments to the
Shawnigan Lake Community Centre Commission be approved:

Term to expire March 31, 2010

Elected:

Sharleen Impett

Marion Davies

Kim Rowe

Barb Shultz

Term to expire March 31, 2010

Appointed:

Fransje Carr

Sarah Malerby

MOTION CARRIED

**RESOLVING
INTO
CLOSED
SESSION**

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) (f), (g) and (j).

MOTION CARRIED

**09-251
6:28 pm**

**RISE FROM
CLOSED
SESSION**

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

MOTION CARRIED

**09-256
6:35 pm**

ADJOURNMENT

**09-257
6:35 pm**

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

MOTION CARRIED

The meeting adjourned at 6:35 pm

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____

SOUTH COWICHAN SERVICES & GOVERNANCE
MEETING – APRIL 22, 2009

IN1

Minutes of the South Cowichan Services & Governance meeting held at the Kerry Park Recreation Centre, 1035 Shawnigan – Mill Bay Road, Mill Bay BC, on Wednesday, April 22, 2009 at 5:15 p.m.

PRESENT: Dave Balding
Heather Broughton
Sarah Fraser
Tim Parker
Robert Smethurst
Gordon Smith
Margaret Symon

ABSENT: Jens Liebgott
Bob Brooke
David Towner
Mark Wyatt
Paul Laraman

ALSO PRESENT: Director Lori Iannidinardo, Electoral Area D,
Cowichan Bay
Tom Reid, Study Manager, Sussex Consultants Ltd.
Karen Lynch, Ministry of Community Development
Warren Jones, Administrator, CVRD

**APPROVAL OF
AGENDA**

It was moved and seconded that the agenda be approved

MOTION CARRIED

**ADOPTION OF
MINUTES**

It was moved and seconded that the minutes of the April 14, 2009 meeting of the South Cowichan Services & Governance Steering Committee be approved.

MOTION CARRIED

**BOUNDARY
OPTION
DISCUSSION**

The Committee discussed various boundary options that might be recommended should a Phase II Study proceed. Mr. Reid said if a Phase II Study was to proceed the Province would want the Committee to recommend appropriate boundaries. Given that representatives of Electoral Area A, Mill Bay / Malahat, were not able to attend the meeting, the Committee agreed to hold a meeting on April 27, 2009 in order to try to finalize potential boundaries for presentation at the upcoming public meetings.

**COMMITTEE
ROLE IN MAKING
RECOMMEN-
DATIONS TO THE
PROVINCE AND
CVRD**

Ms. Karen Lynch reviewed the role of the Committee in making recommendations to the CVRD and Province.

**FINANCE
COMMITTEE
REPORT**

Mr. Warren Jones reported that the Finance Sub-committee had approved the third and fourth invoices submitted by Mr. Reid for payment. The CVRD will arrange payment of these invoices.

**SURVEY
DISTRIBUTION**

Ms. Heather Broughton suggested that the Committee consider additional ways of circulating the next public survey. She suggested that setting up at Thrifty's and Country Grocer might be a good idea. The Committee agreed to discuss this idea further at the April 27, 2009 meeting.

NEXT MEETING

It was agreed that the next meeting would be held on Monday, April 27, 2009 at 5:15 p.m. in the Dennis McLean Room at the Kerry Park Recreation Centre.

ADJOURNMENT

The meeting adjourned at 7:15 pm

Warren Jones

Dated



C·V·R·D

CR1

ELECTORAL AREA SERVICES COMMITTEE REPORT

OF MEETING HELD APRIL 21, 2009

DATE: April 23, 2009

To: Chairperson and Directors of the Board

Your Electoral Area Services Committee reports and recommends as follows:

1. 1. That the Board Chair and Corporate Secretary be authorized to sign the necessary documents with the Island Corridor Foundation (ICF) and Ministry of Transportation to permit improvements upon ICF lands and within existing road rights of way around the Cobble Hill Train Station as part of the Cobble Hill Train Station "Trees for Tomorrow" Revitalization Project.
2. That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$60,000 from the Community Parks General Reserve Fund (Area C – Cobble Hill) for the purpose of completing the Cobble Hill Train Station "Trees for Tomorrow" Revitalization Capital Project; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.
2. 1. That CVRD Bylaw No. 3272 – Sahtlam Fire Protection Service Area Loan Authorization Bylaw, 2009, be forwarded to the Board for consideration of three readings and following provincial and voter approval, be adopted.
2. That voter approval for CVRD Bylaw No. 3272 be obtained through an alternative approval process over the entire service area.
3. That the CVRD proceed to adopt Bylaw No. 3273 – Thetis Island Wharf Regulation Bylaw, 2009, that would prohibit overnight moorage at the Thetis Island Wharf.
4. That the Board Chair and Corporate Secretary be authorized to sign the necessary documents related to issuance of an Operations Permit by BC Parks permitting the CVRD to operate West Shawnigan Lake Park under the Electoral Area B Community Parks function for a term of five years.
5. That a grant-in-aid request (Electoral Area D – Cowichan Bay) in the amount of \$500 be given to Cowichan Valley Seniors Dragon Boat Society to assist with start up costs for their new team in Cowichan Bay.
6. That a grant-in-aid request (Electoral Area A – Mill Bay/Malahat) in the amount of \$7000 be given to Mill Bay/Malahat Historical Society to assist with costs to collect, preserve, and present the history and heritage of the Mill Bay and Malahat area.

7. That a grant-in-aid request (Electoral Area A – Mill Bay/Malahat) in the amount of \$500 be given to Bamberton Historical Society to assist with their historical theatre project.

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

8. That application 1-A-09 DVP by Robert and Jodi Cantwell for a variance to Section 8.4.A(b)(2) of Zoning Bylaw No. 2000, by increasing the maximum permitted height of a single family dwelling from 7.5 metres (24.61') to 9.5 metres (31.17') on Lot 51, District Lot 80, Malahat District, Plan VIP83417 (PID 027-128-300), be denied.
9. That application No. 1-I-09DP and 1-I-09DVP be approved, and the Planning and Development Department be authorized to issue a development permit and development variance permit to Charles Ricketson for the construction of an addition to the dwelling on Lot 41, District Lot 32, Cowichan Lake District, Plan 1003, Except Part in Plan 1584 RW (PID: 002-477-882) that would permit the addition to be 1.5 metres from the side parcel line and subject to:
 - Compliance with RAR Report No. 1251 by Trystan Willmott;
 - Flagging of the 15 m Streamside Protection and Enhancement Area prior to construction;
 - Construction is located outside the 15 metre Streamside Protection and Enhancement Area, measured from the 164 metre high water mark.
10. That application No. 1-F-09DP be approved, and the Planning and Development Department be authorized to issue a development permit to Tina and Wayne Verch for the reconfiguration of exterior decks at 6770 Forestry Road (Lot A, Section 29, Renfrew District, Plan 38780), including a variance to Section 3.22 of Zoning Bylaw 2600 to reduce the minimum setback of from a watercourse from 15.0 metres to 8.0 metres, subject to:
 - Acceptance of RAR report #1167 by the Ministry of Environment.
 - Strict compliance with RAR report #1167, prepared by Kelly Schellenberg, RFP
 - Protection of 15 metre Streamside Protection and Enhancement Area (SPEA), other than the permitted encroachment, with high visibility fencing or temporary flagging prior to construction.
 - Planting and protection of the proposed compensation area in accordance with RAR report #1167.



CR2

ENGINEERING & ENVIRONMENTAL SERVICES COMMITTEE REPORT

OF MEETING HELD APRIL 22, 2009

DATE: April 23, 2009

TO: Chair and Directors of the Cowichan Valley Regional District

Your Engineering & Environmental Services Committee reports and recommends as follows:

1. That the Board accept the following modifications to the Gas Tax funding allocations for the Engineering and Environmental Services Department:
 1. Remove the Kerry Village Sewer rehabilitation project from the Gas Tax funding list as a result of grant monies received under the Towns for Tomorrow program
 2. Increase the Gas Tax funding for the Honeymoon Bay reservoir project to \$180,000 due to an increase in costs to supply Hydro power to the water treatment building.
 3. Increase the Gas Tax funding for the Satellite Park reservoir and treatment building upgrades to \$380,000.00, due to the requirement of a fire pump.
 4. Substitute the Dogwood Ridge water reservoir and treatment building upgrade project into the 2009/2010 Gas Tax project list if alternative funding becomes available for the Saltair reservoir project.
2. That the Manager of Regional Environmental Policy, working with the Environment Commission and CVRD and member municipal staff, develop a variety of environmental lenses for Board consideration, usable by the CVRD and its member municipality staff to support the Board's resolution of December 10, 2008, that *"the CVRD embed an environmental lens into all decision-making immediately"*.
3. That, once a formal agreement between the CVRD and TimberWest has been executed and a petition for inclusion into the Honeymoon Bay Water System Service area is received from TimberWest, a bylaw be prepared to amend "CVRD Bylaw No. 1588 – Honeymoon Bay Local Service (Community Water Supply and Distribution) Establishment Bylaw, 1983", by extending the boundaries of the service area to include the property described as *"Lot 2, Section 38, Plan VIP59274 in Renfrew District (Situate in Cowichan Lake District)"*, and further that the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.

.../2

4. That the Board approve the following template as a first stage approval process/recommendation for both new and existing CVRD utility takeovers:
 1. "That the Board provide first stage of approval and authorize staff time to continue with the process of potential takeover of the Click here to enter text. system(s), located in Electoral Area Click here to enter text., as requested by Click here to enter text., subject to the following conditions and with the understanding that nothing is intended by this approval to fetter future CVRD Board decisions on required bylaws:
 2. All lands on which infrastructure works are located will be placed within registered Statutory Rights-of-way, using the CVRD's standard charge terms;
 3. A utility transfer agreement be executed between the CVRD and the owners;
 4. A CVRD in-house review of the system be undertaken in order to address deficiencies in the water system;
 5. The owner of utility be willing to sell and/or transfer the system to the CVRD;
 6. A public consultation process regarding CVRD takeover be undertaken;
 7. A petition process be carried out. (*amended from original Committee recommendation*)
 8. This list is not exhaustive and items may be added, deleted or altered prior to a formal agreement being executed
and further that, upon completion of a successful petition process, bylaws be prepared to create a service area for this utility."
5. That staff be authorized to apply for funding under the BC Brownfield Renewal Strategy, in order to pursue remediation of the Peerless Road and Meade Creek ash fills.
6. That the Board Chair and Corporate Secretary be authorized to sign a temporary occupancy agreement with Cowichan Energy Alternatives, in cooperation with the Cowichan Biodiesel Cooperative, regarding the siting and operation of a waste vegetable oil collection/recycling depot and bio-diesel production facility at the CVRD's Bings Creek Solid Waste Management Complex.
7. That the *Collaborative Projects envelope - Lower Cowichan Koksilah River Integrated Flood Management and Mapping Plan* project be submitted for funding under the Canada-British Columbia Building Canada Fund – Communities Component.



CR4

COWICHAN LAKE RECREATION COMMISSION REPORT
of Meeting held on Thursday April 23, 2009

DATE: April 24, 2009

To: CVRD Board of Directors

The Cowichan Lake Recreation Commission reports and recommends as follows:

1. That the Board request that the Liquor Control and Licensing Branch (LCLB) approve the extension of the liquor primary liquor license #163104 – Curling Club to cover the Annual Lake Days Dance on the arena dry floor space on Saturday June 13, 2009.
2. That the Board request that the Liquor Control and Licensing Branch (LCLB) approve the extension of the liquor primary liquor license #300537 of the Youbou Community Bowling Alley to cover the Regatta Adult Dance, Saturday August 08, 2009 from 9 p.m. to 1 a.m. and New Year's Eve Adult Dance, Thursday, December 31, 2009 from 9 p.m. to 2 a.m. in the Youbou Community Hall.
3. That, as required by the LCLB, the Board of the Cowichan Valley Regional District has considered the following items: the potential for noise; the impact on the community; whether the extension will result in the establishment being operated in a manner that is contrary to its primary purpose and the views of the residents and offers the following comments:
 - These events involve the residents of the community through participation and volunteer activities.
 - The establishment will still be operating under a liquor primary liquor license for the purpose of these three events if the application is approved.



CR4

COWICHAN LAKE RECREATION COMMISSION REPORT

of Meeting Held on Thursday, April 30, 2009

DATE: May 6, 2009

TO: CVRD Board of Directors

Your Cowichan Lake Recreation Commission reports and recommends as follows:

1. That the Cowichan Valley Regional District enter into a contract with Venture Pacific Construction Management / n. Wallace and Associates for the provision of Construction Management services for the Cowichan Lake Sports Arena project, for the following fees:
 1. Services for pre-construction (\$71,000), construction (\$150,000), and post-construction (\$9,000), for a total of \$230,000 + GST.
 2. On Site Personnel of Site Manager at \$13,750 per month, and Construction Safety Officer of \$7,060 per month.
 3. Additional services to be billed by hourly rates as outlined in the proposal.
 4. Reimbursable expenses as outlined in the proposal.
2. That the Chair and Corporate Secretary be authorized to sign the contract with Venture Pacific Construction Management / n. Wallace and Associates for the provision of Construction Management services for the Cowichan Lake Sports Arena project for the fees as noted.
3. That the Cowichan Valley Regional District enter into a contract with Fast and Epp Engineering for the provision of structural engineering services for the Cowichan Lake Sports Arena project, for the following fees:
 1. Services for structural engineering, \$60,000.
 2. Reimbursable expenses as outlined in the proposal.
4. That the Chair and Corporate Secretary be authorized to sign the contract with Fast and Epp for the provision of structural engineering services for the Cowichan Lake Sports Arena project for the fees as noted.
5. That the Cowichan Valley Regional District enter into a contract with Applied Engineering Solutions for the provision of electrical engineering services for the Cowichan Lake Sports Arena project, for the following fees:
 1. Services for electrical engineering, \$35,200.
 2. Reimbursable expenses as outlined in the proposal.

6. That the Chair and Corporate Secretary be authorized to sign the contract with Applied Engineering Solutions for the provision of electrical engineering services for the Cowichan Lake Sports Arena project for the fees as noted.
7. That the Cowichan Valley Regional District enter into a contract with Hirschfield, Williams, Timmins Ltd. for the provision of mechanical engineering services for the Cowichan Lake Sports Arena project, for the following fees:
 1. Services for mechanical engineering, \$73,200.
 2. Reimbursable expenses as outlined in the proposal.
8. That the Chair and Corporate Secretary be authorized to sign the contract with Hirschfield, Williams, Timmins Ltd. for the provision of mechanical engineering services for the Cowichan Lake Sports Arena project for the fees as noted.

**STAFF REPORT****REGULAR BOARD MEETING
OF MAY 13, 2009**

DATE: April 23, 2009
FROM: Daniel J. Derby, General Manager Public Safety
SUBJECT: Central Island 911 (C I 911) Call Answer Levy Strategy

Recommendation:

That the General Manager of Public Safety be directed to jointly pursue with Central Island 911 Partners (City of Nanaimo and Regional District of Nanaimo), implementation of a Call Answer Levy on cellular telephones within the 911 service area. This will be through the Association of BC 911 Service Providers, negotiating with the Wireless Service Providers (WSPs) and if such negotiations fail, pursuing a legislative solution through the Canadian Radio-television and Communications Commission (CRTC), Union of British Columbia Municipalities (UBCM) or the Province of BC.

Purpose: To obtain direction from the Board of Directors on the C I 911 partner agencies' strategy to pursue institution of a Call Answer Levy (CAL) on cellular telephone calls.

Financial Implications: Implementation of a C I 911 CAL for cellular telephones would increase C I 911 revenue and possibly negate the requirement to increase the CAL on landline telephones or assess an additional charge on property taxes.

Interdepartmental/Agency Implications: N/A

Background: This staff report is being presented directly to the Board due to the time sensitivity of preparing a UBCM resolution if the Board so directs.

All landline telephones in the Cowichan Valley Regional District are currently assessed a Call Answer Levy (CAL) fee of \$.47 per line which provides a contribution toward the operation of the 911 emergency service. It has been suggested that 50% of the calls to 911 are cellular calls; however these calls are not assessed a CAL fee.

The recent direction of the CRTC that WSPs must implement accurate location identification for cellular callers to 911 will result in additional investment and resources being required by the C I 911 partners. The three partner agencies provide Central Island 911 Services for the area from the Malahat to Lantzville. All 911 calls made in this area are answered at the Primary

Service Answer Point (PSAP) located in the City of Nanaimo's police service building located at 303 Prideaux Street with the three partners sharing the operating costs on a cost-sharing formula.

The CAL is a charge on each individual telephone and the funds go directly towards the operation of the 911 Call Centre. The CAL is consistent with the general CVRD policy of "User-Pay". Without the CAL, cost of operating the 911 service would fall to property taxes. In 1999, the \$.47 CAL on landlines was sufficient to cover the 911 Call Answer costs. However, in the past 10 years, costs have increased and the number of landlines has decreased. An increase of 25-50% in the CAL is required to cover anticipated operating costs over the next five years.

During the same period, use of cellular telephones has increased and they now account for over ½ of 911-received calls. It is consistent with Board policy that users pay their fare share towards services. As well, such a fee would be equitable as it provides the same charge to customers whether they use a cellular or landline telephone. The alternative to not charging a CAL on cellular telephones would be to increase the CAL on landline telephones or to assess an additional fee through property taxes.

There isn't any legislation authorizing the Regional District to charge a 911 CAL on telephones. This fee was approved by the CRTC as an option that telephone providers could offer to the 911 Service Providers under a fee-for-service agreement. The CRTC has also ruled that the CAL be applied to all telephones supported by Competitive Local Exchange Carriers (CLECs) – for instance those installed by competitors such as SHAW and FIDO. However, the CRTC decision does not include Wireless Service Providers, (Telus, Bell, and Rogers); that provide most of the cellular telephones in the C I 911 service area.

In 2008, over 70,000 calls were made to 911. Nearly half of these calls originated from cellular telephones.

In 2003, C I 911 partner staff at the City of Nanaimo attempted to negotiate a Call Answer Levy with the three wireless service providers but was not successful. The C I 911 attempt was supported by the Association of BC 911 Service Providers and the request was taken to the CRTC and Provincial government, but progress has not been made towards instituting CAL on cellular telephones.

The CRTC has recently mandated the implementation of Wireless Phase II E911 service which will provide more accurate longitude and latitude (GPS coordinates) for the location of the cellular caller. This is to be implemented by the wireless service providers by February, 2010. In order to utilize this information the C I 911 service will have to upgrade the 911 Answer Points to identify map locations for incoming calls. The cost of upgrading and installing new software is still to be determined and it is anticipated that it will also require additional time for the 911 call-taker to verify the position of the cellular caller.

Given that ½ of all 911 calls originate from the wireless service providers, and that additional resources will be required to implement the Wireless Phase II service, it is equitable that the

cellular customers also contribute towards the cost of providing the 911 service. In previous discussions with the WSPs, they were not supportive of a CAL for 911 answer points, even though they already include a significant charge (called 911 Service) of up to \$1.00 per month to cellular customers.

The WSPs have the ability to add a Call Answer Levy to the cellular telephones or to share the 911 service fee that they already charge their customers. Discussing this issue with the WSPs would be the first step. However, should they be unreceptive, the Board could pursue a legislative solution. This would include writing to the CRTC, preparing a resolution for UBCM and making a formal request to the Provincial government to introduce legislation that will authorize local governments to charge a CAL on all telephones, both fixed and mobile. Legislative action would be organized through the Association of BC 911 Service.

On April 20th at the City of Nanaimo's council meeting, the following motions were considered and carried:

that Council direct staff to pursue implementation of a Call Answer Levy on cellular telephones within the 911 service area. This will be through the Association of BC 911 Service Providers who will negotiate with the Wireless Service Providers. Should such negotiations fail, then pursue a legislative solution through the CRTC, UBCM resolution or provincial legislation.

that Council direct Staff to prepare a resolution for the Union of British Columbia Municipalities regarding E911 service call answer levies.

Submitted by,



D. Derby
General Manager, Public Safety Department



SR2

STAFF REPORT

REGULAR BOARD MEETING OF MAY 13, 2009

DATE: April 15, 2009

FROM: Jacob Ellis, Manager, Corporate Planning

SUBJECT: Community to Community Forum with the Malahat First Nation

Recommendation:

For information.

Purpose:

To report on the CVRD – Malahat First Nation Community to Community Forum.

Background:

The community to community forum event was based on three primary objectives: First, to build relationships between Elected Officials & Staff and the Malahat First Nation Chief, Council and Elders, second to build a foundation for better communication between our organizations, and third to identify opportunities to work together. As a result of the forum, new relationships were forged, a better understanding of our two organization gained, and opportunities for future joint ventures identified.

The evening event consisted of dinner, a presentation from the Malahat First Nation covering their history, a description of traditional Malahat territorial boundaries, and cultural and community access issues. The CVRD then provided a brief description of the primary services it provides and introduced key staff. The presentations were followed by a dialogue regarding current issues, including access to better transit services, building inspections, development opportunities within Malahat lands, and the need for continued dialogue in the future between the CVRD and Malahat First Nation.

Prior to this event, little if any contact or communication was ever had between these two groups. As such, one of the key achievements of the event was the emergence of a shared desire on the part of both organizations to communicate more often and to work together in the future on common issues.

Submitted by,

Jacob Ellis
Manager, Corporate Planning



STAFF REPORT

REGULAR BOARD MEETING
OF MAY 13, 2009

DATE: May 5, 2009 FILE NO: 10-B-07RS
FROM: Catherine Tompkins, Planner III BYLAW NO: 3238 and 3239
SUBJECT: OCP Amendment Bylaw No. 3238 and Zoning Amendment Bylaw No. 3239
(Malahat Joint Ventures/Lintaman)

Recommendation:

For information purposes.

Purpose:

To consider third reading of OCP Amendment Bylaw No. 3238 and Zoning Amendment Bylaw No. 3239.

Financial Implications:

None apparent

Interdepartmental/Agency Implications:

None apparent

Background:

This report is being provided at the request of the Electoral Area B Director. The public hearing for proposed bylaws 3238 and 3239 has been held and the Board may now consider whether to pass third reading, with or without conditions attached to final approval. The Director for Electoral Area B has asked staff to list the inducements offered by the owner/applicant, in support of the application. The list is as follows, with staff comments provided in bold:

1. Designate the property as a Development Permit Area (DPA): **the DPA is already proposed.**
2. Negotiate the completion of roadside screening: **The owner has offered to upgrade the aesthetic quality of South Shawnigan Lake Road, by undertaking screening not only on the subject property but also on adjacent industrially zoned parcels. This would involve the owner/applicant, prior to final adoption, providing a work plan, agreed upon by affected owners, and an estimate of cost agreed upon with the CVRD, as well as a letter of credit (in an amount acceptable to the CVRD) to ensure that the work is undertaken and completed.**

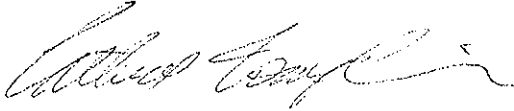
3. Covenant on Van Horne Creek: the applicant has agreed to provide for a SPEA along Van Horne Creek, prior to final adoption. This could be accomplished at the development stage of the process through the RAR Development Permit process.
4. Repair Damaged Culvert: The owner/applicant has offered to repair a damaged culvert on Van Horne Creek, on the highway right of way on the north side of Shawnigan Lake Road. The CVRD could require that the culvert be repaired prior to final adoption being granted.
5. Detention pond: The owner has agreed to provide a detention pond or a water source for the fire department. For this to occur, the owner/applicant could provide a covenant on the title of the land, to the effect that the water source be provided prior to subdivision or construction taking place.
6. Community Signage: the owner has offered to construct and locate (along the highway right-of-way) a community sign, welcoming people to Shawnigan Lake. Either the signage could be located or an irrevocable letter of credit could be obtained prior to final adoption.
7. Noise levels The owner has agreed to establish baseline noise levels and provide a covenant to restrict noise levels. The CVRD Noise Bylaw No 1060 currently does not affect the subject industrial parcel, but could be amended to do so. In the meantime, baseline levels would be useful. The Board could require that the owner establish baseline noise levels prior to final adoption of the bylaws.
8. Rainwater Management Plan: The applicant has offered to provide a rainwater management system to the specifications of the Engineering and Environmental Services Department. Rainwater management is already a guideline in the proposed development permit area.
9. Establish baseline information and monitor local wells: This would require the owner/applicant establishing a baseline figure for several neighbouring wells, with the consent of the owners, and then providing a letter of credit to pay the owner if their well is depleted due to the activities on the subject property. This has not been well implemented in the past, as the CVRD does not have the means to establish cause and effect if wells are depleted, and there is currently no process for the disbursement of funds.
10. Adopt the provincial Develop with Care guidelines: This is CVRD policy in the proposed development permit area, in any case.
11. Restore some of the damaged landscape and waterways: This would occur at the development permit stage, in any case.

In summary, if the application proceeds beyond third reading, the Board may wish to provide that a number of conditions be met prior to final adoption. The conditions could include:

- The owner providing a work plan and a letter of credit in an amount deemed acceptable to the CVRD Planning and Development Department, along with the appropriate agreements necessary to undertake screening on the industrial parcels along the south side of Shawnigan Lake Road, adjacent to Stebbings Road.
- The owner providing a covenant on the title of the subject property, ensuring that a water source for the Malahat Fire Department, acceptable to the Protective Services Department, will be provided on the subject property prior to subdivision or construction taking place.

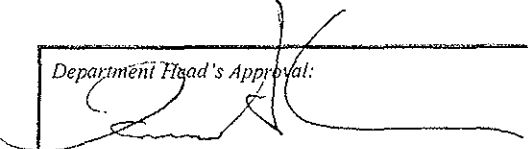
- The owner providing a community sign along South Shawnigan Lake Road, to the specifications acceptable to the CVRD Planning and Development Department, or providing a letter of credit in an amount appropriate to ensuring that the sign is erected as specified in an appropriate location.
- The owner establishing baseline noise levels prior to final adoption of the bylaws.

Submitted by,



Catherine Tompkins MCIP,
Planner III
Community and Regional Planning Division
Planning and Development Department

CT/ca

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



PUBLIC HEARING REPORT
Bylaw No. 3233

Following is a summary of the proceedings of the Public Hearing for Zoning Amendment Bylaw No. 3233 (Polaris/Nicholson), applicable to Electoral Area F – Cowichan Lake South/Skutz Falls, held on Thursday, March 19, 2009, at the Cowichan Lake Arena, Curling Lounge, 311 South Shore Road, Lake Cowichan, BC, at 7:02 pm:

**HEARING
DELEGATES**

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

**CVRD STAFF
PRESENT**

Mr. R. Conway, Manager, Planning and Development Department
Ms. J. Hughes, Recording Secretary, Planning and Development Department

Members of the Public:
There were approximately 8 members of the public present.

CALL TO ORDER

Director I. Morrison, Chaired the Hearing and called the meeting to order.
The Chairperson introduced the Hearing Delegates and CVRD Staff present.

PROCEDURES

Mr. Conway explained the requirements under Section 890 of the *Local Government Act*. He advised that notice of the Hearing was advertised in two consecutive issues of the *Lake Cowichan Gazette* (Wednesday, March 4, 2009 and Wednesday, March 11, 2009) and within the *Citizen* (Wednesday, March 11, 2009 and Friday, March 13, 2009) and letters had also been sent to adjacent owners and occupiers of the property as required by the *Local Government Act*.

Zoning Amendment Bylaw No. 3233 proposes to amend CVRD Zoning Bylaw No. 2600, applicable to Area F – Cowichan Lake South/Skutz Falls, by rezoning 7705 Old Lake Cowichan Road (Lot 3, Block 29, Cowichan Lake District, Plan 47390) from F-1 (Forestry Resource 1) to F-2 (Secondary Forest Resource 2).

The purpose of Zoning Amendment Bylaw 3233 is to permit the subdivision of the subject property into two parcels.

Mr. Conway stated that one letter of response had been received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the CVRD office today, March 19, 2009 at 4:30 pm.

Mr. Conway further advised the following:

- Subject property is approximately 8.65 ha (21.35 acres) and presently zoned F-1 with a minimum lot size of 80 ha. and it cannot be subdivided under that zoning;
- The applicants are proposing to rezone to F-2 which has a 4 ha. minimum lot size and because the property is over 8 hectares if zoning is approved it could allow the property to be subdivided if it meets all other requirements of subdivision such as proving perc, water and road access;
- Proposed subdivision is for two parcels with one parcel with the existing dwelling being 6.93 ha. and the second being 1.71 ha. in area;
- The reason Lot 2 is smaller than 4 hectares, which is the minimum lot size for the F-2 Zone, is there is a density averaging provision in the Zoning Bylaw that allows a smaller lot size provided the property meets the total lot area required for subdivision and provided that the smallest parcel is no more than 40 percent of the minimum parcel size.

Correspondence

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

- 1) Covering Email and letter dated March 18, 2009, from Brent Taylor, Polaris Land Surveying Inc. (EXHIBIT 1);

Location of File

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

APPLICANT

Brent Taylor, Polaris Land Surveying, was present acting as Agent for the Applicant, Shawn Nicholson and stated the following with regard to the Rezoning Application:

- There has been history to the proposal and what they have requested is to rezone from F-1 to F-2 which they feel would suit the nature of the land;
- F-1 is the Primary Forestry Zone and at present he does not think the property will be used as primary forestry lands again and the proposed F-2 (Secondary Forestry) zoning is more suitable;
- He is President of Polaris Land Surveying and introduced the owner of the subject property Shawn Nicholson and his Associate, Nick Reed.

QUESTION PERIOD

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

Dennis Wagner 7555 Hudgrove Road

- He has been on the subject property and to him it looks like a light industrial zone not forestry zoned.

- Rob Conway** ➤ Present zoning is F-1 and it does allow forestry and industrial forestry type uses such as harvesting and stated if industrial uses are being carried out on the property at the present time that may be in violation of the zoning.
- Dennis Wagner** ➤ Has CVRD Staff walked the property to see the industrial activity on site?
- Rob Conway** ➤ CVRD Staff have walked the subject property and asked if there is a specific activity that he was concerned about?
- Dennis Wagner** ➤ Logging company runs on site.
- Director Duncan** ➤ At the Regional District bylaw enforcement is primarily complaint driven and the CVRD Bylaw Enforcement Officer does not go out looking for infractions it is up to community members putting in a complaint with the CVRD's Bylaw Enforcement Officer. The Bylaw Enforcement Officer typically does not investigate until a complaint is received.
- Mary Scott,
7740 Hudgrove
Road** ➤ How many times did the Advisory Planning Commission (APC) walk the subject property to review the proposed subdivision?
- Director Morrison** ➤ He was Chair of the APC and he and 3-4 other APC members visited the property a little over a year ago and they extensively walked the property.
- Mary Scott** ➤ Asked if the APC looked at the wetlands on the site with regard to what effect and impact the proposed subdivision could have on the Cowichan River?
- Rob Conway** ➤ APC looks at applications as land use issues and if the proposal will work within the community and if there are any issues they feel should be addressed;
➤ APC members are not technical people, they are members from the community;
➤ A Professional Biologist will carry out a riparian areas regulation assessment on the site if there are creeks that have fish habitat values on the site prior to subdivision approval;
➤ Actual protection of the creeks comes up during the subdivision process but noted that creek issues do come up during the rezoning process as well if the creek falls within an area that may not make subdivision feasible.
- Mary Scott** ➤ What is the first step to the subject application?
- Rob Conway** ➤ First step is the rezoning process and the next stage is the subdivision process;
➤ Subdivision process is applied through the Ministry of Transportation and that is when they would have to hire a Biologist to assess any watercourses

on the site.

- Director Morrison** ➤ When the APC walked the subject property they did note the watercourses on site and the applicant has made adjustments to the application and they feel that consideration has been given by the applicant for those watercourses on site.
- Mary Scott** ➤ If she wanted to make a comment on the impact of the watercourses on site and on the Cowichan River would those comments be valid and should she make them?
- Director Morrison** ➤ Every person is entitled to make comment and all nine Electoral Area Directors will receive a copy of the Public Hearing Minutes prior to making a recommendation on Zoning Amendment Bylaw No. 3233.
- Brent Taylor** ➤ When the parcel was created in 1989 the standards of the day was where there were watercourses that had fish bearing impacts the standard to protect that watercourse was a 25 ft setback on either side;
➤ Today's requirements for subdivision are much greater and by allowing subdivision to occur there now will have more protection on those watercourses as there will be a larger protection area over the existing creek and a stronger covenant that will help protect that area;
➤ There is a spring on the site and the Cowichan River is located not that far away and noted all water leads to the River and they feel there will be more protection for the watercourses through the proposed subdivision.
- Mary Scott** ➤ Will the setback be 10 m on either side of the watercourse?
- Brent Taylor** ➤ It could be a 10 m setback proposed on either side but noted it may actually be even more.
- Mary Scott** ➤ Could it be a 30 m setback?
- Brent Taylor** ➤ A Biologist will advise as to what the setbacks should be on the sides of the watercourses.
- Mary Scott** ➤ Will the Biologist look at all watercourses that lead down to the River?
- Brent Taylor** ➤ Will only review watercourses on their site that lead down to the River and the Biologist will look for no disruptions or impacts.
- Director Duncan** ➤ Three levels of protection are a covenant, setbacks in the bylaws for buildings from the stream course and the Provincial Government has brought in further regulations that define the riparian area assessment and a SPEA protection area;
➤ In Electoral Area E there is a 20 m setback from any stream and a person cannot build in that area. Biologists typically look at 15 m as the protected

area away from a watercourse and then the 20 m no build setback is applied which makes two different numbers that are applicable.

- Mary Scott** ➤ What is the setback in Area F?
- Rob Conway** ➤ 15 m from the top of the bank.
- Director Duncan** ➤ The assessment area is usually the 30 m figure.
- Mary Scott** ➤ As shown on the plan would it be 10 m and 15 m creating a 25 m setback?
- Director Duncan** ➤ No, it would be 15 m that they could not build within and more than likely the riparian areas regulations would add additional protection area.
- Brent Taylor** ➤ They will adhere to whatever the Biologist states in the riparian assessment and the CVRD's setback.
- Mary Scott** ➤ Asked what regulations the Biologist will follow when preparing the assessment?
- Rob Conway** ➤ The Biologist follows a procedure that is set out by the Province as to how they assess streams and watercourses to ensure there is a consistent approach to them.
- Director Morrison** ➤ If there was a low lying area where a bank could flow over in high water the setbacks could be increased in those areas but noted the Biologist has the final say in determining the watercourses.
- Mary Scott** ➤ Would they be using their own maps or CVRD maps?
- Rob Conway** ➤ Biologists assess watercourses in the field and don't rely on mapping.
- Director Morrison** Asked for further questions from the public present regarding the proposed Amendment Bylaw.
- Mary Scott** ➤ Are there any guarantees that there would be a covenant placed around the spring that runs through the site as she is very concerned about those wetlands and the spring?
- Rob Conway** ➤ Cannot say there would be a guarantee but noted the Biologist would be reviewing it and it would be up to the Biologist to make that determination.
- Mary Scott** ➤ Asked if she made that comment with regard to placing a covenant on site would the Board take that comment into account?
- Rob Conway** ➤ She could make the statement with regard to the placement of a covenant during the official comment section of the Hearing and noted that the nine

Electoral Area Directors will receive a copy of the Public Hearing Minutes prior to making a decision on the application.

- Director Duncan** ➤ Planning Staff could review the existing covenants and if it is felt they need to be expanded that recommendation could be made to the Regional Board at the 3rd Reading stage of the Amendment Bylaw.
- Rob Conway** ➤ Part of the riparian assessment process is the Province requiring the assessment through the subdivision stage of the application and that he understood her concern that the assessment be carried out during the rezoning process.
- Director Morrison** ➤ All concerned expressed are gathered within the Public Hearing Minutes and the Minutes are forwarded to the Electoral Area Directors prior to them making any decision on the application;
➤ If rezoning is approved subdivision is the next process and it is up to the Province to determine the riparian area regulations.
- Director Morrison** Asked for further questions from the public present regarding Zoning Amendment Bylaw No. 3233.

**PUBLIC
COMMENTS**

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

**Mary Scott,
7740 Wentworth
Road**

- Her driveway entrance is directly across from the subject property where she lives on Lot 11 on the River and noted she has been on the property since she was a child as the property has been in her family since 1931;
- She is well acquainted with the streams that flow down into the River and noted that one piece that is marked on the map as a wetland is a spring that runs most of the year but it does dry up and runs underground in the Summer which flows into another wetland and joins another creek that runs through Lot 11 down to the River;
- If anything disturbs that wetland it will impact the bigger fish bearing creek that runs through her creek on her property and she is also concerned about impacting the wetlands on the other side of the road;
- Concerned about the creek on the east side as it is fish bearing and it runs across the property through Lot 14 into the River and noted that those people do have water rights on that creek as does she;
- She is worried about health of the River and the subdivisions that are located so close to the River and that she does not want to see any disruption to the creeks as she is definitely concerned about the River;
- There is a whole stretch of nature reserve property located on her property along the River and she hopes the CVRD is aware of the potential impacts

that subdivisions may have on the River.

- Director Morrison** ➤ Asked for further comments from the public present with regard to proposed Zoning Amendment Bylaw No. 3233.
- Dennis Wagner** ➤ Asked if the letter that was received at the CVRD office could be read aloud to the public at the meeting.
- Rob Conway** ➤ That letter is from Brent Taylor, Polaris Land Surveying, and is approximately 2½ pages in length and is within the Information Binder for reading.
- Nicholas Reid,
Victoria**
- He works for Polaris Land Surveying and is at the Public Hearing representing their Client and stated that the intentions of their Client is to protect the property and be in accordance with the rules of subdivision;
 - Intention of the applicant is to subdivide along the eastern drainage leaving the larger lot to the west in its present condition and noted that is where the current property owner lives and there is no development intended for that parcel;
 - Eastern portion of property is where the new lot would be created and stated that there are no plans from the land owner to alter the area around that watercourse.
- Mary Scott** ➤ Read a portion of the November 4, 2008, EASC Staff Report where the APC recommended a development plan be prepared for the lands between Highway 18 and Cowichan River and from the Town of Lake Cowichan to Skutz Falls and stated that she agreed with that statement and that the CVRD should follow through with that.


ADJOURNMENT

Chairperson Morrison asked for public comments or submissions three times from the public present regarding Zoning Amendment Bylaw No. 3233.

Chairperson Morrison declared the Public Hearing closed at 7:47 pm.


CERTIFICATION:

We attended the Public Hearing on Thursday, March 19, 2009, and hereby certify that this is a fair and accurate report of the Public Hearing.



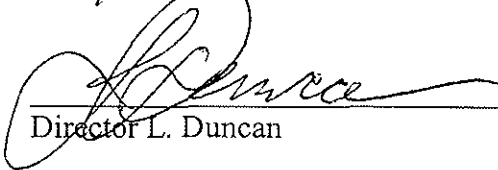
Director I. Morrison

Date April 3, 2009



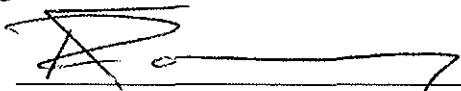
Director K. Kuhn

Date April 1, 2009



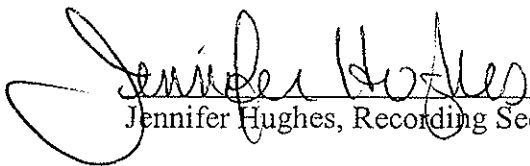
Director L. Duncan

Date March 31, 09



Rob Conway, Manager

Date March 30/09



Jennifer Hughes, Recording Secretary

Date March 30/09



PUBLIC HEARING REPORT
Bylaw No. 3234

Following is a summary of the proceedings of the Public Hearing for Zoning Amendment Bylaw No. 3234 (Bahler), applicable to Electoral Area F – Cowichan Lake South/Skutz Falls, held on Thursday, April 23, 2009, at the Sahtlam Fire Hall, 4384 Cowichan Lake Road, BC, at 7:05 pm:

HEARING DELEGATES Director I. Morrison, Electoral Area F – Cowichan Lake South/Skutz Falls, Chairperson
Director L. Duncan, Electoral Area E – Cowichan Station/Sahtlam/Glenora
Director K. Kuhn, Electoral Area I – Youbou/Meade Creek

CVRD STAFF PRESENT Mr. R. Conway, Manager, Planning and Development Department
Ms. J. Hughes, Recording Secretary, Planning and Development Department

Members of the Public:
There were approximately 9 members of the public present.

CALL TO ORDER Director I. Morrison Chaired the Hearing and called the meeting to order. The Chairperson introduced the Hearing Delegates and CVRD Staff present.

PROCEDURES Mr. Conway explained the requirements under Section 890 of the *Local Government Act*. He advised that notice of the Hearing was advertised in two consecutive issues of the *Leader Pictorial* (Wednesday, April 15, 2009 and Saturday, April 18, 2009) and within the *Citizen* (Wednesday, April 15, 2009 and Friday, April 17, 2009) and letters had also been sent to adjacent owners and occupiers of the property as required by the *Local Government Act*.

Zoning Amendment Bylaw No. 3234 proposes to amend CVRD Zoning Bylaw No. 2600, applicable to Area F – Cowichan Lake South/Skutz Falls, by rezoning 6020 Paldi Road (Lot 10, Section 10, Range 4, Sahtlam District, Plan 46107) from F-1 (Forestry Resource 1) to F-2A (Forestry Residential).

The purpose of Zoning Amendment Bylaw 3234 is to permit the subdivision of the subject property into two parcels.

Mr. Conway stated that no letter of response had been received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the CVRD office today, April 23, 2009, at 4:30 pm.

Mr. Conway further advised the following with regard to the Rezoning Application:

- Subject property is approximately 20 acres in size and it is divided by a watercourse;
- Applicants pointed out that the stream shown on the CVRD wall map is not accurate and that it actually runs down the middle of the property naturally dividing the property in half;
- Applicants want to subdivide the property into two parcels;
- There is an existing single family dwelling and accessory buildings on the southern portion of the property and the applicants would like to create a new lot on the northern portion in order to construct a new home on it;
- F-1 Zone has minimum parcel size of 80 hectares making it not possible to subdivide and the applicants have applied to rezone to the F-2A Zone which has a minimum parcel size of 3.5 ha.;
- Former railway corridor runs along the northern boundary of the property which is becoming part of the Trans Canada Trail;
- CVRD Parks Department has identified that there should be a buffer between the Trail and the future residential use on the subject property and the Applicants have committed to registering a covenant on the northern property which would create an 8 m buffer zone along the property boundary;
- Rezoning Application deals with the land use and if the application is approved the Applicants would still have to apply for subdivision of the property. The subdivision process deals with issues such as septic and sewage disposal, proving a water source, access and protection of the stream.

Speaker

- What are the proposed sizes of the two parcels and would they be equal in size?

Rob Conway

- Minimum parcel size is 3.5 hectares or approximately 8.6 acres and they would not necessarily be equal parcels;
- Initially the Applicants looked at rezoning to the F-2 Zone, which has a minimum parcel size of 4.0 ha, but decided on the F-2A Zone due to the stream that runs through the middle of the property. The 3.5 ha. minimum parcel size gives the applicant a little bit more flexibility to determine lot boundaries.

Correspondence

No correspondence was received.

Location of File

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

**APPLICANT,
Wayne and Gloria
Bahler**

Glen Livingstone, was present acting as Agent for the Applicant and stated that they applied for rezoning as they would like to subdivide the property into two parcels. The new parcel is where they would like to build a new home and raise their family.

QUESTION PERIOD

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

**Joan Mayo,
6001 Paldi Road**

➤ When does the official part of the Public Hearing start?

Director Morrison

➤ Public comment section follows the public question section.

Joan Mayo

➤ Have any letters of opposition or support been received?

Rob Conway

➤ No letters or submissions have been received.

**Debbie Mayo,
6001 Paldi Road**

➤ Asked if the public understood that it is the Bahler's Daughter, Trina, who would like to build a home on the new lot and that she would like to live with her family on the family property.

Director Morrison

Asked for further questions from the public present regarding Zoning Amendment Bylaw No. 3234.

PUBLIC COMMENTS

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

Joan Mayo

➤ She has lived in Paldi for over 52 years and has absolutely no objection to the proposed rezoning of the subject property.

Director Morrison

➤ Asked for public comments or submissions a first and second time with regard to Zoning Amendment Bylaw No. 3234.

**Dale Mayo,
6001 Paldi Road**

➤ The Bahlers have lived on their property since the 1970's and they have always worked together with the Mayo family and the community and there have never been any boundaries;
➤ Felt that if Trina wanted to subdivide and create a lot from her Parent's parcel to build a new house on it that should be permitted as she grew up on the property and that he felt there should be no objections to it.


ADJOURNMENT

Chairperson Morrison asked for public comments or submissions three times from the public present regarding Zoning Amendment Bylaw No. 3234.

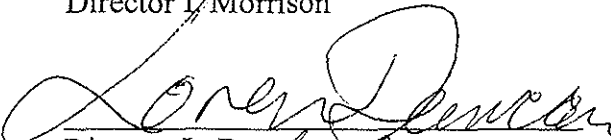
Chairperson Morrison declared the Public Hearing closed at 7:24 pm.

CERTIFICATION:


We attended the Public Hearing on Thursday, April 23, 2009, and hereby certify that this is a fair and accurate report of the Public Hearing.




Director I. Morrison Date 04/28/2009



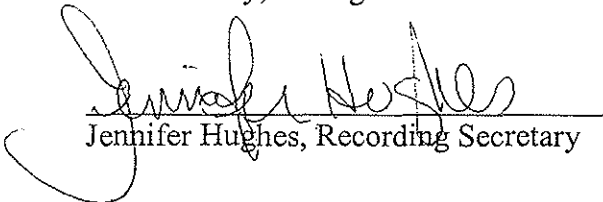
Director L. Duncan Date April 30, 2009



Director K. Kuhn Date April 30, 2009



Rob Conway, Manager Date April 27/09



Jennifer Hughes, Recording Secretary Date April 27, 2009



C·V·R·D

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PUBLIC HEARING REPORT
Bylaws No. 3238 and 3239

Following is a summary of the proceedings of the Public Hearing for Official Community Plan Amendment Bylaw No. 3238 and Zoning Amendment Bylaw No. 3239 (Malahat Joint Ventures/Lintaman), applicable to Electoral Area B – Shawnigan Lake, held on Thursday, March 12, 2009, at the Shawnigan Lake Community Centre, 2804 Shawnigan Lake Road, Shawnigan Lake, BC, at 7:04 pm:

**HEARING
DELEGATES**

Director K. Cossey, Electoral Area B – Shawnigan Lake, Chairperson
Director B. Harrison, Electoral Area A – Mill Bay/Malahat

Absent:

Director G. Giles, Electoral Area C – Cobble Hill

**CVRD STAFF
PRESENT**

Ms. C. Tompkins, Planner III, Planning & Development Department
Ms. J. Hughes, Recording Secretary, Planning & Development Department

Members of the Public:

There were approximately 13 members of the public present.

CALL TO ORDER

Director K. Cossey, Chaired the Hearing and called the meeting to order. The Chairperson introduced the Hearing Delegates and CVRD Staff present.

PROCEDURES

Ms. Tompkins explained the requirements under Section 890 of the *Local Government Act*. She advised that notice of the Hearing was advertised in two consecutive issues of the *Citizen* (Wednesday, March 4, 2009 and Friday, March 6, 2009) and in the *Leader Pictorial* (Wednesday, March 4, 2009 and Saturday, March 7, 2009) and letters had also been sent to adjacent owners and occupiers of the property as required by the *Local Government Act*.

Amendment Bylaw No. 3238 proposes to amend Shawnigan Lake Official Community Plan (OCP) Bylaw No. 1010, Electoral Area B – Shawnigan Lake, of the Cowichan Valley Regional District in the following manner:

1. The Official Community Plan map would be amended by redesignating part of Lot 2, District Lot 132, Malahat District, Plan VIP 75146, from Forestry to Industrial.
2. Creating the Eco-Industrial Development Permit Area, and applying it to lands within the Eco-Industrial Designation.

Amendment Bylaw No. 3239 proposes to amend Zoning Bylaw No. 985, 1998, Electoral Area B - Shawnigan Lake of the Cowichan Valley Regional

District by creating a new I-5 Eco-Industrial Zone and rezoning Lot 2, District Lot 132, Malahat District Plan VIP 75146 from F-1 (Primary Forestry) to I-5 (Eco-Industrial). Within the I-5 Eco-Industrial Zone, a variety of industrial uses would be permitted.

The purpose of the amendments is to allow for a range of industrial uses on the subject property.

Ms. Tompkins read verbatim the permitted uses within the new I-5 Eco-Industrial Zone.

Ms. Tompkins stated that a number of letters of response have been received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the CVRD office today, March 12, 2009 at 4:30 pm and those letters along with any letters received at the Public Hearing will form part of the Minutes for the Public Hearing.

Correspondence

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

- 1) Email dated March 12, 2009, from Mary Desmond (EXHIBIT 1);
- 2) Letter dated March 4, 2009, from Azez Hindi, P.Eng., Principal, Hindi Engineering Ltd. (EXHIBIT 2);
- 3) Email dated March 5, 2009, from Michael J. Kelly (EXHIBIT 3);
- 4) Letter dated March 6, 2009, from Lamia Hanosh (EXHIBIT 4);
- 5) Letter dated March, 2009, from Steve Lawrence (EXHIBIT 5);
- 6) Letter dated March, 2009, from Matt Loken (EXHIBIT 6);
- 7) Letter dated March 10, 2009, from Cameron McLean, Manager, Vancouver Island, Hazco Environmental Services (EXHIBIT 7);
- 8) Letter March, 2009, from John Rebneris, Millinear Lumber (EXHIBIT 8);
- 9) Letter dated March 12, 2009, from Russ Crawford (EXHIBIT 9);
- 10) Letter dated March 12, 2009, from Russ Crawford, President, Rocky Point Metalcraft Ltd. (EXHIBIT 10);
- 11) Fax from John McMillan, Malahat Joint Venture, with 23 attached letters of support (EXHIBIT 11);

Location of File

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

APPLICANT, Pat Lintaman/John McMillan

Pat Lintaman and John McMillan were present with regard to their Rezoning Application:

Mr. Lintaman stated the following:

- Subject property is located on the corner of Stebbings Road and South

- Shawnigan Lake Road on the other side of the railroad tracks and displayed an 1995 aerial photo of the area;
- They had applied originally to rezone the entire parcel but have since amended the application to rezone only the parcel that has access off Stebbings Road;
 - History of the property dates back before the roads were in place prior to the E & N Railway coming in;
 - He purchased the property in 2001 and it was logged by the previous owner in 1999;
 - Old logging road on site that goes back to the quarry;
 - Logging has occurred on the surrounding property and some replanting has taken place;
 - Currently the property is zoned F-1 (Primary Forestry) and stated that gravel extraction and logging are permitted under the F-1 Zone;
 - Zoning surrounding the subject property is F-1 and Industrial zoned lands;
 - Applied for rezoning a couple of years ago and they have consulted a number of specialists, neighbours in the area and the CVRD. A public information meeting was held last Summer and through that consultation process they adjusted their proposal and addressed as many concerns brought forward as possible;
 - They have also created a booklet of their proposal for public information and they have heard concerns about accountability and have also received positive comments;
 - People have stated they like the eco and green concept proposed in the revised application;
 - Bylaws have been developed that have captured the LEED aspect level and they will be re-establishing the tree buffer that was lost along Shawnigan Lake Road;
 - There is an existing covenant in place and stated that it has not served its screening purpose and that part of their rezoning is to restore that screening and complete it;
 - In order to obtain LEED standards for the site means they are on fairly new ground and stated that taking a site adaptable approach to the land is looking at the land with its natural attributes and habitat and working with it;
 - There are some mature trees on site along with a watercourse and they will develop and maintain those natural areas;
 - They will be also applying Best Management Practices on site with regard to the riparian areas and in addition they will maintain a 30 m buffer along the creek;
 - LEED standards establishes the new Eco-Industrial Zone and they feel they have raised the bar from their original application;
 - They want to capture not necessarily only the permitted uses but how the businesses operate on site;
 - Development Permit Area will also cover the entire site;
 - He searched the internet and he feels this is one of the highest eco industrial levels he could find;

- They will be putting up a log and timber sign somewhere on the property;
- They feel the proposal is a good fit for the area as the subject property is located along a main artery road and they are setting a good precedent for future developments;
- The proposed development has met the criteria for rezoning under the Official Community Plan and noted they have received Expressions of Interest from different businesses that are interested with the site and they also liked the proposed Eco-Industrial Zone as it will make it possible for businesses to share and work with one another on site.

QUESTION PERIOD

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

**Devin Hawes,
210 Calder Road,
Nanaimo**

- Representing Isis Land Corporation who owns property adjacent to the subject property along with other residential acreages in the area;
- What is the size of the subject property?

Pat Lintaman

- Entire parcel is 7 hectares and the part they are proposing to rezone is approximately 6 hectares.

Devin Hawes

- He heard that buffering would be put in along Shawnigan Lake Road and asked if there would also be buffering along Stebbings Road?

Catherine Tompkins

- There is a screening requirement in the proposed Development Permit Area.

Pat Lintaman

- Best Practices states the riparian and buffer requirements and stated they are proposing a 30 m buffer;
- Presently there is very little buffering along Stebbings Road and stated that they will replant and enhance that screening;
- There is a covenant on site that stated there must be planting but noted that was not completed and advised that they would like to complete it.

Devin Hawes

- Asked what type of sign would be placed on site?

Pat Lintaman

- Community sign and noted that they are in discussions with BC Transit with regard to park and ride.

**Al Burnett,
Norbury Road**

- Asked if the applicants were involved with the property next door to the subject property as they had stated that they wanted to fix the buffering along that property boundary?

Pat Lintaman

- They have Letters of Intent from those property owners to carry that work out and to get them involved and advised that everyone is on board with the buffering.

- Al Burnett** ➤ Does the application legally affect those properties next door or are they grandfathered?
- Director Cossey** ➤ This would be setting up a business industrial improvement area and it would be cleaning up the buffer that BC Hydro and others previously took down.
- Pat Lintaman** ➤ The previous intent was to maintain roadside screening and a covenant was placed on site but noted that those trees were not doing very well and they would like to now go back and fix it up.
- Director Cossey** ➤ The subject property is located at the entrance to South Shawnigan Lake and they were hoping that it would visually improve the area.
- Pat Lintaman** ➤ Previous covenant failed to serve its intent.
- Al Burnett** ➤ If the adjacent neighbours are on board are they going to participate?
- Pat Lintaman** ➤ It would be his own money cleaning it up and he has received approval from those property owners to let them on their property.
- Mackenzie Brooks,
770 Shawnigan Lake
Road** ➤ Why are they proposing this standard and is it something they believe in?
- Pat Lintaman** ➤ Yes he believes in it.
- Mackenzie Brooks** ➤ Lives in a house adjacent to the subject property on a small acreage and she provides counselling and therapeutic workshops from her home and she purchased her home for the environment and asked when the applicant originally created the road which he is responsible for which part of that is his property?
- Pat Lintaman** ➤ Not located on the photo he was displaying.
- Mackenzie Brooks** ➤ Asked if that buffer was part of the original agreement?
- Pat Lintaman** ➤ Not part of the original agreement and stated a tree covenant was placed on the property.
- Mackenzie Brooks** ➤ Asked if his property was right before Stebbings?
- Pat Lintaman** ➤ Not his property and displayed his property on the wall map.
- Mackenzie Brooks** ➤ Accountability is of concern to her as she has heard different things proposed and asked why they were now proposing this standard of zoning

and whether it is something they can actually truly buy into.

- Pat Lintaman** ➤ They have proposed the new zone as they want to see it happen.
- Director Cossey** ➤ If the application is approved there will be an Irrevocable Letter of Credit made out to the CVRD and stated that if the applicant does not carry out the work the CVRD can cash that Letter of Credit and complete the work if it has not been completed by the applicant.
- Pat Lintaman** ➤ The screening goes with the proposed Zone.
- Peter Nash,
Norbury Road** ➤ There is a little creek is missing on Lots 2 and 3 and asked about the protection of those riparian areas?
- Catherine Tompkins** ➤ Van Horne Creek and another water surface area are located on site and stated that at the development stage there will be the question whether they are riparian areas streams and stated that still has to be determined;
➤ If it is deemed to be a riparian area habitat stream it will have to be respected under the development permit guidelines and further advised that there is a requirement to clean up the area and restore a certain part of the wetland.
- Pat Lintaman** ➤ They will have to go through a full riparian assessment on site.
- Catherine Tompkins** ➤ Clarified that the damaged culvert on Van Horne Creek will also be fixed up by the applicant.
- Peter Nash** ➤ Is there any commitment by the CVRD to fix up the existing road and will traffic be addressed?
- Director Cossey** ➤ CVRD is not the road authority as that authority falls under the jurisdiction of the Ministry of Transportation & Infrastructure.
- Peter Nash** ➤ Could that question be put forward to the Ministry of Transportation?
- Director Cossey** ➤ The CVRD could make that request to the Ministry of Transportation & Infrastructure.
- Jennifer Young,
670 Shawnigan Lake
Road** ➤ Her concern is the existing road and stated that after the last public hearing there was an unfortunately accident on the Malahat at South Shawnigan turnoff with a broken down gravel truck in the left hand turn lane. Advised that she took a video of it and advised that there were no road maintenance people on site and there was a big snarl of traffic. She contacted the radio and television stations and stated she could send the video to the CVRD;
➤ Traffic and speed is an issue along the road and stated the road is crumbling;
➤ What is going to happen to South Shawnigan Lake Road with all the

development that is being carried out in the area as there are no shoulders to walk on and is anything being done about the infrastructure?

- Director Cossey**
- Roads fall under the jurisdiction of the Ministry of Transportation & Infrastructure;
 - If sidewalks are requested approval from the Ministry of Transportation would have to be granted.
- Jennifer Young**
- Understands that a Letter of Interest has been received from Victoria Truss for the subject property and stated that she was very concerned about the potential noise that could be generated as presently noise travels right up through that Valley;
 - Asked what an incubator mall concept is as that is listed under the permitted uses?
- Director Cossey**
- If someone was starting a new business and they could not afford all the equipment they could rent a small space and they could all use the equipment on site and stated that it did not only apply to industrial.
- Catherine Tompkins**
- CVRD Noise Bylaw does not affect industrial land as industrial land is deemed to make industrial noise.
- Jennifer Young**
- They are fortunate to have Mr. Loken and his sawmill down the road from them and stated he is a very good neighbour to them but noted her concern of future businesses moving into the area bringing in their noise into her little piece of heaven and advised she does not want to lose that piece of heaven.
- Director Cossey**
- The CVRD can request that a traffic impact analysis be carried out.
- Pat Lintaman**
- They have a report prepared by Wakefield Acoustics to establish a baseline noise level.
- Jennifer Young**
- Would they be keeping the noise as low as Mr. Loken's noise level?
- Pat Lintaman**
- They will try not to increase noise in the area from what is existing;
 - There could be ways to reduce the existing noise levels and stated that they are open to other suggestions.
- Jennifer Young**
- Letters located in the CVRD's Information Binder express an interest in the site and stated that she is the neighbour in the neighbourhood and noted that some of those letters received are from Victoria businesses who support the application but stated she did not understand how they could feel it is a really good idea and how it would be really good for her neighbourhood when they do not live in their neighbourhood and she asked for an explanation of those letters?

- Pat Lintaman** ➤ Unaware of the letters in the Information Binder.
- Jennifer Young** ➤ Those letters support their venture and asked how he could be unaware of them?
- Pat Lintaman** ➤ He was unaware of the letters.
- Dave Caufman,
Shawnigan Lake
Road** ➤ Asked if there is a noise time limit on industrial zoned land?
- Catherine Tompkins** ➤ CVRD cannot enforce the Noise Bylaw on industrial zoned properties.
- Mary Desmond,
1878 Flicker Road** ➤ What other businesses have expressed an interest in the site?
- Pat Lintaman** ➤ Tentative interest shown by MacDonald Lawrence, Victoria Truss and a furniture business.
- Mary Desmond** ➤ How many businesses could be accommodated on site?
- Pat Lintaman** ➤ Setbacks and riparian assessment will design the site and it may be possible to have five 1 hectare sites.
- Mary Desmond** ➤ Will there be a list of criteria to veto some businesses from operating on site that are not environmentally friendly?
- Pat Lintaman** ➤ LEED is the approach they are trying to capture as far as the buildings go and Best Practices will cover the site with regard to any environmental issues.
- Mary Desmond** ➤ Property Mr. Lintaman used to own had some wetlands on that site and asked if those wetlands would be restored on that site?
- Director Cossey** ➤ That property is now owned by someone else.
- Mackenzie Brooks** ➤ Asked the setback distance along Van Horne Creek?
- Pat Lintaman** ➤ 30 m on the industrial side.
- Catherine Tompkins** ➤ If development stays away 30 m from the high water mark they are not required to hire an environmental professional.
- Mackenzie Brooks** ➤ Concerned about the follow through process as water runoff has gotten worse over the years.
- Catherine Tompkins** ➤ That requirement to stay away 30 m from Van Horne Creek would be in

- writing;
- Intermittent streams would be another process through the Development Permit Area process and the Ministry of Environment will have to determine if it is a stream or ditch and if it has environmental value a Biologist would have to be hired to look at it.
- Mackenzie Brooks** ➤ Concerned that applications keep coming back to the public and they were now coming back stating that they were leading edge.
- Director Cossey** ➤ Asked for further questions from the public with regard to the proposed Amendment Bylaws.
- Mackenzie Brooks** ➤ The last rezoning proposal stated that they would have all works contained inside a building and there would be no noise and asked if that was still the same proposal?
- Pat Lintaman** ➤ Stated that was not the last proposal.
- Catherine Tompkins** ➤ There is no requirement that the developments occur inside of buildings within the subject rezoning proposal but noted that there are some exceptions with regard to storage of materials.
- Mackenzie Brooks** ➤ Her understanding of the proposal is that it is a completely separate proposal from the last public hearing and she understood at that meeting that everything would be contained inside buildings.
- Jennifer Young** ➤ No marketing was carried out with the letters of support but asked why there were 23 letters of support in a blanket form letter in the Information Binder and noted that they are not all of her neighbours as she does not have 23 neighbours.
- Catherine Tompkins** ➤ Correspondence received on or after the date of the first newspaper advertisement to the close of the CVRD office on the day of the Public Hearing is put into the Information Binder as they form part of the Public Hearing record;
➤ One of the submissions was faxed into the CVRD office by Mr. McMillan.
- John McMillan** ➤ He collected and submitted the correspondence which was signed by persons that live in the Shawnigan Lake area.
- Jennifer Young** ➤ Two letters were received from Russ Crawford in the Information Binder and asked why he gets two votes on the application?
- Director Cossey** ➤ Mr. Crawford does not get to vote on the application;
➤ The nine CVRD Electoral Area Directors vote on the rezoning application and stated that Mr. Crawford does not get to vote on the application he only gets to comment on the application and he can comment for as many

properties as he owns.

- Matt Loken** ➤ Asked what is contained within the proposed Development Permit Area?
- Catherine Tompkins** ➤ Many Development Permit Areas cover many different properties and the proposed Development Permit Area states that it is for seven different reasons and it contains protection of the natural environment, hazardous conditions, establishment of objectives for industrial development, energy conservation, water conservation and objectives to promote the reduction of greenhouse gas emissions.
- Director Cossey** ➤ Regional Districts are allowed to create a Development Permit Area under the *Local Government Act* and stated that it does not stop development it requires additional information that a developer has to adhere to and if approved they are written into the Official Community Plan.
- Director Cossey** Asked for further questions from the public present regarding Official Community Plan Amendment Bylaw No. 3238 and Zoning Amendment Bylaw No. 3239.
- PUBLIC COMMENTS** The Public Hearing was then opened to those members of the public present who deemed themselves affected by the proposed Amendment Bylaws. Chair Cossey reminded the public that the Information Binder was available for review located on the side table, along with copies of the proposed Amendment Bylaws, and that all submissions must be received at the head table prior to the close of the Public Hearing.
- Peter Nash,
Norbury Road** ➤ Wants the CVRD to do due diligence with regard to a traffic impact study as the subject area is very busy and he is concerned about turning left off the Highway onto Shawnigan Lake Road;
➤ Wants the CVRD to contact the Ministry of Transportation to find out what their plans are with regard to possibly losing that left hand turn lane off the Malahat one day and how that would affect businesses in the subject area and how it would affect re-directing the trucks that will have to go around Shawnigan Lake.
- Matt Loken** ➤ Supports the proposed rezoning application as he feels it is a good fit;
➤ If someone set up an industrial mining operation on the subject property and mined it down to washing gravel the reality is the trucks would be running all the time as compared to having the proposed development operating on the site.
- Mackenzie Brooks,
770 Shawnigan Lake
Road** ➤ She has lived in the area for 5 years and feels there is a responsibility from the developers to the people who live there;
➤ Understands the standards for the application have been raised with regard to the proposed application and she questions the reasons for that and is concerned about the follow through and understands the other possibility of

having a gravel mine on the site;

- Noise is her concern as she offers a counselling practice and workshops through hypnosis and people come to her home for a therapeutic healing experience and asked what will protect her income and her environment;
- She put her house on the market and there were no takers because of the industrial zoned lands in the area;
- If the subject application is approved she wants her rezoning from F-1 to an Industrial zoning approved and fast tracked as she will not be able to continue to conduct her business at her home and she will want to sell her property;
- Presently she hears noise from the businesses in the area and trucks beeping;
- She wants a noise assessment carried out from her business as it will affect her business;
- She had an independent assessment carried out and there was no interest and if there is a need for industrial in the area she needs the same consideration given to her property.

**Jennifer Young,
670 Shawnigan Lake
Road**

- Does not support the proposed rezoning application;
- She has lived on her property for 20 years and she has seen a lot of changes and they have in the past supported the smaller industrial development across the tracks where Malahat Landscaping is located;
- She has seen other industrial developments pushed through very quickly with non support;
- Noise is heard on her 10 acres all day long;
- Train goes by her property at 9:00 am and 5:00 pm and there have been transportation and highways studies carried out in the past and nothing has been done since 1989/1990 and there is no interest at doing anything different with the railway;
- Location of the sign would have to be put on other side of the railroad tracks as that is Shawnigan Lake as the other side is Malahat;
- All forestry in the area has been stripped and it is gone;
- The whole area could be mined as it has been stripped and she would like to see the subject area saved and possibly build some houses on the site.

**Shane Anderson,
684 Shawnigan Lake
Road**

- Supports the proposed rezoning application;
- Feels what has gone wrong in the past can be fixed up;
- More concern should be given to a possible mining operation and he would rather see the proposed development rather than that mining operation.

**Devin Hawes,
210 Calder Road
Nanaimo**

- Speaking on behalf of Isis Land Corporation who owns property adjacent to the subject property and other parcels in the area;
- He supports the application for the reasons of the proposed buffering along the road, as that will clean up the existing ugly site and the applicants were trying to meet a higher standard on site rather than having a possible mining operation with a crusher and gravel trucks on site.

- Mackenzie Brooks** ➤ Stated that it was interesting to her that all the letters in the Information Binder were form letters.
- Al Burnett,
Norbury Road** ➤ In principle he supports the project because of its intent for treating the land and neighbourhood properly;
➤ Incumbent for the CVRD to hear the adjacent neighbour's concerns with regard to noise and land depreciation;
➤ Feels this is a benchmark as it will add pressure to people in the area to bring their properties up to the proposed standard;
➤ Something has to be done to make the industrial area look good and that he felt the CVRD should apply gentle pressure on the neighbours to try to bring them up to standard.
- Mary Desmond,
1878 Flicker Road** ➤ Likes the commitment to LEEDS principles and the fact that this is embarking on a new direction for light industrial development but noted that she felt the CVRD should ensure everything is in writing;
➤ She has read the proposed Bylaw and stated that she felt there is fairly strong language in it but noted she would like the language strengthened throughout the Bylaw to shall and will;
➤ Stressed the importance of the wetlands on the site as they maintain biodiversity for the watersheds in the area and hoped the riparian assessment will deal with that;
➤ Recommends that everyone who complains about traffic apply pressure onto the Ministry of Transportation and the Federal counterparts to fund the E & N infrastructure as the train is in such close proximity to the area.
- Director Cossey** ➤ Asked for further comments or submissions from the public present with regard to the proposed Amendment Bylaws. Director Cossey reminded the public that the Information Binder was located on the side table for review.
- Mackenzie Brooks,
770 Shawnigan Lake
Road** ➤ Agrees in principle that the development needs to be carried out in the way it has been proposed but noted her concern is what is being proposed is followed through if approved;
➤ Noise will greatly impact her property and business;
➤ She supported Mr. Loken's previous rezoning as he is man of honour and good neighbour;
➤ Understands that development needs to occur and she would like to see teeth in the Bylaw;
➤ Important to have small local businesses and supported having businesses located within buildings;
➤ She does not support people making money at the expense of other people;
➤ Feels community has to be good stewards and in principle she supports really good development.
- Dave Cauffman,
770 Shawnigan Lake
Road** ➤ Agrees on principle with regard to the proposed buffer zones.

- Director Cossey** ➤ Asked for further comments or submissions from the public a first and second time.

- Pat Lintaman** ➤ Stated for interest that they are negotiating a park and ride in that area.

- Director Cossey** ➤ Asked for further comments or submissions with regard to Official Community Plan Amendment Bylaw No. 3238 and Zoning Amendment Bylaw No. 3239.

- Mackenzie Brooks** ➤ Re-stated that she wants her rezoning to be fast tracked.

- Jennifer Young,
670 Shawnigan Lake
Road** ➤ If the proposal goes through and her property values go down she would expect the same consideration for rezoning her 10.5 acre property to Light Industrial which she felt would be fair.

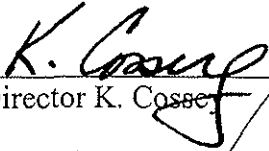
ADJOURNMENT

Chairperson Cossey asked for public comments or submissions three times from the public present regarding Official Community Plan Amendment Bylaw No. 3238 and Zoning Amendment Bylaw No. 3239.

Chairperson Cossey declared the Public Hearing closed at 8:36 pm.

CERTIFICATION:

We attended the Public Hearing on Thursday, March 12, 2009, and hereby certify that this is a fair and accurate report of the Public Hearing.



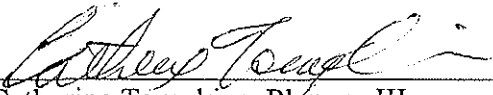
Director K. Cosse

Date APRIL 22/09



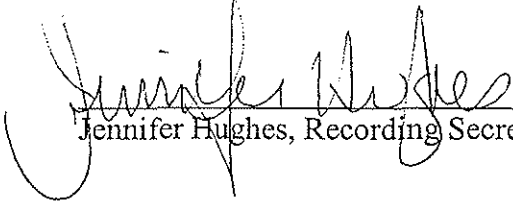
Director B. Harrison

Date April 21, 2009.



Catherine Tompkins, Planner III

Date April 20, 2009



Jennifer Hughes, Recording Secretary

Date April 20, 2009



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3260

**A Bylaw to Amend Electoral Area E Community Parks Service
Establishment Bylaw No. 2672**

WHEREAS the Board of the Cowichan Valley Regional District established the *Electoral Area E Community Parks Service* under the provisions of CVRD Bylaw No. 2672, cited as "CVRD Bylaw No. 2672 – Electoral Area E Community Parks Service Establishment Bylaw, 2005;

AND WHEREAS the Board of the Cowichan Valley Regional District deems it desirable and expedient to increase the maximum annual tax requisition from \$0.35/\$1,000 to \$0.43/\$1,000 of net taxable value of land and improvements in the electoral area;

AND WHEREAS the Area Director for Electoral Area E – Cowichan Station/Sahtlam/Glenora, has consented, in writing, to the adoption of this bylaw;

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. 3260 – Electoral Area E Community Parks Service Amendment Bylaw, 2009**".

2. **AMENDMENT**

That CVRD Bylaw No. 2672 be amended as follows:

a) That the Section 6 "Maximum Requisition" text be deleted and replaced as follows:

The maximum amount of money that may be requisitioned annually in support of this service shall not exceed \$0.43 per \$1,000 of net taxable value of land and improvements within the service area.

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. 3266

A Bylaw Authorizing the Expenditure of Funds from the
Shawnigan Beach Estates Sanitary Sewage Local Service Area Reserve Fund
Established Pursuant to CVRD Bylaw No. 2019

WHEREAS as of March 31, 2009, there is an unappropriated balance in the *Shawnigan Beach Estates Sewer System Reserve Fund* of Twenty-Two Thousand Forty-Six Dollars (\$22,046.) that has been calculated as follows:

BALANCE in Reserve fund as at December 31, 2008:		\$33,739.
ADD:	Additions to the Fund, Including interest earned for the current year to date.	<u>\$395.</u>
		\$34,134.
DEDUCT:	Commitments outstanding under bylaws previously adopted.	<u>\$12,088.</u>
UNCOMMITTED BALANCE In Reserve Fund as at March 31, 2009:		<u>\$22,046.</u>

AND WHERAS it is deemed desirable and expedient to expend not more than Fifty Thousand Dollars (\$50,000.) of the said balance to assist with the financing of upgrades to the sewer treatment plant;

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. 3266 - Shawnigan Beach Estates Sewer System Reserve Fund Expenditure (Treatment Plant Upgrades) Bylaw, 2009**".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Fifty Thousand Dollars (\$50,000.), is hereby appropriated from the *Shawnigan Beach Estates Sewer System Reserve Fund* to assist with financing of upgrades to the sewer treatment plant.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution No. 09-217.1, adopted April 8, 2009.

3. SUMS REMAINING

Should any of the said sum of Fifty Thousand Dollars (\$50,000.) 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. 3267

A Bylaw Authorizing the Expenditure of Funds from the
Cowichan Bay Sewer System Reserve Fund
Established Pursuant to CVRD Bylaw No. 270

WHEREAS as of March 31, 2009, there is an unappropriated balance in the *Cowichan Bay Sewer System Reserve Fund* of Two Hundred Seventeen Thousand Five Hundred Thirty-Three Dollars (\$217,533.) that has been calculated as follows:

BALANCE in Reserve fund as at December 31, 2008:		\$216,592.
ADD:	Additions to the Fund, Including interest earned for the current year to date.	<u>\$941.</u>
		\$217,533.
DEDUCT:	Commitments outstanding under bylaws previously adopted.	NIL
UNCOMMITTED BALANCE In Reserve Fund as at March 31, 2009:		<u>\$217,533.</u>

AND WHERAS it is deemed desirable and expedient to expend not more than Seventy-Five Thousand Dollars (\$75,000.) of the said balance to assist with the financing of the inflow and infiltration repairs to the sewer collection 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. 3267 - Cowichan Bay Sewer System Reserve Fund Expenditure (Inflow and Infiltration Repairs) Bylaw, 2009**".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Seventy-Five Thousand Dollars (\$75,000.) is hereby appropriated from the *Cowichan Bay Sewer System Reserve Fund* to assist with financing of the inflow and infiltration repairs to the sewer collection system.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution No. 09-217.2, adopted April 8, 2009.

3. SUMS REMAINING

Should any of the said sum of Seventy-Five Thousand Dollars (\$75,000.) 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. 3268

A Bylaw Authorizing the Expenditure of Funds from the
Mesachie Lake Water System Capital Reserve Fund
Established Pursuant to CVRD Bylaw No. 1183

WHEREAS as of March 31, 2009, there is an unappropriated balance in the *Mesachie Lake Water System Capital Reserve Fund* of One Hundred Nine Thousand Four Hundred Seventy-Seven Dollars (\$109,477.) that has been calculated as follows:

BALANCE in Reserve fund as at December 31, 2008:		\$109,003.
ADD:	Additions to the Fund, Including interest earned for the current year to date.	\$474.
		\$109,477.
DEDUCT:	Commitments outstanding under bylaws previously adopted.	NIL
UNCOMMITTED BALANCE In Reserve Fund as at March 31, 2009:		<u>\$109,477.</u>

AND WHERAS it is deemed desirable and expedient to expend not more than Twenty Thousand Dollars (\$20,000.) of the said balance for the purpose of carrying out electrical and communication upgrades to the water treatment building and reservoir;

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. 3268 - Mesachie Lake Water System Capital Reserve Fund Expenditure (Electrical and Communication Upgrades) Bylaw, 2009**".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Twenty Thousand Dollars (\$20,000.) is hereby appropriated from the *Mesachie Lake Water System Capital Reserve Fund* for the purpose of carrying out electrical and communication upgrades to the water treatment building and reservoir.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution No. 09-217.3, adopted April 8, 2009.

3. SUMS REMAINING

Should any of the said sum of Twenty Thousand Dollars (\$20,000.) 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. 3269

A Bylaw Authorizing the Expenditure of Funds from the
Cherry Point Estates Water System Reserve Fund
 Established Pursuant to CVRD Bylaw No. 1717

WHEREAS as of March 31, 2009, there is an unappropriated balance in the *Cherry Point Estates Water System Reserve Fund* of Eighteen Thousand Seven Hundred Seventy-Three Dollars (\$18,773.) that has been calculated as follows:

BALANCE in Reserve fund as at December 31, 2008:		\$18,692.
ADD:	Additions to the Fund, Including interest earned for the current year to date.	<u>\$81.</u>
		\$18,773.
DEDUCT:	Commitments outstanding under bylaws previously adopted.	NIL
UNCOMMITTED BALANCE In Reserve Fund as at March 31, 2009:		<u>\$18,773.</u>

AND WHERAS it is deemed desirable and expedient to expend not more than Five Thousand Dollars (\$5,000.) of the said balance to assist with the financing of control upgrades to the water treatment building;

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. 3269 - Cherry Point Estates Water System Reserve Fund Expenditure (Control Upgrades) Bylaw, 2009".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Five Thousand Dollars (\$5,000.) is hereby appropriated from the *Cherry Point Estates Water System Reserve Fund* to assist with financing control upgrades to the water treatment building.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution No. 09-217.4, adopted April 8, 2009.

3. SUMS REMAINING

Should any of the said sum of Five Thousand Dollars (\$5,000.) 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. 3272

A Bylaw to Authorize the Borrowing of Funds to Help Finance the Purchase of a New Mobile Water Tender Firefighting Apparatus for the Sahtlam Fire Protection Service Area

WHEREAS the Board of the Cowichan Valley Regional District established the *Sahtlam Fire Protection Service Area* under the provisions of Bylaw No. 1773, cited as "CVRD Bylaw No. 1773 – Sahtlam Fire Protection Service Establishment Bylaw, 1997", as amended;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to borrow money to help finance the purchase of a new mobile water tender firefighting apparatus for the Sahtlam Fire Protection Service Area;

AND WHEREAS the estimated total cost of the new mobile water tender firefighting apparatus, including expenses incidental thereto, is Two Hundred Thousand Dollars (\$200,000.);

AND WHEREAS the sum to be borrowed is not to exceed One Hundred Thirty Thousand Dollars (\$130,000.), which is the amount of debt to be created by this bylaw;

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

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

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3272 – Sahtlam Fire Protection Service Loan Authorization Bylaw, 2009**".

.../2

2. LOAN AUTHORIZATION

The Cowichan Valley Regional District is hereby empowered and authorized to purchase a new mobile water tender firefighting apparatus for the Sahtlam Fire Protection Service in general accordance with the plans on file in the Regional District office, and to do all things necessary in connection therewith and, without limiting the generality of the foregoing, to borrow upon the credit of the Regional District a sum not exceeding One Hundred Thirty Thousand Dollars (\$130,000.).

3. TERM OF DEBENTURES

The maximum term for which debentures may be issued to secure the debt created by this bylaw is 10 years.

4. SERVICE TO WHICH THE LOAN AUTHORIZATION RELATES

This bylaw relates to the *Sahtlam Fire Suppression and Prevention Service Area* established pursuant to Bylaw No. 1773, as amended, cited as "CVRD Bylaw No. 1773 – Sahtlam Fire Protection Service Establishment Bylaw, 1997".

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3272 as given Third Reading on the _____ day of _____, 2009.

Corporate Secretary

Date

RECEIVED the approval of the Inspector of Municipalities this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3273

A Bylaw to Regulate the Thetis Island Wharf

WHEREAS the Board of the Cowichan Valley Regional District established the *Thetis Island Wharf Service* under the provisions of Bylaw No. 2356, cited as "CVRD Bylaw No. 2356 – Thetis Island Wharf Service Establishment Bylaw, 2002", as amended;

AND WHEREAS the Board wishes to provide regulations for the Thetis Island Wharf;

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. 3273 – Thetis Island Wharf Regulation Bylaw, 2009**".

2. **DEFINITIONS**

"authorized personnel" includes the RCMP and Cowichan Valley Regional District bylaw enforcement officers;

"moor" means to secure a vessel or watercraft by means of lines, cables or anchors;

"vessel" means any ship or boat or any other description of vessel which is or can be propelled by machinery and used or designed to be used in navigation;

"watercraft" means any ship or boat or any other description of vessel that is not propelled by machinery and is used or designed to be used in navigation;

3. **MOORAGE**

No person shall allow a vessel or watercraft to be moored to the Thetis Island Wharf at anytime between 12:00 am. and 6 am.

4. **EXEMPTIONS**

Authorized personnel and emergency personnel, while acting in the course of their duties, as well as emergency vehicles, are exempt from the provisions of this bylaw.

5. **DAMAGE**

- a) No person shall remove, destroy or damage any structure or sign attached to the wharf.
- b) No person shall remove, destroy or damage any notices, rules or regulation posted on the wharf by or under the authority of the Cowichan Valley Regional District.

6. **ENFORCEMENT POWERS**

- a) All authorized personnel may enforce this bylaw in the course of their duties.
- b) Any authorized personnel may order a person who does anything contrary to this bylaw to leave the wharf immediately, or within a period of time specified by the authorized personnel, and every person so ordered shall comply with the order and leave the wharf immediately or within the specified time period.
- c) No person shall hinder, oppose, molest or obstruct authorized personnel in the discharge of their duties.
- d) Any authorized personnel may remove and impound, or cause to be removed and impounded, any vessel or watercraft that is moored to the wharf in contravention of this bylaw.

7. **OFFENCE**

A person who contravenes this bylaw commits an offence and is liable on conviction to a fine of not less than \$100.00 and not more than the maximum prescribed by the Offence Act.

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. 3212

**A Bylaw for the Purpose of Amending Cowichan-Koksilah Official Community
Plan Bylaw No. 1490, Applicable to
Electoral Area E – Cowichan Station/Sahtlam/Glenora**

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

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Cowichan-Koksilah Official Community Plan Bylaw No. 1490;

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3212 – Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw (Koksilah DPA), 2008**".

2. **AMENDMENTS**

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

3. **CAPITAL EXPENDITURE PROGRAM**

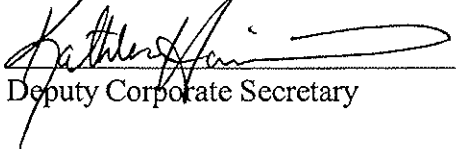
This bylaw has been examined in light of the most recent Capital Expenditure Program and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

READ A FIRST TIME this 30th day of September, 2008.

READ A SECOND TIME this 30th day of September, 2008.

READ A THIRD TIME this 14th day of January, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3212 as given Third Reading on the 14th day of January, 2009.


Deputy Corporate Secretary

February 26, 2009
Date

APPROVED BY THE MINISTER OF COMMUNITY DEVELOPMENT UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT* this 1st day of April, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3212

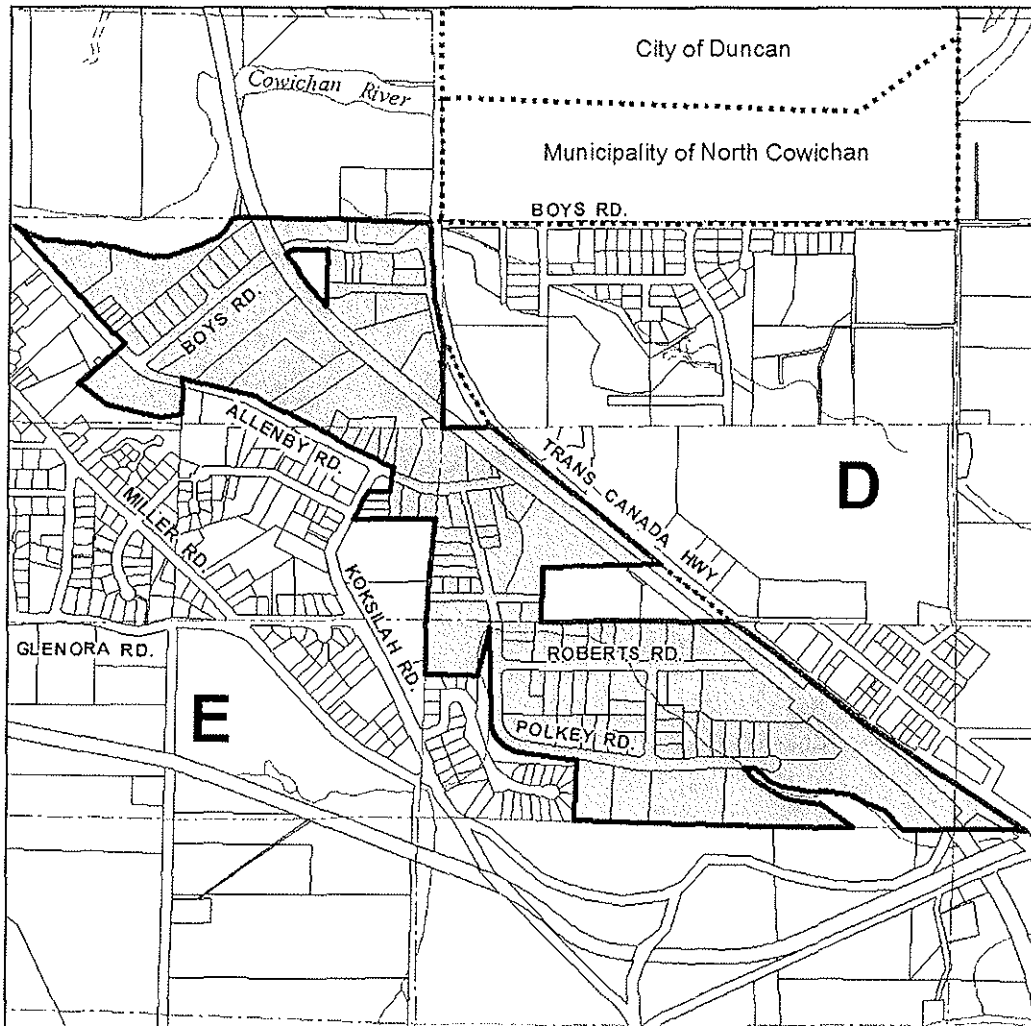
Schedule A to Official Community Plan Bylaw No. 1490 is hereby amended as follows:

1. That Policy 13.1.4(a) is amended by adding the following at the end of the sentence:

The Trans-Canada Highway Development Permit Area does not apply to parcels within the **Koksilah Development Permit Area**.

2. That Figure 15: Koksilah Development Permit Area map is amended by adding the parcels shown outlined with a thick black line on Plan number Z-3212 attached hereto and forming Schedule B of this bylaw.

SCHEDULE "B" TO PLAN AMENDMENT BYLAW NO. 3212
OF THE COWICHAN VALLEY REGIONAL DISTRICT



THE AREA OUTLINED IN A SOLID BLACK LINE IS
added to the Koksilah Development Permit Area

APPLICABLE TO ELECTORAL AREA E



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3233

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

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3233 - Area F – Cowichan Lake South / Skutz Falls Zoning Amendment Bylaw (Polaris/Nicholson), 2008**".

2. **AMENDMENTS**

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

- a) That Schedule A (Zoning Map) to Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 is further amended by rezoning Lot 3, Block 29, Cowichan Lake District, Plan 47390, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3233, from F-1 (Forestry Resource 1) to F-2 (Secondary Forest Resource 2).

.../2

3. FORCE AND EFFECT

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

READ A FIRST TIME this 12th day of November, 2008.

READ A SECOND TIME this 12th day of November, 2008.

READ A THIRD TIME this _____ day of _____, 2009.

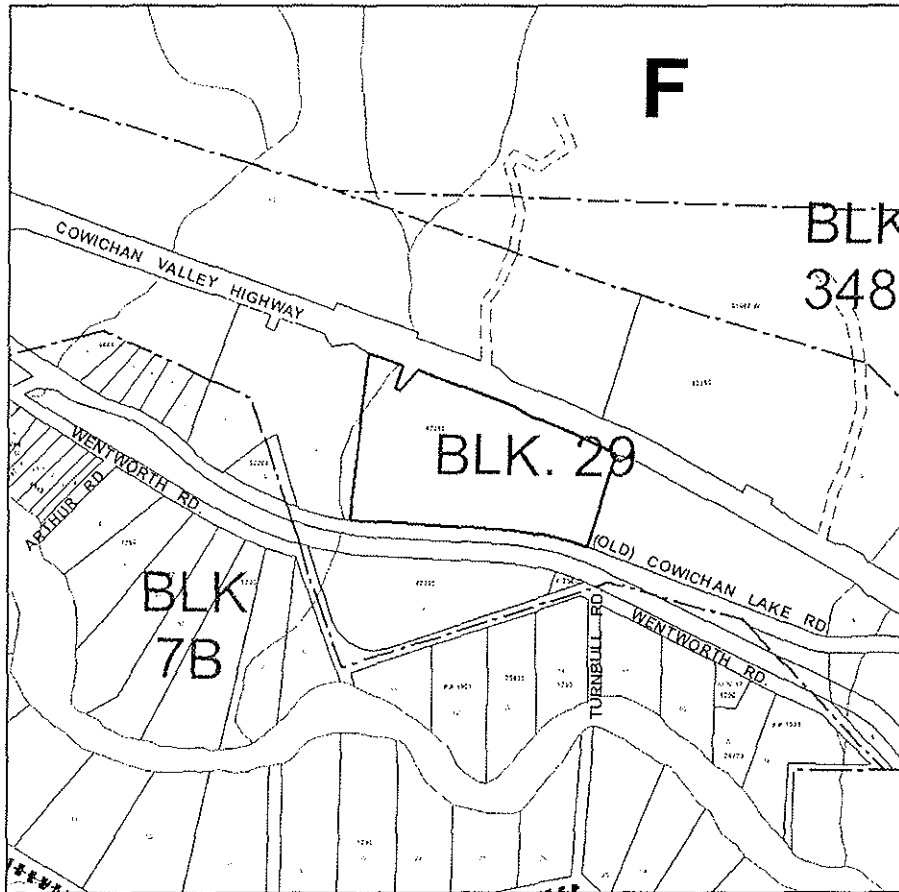
ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary

PLAN NO. Z-3233

SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. 3233
OF THE COWICHAN VALLEY REGIONAL DISTRICT



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

F-1 (Forestry Resource 1) TO

F-2 (Secondary Forest Resource 2) APPLICABLE

TO ELECTORAL AREA F



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3234

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

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3234 - Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Bahler), 2009**".

2. **AMENDMENT**

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

- a) That Schedule A (Zoning Map) to Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 is further amended by rezoning Lot 10, Section 10, Range 4, Sahtlam District, Plan 46107, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3234 from F-1 (Forestry Resource 1) to F-2A (Forestry Residential).

.../2

3. FORCE AND EFFECT

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

READ A FIRST TIME this 11th day of March , 2009

READ A SECOND TIME this 11th day of March , 2009

READ A THIRD TIME this _____ day of _____ , 2009

ADOPTED this _____ day of _____ , 2009

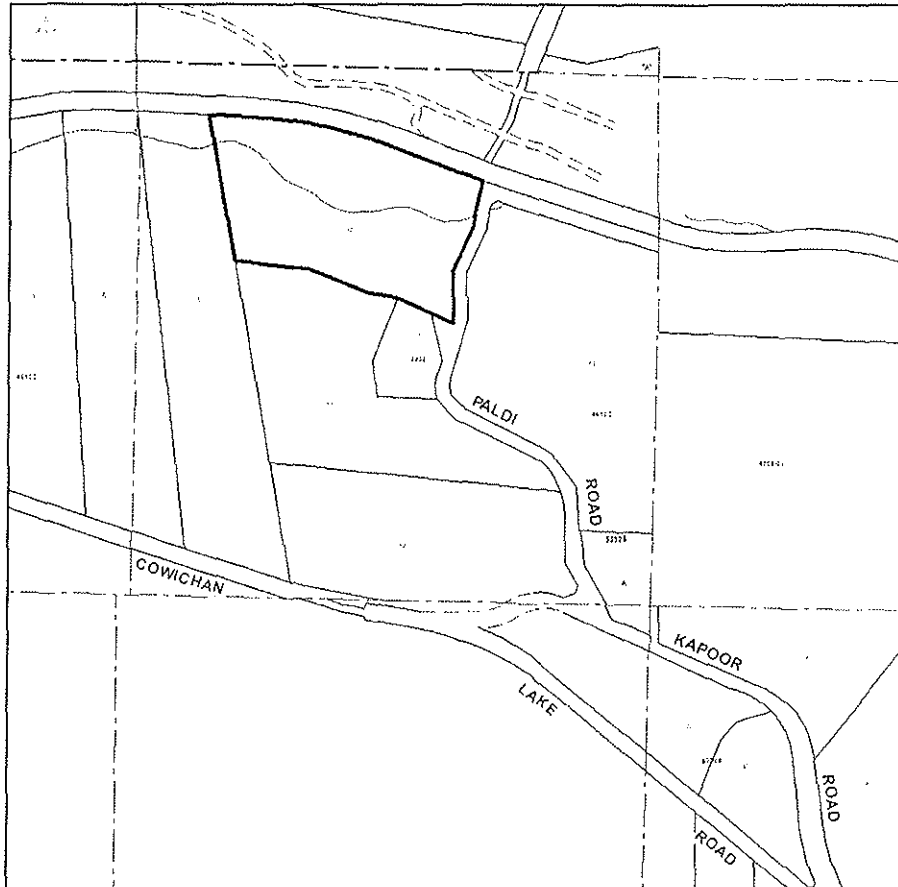
Chairperson

Corporate Secretary

PLAN NO. Z-3234

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

3234



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

F-1 (Forestry Resource 1)

TO

F-2A (Forestry Residential)

APPLICABLE

TO ELECTORAL AREA F



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3238

**A Bylaw for the Purpose of Amending Official Community Plan
Bylaw No. 1010, Applicable to Electoral Area B – Shawnigan Lake**

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

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area B – Shawnigan Lake, that being Official Community Plan Bylaw No. 1010;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1010;

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. 3238 - Area B – Shawnigan Lake Official Community Plan Amendment Bylaw (Malahat Joint Ventures/Lintaman), 2008**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1010, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. **CAPITAL EXPENDITURE PROGRAM**

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

READ A FIRST TIME this 14th day of January , 2009.

READ A SECOND TIME this 14th day of January , 2009.

READ A THIRD TIME this day of , 2009.

ADOPTED this day of , 2009.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3238

Schedule A to Official Community Plan Bylaw No. 1010, is hereby amended as follows:

1. That the following be added after Policy 12.8:

Policy 12.9 ECO-INDUSTRIAL DEVELOPMENT PERMIT AREA

I. Category

- (a) The Eco-Industrial Development Permit Area is designated pursuant to Section 919.1(1)(a), (b), (e), (f), (h), (i) and (j), for
 - (a) Protection of the natural environment, its ecosystems and biodiversity;
 - (b) Protection of development from hazardous conditions,
 - (c) Establishment of objectives for the form and character of intensive residential development;
 - (d) Establishment of objectives for the form and character of commercial, industrial and multifamily residential development;
 - (e) Establishment of objectives to promote energy conservation;
 - (f) Establishment of objectives to promote water conservation; and
 - (g) Establishment of objectives to promote the reduction of greenhouse gas emissions.

II. Justification

- (a) The CVRD Board wishes to encourage a very high standard of visual quality in the Shawnigan Lake area. The Shawnigan Lake Road corridor is a main corridor to the South Cowichan and should leave a favourable impression upon visitors and residents, and enhance their enjoyment of the area.
- (b) The CVRD wishes to ensure that the design of any industrial development within Electoral Area B Shawnigan Lake has a very high standard of aesthetic quality, in keeping with the community's high expectations for visual quality.
- (c) The CVRD wishes to ensure that industrial lands will be developed without negative impacts to adjacent lands.
- (d) Land uses within the Shawnigan Lake Industrial Development Permit Area may impact Shawnigan Lake and streams, wetlands and the underlying aquifer. An objective of the CVRD Board is to ensure that the integrity of surface water and groundwater is protected from inappropriate development.
- (e) The CVRD Board wishes to ensure that land (including wildlife habitat), water and air quality is protected.

.../2

- (f) The CVRD Board wishes to ensure that the industrial development offers safety and accessibility and is adequately landscaped and screened.
- (g) The Board wishes to promote energy conservation, water conservation and a reduction in greenhouse gas emissions.

III. Scope

The Eco Industrial Development Permit Area applies to those lands shown outlined in a thick black line on Figure 5f.

IV. Guidelines

Prior to commencing any development, including subdivision, construction or land clearing, on lands within the Eco Industrial Development Permit Area, the owner shall obtain a development permit that conforms to the following guidelines:

- (a) A Canadian Green Building Council LEED (Leadership in Energy and Environmental Design) rating system, or its equivalent, as determined by a LEED-accredited professional consultant retained by the owner, is required. Development will be LEED certified and site preparation will meet or exceed "Develop with Care" guidelines with any applicable criteria from the Canadian Green Building Council LEED rating system, or its equivalent, being used as a standard. The applicable LEED methodology, or its equivalent, shall be acceptable to the CVRD.
- (b) A treed buffer will be provided between the industrial use and adjoining non-industrial parcels, South Shawnigan Lake Road and Stebbings Road. The buffer shall be densely vegetated such that parking areas, garbage collection areas, service areas, outdoor storage areas, fuel tanks, air conditioning units and delivery areas are buffered to reduce noise and visual impacts.
- (c) Landscaping should be in keeping with the visual beauty of the area. Existing mature trees should be incorporated into the landscape design.
- (d) Vehicle access points, circulation patterns and parking layouts shall be designed in such a way as to reduce impacts upon Shawnigan Lake Road, Stebbings Road and adjacent parcels. Sites should be designed to allow delivery trucks to maneuver without having to block or back onto an adjacent street, parking aisle or pedestrian route. Emergency vehicles should be able to reach all parts of the development easily.
- (e) The use of permeable parking materials such as hard grass (grass-crete) is strongly encouraged to soften the visual effect of parking lots and minimize changes to site drainage. Parking areas are required to contain oil/water separators where they are paved with impervious materials.
- (f) Parking lots containing over thirty spaces should be located in discontinuous areas, or be separated by mid-lot landscaping, incorporated into the design.
- (g) Parking areas and pedestrian routes should be well lit, without glare to adjoining non-industrial parcels or public roads.
- (h) Underground wiring shall be encouraged instead of overhead wiring.

- (i) Signs shall be designed to reflect the architecture of the site and be in harmony with the landscaping plans for the site, but shall be limited in height and area commensurate with the site characteristics. If multiple signs are required, they should be grouped and shared. Florescent lighting shall not be used. Non-lit signs, or frontal lighting with incandescent bulbs is preferred.
- (j) All building and landscaping designs should promote personal and public safety. Crime Prevention through Environmental Design (CPTED) will be considered in landscaping plans and building designs.
- (k) Roofing materials and insulation must meet or exceed the appropriate fire rating requirements contained in the BC Building Code. Eaves, attics, decks and other building openings should be screened to prevent the accumulation of combustible material. Fuel reduced buffers at least 10 metres in width should be maintained around buildings to minimize fire risk.
- (l) A storm water management plan is required. Impervious surfaces will be limited to protect property from flooding, erosion or other undesirable impacts as the result of changes to stormwater runoff.
- (m) A treed buffer 30 metres in width is required from the high water mark of Van Horn Creek. Wetland areas and streams are subject to the Riparian Areas Regulation Development Permit Area. Riparian areas shall be left natural and wild to protect surface waters and riparian ecosystems. Bark mulches, impermeable landscape fabric and plant species that require the use of pesticides or fertilizers shall not be located in these areas.
- (n) Proposed sewage treatment and disposal methods will be designed to avoid impacts upon the environment and shall meet the requirements of the South Sector Liquid Waste Management Plan.
- (o) The use of rainwater catchment tanks and cisterns for re-use is required.
- (p) The use of alternative and renewable sources of energy should be considered.
- (q) Site planning for buildings and land uses will incorporate studies, submitted to the CVRD, to facilitate utilization of energy and water conservation measures, including solar orientation, prevailing wind direction, elevation contours, existence of significant vegetation and means to retain mature vegetation.
- (r) The latest best management practices for land development of the BC Ministry of Environment should be respected.
- (s) Baseline noise levels will be provided, and noise restrictions imposed.
- (t) All internal road building and drainage works shall conform with appropriate functioning condition assessment methods.
- (u) Grease traps are required for restaurant operations.

V. *Exemptions*

The terms of the Eco-Industrial Development Permit Area shall not apply to the following:

- Interior or minor exterior renovations to an existing building;
- Changes to the text or message of existing signage allowed by a previous development permit;
- Construction or renovation of single family dwellings.

.../4

VI. *Variances*

Where a proposed development plan adheres to the guidelines of this development permit area, the Regional Board may give favourable consideration to variances of the terms of its zoning, sign and parking bylaws, where such variances are deemed by the Regional Board to have no negative impact on adjacent parcels and would enhance the aesthetics of the site in question, Such variances would be incorporated into the development permit.

VII. *Application Requirements*

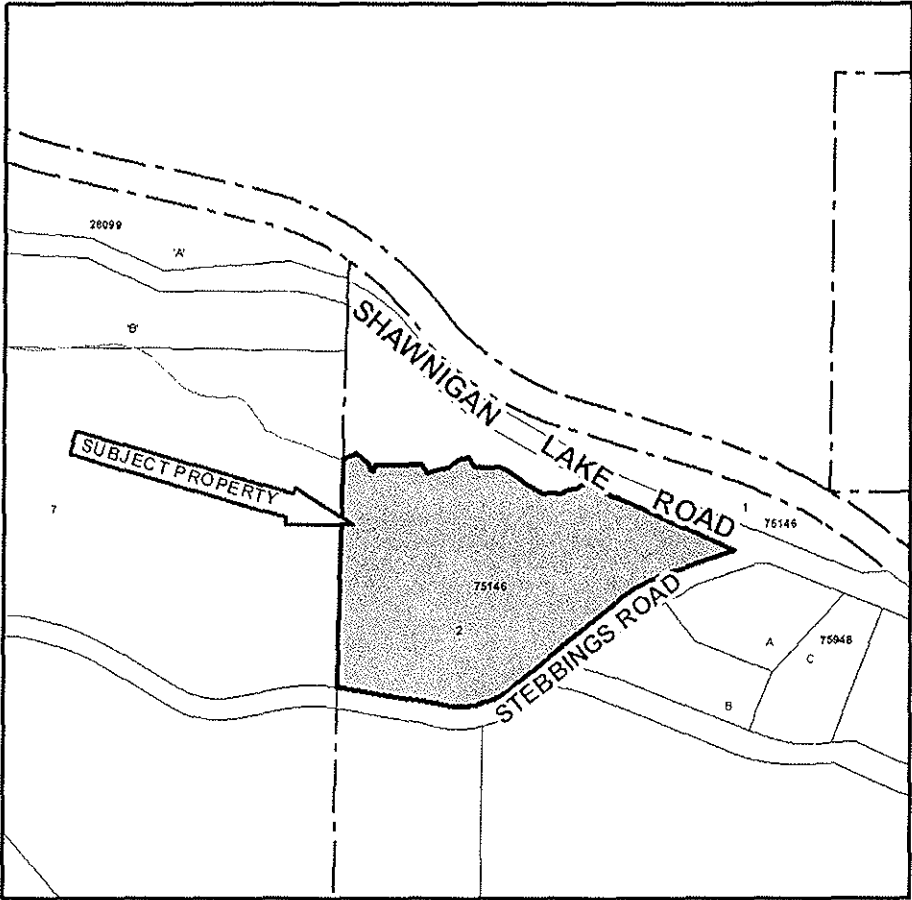
Before the CVRD Board authorizes the issuance of a development permit for a parcel in the Eco-Industrial Development Permit Area, the applicant's submission shall include:

- (a) A written description of the proposed development.
- (b) Information with respect to the subject property in the form of one or more maps/elevation drawings as follows:
 - Location and extent of proposed work;
 - Location of watercourses and water bodies, including top of bank;
 - Percentage of and location of impervious surfaces;
 - Setback distances from watercourses and waterbodies;
 - Existing tree cover, and proposed areas to be cleared;
 - Existing and proposed buildings and structures;
 - Location of existing and proposed parcel lines;
 - Existing and Proposed building setback distances from parcel boundaries;
 - Existing and proposed roads, driveways, parking and loading areas, vehicular access points, pedestrian walkways, and outdoor lighting design,
 - Existing and proposed drainage works, runoff mitigation, water retention areas, culverts and ditches;
 - Location of water lines, wells and utility lines;
 - Topographical contours, including location of slopes exceeding 25 percent grade;
 - Location of lands subject to periodic flooding;
 - Areas of sensitive native plant communities;
 - Proposed landscaping plan, identifying the number of plant species types proposed for all landscaping areas;
 - Existing and proposed septic tanks and sewage treatment systems, and drainage fields; and
 - Existing and proposed sign design and location.
- (c) A preliminary building design, including proposed roof and exterior finish details.
- (d) The CVRD may require the applicant to furnish, at the applicant's expense, a report certified by a professional engineer with experience in geotechnical engineering, which shall include:
 - i. A hydrogeological report/environmental impact assessment assessing any impact of the project on water surfaces in the area; and

.../5

-
- ii. A report on the potential impact of the development on the groundwater resource.
 - iii. For development that will create more than 280 m² of new impervious surfacing, a report prepared by a professional engineer that determines the extent of changes to the natural drainage system, identifying any conditions that should be incorporated into the development permit to protect property from flooding, erosion or other undesirable impacts as the result of changes to stormwater runoff. Particular attention should be paid to ensuring that drainage changes will not result in detrimental impact such as runoff conditions on adjacent lands or into nearby watercourses. A combination of natural wetland protection or artificial wetland creation, to buffer storm flows should be incorporated, along with measures to minimize impervious surfaces.
 - iv. A baseline noise level study may be provided, and noise restrictions imposed.
2. That Schedule B (OCP Map) to Electoral Area B – Shawnigan Lake Official Community Plan Bylaw No. 1010 is further amended by redesignating part of Lot 2, District Lot 132, Malahat District, Plan VIP 75146, as shown outlined in a solid black line on Schedule B attached hereto and forming part of this bylaw, numbered Z-3238, from Forestry to Industrial.

SCHEDULE "B" TO PLAN AMENDMENT BYLAW NO. 3238
OF THE COWICHAN VALLEY REGIONAL DISTRICT



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Forestry TO
Industrial APPLICABLE
TO ELECTORAL AREA B



Cowichan
Valley
Regional
District

This map is compiled from various sources for internal use and is designed for reference purposes only.

The Regional District does not warrant the accuracy.

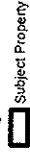
All persons making use of this map should be aware that measurements have been considered for convenience purposes only and that boundaries are representational.

The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

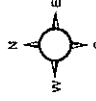
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Figure 5F

Legend



Subject Property



Printed: December 19, 2008

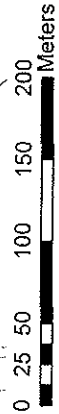
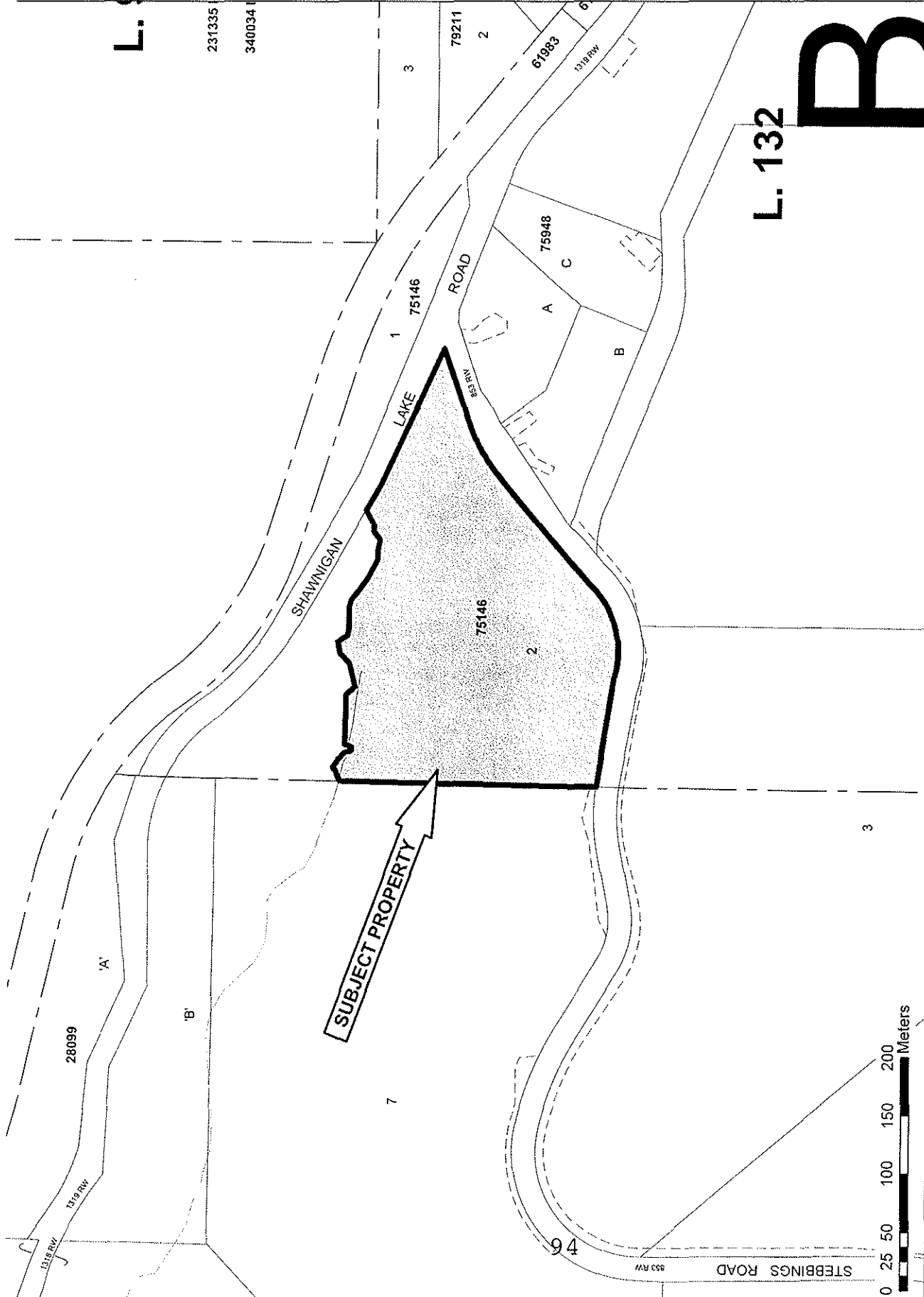
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COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3239

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

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3239 - Area B – Shawnigan Lake Zoning Amendment Bylaw (Malahat Joint Ventures/Lintaman), 2008**".

2. **AMENDMENTS**

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

- a) That Section 6.1 be amended by adding "I-5" in Column I following I-4, and by adding "Eco Industrial I-5" in Column B following "Aggregate and Mineral Processing Industrial";

.../2

- b) That the following text be added following Section 11.6 (I-4 - Aggregate and Mineral Processing Zone):

11.7 I-5 ZONE – ECO - INDUSTRIAL ZONE

(a) Permitted Uses

The following uses and no others are permitted in an I-5 Zone:

- 1) secondary processing and manufacturing of wood products, including the making of plywood, lath, particleboard and similar products, and the manufacturing of modular or pre-fabricated homes and structures, excluding sawmills, pulp and paper mills and log storage and sorting;
- 2) boat building, repair and storage;
- 3) book binding, publishing, and storage;
- 4) building supplies, sale and storage;
- 5) clothing cleaning, manufacture, repair and storage;
- 6) equipment repair, sales, storage and rental;
- 7) feed, seed and agricultural supplies, sales and storage;
- 8) food processing, storage, packaging, and catering, excluding fish cannery and abattoir;
- 9) industrial processing, manufacturing, repair, storage and packaging enclosed within a building;
- 10) laboratory, kennel and animal hospital;
- 11) lumber yards, storage yards, auction grounds;
- 12) recycling facility for bottles, wood, metal and/or paper, excluding automobile parts and any type of septage, animal material, or animal substance;
- 13) warehousing, mini-warehousing, freight handling and storage;
- 14) research and development education centre;
- 15) micro brewing outlet, excluding neighbourhood pub;
- 16) restaurant, excluding drive through;
- 17) research, development, incubation and high technology facilities;
- 18) incubator mall concept;
- 19) office, retail sales, accessory to a principal use;
- 20) one single-family dwelling unit or mobile home accessory to a use permitted in 11.7(a)1 to 18.

(b) Conditions of Use

For any parcel in an I-5 Zone:

- 1) the parcel coverage shall not exceed 50 percent for all buildings and structures;

.../3

- 2) the height for all buildings and structures shall not exceed 10 metres;
- 3) the setbacks for the types of parcel lines set out in Column I of this section are set out for all buildings and structures in column II:

Column I Type of Parcel Line	Column II Buildings and Structures
Front	9.0 metres
Interior Side	0 metres where the abutting parcel is zoned Industrial; 9.0 metres where the abutting parcel is not zoned Industrial
Exterior Side	4.5 metres
Rear	9.0 metres

- c) That Section 13.1 be amended by adding “1-5 Eco-Industrial ” in Column I following “I-1 Light Industrial” and by adding in the same table “1 ha” in the last row of the second column, “1 ha” in the last row of the third column, and “1 ha” in the last row of the fourth column;
- d) That part of Lot 2, District Lot 132, Malahat District Plan VIP 75146, as shown outlined in a thick black line on the Plan numbered Z-3239 and forming Schedule B of this bylaw, be rezoned from F-1 (Primary Forestry) to I-5 (Eco-Industrial), and that the Schedule B “Official Zoning Map” of CVRD Bylaw 985 be changed accordingly;

3. FORCE AND EFFECT

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

READ A FIRST TIME this 14th day of January , 2009

READ A SECOND TIME this 14th day of January , 2009.

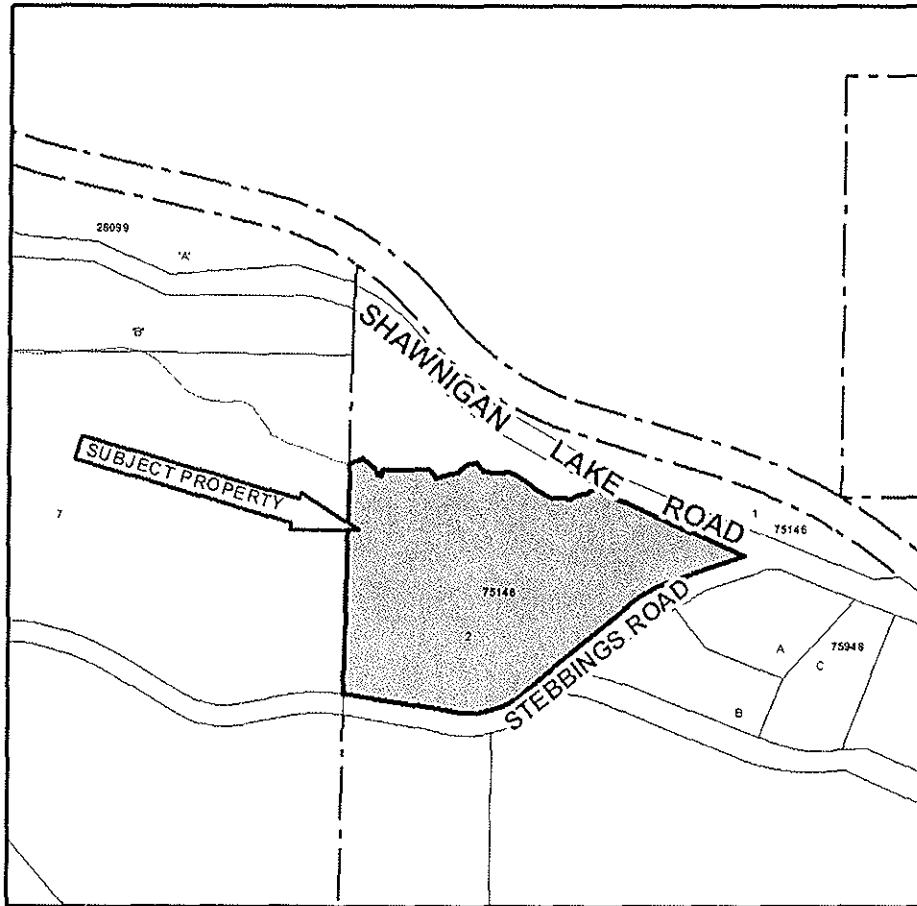
READ A THIRD TIME this day of , 2009.

ADOPTED this day of , 2009.

Chairperson

Corporate Secretary

SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. 3239
OF THE COWICHAN VALLEY REGIONAL DISTRICT



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

F-1 (Primary Forestry) TO

I-5 (Eco-Industrial) APPLICABLE

TO ELECTORAL AREA B



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3274

**A Bylaw For The Purpose Of Amending Zoning Bylaw No. 985
Applicable To Electoral Area B – Shawnigan Lake**

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3274 - Area B – Shawnigan Lake Zoning Amendment Bylaw (Hayes), 2008**".

2. **AMENDMENTS**

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

- a) That Schedule B (Zoning Map) to Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985 is further amended by rezoning Lot B, Section 15, Range 4, Shawnigan District, Plan VIP58126, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-, from F-1 (Primary Forestry) to F-2 (Secondary Forestry).

.../2

3. FORCE AND EFFECT

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

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.

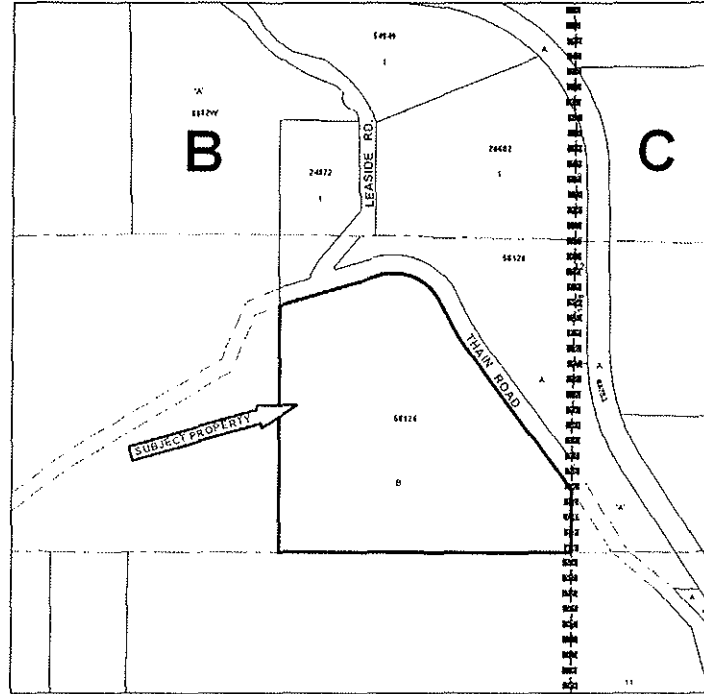
Chairperson

Secretary

PLAN NO. Z-3274

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

3274



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

F-1 (Primary Forestry)

TO

F-2 (Secondary Forestry)

APPLICABLE

TO ELECTORAL AREA B



RES1

COMMISSION APPOINTMENTS

REGULAR BOARD MEETING OF MAY 13, 2009

Date: May 6, 2009

From: Director Mel Dorey

Subject: Appointments to the Thetis Island Port Commission

Recommendation:

That the following appointments to the Thetis Island Port Commission be approved:

Terms to expire December 31, 2011:

Doug Darling (*Thetis Island Improvement District Appointee*)

Pat Mooney (*Thetis Island Residents' and Ratepayers' Association Appointee*)