



C·V·R·D

SPECIAL BOARD MEETING

WEDNESDAY, NOVEMBER 26, 2008

**IMMEDIATELY FOLLOWING THE
REGIONAL SERVICES COMMITTEE MEETING
- CVRD BOARD ROOM, 175 INGRAM STREET**

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| B7 | “CVRD Bylaw No. 3227 - Lambourn Estates Sewer System Management Amendment Bylaw, 2008”, 1 st , 2 nd and 3 rd reading. | 77-84 |
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| B8 | “CVRD Bylaw No. 3228 - Lambourn Estates Water System Management Amendment Bylaw, 2008”, 1 st , 2 nd and 3 rd reading. | 85-87 |
| B8 | “CVRD Bylaw No. 3228 - Lambourn Estates Water System Management Amendment Bylaw, 2008”, adoption. | |
| B9 | “CVRD Bylaw No. 3229 - Solid Waste Management Charges and Regulations Amendment Bylaw, 2008”, 1 st , 2 nd and 3 rd reading. | 88-90 |
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| B10 | “CVRD Bylaw No. 3230 - Shawnigan Lake East Drainage System Management Bylaw, 2008”, 1 st , 2 nd and 3 rd reading. | 91-104 |
| B10 | “CVRD Bylaw No. 3230 - Shawnigan Lake East Drainage System Management Bylaw, 2008”, adoption. | |

B11 "CVRD Bylaw No. 3236 - Community Parks Reserve Fund (Area I - Youbou/Meade Creek) Expenditure Bylaw, 2008", 1st, 2nd and 3rd reading. 105-106

B11 "CVRD Bylaw No. 3236 - Community Parks Reserve Fund (Area I - Youbou/Meade Creek) Expenditure Bylaw, 2008", adoption.

Electoral Area Directors Only Vote on the following Bylaws:

B12 "CVRD Bylaw No. 3121 - Area B - Shawnigan Lake - Zoning Amendment Bylaw (Perrett), 2008", adoption. 107-109

B13 "CVRD Bylaw No. 3128 - Area D - Cowichan Bay Official Settlement Plan Amendment Bylaw (Partridge), 2008", adoption. 110-113

B14 "CVRD Bylaw No. 3129 - Area D - Cowichan Bay Zoning Amendment Bylaw (Partridge), 2008", adoption. 114-117

B15 "CVRD Bylaw No. 3213 - Area I - Youbou/Meade Creek Official Community Plan Amendment Bylaw (Youbou Lands), 2008", 1st and 2nd reading. 118-141

B16 "CVRD Bylaw No. 3214 - Area I - Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009", 1st and 2nd reading. 142-159

B17 "CVRD Bylaw No. 3238 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Malahat Joint Ventures/Lintaman), 2008", 1st and 2nd reading. 160-168

B18 "CVRD Bylaw No. 3239 - Area B - Shawnigan Lake Zoning Amendment Bylaw (Malahat Joint Ventures/Lintaman), 2008", 1st and 2nd reading. 169-172

5. ADJOURNMENT:

The Inaugural Board meeting is scheduled for December 3, 2008 at 7:00 p.m., in the Board Room, 175 Ingram Street, Duncan BC.

The next Regular Board meeting is scheduled for December 10, 2008 at 6:00 pm, in the Board Room, 175 Ingram Street, Duncan BC.



STAFF REPORT

SPECIAL BOARD MEETING OF NOVEMBER 26, 2008

DATE: November 19, 2008 FILE NO: 3-I-06RS (Youbou Lands)
 FROM: Rob Conway, Assistant Manager BYLAW NO: 3213 & 3214
 SUBJECT: Youbou Lands – OCP and Zoning Amendment Bylaws and Phased Development Agreement

Recommendation:

For information

Purpose:

To consider first and second readings of OCP Amendment Bylaw No. 3213 and Zoning Amendment Bylaw No. 3214.

Financial Implications: NA

Interdepartmental/Agency Implications: NA

Background:

At the August 13, 2008 Regional Board meeting, the following motion regarding the Youbou Lands development application was passed:

That the Application by 0741817 BC Ltd. (Chris Clement/Thomas Kreilein) for a development at the site known as the Youbou Lands, presently designated as Future Development Area in the Youbou/Meade Creek Official Community Plan, be approved and further:

- A. *That the Application be forwarded to the following key agencies for their comment and that those comments be received by the CVRD by September 1, 2008;*
- *The Department of Fisheries and Oceans*
 - *The Ministry of Environment*
 - *The RCMP*
 - *The BC Ambulance Service*
 - *The Ministry of Transportation*
- B. *That the CVRD facilitate a meeting with representatives from each of the following with regard to the proposed Application:*

- *The Ditidaht First Nation*
- *The Cowichan Lake First Nation*
- *Cowichan Tribes, and the Somenos Band*

And that representatives of the Applicant be included in these meetings

- C. *That staff be directed to prepare the OCP/Zoning Amendment Bylaws for the proposed development and forward them to the Regional Board for 1st and 2nd Readings and further that a Public Hearing be scheduled as soon as possible and that Director Hodson, Allan and Duncan be appointed as delegates.*
- D. *That Recommendation D on the July 31, 2008 EASC Staff Report be referred back to Planning Staff for further discussion and clarification with the Area Director.*

A report was presented to the Electoral Area Services Committee on November 4, 2008 which summarized the referral distribution specified in Sections A and B of the resolution and the responses received.

In accordance with direction given in Section C of the resolution, staff have prepared an OCP Amendment and Zoning Amendment Bylaw for the proposed Youbou Lands development and have included them on the November 26, 2008 Special Board meeting agenda for consideration of first and second reading.

“Recommendation D” referred to in Section D of the August 13, 2008 resolution proposed that a Phased Development Agreement (PDA) under Section 905.1 of the Local Government Act be prepared to secure various amenities associated with the application and to formalize project phasing. Staff has been working closely with the applicant and the CVRD’s legal adviser to prepare the PDA. The PDA is now in a draft form, but requires further review and amendment before it can be presented to the Board for readings as a bylaw. This report is primarily intended to summarize the content of the PDA, so the Board will have a better understanding of the amenities that are proposed, when considering the amendment bylaws.

Phased Development Agreement

The draft phased development agreement for Youbou Lands secures the following amenities and specifies when the amenities must be provided:

1. A multi-use trail 3-4 metres in width through the site, within a 20 metre wide corridor.
2. A 20 metre bio-swale and elk habitat corridor through the site;
3. Dedication and construction of a multi-use waterfront walkway between Arbutus Park and Cottonwood Creek;
4. Construction of a walkway west of Cottonwood Creek to the western boundary of residential development;
5. Dedication of two waterfront parks west of Cottonwood Creek with a minimum combined area of 10 hectares (25 ac.);

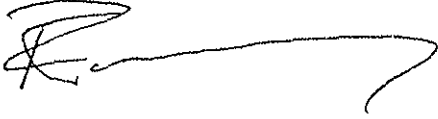
6. Improvements to the waterfront parks referred to in item 5 consisting of reforestation and restoration, washroom facilities, picnic areas, tables and benches, barbeque pits, signage, park access controls, walkways and parking;
7. Dedication of five local neighbourhood parks with an aggregate area of 1.6 ha. (4.0 ac.);
8. A contribution of \$85,000 per park, or a total contribution of \$425,000 (indexed) for improvements to the local neighbourhood parks identified in item 7;
9. A \$1,000,000 contribution (indexed) for the design and construction of a multi-use trail on Youbou Road, east of the development site;
10. Construction of a pedestrian bridge over Cottonwood Creek;
11. Dedication of a minimum of 2.8 ha. (7.0 ac.) of land adjacent to Arbutus Park for expansion of the park and Youbou fire hall;
12. Dedication of a waterfront park with a minimum area of 4.45 ha. (11 ac.) west of the proposed Village core;
13. A contribution of \$400,000 (indexed) for improvements to the waterfront park identified in item 12;
14. Dedication of 6.5 ha (16 ac.) of land for community use such as park, affordable housing, seniors' housing, or school;
15. Registration of a conservation covenant for lakeshore protection;
16. Dedication of 48.6 ha. (120 ac.) of land for Roosevelt Elk habitat;
17. A \$10,000 contribution (indexed) for Elk stewardship programs;
18. Dedication of a minimum of 34.4 ha. (85 ac.) of land on either side of Cottonwood Creek;
19. A contribution of \$200 per single family lot and \$100 per multi-family unit (index) to the Cowichan Lake shoreline protection fund;
20. Provision of sewage disposal area to service up to 300 single family homes in other parts of Youbou;
21. Road upgrades to Youbou Road, as described in the applicant's traffic impact assessment and as required by the Ministry of Transportation and Infrastructure;
22. A fire protection needs assessment study, and provision of any fire protection facilities and equipment identified in the assessment that are attributable to the development;
23. A Village Core neighbourhood Plan to define the layout of the Village Core Area, including the location of roads, plazas, pedestrian walkways, building footprints and massing and view corridors (but not use and density).

Other provisions in the PDA include:

1. A cap on residential density by sub-areas, with a maximum residential density of 1950 lots and dwelling units (combined).
2. A term of ten years, with an option to renew for an additional ten years;
3. The ability to assign developer commitments to individual parcels should the lands be subdivided;
4. The identification of "minor amendments", which require mutual consent of the parties, but do not require amendment by bylaw.

Once the PDA is in a final draft format and it has been fully reviewed by the CVRD's and applicant's lawyers, staff will present it to the Board with the accompanying bylaw for consideration of first and second reading. Staff do not recommend scheduling a public hearing for either the OCP or Zoning amendment bylaws until they and the PDA bylaw have received first and second reading.

Submitted by,

A handwritten signature in black ink, appearing to read 'Rob Conway', with a long horizontal flourish extending to the right.

Rob Conway, MCIP
Assistant Manager
Development Services Department

RC/ca

**COWICHAN VALLEY REGIONAL DISTRICT****BYLAW NO. 3166****A Bylaw to Amend the Cowichan Bay Sewer System Management
Bylaw No. 2476**

WHEREAS the Board of the Cowichan Valley Regional District established the management of the *Cowichan Bay Sewer System* pursuant to CVRD Bylaw No. 2476, cited as "CVRD Bylaw No. 2476 – Cowichan Bay Sewer System Management Bylaw, 2003";

AND WHEREAS the Board of the Cowichan Valley Regional District deems it desirable to update the language of the bylaw and revise Schedule B – Sewer User Classification.

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. 3166 - Cowichan Bay Sewer System Management Amendment Bylaw, 2008**".

2. **AMENDMENT**

- a) That under DEFINITIONS, the definition for "*Engineering Services Committee*" be deleted and replaced as follows:

"*Committee*" means a standing committee comprised of representatives from the *Regional Board*, which the Engineering Services Department reports to.

- b) That where the words "*Engineering Services Committee*" appear within the Bylaw, they be changed to "*Committee*".

- c) That the reference in Section 5.2 (a) of "11(f)" be deleted and replaced with "5.1 (f)".

- d) That Section 5.2 (b) be deleted in its entirety and replaced with the following:

"When a new *Sewer Service Connection* is installed, the *Sewer Rate* levied shall be prorated in accordance with appropriate charges set out in the appropriate Schedule. Commencement of charges shall be determined by the *Treasurer*."

- e) That where the words "Condominium Act" appear within the bylaw, they be deleted and replaced with "*Strata Property Act*".

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- f) That where the words “condominium corporation” appear within the bylaw, they be deleted and replaced with “strata corporation”.
- g) That the following be added to Section 9 as follows:
 - 2. Pursuant to the “Local Government Act”, any rates, charges and/or fees, which remain unpaid after December 31 in any year, shall be deemed to be taxes in arrears on the property concerned with interest on those taxes in arrears calculated in accordance with the “Local Government Act”.
- h) That Schedule B be deleted in its entirety and replaced with Schedule B attached to and forming part of this bylaw.

READ A FIRST TIME this _____ day of _____, 2008.

READ A SECOND TIME this _____ day of _____, 2008.

READ A THIRD TIME this _____ day of _____, 2008.

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary



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SCHEDULE B

TO CVRD BYLAW NO. 2476

SEWER SERVICE CHARGES

(a) *Consumers* of *Sewer Services* who do not receive *Metered District Water*, shall pay the minimum billing set out in sub-section (b) below.

(b) Minimum Sewer Classification Charge per Six (6) month billing period

<u>Classification</u>	<u>Charge</u>	<u>10% Discount</u>	<u>Discounted Amount</u>
Single Family Dwelling – Per Dwelling	\$106.67	\$10.67	\$96.00
STEP – Per Dwelling	\$90.67	\$9.07	\$81.60
Apartment – Per Unit	\$106.67	\$10.67	\$96.00
Mobile Home Park – Per Unit	\$106.67	\$10.67	\$96.00
RV Trailer Park/Campground:			
a) <u>Site Connected to Sewer</u> - Per serviced pad or site	\$35.56	\$3.56	\$32.00
b) <u>Site not Connected to Sewer</u> - Per pad or site	\$10.67	\$1.07	\$ 9.60
Hotel/Motel:			
a) Room or Suite: - Per room or suite	\$23.89	\$2.39	\$21.50
b) <u>Kitchenette or Housekeeping Unit</u> - Per room or suite	\$47.33	\$4.73	\$42.60
Restaurants: per seat	\$4.73	\$0.47	\$4.26
Licensed Premises: per seat	\$4.30	\$0.43	\$3.87
Laundromat:			
Minimum charge for each washing machine	\$47.33	\$4.73	\$42.60
Commercial:			
Minimum charge for the <u>first 5 employees or portion thereof per shift</u>	\$29.67	\$2.97	\$26.70

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<u>Classification</u>	<u>Charge</u>	<u>10% Discount</u>	<u>Discounted Amount</u>
<u>Each additional 10 employees or portion thereof per shift</u>	\$29.67	\$2.97	\$26.70
Elementary/Middle School:			
Minimum charge for the first <u>20 students or portion thereof</u>	\$106.67	\$10.67	\$96.00
Each <u>additional 20 students</u> or portion thereof	\$106.67	\$10.67	\$96.00
High School:			
Minimum charge for the first <u>20 students or portion thereof</u>	\$142.00	\$14.20	\$127.80
Each additional 20 students or portion thereof	\$142.00	\$14.20	\$127.80
Continuing Care Facility:			
Minimum charge for <u>each bed</u>	\$53.33	\$5.33	\$48.00
Bed & Breakfast/Rooming House:			
The minimum charge for such facility shall include the minimum charge for a single family dwelling unit plus a minimum charge for <u>each and every guestroom</u>			
a) Single Family Dwelling:	\$106.67	\$10.67	\$96.00
b) Per guest room	\$23.89	\$2.39	\$21.50
Fish Processing Plant:	\$853.33	\$85.33	\$768.00
Other: for each 1.18 m ³ (259-Igal.) of daily metered or calculated flow. There should be a minimum of 1 unit applied to each connection if the above calculation yields less than one, where calculation yields an uneven number round to the higher whole number			

Single Family Dwelling:

Applies to any connection servicing a single segregated self-contained residential dwelling used for, or intended for the domestic use of one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities including, but not limited to a townhouse, semi-detached, residential home, duplex and a cabin.

Septic Tank Effluent Pumping (STEP):

Applies to a connection that pumps grey water and retains solids in a holding tank. The rate is calculated at 85% of the Single-Family Dwelling rate to offset the cost of septic tank pump outs (typically a maximum of every 5 years)

Apartment:

Applies to any connection servicing a multiple occupancy residential building(s) with self-contained and segregated units consisting of two or more rooms used for, or intended for the domestic use by one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities.

Mobile Home Park:

Applies to a connection servicing land used or occupied for the purposes of providing space for the accommodation of mobile homes either on a rental or ownership basis. A mobile home means any structure containing one dwelling whether ordinarily equipped with wheels, or not, that is designated, constructed or manufactured to be moved from one place to another by being towed, or carried, but not including travel trailers, campers, or other vehicles exempt from the provisions of the Mobile Home Act.

RV Trailer Park/Campground:

Applies to any connection servicing land used, temporarily occupied for the purpose of providing space for the accommodation of recreational vehicles or recreational structures. A recreational vehicle or recreational structure means a vehicle, trailer, coach, tents, structure, or conveyance designed to travel, or be transported on a highway and constructed and equipped to be used as temporary living or sleeping quarters for travelers.

Where individual spaces for the above accommodations are connected directly to a *Sanitary Sewer* disposal system, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Where individual spaces or sites are not serviced directly by an individual and/or separate *Sanitary Sewer* disposal system, but have the use of common or centrally located sanitary facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Hotel/Motel:

Applies to any connection servicing a building or structure that contains sleeping units for the overnight accommodation of transient paying guests. Auxiliary assembly, commerce, entertainment, or restaurant uses as well as areas licensed to service alcoholic beverages and staff accommodation shall pay the charges according to the classification set forth in the applicable schedule(s).

Where units contain cooking facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per housekeeping or kitchenette unit.

Where units contain sleeping and sanitary facilities only, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per room or suite.

Restaurant:

Applies to any connection servicing a building or structure, or segregated self-contained unit used for, or intended to be used for, the commercial sale of refreshments, prepared or assembled food, and/or meals together with non-alcoholic beverages for sale to the public.

Licensed Premises:

Applies to the connection servicing a licensed beverage establishment as governed by the Liquor Licensing Board of British Columbia, and includes, but is not limited to pubs, restaurants, eateries, lounges, cafeterias and private clubs where alcoholic beverages are served.

Laundromat:

Applies to a connection servicing a building, self-contained unit, or separately owned business entity where washing machines are available for public use for a fee or charge.

Commercial:

Applies to a connection servicing a complex, facility, or parcel of land used to manufacture, sell, repair goods, or provide a service including, but not limited to retail stores, offices, convenience store, service establishment, and light industrial.

Elementary School and High School:

Applies to a connection servicing an institution of learning, or teaching facility, as defined by the School Act.

Continuing Care Facility:

Applies to a connection servicing a multiple occupancy complex providing long-term care, and living accommodations that include residents requiring full-time professional care, including living, sleeping, cooking, and sanitary facilities, but not including an acute care facility.

Bed & Breakfast:

Applies to any connection servicing a single family dwelling, with an accessory use for overnight accommodation for transient paying guests in which breakfast is the only meal served.

Rooming House:

Applies to any connection servicing a single family dwelling with an accessory use of rooms for rent by individuals for living and sleeping, but with common cooking and sanitary facilities shared by the occupants.

Fish Processing Plant:

Applies to a *Sanitary Sewer* connection servicing a facility involved in the processing of aquatic life. The effluent discharge from such facilities into the *Sewer* system must be pretreated and fully comply with CVRD effluent quality standards and discharge volume limitations.

Other:

The volume of discharge to be apportioned for other types of developments that do not fall within the above classifications. Single family residential equivalents shall be calculated at 1.18 m³ (259 lgal.) per day metered or calculated flow, rounded to the higher whole number.

**COWICHAN VALLEY REGIONAL DISTRICT****BYLAW NO. 3167****A Bylaw to Amend the Youbou Sewer System Management Bylaw No. 2560**

WHEREAS the Board of the Cowichan Valley Regional District established the management of the *Youbou Sewer System* pursuant to CVRD Bylaw No. 2560, cited as "CVRD Bylaw No. 2560 – Youbou Sewer System Management Bylaw, 2005";

AND WHEREAS the Board of the Cowichan Valley Regional District deems it desirable to update the language of the bylaw and revise user charges in Schedule B – Sewer Service Charges.

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. 3167 - Youbou Sewer System Management Amendment Bylaw, 2008**".

2. AMENDMENT

- a) That under DEFINITIONS, the definition for "*Engineering Services Committee*" be deleted and replaced as follows:

"*Committee*" means a standing committee comprised of representatives from the *Regional Board*, which the Engineering Services Department reports to.

- b) That where the words "*Engineering Services Committee*" appear within the Bylaw, they be changed to "*Committee*".

- c) That Section 5.1 (a) be deleted in its entirety and replaced with the following:

"An *Owner* of lands within the *Youbou Sewer System Service Area* which abut a sewer line which is part of the *Youbou Sewer System* may apply to have his property connected to the *Youbou Sewer System*."

- d) That the reference to "5 (f)" in Section 5.2 (a) be deleted and replaced with "5.1 (f)".

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e) That Section 5.2 (b) be deleted in its entirety and replaced with the following:

"When a new *Sewer Service Connection* is installed, the *Sewer Rate* levied shall be prorated in accordance with appropriate charges set out in the appropriate Schedule. Commencement of charges shall be determined by the *Treasurer*

f) That where the words "Condominium Act" appear within the bylaw, they be deleted and replaced with "*Strata Property Act*".

g) That where the words "condominium corporation" appear within the bylaw, they be deleted and replaced with "strata corporation".

h) That Schedule B be deleted in its entirety and replaced with Schedule B attached and forming part of this bylaw.

READ A FIRST TIME this _____ day of _____, 2008.

READ A SECOND TIME this _____ day of _____, 2008.

READ A THIRD TIME this _____ day of _____, 2008.

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary



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SCHEDULE B
TO CVRD BYLAW NO. 2560

SEWER SERVICE CHARGES

a) *Consumers of Sewer Services* who do not receive *Metered District Water*, shall pay the minimum billing set out in Sub-section (b) below.

b) Minimum Sewer Classification Charge per Six (6) month billing period

<u>Classification</u>	<u>Charge</u>	<u>10% Discount</u>	<u>Discounted Amount</u>
Single Family Dwelling – Per Dwelling	\$147.00	\$14.70	\$132.30
STEP – Per Dwelling	125.00	12.50	112.50
Apartment – Per Unit	125.00	12.50	112.50
Mobile Home Park – Per Unit	147.00	14.70	132.30
RV Trailer Park/Campground:			
a) <u>Site Connected to Sewer</u> : Per serviced pad or site	49.00	4.90	44.10
b) <u>Site not Connected to Sewer</u> : Per pad or site	14.70	1.47	13.23
Hotel/Motel:			
a) <u>Room or Suite</u> : - Per room or suite	31.00	3.10	27.90
b) <u>Kitchenette or Housekeeping Unit (per room or suite)</u>	62.00	6.20	55.80
Restaurants - Per seat:	6.00	0.60	5.40
Licensed Premises - per seat:	6.00	0.60	5.40
Laundromat:			
Minimum charge for each washing machine:	62.00	6.20	55.80
Commercial:			
Minimum charge for each 10 employees or portion thereof per shift	78.50	7.85	70.65
Elementary/Middle School:			
Minimum charge for the first 20 students or portion thereof	147.00	14.70	132.30
Each <u>additional 20 students</u> or portion thereof	147.00	14.70	132.30

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<u>Classification</u>	<u>Charge</u>	<u>10% Discount</u>	<u>Discounted Amount</u>
High School:			
Minimum charge for the first <u>20 students or portion thereof</u>	194.50	19.45	175.05
Each additional 20 students or portion thereof	194.50	19.45	175.05
Continuing Care Facility: Minimum charge for <u>each bed</u>	73.50	7.35	66.15
Bed & Breakfast/Rooming House:			
The minimum charge for such facility shall include the minimum charge for a single family dwelling unit plus a minimum charge for each and every guestroom			
a) Single Family Dwelling:	147.00	14.70	132.30
b) Per guest room	31.00	3.10	27.90

Others for each 1.18 m³ (259-gal.) of daily metered or calculated flow). There should be a minimum of 1 unit applied to each connection if the above calculation yields less than one, where calculation yields an uneven number round to the higher whole number

Single Family Dwelling:

Applies to any connection servicing a single segregated self-contained residential dwelling used for, or intended for the domestic use of one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities including, but not limited to a townhouse, semi-detached, residential home, duplex and a cabin.

Septic Tank Effluent Pumping (STEP):

Applies to a connection that pumps grey water and retains solids in a holding tank. The rate is calculated at 85% of the Single-Family Dwelling rate to offset the cost of septic tank pump outs (typically a maximum of every 5 years)

Apartment:

Applies to any connection servicing a multiple occupancy residential building(s) with self-contained and segregated units consisting of two or more rooms used for, or intended for the domestic use by one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities.

Mobile Home Park:

Applies to a connection servicing land used or occupied for the purposes of providing space for the accommodation of mobile homes either on a rental or ownership basis. A mobile home means any structure containing one dwelling whether ordinarily equipped with wheels, or not, that is designated, constructed or manufactured to be moved from one place to another by being towed, or carried, but not including travel trailers, campers, or other vehicles exempt from the provisions of the Mobile Home Act.

RV Trailer Park/Campground:

Applies to any connection servicing land used, temporarily occupied for the purpose of providing space for the accommodation of recreational vehicles or recreational structures. A recreational vehicle or recreational structure means a vehicle, trailer, coach, tents, structure, or conveyance designed to travel, or be transported on a highway and constructed and equipped to be used as temporary living or sleeping quarters for travelers.

Where individual spaces for the above accommodations are connected directly to a *Sanitary Sewer* disposal system, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Where individual spaces or sites are not serviced directly by an individual and/or separate *Sanitary Sewer* disposal system, but have the use of common or centrally located sanitary facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Hotel/Motel:

Applies to any connection servicing a building or structure that contains sleeping units for the overnight accommodation of transient paying guests. Auxiliary assembly, commerce, entertainment, or restaurant uses as well as areas licensed to service alcoholic beverages and staff accommodation shall pay the charges according to the classification set forth in the applicable schedule(s).

Where units contain cooking facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per housekeeping or kitchenette unit.

Where units contain sleeping and sanitary facilities only, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per room or suite.

Restaurant:

Applies to any connection servicing a building or structure, or segregated self-contained unit used for, or intended to be used for, the commercial sale of refreshments, prepared or assembled food, and/or meals together with non-alcoholic beverages for sale to the public.

Licensed Premises:

Applies to the connection servicing a licensed beverage establishment as governed by the Liquor Licensing Board of British Columbia, and includes, but is not limited to pubs, restaurants, eateries, lounges, cafeterias and private clubs where alcoholic beverages are served.

Laundromat:

Applies to a connection servicing a building, self-contained unit, or separately owned business entity where washing machines are available for public use for a fee or charge.

Commercial:

Applies to a connection servicing a complex, facility, or parcel of land used to manufacture, sell, repair goods, or provide a service including, but not limited to retail stores, offices, convenience store, service establishment, and light industrial.

Elementary School and High School:

Applies to a connection servicing an institution of learning, or teaching facility, as defined by the School Act.

Continuing Care Facility:

Applies to a connection servicing a multiple occupancy complex providing long-term care, and living accommodations that include residents requiring full-time professional care, including living, sleeping, cooking, and sanitary facilities, but not including an acute care facility.

Bed & Breakfast:

Applies to any connection servicing a single family dwelling, with an accessory use for overnight accommodation for transient paying guests in which breakfast is the only meal served.

Rooming House:

Applies to any connection servicing a single family dwelling with an accessory use of rooms for rent by individuals for living and sleeping, but with common cooking and sanitary facilities shared by the occupants.

Other:

The volume of discharge to be apportioned for other types of developments that do not fall within the above classifications. Single family residential equivalents shall be calculated at 1.18 m³ (259 lgal.) per day metered or calculated flow, rounded to the higher whole number.

**COWICHAN VALLEY REGIONAL DISTRICT****BYLAW NO. 3168****A Bylaw to Amend the Eagle Heights/Allenby Road/Koksilah Community
Sewer System Management Bylaw No. 1926**

WHEREAS the Board of the Cowichan Valley Regional District established the management of the *Eagle Heights Sewer System* pursuant to CVRD Bylaw No. 1926, cited as "CVRD Bylaw No. 1926 – Eagle Heights/Allenby/Koksilah Community Sewer System Management Bylaw, 1999";

AND WHEREAS the Board of the Cowichan Valley Regional District deems it desirable to update the language of the bylaw and to revise Schedule B – Sewer Service Charges.

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. 3168 - Eagle Heights Sewer System Management Amendment Bylaw, 2008**".

2. AMENDMENT

a) That the citation be deleted and replaced with the following:

This Bylaw may be cited for all purposes as "**CVRD Bylaw No. 1926 – Eagle Heights Sewer System Management Bylaw, 1999**".

b) That Parts I through IX be deleted in entirety and replaced with the following Sections 2 through 12:

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

"Air" means the atmosphere, but, except in a *Sewer* or a *Sewage Facility* or as the context may otherwise require, does not include the atmosphere inside a constructed enclosure that is not open to the weather.

"Air Contaminant" means any *Substance* or odour whether gaseous, liquid, solid or a combination that is emitted into the *Air* and that:

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- (a) injures or is capable of injuring the health or safety of a person;
- (b) injures or is capable of injuring property or any life form;
- (c) interferes or is capable of interfering with visibility;
- (d) interferes or is capable of interfering with the normal conduct of business;
- (e) causes or is capable of causing material physical discomfort to a person, or,
- (f) damages or is capable of damaging the environment.

"Applicant" means a request for one of the following:

- (a) a *Waste Discharge Permit*;
- (b) to amend, add or delete a term or condition of a *Waste Discharge Permit*;
- (c) to change the activity that is the subject of a *Waste Discharge Permit*;
- (d) to renew a *Waste Discharge Permit*;
- (e) an *Authorization*.

"Authorized" or **"Authorization"** means that *Authorization* in writing by the *Manager* upon such terms and conditions as specified therein;

"Biomedical Waste" means *Biomedical Waste* as defined in the "Guidelines for the Management of *Biomedical Waste*" established by the Canadian Council of Ministers of the Environment (CCME) and dated February 1992, or the most current regulations and guidelines as determined by the *Manager*.

"Biosolids" means treated municipal *Wastewater Sludge* that meets quality criteria for beneficial use as a fertilizer or soil amendment product.

"BOD" means Biochemical Oxygen Demand, being the quantity of oxygen utilized in the biochemical oxidation of organic *Substances* under standard laboratory procedures in 5 days at 20 degrees Celsius expressed in milligrams per litre, as determined by the appropriate procedure in *Standard Methods*.

"Capable of Connection" means that the parcel of land abuts a street, lane, public *Sewer* right-of-way or easement, upon or under which there is a *Sewermain* with excess capacity and that the *Sewer* service connection will have adequate cover at the property line, and drain towards the *Sewer*, and allowing the house or building to be connected to the service connection by either a gravity building *Sewer*, or a pump and forcemain.

"COD" means Chemical Oxygen Demand, being a measure of the equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant, as determined by the appropriate procedure in *Standard Methods*.

"Combined Sewer" means a *Sewer* designed for the collection and transmission of *Uncontaminated Water*, *Wastewater*, and *Stormwater*.

"Committee" means a standing committee, comprised of representatives from the *Regional Board*, which the Engineering Services Department reports to.

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"Composite Sample" means a sample of *Waste* which is composed of equivalent portions of a specified number of *Grab Samples* collected manually or automatically at the same sampling point, at specified times or flow intervals during a specified sampling period.

"Condensed Water" means water, which is produced through the process of condensation and includes condensate drainage from refrigeration equipment, air conditioning equipment and steam heating systems.

"Consumer" means the owner or occupant of property that is serviced by, connected to and uses the *Eagle Heights Sewer System*.

"Contaminate" means any *Substance*, whether gaseous, liquid or solid, whether dissolved or suspended, or any *Wastewater* quality parameter that, when present above a certain concentration in *Wastewater*:

- (a) injures or is capable of injuring the health or safety of a person;
- (b) injures or is capable of injuring property or any life form;
- (c) interferes or is capable of interfering with the proper operation of a *Sewer* or sewerage facility;
- (d) causes or is capable of causing material physical discomfort to a person; or
- (e) damages or is capable of damaging the environment.

"Daily Flow" means the total flow over a 24-hour period, as measured by an approved calibrated flow meter.

"Discharge" means to directly or indirectly introduce a *Substance* into a *Sewer* or *Sewage Facility* by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means.

"District" means the Cowichan Valley Regional District.

"District Water" means water carried by a community water system operated and managed by the *District*.

"Domestic Sewage" means *Sanitary Waste* produced on a *Residential Property*.

"Domestic Waste" means *Sanitary Waste* or the water-carried wastes from drinking, culinary purposes, washing, bathing, laundering or food processing, which is produced on a *Residential Property* and is *Discharged* directly or indirectly into a *Sewer* connected to a *Sewage Facility* operated by the *District*.

"Eagle Heights Sewer System" means the *Sewer* system currently servicing the *Eagle Heights Sewer System Service Area* including all *District* buildings, structures, sewage, collection, treatment, disposal facilities, equipment, electrical works, pumping stations, forcemains, *Sanitary Sewermains*, appurtenances, *Sewer Service Connections*, and all sewage works designated for the collection and disposal of sewage together with all lands appropriated for such purposes and uses.

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"Eagle Heights Sewer System Service Area" means a service area established and defined by Bylaw, within which the *District* manages and operates a Sewer System Service Area.

"Enactment" means any applicable act, regulation, bylaw, or *Authorization*, by a federal, provincial, regional or municipal government or their *Authorized* representatives.

"Environmental Management Act" means the *Environmental Management Act* of the Province of British Columbia or any legislation that replaces the *Environmental Management Act*.

"Grab Sample" means a sample of *Waste* collected at a particular time and place.

"Hazardous Waste" means *Hazardous Waste* as defined in the *Environmental Management Act*.

"Hazardous Waste Regulation" means the *Hazardous Waste Regulation* enacted pursuant to the *Environmental Management Act*.

"Hazardous Waste Regulation Leachate Quality Criteria" means the *Contaminant* concentrations for leachate set out in Schedule 4 of the *Hazardous Waste Regulation*.

"High Volume Discharge" means any *Discharge* of *Non-domestic Waste* into a *Sewer* in excess of 2.57 cubic metres per day (550 Imperial Gallons per day) or 90 cubic metres over any consecutive 30-day period, but not including water from a pool.

"Improvement District" means an *Improvement District* incorporated under the Local Government Act.

"Manager" means the person duly appointed *Manager* of the Engineering Services Department by the *Regional Board*.

"Mass Loading" means the concentration of a constituent multiplied by the flow rate.

"Metered District Water" means *District* water supplied to *Consumers* through individual meters located on serviced connections from a community water system operated and managed by the CVRD.

"Monitoring Point" means an access point to a *Sewer*, *Private Drainage Systems*, or other *Sewer* for the purpose of:

- (a) measuring the rate of flow or volume of *Wastewater* being *Discharged* from a *Premises*;
- (b) collecting representative samples of *Wastewater* being *Discharged* from a *Premises*.

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"Monthly Average" means the arithmetic mean of all measurements taken over a calendar month.

"Municipality" means any participating member city, town, or other incorporated area of the *District*.

"Non-domestic Waste" means all *Waste* except *Domestic Waste*, *Trucked Waste*, *Sanitary Waste*, *Stormwater* and *Uncontaminated Water*.

"Oil and Grease" means an organic *Substance* or *Substances* recoverable by procedures set out in *Standard Methods* or procedures *Authorized* by the *Manager* and includes, but is not limited to, hydrocarbons, esters, fats, oils, waxes and high-molecular weight carboxylic acids.

"Owner" means any person who is registered under the Land title Act as the owner of land, or any other person who is in lawful possession of land, or who is in lawful possession or occupancy of any buildings situated on the land.

"Parcel Tax" means an annual tax levied on each parcel of land within the *Eagle Heights Sewer System Service Area*.

"PCB" means any mono-chlorinated, de-chlorinated, or polychlorinated or any mixture that contains one or more of these.

"Pesticides" means pesticides regulated under the Pesticide Control Act of British Columbia.

"pH" means the expression of the acidity or basicity of a solution as defined and determined by the appropriate procedure described in *Standard Methods*.

"Phenols" means the hydroxyl derivatives of aromatic hydrocarbons as determined by the appropriate procedure described in *Standard Methods*.

"Pool" means any water receptacle used for swimming or as a bath or hot tub designed to accommodate more than one bather at a time, or designed for decorative purposes.

"Premises" means any land or building or both, or any part thereof.

"Private Drainage System" means a privately owned assembly of pipes, fittings, fixtures, traps and appurtenances that is used to convey *Wastewater*, *Uncontaminated Water*, *Stormwater*, or foundation drainage to a *Sewer*, *Sewage Facility*, or a private *Wastewater* disposal system.

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"Private Sewer Service Pipe" means that part of the *Sewer Service Pipe* located within the boundaries of the property being serviced, or outside the boundaries of a CVRD Statutory right-of-way, and which is connected, or intended, to connect to the *Eagle Heights Sewer System* via a *Sewer Service Connection*.

"Prohibited Waste" means *Prohibited Waste* in "A" of Schedule F of this Bylaw.

"Radioactive Materials" means *Radioactive Materials* as defined in the Atomic Energy Control Act of Canada and Regulations under that Act.

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

"Residential Property" means a property that is used primarily for the purposes of residence by persons on a permanent, temporary or seasonal basis.

"Restricted Waste" means *Restricted Waste* as defined in Article "B" of Schedule F of this Bylaw.

"Sanitary Sewer" means a *Sewer* which carries *Sanitary Waste* or *Wastewater*, but which is not intended to carry *Stormwater* or *Uncontaminated Water*.

"Sanitary Waste" means *Waste* that contains human feces, urine, blood or body fluids originating from sanitary conveniences or other sources.

"Seasonal Use" means the use of the *Sewer Service(s)* for a dwelling, unit or recreational accommodation which is not continuously inhabited for more than three months in any calendar year or which is inhabited from time to time for not more than four months in any calendar year.

"Sewer" means all pipes, conduits, drains, and other equipment and facilities, owned or otherwise under the control or jurisdiction of the *District*, or one or more municipalities, for collecting, pumping, and transporting *Wastewater* either to a *Sewage Facility*, or otherwise and includes all such pipes, conduits, drains, and other equipment and facilities, which connect with those of the *District* or one or more municipalities.

"Sewer Charges" means the charges set out in the applicable Schedule(s) forming part of this Bylaw.

"Sewer Extension" means any installation requiring the construction of a 200-mm diameter *Sewermain*, or larger, within a public road allowance or right-of-way or easement, from the most convenient existing *Sewer*, but does not include a *Sewer Service Connection* or a *Private Sewer Service Pipe*.

"Sewer Extension Application Charge" means the charges as set out in the applicable Schedule(s) forming part of this Bylaw.

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"Sewage Facility" means works owned or otherwise under the control, or jurisdiction of the *District*.

"Sewer Rates" means the rates set out in the applicable Schedule(s) forming part of this Bylaw.

"Sewer Service(s)" means the collection, treatment and disposal of sewage.

"Sewer Service Charges" means the charges as set out in the applicable Schedule(s) forming part of this Bylaw.

"Sewer Service Connection Charges" means the charges as set out in the applicable Schedule(s) forming part of this Bylaw.

"Sewer Service Connection" means the *Sewer* pipe and its integral appurtenances, which are placed from the *Sewermain* to the boundary of the property being serviced; or from the *Sewermain* to the boundary of the right-of-way, when the *Sewermain* is located in a right-of-way in favour of the *District*.

"Sewer Service Pipe" means the conduit connecting a *Sewermain* that is part of the *Eagle Heights Sewer System* with lands or buildings and consisting of both a *Sewer Service Connection* and a *Private Sewer Service Pipe*.

"Sewer Surcharge Rates" means the rates as set out in the applicable Schedule(s) forming part of this Bylaw, and are applied in proportion to the amount of *Metered District Water* consumed by a user.

"Sewermain" means a pipe forming part of the community sewage collection system, other than those pipes serving as *Sewer Service Connections*.

"Sharps" means hypodermic needles, hypodermic syringes, blades, broken glass, and any devices, instruments or other objects that have acute rigid corners, edges or protuberances.

"Sludge" means *Wastewater* containing more than 0.5% total solids.

"Spill Reporting Regulation" means the Spill Reporting Regulation enacted pursuant to the *Environmental Management Act Regulation*.

"Standard Methods" means the latest edition of "*Standard Methods* of Examination of Water and Wastewater" jointly prepared and published from time to time by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation.

"Storm Sewer" means a *Sewer* for the collection and transmission of *Stormwater* or *Uncontaminated Water*.

"Stormwater" means water resulting from natural precipitation from the atmosphere and which is intended to be transported in a *Storm Sewer*, or a *Combined Sewer* or a *Watercourse*.

"Substance" includes any solid, liquid or gas.

"Suspended Solids" means the portion of total solids retained by a filter, as determined by the appropriate procedure in *Standard Methods*.

"Total Ammonia" means the sum of the concentrations or masses of ionized ammonia and un-ionized ammonia.

"TN (Total Nitrogen)" means the sum of the concentrations or masses of organic nitrogen, *Total Ammonia*, nitrite and nitrate.

"TP (Total Phosphorus)" means the sum of the concentrations or masses of organic phosphates, ortho-phosphates and polyphosphates.

"Treasurer" means the person duly appointed *Treasurer* by the *Regional Board*, or his duly appointed delegate.

"Trucked Waste" means any *Waste* that is collected and transported from the site where the *Waste* originated by means other than *Discharge* to a *Sewer* including, but not limited to, holding tank water, septic tank waste, chemical toilet contents, *Oil and Grease* from interceptors or traps, and other *Sludge* of organic or inorganic origin.

"Uncontaminated Water" means any water excluding *Stormwater* but including cooling water, *Condensed Water* and water from municipal *Waterworks*, or a private water supply to which no *Contaminate* has been added as a consequence of its use, or to modify its use by any person.

"Unit" means an "area within" a building which is segregated and self-contained and, in the case of multiple units, the units may be owned or rented by different persons or organizations.

"Waste" means any *Substance* whether gaseous, liquid or solid, that is or is intended to be *Discharged*, or discarded, directly or indirectly, to a *Sewer* or *Sewage Facility*.

"Waste Discharge Permit" means a *Waste Discharge Permit* issued by the *Manager*.

"Wastewater" means the composite of water and water-carried *Wastes* from residential, commercial, industrial or institutional *Premises*, or any other source.

"Wastewater Sludge" means the removed material resulting from chemical treatment, coagulation, flocculation, sedimentation, flotation, or biological oxidation of *Wastewater*.

"Water" includes seawater, surface water, groundwater and ice.

"Watercourse" means:

- (a) a river, stream, creek, waterway, lagoon, lake, spring, swamp, marsh or other natural body of water; or
- (b) a canal, ditch, reservoir or other man-made surface feature whether it contains or conveys water continuously or intermittently.

"Waterworks" means any works owned, or otherwise under the control or jurisdiction of the *District*, or one or more of its member *Municipalities*, or private owned water system, or an *Improvement District* that collects, treats, transports, or stores drinking water.

"Works" includes:

- (a) a drain, ditch, *Sewer* or *Waste* disposal system including a sewage treatment plant, pumping station or outfall;
- (b) a device, equipment, land or a structure that:
 - (i) measures, handles, transports, stores, treats, or destroys *Waste* or a *Contaminant*; or
 - (ii) introduces *Waste* or a *Contaminant* into the environment;
- (c) an installation, plant, machinery, equipment, land; or a process that causes or may cause a release of a *Contaminant* into the environment, or is designed, or used to measure or control the introduction of *Waste* into the environment, or to measure or control a *Contaminant*;
- (d) an installation, plant, machinery, equipment, land or a process that monitors or cleans up a *Contaminant* or *Waste*.

3. ADMINISTRATIVE POLICY

1. (a) The responsibility for the construction, operation and maintenance of the *Eagle Heights Sewer System* is hereby vested in the *Manager* who shall operate the same under the established policy of the *Regional Board*.
- (b) No construction, operation or maintenance work of any kind or nature, not specifically authorized by this Bylaw, shall be performed on the whole or any part of the *Eagle Heights Sewer System* except as *Authorized* in writing by the *Manager*.
- (c) Ownership of *Eagle Heights Sewer System*: The *Eagle Heights Sewer System*, required for treatment, disposal and collection of sewage from the *Owner's* property, which are constructed, whether at the *Owner's* expense or *District's* expense in present or future public highways or within *District* right-of-way property, shall be the property of the *District*.

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2. (a) The *District* may supply *Sewer Service* as circumstances, collection, treatment and disposal capacity permit.
 - (b) No *Sewer Service(s)* shall be supplied to any parcel of land or *Premises* outside of the *Eagle Heights Sewer System Service Area* except by special agreement with the *District*, and/or the expansion of the sewer system service area by CVRD Bylaw.
 - (c) No person shall allow wastewater, sewage, septage or any form of liquid or substance to be brought into the *Eagle Heights Sewer System Service Area* for the sole purpose of disposal directly or indirectly into the *Eagle Heights Sewer System* unless otherwise approved by the CVRD and other agencies having jurisdiction.
 - (d) All reasonable efforts will be made to ensure a continuous *Sewer Service*; however, the *District* does not guarantee to the *Consumer* an uninterrupted discharge of sewage, nor shall any failure to provide an uninterrupted supply of *Sewer Service*, or to meet any such standard be construed as neglect on the part of the *District*.
3. Any person authorized by the *Manager* shall have free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other *Premises* to which *Sewer Services(s)* are supplied for the purpose of inspecting, repairing, or disconnecting any *Sewer Service Pipe* and appurtenances within a serviced structure or located on the lands in question.
4. (a) The *Manager* may, upon reasonable notice, limit or restrict *Sewer Services* within all or any part of the *Eagle Heights Sewer System Service Area*, however, in emergency situations, notice may not be given.
 - (b) The *District* is not liable for damages caused by the breakage or failure of the *Eagle Heights Sewer System Service Area*.
5. Any person before proceeding with, or authorizing any construction which is, or is proposed, to be located under, across or along any sanitary *Sewer*, forcemain, or other sewage works forming part of the *Eagle Heights Sewer System*, shall notify the *Manager* in writing of his intention to proceed with the same, and if it shall, in the opinion of the *Manager*, become necessary as a consequence to support or relocate such *Sanitary Sewer*, or other sewage works, the cost of supporting or relocating the same shall be charged against that person and the *Manager* shall supervise and direct the supporting or relocating of such *Sanitary Sewer* or other sewage works.
6. Any person(s) who has proceeded with or who has authorized any construction which is located under, over, across or along any *Sewermain* or other *Sewer* works forming apart of the *Eagle Heights Sewer System* shall be liable for any damage caused by such construction. If the damage is not remedied to the satisfaction of the *Manager* in reasonable time as determined by him, the *Manager* may have such damage repaired, upon giving notice to such person(s),

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and the cost of the repairs shall be borne by such person(s).

4. SEWER RATES AND SEWER CHARGES

1. (a) Revenues for the *Eagle Heights Sewer System* may be raised by *Sewer Rates*, *Sewer Charges* and *Parcel Taxes*.
- (b) If in any fiscal year the revenues generated by the rates and charges set out in sub-section (a) do not meet the expenditures of the *Eagle Heights Sewer System Service Area*, the deficit may be covered by a duly authorized increase in any or all of the charges set out in sub-section (a) for the succeeding fiscal year.
- (c) All revenue raised by the methods herein described or *Authorized* shall be applied to the *Eagle Heights Sewer System*.
2. (a) *Consumers* of *Sewer Service(s)* who receive *Metered District Water* shall be charged the *Sewer Charges* set out in Schedule A.
- (b) *Consumers* of *Sewer Service(s)* who do not receive *Metered District Water* shall pay the *Sewer Charges* set out in Schedule B.
- (c) Person(s) desiring the extension of the *Eagle Heights Sewer System* to lands which they own, or occupy, shall make formal application and pay the appropriate charges as set out in Schedule E and comply with Parts 5 and 6 of this Bylaw.
- (d) Person(s) requiring the miscellaneous services set out in Part 7 of this Bylaw shall pay the charges therefore set out in Schedule D.
3. (a) The *Sewer Rates* and *Sewer Charges* set out in Schedules A, B, C, D and E shall be subject to periodic review by the *Manager* and the committee who may make recommendations on the revision of the said Schedules to the *Regional Board*.
- (b) Schedules A, B, C, D, E, and F may be revised by Bylaws enacted by the *Regional Board*.

5. SEWER CONNECTION SERVICE

1. (a) An *Owner* of lands within the *Eagle Heights Sewer System Service Area* which abut a sewer line which is part of the *Eagle Heights Sewer System* may apply to have his property connected to the *Eagle Heights Sewer System*.
- (b) No connection shall be made to the *Eagle Heights Sewer System* until an application for *Sewer Service* has been completed and approved by the *Manager*.

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- (c) A *Sewer Service Connection* application shall be in the form provided by the *Manager*, and shall be certified to be correct and signed by the *Applicant*, and shall be submitted at least four (4) weeks prior to the date by which connection to the *Eagle Heights Sewer System* is required.
- (d) *Sewer Service Connection* applications for property located within the *Eagle Heights Sewer System Service Area* must be made prior to the issuance of a building permit, where such permit is necessary.
- (e) Waste Discharge Permit Applications.
- i) Where a *Sewer Service Connection* is to be installed for other than single family residential use, or where more than 90 cubic metres of non-domestic *Wastewater* in any 30-day period, or where any *Restricted Waste*, will be deposited in the *Sanitary Sewer* System, an application will be submitted to the *District*, in the form of a Schedule F to this Bylaw, and a *Waste Discharge Permit* shall be completed before connecting the *Premises* to the *Sanitary Sewer* System.
 - ii) All *Sewer Service Connection(s)* for other than single-family residential use, which is in existence at the date of adoption of the Bylaw, will complete a *Waste Discharge Permit*.
 - iii) An *Owner* or occupier who intends to expand or alter a facility for other than single-family use, which is in existence at the date of adoption of this Bylaw, such that the effluent flow rate would increase by more than 25% (based on a monthly average of the effluent *Daily Flow* rates), or increase in the effluent concentration of any contaminant listed under Article "B" of Schedule F to this Bylaw, by of more than 25% (based on a monthly average of one-operating-day *Composite Sample* concentrations), or increase the effluent *mass load* of any *Contaminant* of more than 25% (based on a monthly average of the effluent *Daily Flow* rates multiplied by the *Monthly Average* of one-operating-day *Composite Sample* concentrations) will require the discharger to apply for a new *Waste Discharge Permit*. The *Manager* may require the discharger to apply for a new *Waste Discharge Permit* if the flow in any one-day increases to a volume that would limit the capacity of the downstream users.
- (f) Applications for *Sewer Service Connections* shall be accompanied by a deposit equal to the *Sewer Service Connection Charge* as set out in Schedule C.
- (g) The *Manager* may refuse a *Sewer Service Connection* application where in his opinion the *Eagle Heights Sewer System* might be adversely affected, or where in his opinion there is insufficient sewage collection and treatment disposal available.

2. (a) *Applicants* for *Sewer Service Connections* shall pay the *Sewer Service Connection* charges set out in Schedule C and upon completion of the *Sewer Service Connection*, the deposit made pursuant to Section 5.1 (f) shall be applied in payment of such charges.
 - (b) When a new *Sewer Service Connection* is installed, the *Sewer Rate* levied shall be pro-rated in accordance with appropriate charges set out in the appropriate Schedule. Commencement of charges shall be determined by the *Treasurer*.
 - (c) Where an abandoned *Sewer Service Connection* is in place on or adjacent to an *Applicant's* lands, the *Applicant* may apply to have the *Sewer Service Connection* reconnected and shall at such time apply to have the *Sewer Service Connection* inspected, shall pay the inspection fee set out in Schedule C, and shall expose the *Sewer Service Connection*, and prepare it for inspection, provided, however, that the *Manager* may, upon inspecting such a *Sewer Service Connection*, refuse to reconnect it if it is in his opinion defective, and his opinion on this matter shall be final.
3. (a) All work involved in the installation and maintenance of *Sewer Service Connections* to the *Eagle Heights Sewer System* is to be performed by duly authorized employees or agents of the *District*.
 - (b) Where the *Applicant* for a *Sewer Service Connection* indicates in his application a desired location for the *Sewer Service Connection*, the *Sewer Service Connection* will be located as indicated providing the proposed location is approved by the *Manager*.
 - (c) Where the *Applicant* for a *Sewer Service Connection* does not indicate in his application a desired location for the *Sewer Service Connection*, the *Sewer Service Connection* will be located as determined by the *Manager*, and if the *Applicant* subsequently requires a relocation of the *Sewer Service Connection*, such relocation is to be at the expense of the *Applicant*.
4. (a) Unless otherwise directed by the *Manager*, all *Sewer Service Connections* shall conform to the Cowichan Valley Regional District specifications and standards, and shall not be less than 100 mm in diameter for single family dwellings or units and shall be laid at a minimum grade of two percent (2%), and shall not be less than 150 mm in diameter, complete with inspection chamber, for commercial, industrial, institutional or multi-unit dwellings, and shall be laid at a minimum grade of one percent (1%).
 - (b) Where practicable as governed by the depth of the *Sewer*, the minimum depth of the *Sewer Service Connection* at the property line shall be one (1) metre. Where possible, the *Sewer Service Connection* will be installed with sufficient depth to provide natural drainage from the lowest floor of any building or structure except where natural drainage is impractical due to the relative elevation of the *Sewer* and the lowest floor of the building or structure.

- (c) No *Sewer Service Pipe* may be installed in, over or across the property of another person or located on an easement, or statutory right-of-way except by the written consent of the *Owners* concerned and the approval of the *District* in writing.
 - (d) Except as otherwise provided in this section, or directed in writing by the *Manager*, separate and independent *Private Sewer Service Pipes* shall be provided to each building served by the *Eagle Heights Sewer System*.
 - (e) Separate and independent *Sewer Service Connections* shall be supplied to semi-detached residential *Units* where each *Unit* is separately owned and to row housing *Units*, other than dwelling *Units* registered or to be registered under the *Strata Property Act*, where each *Unit* is separately owned.
 - (f) Where more than one (1) parcel of land or *Premises* under separate ownership are served by a single *Sewer Service Pipe*, the *Manager* may order the affected *Consumers* to disconnect from the single *Sewer Service Pipe* and connect directly to the *Sewermain* and all connection and plumbing alteration costs shall be borne by the *Consumers*.
 - (g) If any *Sewer Service Pipe* is found not to comply with the drawings submitted, and approved by the *Manager*, pursuant to Section 5.4 (a) and (b), the *District* shall not accept sewage from the *Premises* served by the said pipe until such time as the installation is made to agree with the approved drawings.
 - (h) Where CVRD records indicate a *Sewer Service Connection* exists to the property line of a parcel of land, the applicant shall make a reasonable effort at his own expense to find the service in a workman like manner based on the information available. If the service cannot be found in consultation with the CVRD, the CVRD will determine a course of action that may include looking for the existing service or installing a new *Sewer Service Connection*. This cost shall be borne by the *Applicant*.
 - (i) If it is determined that "as-constructed" records were incorrect and a *Sewer Service Connection* does not exist, then an extension to the existing service or a new service connection will be installed at the *Applicant's* cost based on the direct and indirectly related cost incurred by the CVRD to carry out the work.
5. (a) The *Owners* of land shall be responsible for the installation of *Private Sewer Service Pipes* joining *Sewer Service Connection*.
- (b) The *Owners* or occupants of land whose *Premises* are served by the *Eagle Heights Sewer System* are responsible for providing a readily accessible 100-mm diameter clean-out, inspection chamber, pursuant to Section 5.4 (a) and (b), as near as possible at the point of connection between the *Private Sewer*

Service Pipe and the Sewer Service Connection.

- (c) *Private Sewer Service Pipe* shall be installed in accordance with the requirements of the British Columbia Plumbing Code, and the requirements of other agencies having jurisdiction, and shall be constructed by the *Owner* entirely at his own expense. The private sewer service pipe shall be inspected by a CVRD representative prior to backfilling.
 - (d) The *Private Sewer Service Pipe* shall be maintained by the property *Owner* at his sole expense. Where any *Sewer Service Pipe* becomes stopped, or otherwise fails to function, the *Owner* or occupier of the *Premises* served shall first determine that the blockage is not located in his *Private Sewer Service Pipe*, and then notify the *Manager* forthwith, and the *Manager* shall, as soon as practicable, arrange to have said *Eagle Heights Sewer System* or *Sewer Service Connection* unstopped or otherwise restored to serviceable condition.
 - (e) Where any stoppage or failure is found to exist in the *Sewer Service Connection* or *Private Sewer Service Pipe* and can be attributed to the user or occupant, then all costs incurred by the *District* in restoring service and unstopping the *Sewer Service Connection* or *Private Sewer Service Pipe* shall be paid by such *Owner* upon demand and if unpaid on the thirty-first (31) day of December of the year in which such work is done, shall be deemed to be taxes in arrears on the property concerned.
 - (f) When any *Private Sewer Service Pipe* is abandoned, the *Owner* or his agent shall notify the *Manager* and the *Owner* shall effectively block up the building *Sewer* at the *Sewer Service Connection* with a watertight seal to be inspected and approved by the *Manager*.
 - (g) Whenever practical the *Sewer Service Connection* shall be installed prior to installation of the *Private Sewer Service Pipe* and connection of the *Private Sewer Service Pipe* to the *Sewer Service Connection* shall be made by the *Owner*. The *District* shall not be responsible to meet the elevation or connect to an existing *Private Sewer Service Pipe* installed by the *Owner* prior to installation of the *Sewer Service Connection*.
 - (h) No *Private Sewer Service Pipe* shall be connected to a *Sewer Service Connection* until it has been inspected and approved by the *Manager*.
 - (i) Where, in the opinion of the *Manager*, the infiltration and inflow from a *Private Sewer Service Pipe* exceeds that which would normally be associated with such pipe works and plumbing fixtures forming part of the *Private Sewer Service Pipe*, the *Manager* may require the *Owner* to rectify the problem within reasonable time and entirely at the *Owner's* cost.
6. (a) Where, in the opinion of the *Manager*, the *Sewer Service Connection* necessitates the installation of a manhole or inspection chamber at the property line, then the installation of the manhole or inspection chamber shall be the responsibility of the *Applicant* or *Owner* and the costs of such

installation shall be borne by the *Applicant* or *Owner*.

- (b) The *Manager* may connect if required a *Sewer Service Connection* to an existing manhole.
 - (c) Where, in the opinion of the *Manager*, a manhole or inspection chamber is required on the *Sewer Service Connection* but not yet constructed, the *Manager* may install the *Sewer* pipe and leave it plugged until a manhole or inspection chamber is constructed.
 - (d) Where a manhole or inspection chamber is connected after the installation of a *Sewer Service Connection*, the person constructing the manhole or inspection chamber shall connect the *Sewer Service Pipe* to the manhole or inspection chamber, as directed by the *Manager*, advise the *Manager* that such connection has taken place and request that the connection be inspected by the *Manager*.
7. Where a *Consumer* requires the replacement of a *Sewer Service Connection*, the existing *Sewer Service Connection* shall be disconnected and the cost of disconnecting the *Sewer Service Connection* as set out in Schedule C, is to be borne by the *Consumer*.
 8. No person shall make any temporary connection to any *Sanitary Sewer* except by special agreement with the *District*.

6. EXTENSION TO THE EAGLE HEIGHTS SEWER SYSTEM SERVICE AREA

1. All extensions of the *Eagle Heights Sewer System* shall be undertaken upon the recommendation of the *Committee* and pursuant to bylaws and policy of the *Regional Board* authorizing such extensions.
2. (a) *Owner(s)* of land within the *Eagle Heights Sewer System Service Area* may file with the *Manager* a written request for an extension of the *Eagle Heights Sewer System* and shall supply the *Manager* with such information with regard to the proposed extension as he may request. Such application shall be accompanied by a *Sewer Extension Application Charge* as set out in Schedule E.

(b) The *Manager* shall forward all requests for extensions of the *Eagle Heights Sewer System* to the committee.
3. Extensions of the *Eagle Heights Sewer System* may be undertaken upon such terms and conditions as the *Regional Board* may from time to time impose, including, but not limited to:

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- (a) In the event an *Applicant* wishes to proceed with an extension to the *Eagle Heights Sewer System*, the *Manager* may, with the approval of the *Committee*, allow the extension, provided that the *Applicant* shall install the extension entirely at his own expense. The final cost to the *Applicant* of the *Eagle Heights Sewer System* extension shall be the actual cost of design and construction together with a supervision charge in the amount stated in the approval to construct the extension and may include costs directly associated with upgrading existing facilities to accommodate the proposed development together with legal costs or other related costs incurred by the *District* and the *Applicant*.
- (b) Any extension to the *Eagle Heights Sewer System* shall be constructed in accordance with the plans and specifications of the *District* and to the approval of the *Manager*.
- (c) Where a *Sewer* is extended, the minimum inside diameter shall be 200 mm and shall extend from the most convenient existing *Sewer* having sufficient surplus capacity and grade to carry the additional sewage resulting from the said extension, to a point opposite the furthest boundary of the last parcel of land to be served by the said extension. The decision regarding the point of connection to the public *Sewer* rests with the *Manager*.

7. MISCELLANEOUS SERVICES

1. The *District* is responsible for the flushing, cleaning, rodding, unblocking, and repairing of *Sewer Service Connections*.
2. Where any *Private Sewer Service Pipe* is found to have been blocked or damaged through the action of the *Consumer* occupying the property served by the pipe, or through the actions of any other person, the cost of labour and materials used to repair such blockage or damage shall be the responsibility of the *Owner*.
3. Schedule D in respect to each separate parcel of land or *Premises*, furnish any *Applicant* with a written certificate showing the arrears of *Sewer Rates*, *Sewer Surcharge Rates*, *Sewer Charges* and *Parcel Tax* due on, or in respect of, any parcel of land or *Premises* up to the date to which such *Sewer Rates* and *Sewer Charges* were last computed, the duration of the last billing period, and the net amount billed during that period.
4. Cheques submitted by *Consumers* for the payment of *Sewer Rates*, *Sewer Surcharge Rates*, *Sewer Charges*, or *Parcel Tax* and subsequently dishonoured by the banks on which they are drawn, will be processed by the *Treasurer* for the charge set out in Schedule D.

8. BILLING AND COLLECTING SEWER SURCHARGE RATES AND SEWER CHARGES

1. (a) All *Sewer Rates*, *Sewer Surcharge Rates*, and *Sewer Charges* shall be payable for services provided and shall be due and payable when rendered.
- (b) Subject to sub-section (c), regular billings for *Sewer Rates* or *Sewer Surcharge Rates* may be rendered annually, quarterly, monthly or bimonthly at the discretion of the *Treasurer*.
- (c) The *Treasurer* may in writing direct that any *Consumer* receive regular billings for *Sewer Rates* or *Sewer Surcharge Rates* at any periodic interval other than the intervals set out in sub-section (b).
- (d) The *Treasurer* may with reasonable notice advance or delay any regular billing of *Sewer Rates* or *Sewer Surcharge Rates*.
- (e) To protect the *District* against potential losses from unpaid *Sewer Charges*, the *Treasurer* may, at his discretion, demand in writing a security deposit by way of cash, certified cheque, letter of credit or guarantee from a *Consumer* from whom delinquent charges and fees can not be applied to property taxes.
- (d) The amount of the security deposit shall be no less than an amount equal to a *Consumer's* estimated *Sewer* bill for a period of 180 days.
2. (a) All *Sewer Rates* and *Sewer Surcharge Rates* are established in amounts that reflect a discount for prompt payment in the percentage set out in the Schedules of this Bylaw.
- (b) Where any billing for *Sewer Rates* or *Sewer Surcharge Rates* remains unpaid after sixty (60) calendar days after the invoice date, the *Consumer* shall lose the discount for prompt payment set out in Schedules A and B, and/or as shown on the *Sewer* bill after the due date established by the *Treasurer*.
3. (a) All *Sewer* bills shall be distributed to *Consumers* by ordinary, prepaid mail or by any other means as deemed expedient and necessary by the *Treasurer*.
- (b) *Sewer Rates*, *Sewer Surcharge Rates* and *Sewer Charges* may, at the discretion of the *Treasurer*, be charged and billed to:
 - (i) the person requesting that *Sewer* services be provided, or
 - (ii) the person in occupation of the *Premises* served by the *Eagle Heights Sewer System*, or
 - (iii) the *Owner* of the *Premises* served by the *Eagle Heights Sewer System*.
- (c) All *Sewer Rates*, *Sewer Surcharge Rates* and *Sewer Charges* for services rendered to buildings having multiple *Units* but served by a single *Sewer Service Connection* shall be charged and billed to the *Owner* of the building unless otherwise directed in writing by the *Treasurer* and agreed to by the *Treasurer*.

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- (d) All *Sewer Rates, Sewer Surcharge Rates* and *Sewer Charges* for services rendered to buildings registered under the *Strata Property Act* shall be billed to the strata corporation unless otherwise directed in writing by the *Treasurer* and agreed to by the *Treasurer*.
- (e) Payment may be made, with no additional service charge, by personal cheque through the mail, by personal cheque, cash or debit in person at the Cowichan Valley Regional District office at 175 Ingram Street, Duncan, British Columbia, V9L 1N8, or by telephone or internet banking.

9. OFFENCES AND SANCTIONS

1. Every person who:

- (a) wilfully hinders or interrupts, or causes or procures to be hindered or interrupted, the *District*, or any of its officers, contractors, employees or agents, in the exercise of any of the powers conferred by this bylaw;
- (b) lays or causes to be laid any pipe or *Sewer* to communicate with any pipe or *Sewer* of the *Eagle Heights Sewer System*, or in any way obtains use of *Sewer Services* without the consent of the *District*;
- (c) wilfully causes the *Eagle Heights Sewer System* to be blocked, obstructed, or damaged in any way;
- (d) discharges or throws, or causes, allows or permits to be discharged, deposited or thrown into any *Sewer* system, plumbing fixtures connected thereto, manhole, inspection chamber or any other part of the *Sewer* system, any substance of any kind whatsoever that would tend to obstruct or injure the *Eagle Heights Sewer System*, or to cause any nuisance, or which will in any manner interfere with the proper functioning, maintenance or repair of the *Sewer Service*, and will be dealt with under Schedule G of this Bylaw.
- (e) maliciously, wilfully, or negligently breaks, damages, destroys, uncovers, defaces, mars or tamper with any part of the *Sewer* system is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.00.

- 2. Pursuant to the "Local Government Act", any rates, charges and/or fees which remain unpaid after December 31 in any year shall be deemed to be taxes in arrears on the property concerned, with interest on those taxes in arrears calculated in accordance with the "Local Government Act".

10. SOURCE CONTROL

- 1. Refer to Schedule G for details.

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11. REMAINDER OF BYLAW TO REMAIN INTACT:

In the event that a Court of competent jurisdiction declares any portion of this bylaw ultra vires, then such portion shall be deemed to be severed from the bylaw to the intent that the remainder of the bylaw shall continue in full force and effect.

12. FORCE AND EFFECT – SCHEDULE A

Schedule A (Sewer Surcharge Rates {Metered Water Consumption}) may come into force and effect once a CVRD metered water system is in place.

- c) That Schedule B be deleted in its entirety and replaced with Schedule B attached and forming part of this bylaw.

READ A FIRST TIME this _____ day of _____, 2008.

READ A SECOND TIME this _____ day of _____, 2008.

READ A THIRD TIME this _____ day of _____, 2008.

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary



C.V.R.D

SCHEDULE B
TO CVRD BYLAW NO. 1926

SEWER SERVICE CHARGES

a) *Consumers of Sewer Services* who do not receive *Metered District Water*, shall pay the minimum billing set out in Sub-section (b) below.

b) Minimum Sewer Classification Charge per Six (6) month billing period

<u>Classification</u>	<u>Charge</u>	<u>10% Discount</u>	<u>Discounted Amount</u>
Single Family Dwelling – Per Dwelling	\$110.00	11.00	99.00
STEP – Per Dwelling	93.50	9.35	84.15
Apartment – Per Unit	110.00	11.00	99.00
Mobile Home Park – Per Unit	110.00	11.00	99.00
RV Trailer Park/Campground:			
a) <u>Site Connected to Sewer:</u> Per serviced pad or site	37.00	3.70	33.00
b) <u>Site not Connected to Sewer:</u> Per pad or site	11.00	1.10	9.90
Hotel/Motel:			
a) <u>Room or Suite:</u> - Per room or suite	40.00	4.00	36.00
b) <u>Kitchenette or Housekeeping Unit (per room or suite)</u>	59.00	5.90	53.10
Restaurants - Per seat	4.50	0.45	4.05
Licensed Premises - per seat:	4.50	0.45	4.05
Laundromat:			
Minimum charge for each washing machine:	67.00	6.70	60.30
Commercial:			
Minimum charge for each 10 employees or portion thereof per shift		\$0.00	\$0.00
Elementary/Middle School:			
Minimum charge for the first 20 students or portion thereof	100.00	10.00	90.00
Each <u>additional 20 students</u> or portion thereof	100.00	10.00	90.00

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<u>Classification</u>	<u>Charge</u>	<u>10% Discount</u>	<u>Discounted Amount</u>
High School:			
Minimum charge for the first <u>20 students or portion thereof</u>	134.00	13.40	120.60
Each additional 20 students or portion thereof	134.00	13.40	120.60
Continuing Care Facility:			
Minimum charge for <u>each bed</u>	66.00	6.60	59.40
Bed & Breakfast/Rooming House:			
The minimum charge for such facility shall include the minimum charge for a single family dwelling unit plus a minimum charge for each and every guestroom			
a) Single Family Dwelling:	110.00	11.00	99.00
b) Per guest room	40.00	4.00	36.00

Other: for each 1.18 m³ (259-Igal.) of daily metered or calculated flow. There should be a minimum of 1 unit applied to each connection if the above calculation yields less than one, where calculation yields an uneven number round to the higher whole number.

Single Family Dwelling:

Applies to any connection servicing a single segregated self-contained residential dwelling used for, or intended for the domestic use of one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities including, but not limited to a townhouse, semi-detached, residential home, duplex and a cabin.

Apartment:

Applies to any connection servicing a multiple occupancy residential building(s) with self-contained and segregated units consisting of two or more rooms used for, or intended for the domestic use by one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities.

Mobile Home Park:

Applies to a connection servicing land used or occupied for the purposes of providing space for the accommodation of mobile homes either on a rental or ownership basis. A mobile home means any structure containing one dwelling whether ordinarily equipped with wheels, or not, that is designated, constructed or manufactured to be moved from one place to another by being towed, or carried, but not including travel trailers, campers, or other vehicles exempt from the provisions of the Mobile Home Act.

RV Trailer Park/Campground:

Applies to any connection servicing land used, temporarily occupied for the purpose of providing space for the accommodation of recreational vehicles or recreational structures. A recreational vehicle or recreational structure means a vehicle, trailer, coach, tents, structure, or conveyance designed to travel, or be transported on a highway and constructed and equipped to be used as temporary living or sleeping quarters for travelers.

Where individual spaces for the above accommodations are connected directly to a *Sanitary Sewer* disposal system, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Where individual spaces or sites are not serviced directly by an individual and/or separate *Sanitary Sewer* disposal system, but have the use of common or centrally located sanitary facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Hotel/Motel:

Applies to any connection servicing a building or structure that contains sleeping units for the overnight accommodation of transient paying guests. Auxiliary assembly, commerce, entertainment, or restaurant uses as well as areas licensed to service alcoholic beverages and staff accommodation shall pay the charges according to the classification set forth in the applicable schedule(s).

Where units contain cooking facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per housekeeping or kitchenette unit.

Where units contain sleeping and sanitary facilities only, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per room or suite.

Restaurant:

Applies to any connection servicing a building or structure, or segregated self-contained unit used for, or intended to be used for, the commercial sale of refreshments, prepared or assembled food, and/or meals together with non-alcoholic beverages for sale to the public.

Licensed Premises:

Applies to the connection servicing a licensed beverage establishment as governed by the Liquor Licensing Board of British Columbia, and includes, but is not limited to pubs, restaurants, eateries, lounges, cafeterias and private clubs where alcoholic beverages are served.

Laundromat:

Applies to a connection servicing a building, self-contained unit, or separately owned business entity where washing machines are available for public use for a fee or charge.

Commercial:

Applies to a connection servicing a complex, facility, or parcel of land used to manufacture, sell, repair goods, or provide a service including, but not limited to retail stores, offices, convenience store, service establishment, and light industrial.

Elementary School and High School:

Applies to a connection servicing an institution of learning, or teaching facility, as defined by the School Act.

Continuing Care Facility:

Applies to a connection servicing a multiple occupancy complex providing long-term care, and living accommodations that include residents requiring full-time professional care, including living, sleeping, cooking, and sanitary facilities, but not including an acute care facility.

Bed & Breakfast:

Applies to any connection servicing a single family dwelling, with an accessory use for overnight accommodation for transient paying guests in which breakfast is the only meal served.

Rooming House:

Applies to any connection servicing a single family dwelling with an accessory use of rooms for rent by individuals for living and sleeping, but with common cooking and sanitary facilities shared by the occupants.

Other:

The volume of discharge to be apportioned for other types of developments that do not fall within the above classifications. Single family residential equivalents shall be calculated at 1.18 m³ (259 lgal.) per day metered or calculated flow, rounded to the higher whole number.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3173

**A Bylaw to Amend the Sentinel Ridge Sewer System Management
Bylaw No. 2830**

WHEREAS the Board of the Cowichan Valley Regional District established the management of the *Sentinel Ridge Sewer System* pursuant to CVRD Bylaw No. 2830, cited as "CVRD Bylaw No. 2830 – Sentinel Ridge Sewer System Management Bylaw, 2006";

AND WHEREAS the Board of the Cowichan Valley Regional District deems it desirable to update the language of the bylaw, revise Schedule B – Sewer Service Charges and to add Schedule F – Source Control to the 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. 3173 - Sentinel Ridge Sewer System Management Amendment Bylaw, 2008**".

2. AMENDMENT

- a) That where the words "Electoral Area Services Committee" appear within the bylaw, they be deleted and replaced with "*Committee*".
- b) That where the words "Condominium Act" appear within the bylaw, they be deleted and replaced with "*Strata Property Act*".
- c) That where the words "condominium corporation" appear within the bylaw, they be deleted and replaced with "strata corporation".
- d) That Section 5.1 (a) be deleted in its entirety and replaced with the following:

"An *Owner* of lands within the *Sentinel Ridge Sewer System Service Area* which abut a sewer line which is part of the *Sentinel Ridge Sewer System* may apply to have his property connected to the *Sentinel Ridge Sewer System*."
- e) That the reference in Section 5.2 (a) of "5(f)" be deleted and replaced with "5.1 (f)".
- f) That Section 5.2 (b) be deleted in its entirety and replaced with the following:

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"When a new *Sewer Service Connection* is installed, the *Sewer Rate* levied shall be pro-rated in accordance with appropriate charges set out in the appropriate Schedule. Commencement of charges shall be determined by the *Treasurer*."

- g) That Schedule B be deleted in its entirety and replaced with Schedule B attached to and forming part of this bylaw.
- h) That Schedule F, as attached, form part of Bylaw No. 2830.

READ A FIRST TIME this _____ day of _____, 2008.

READ A SECOND TIME this _____ day of _____, 2008.

READ A THIRD TIME this _____ day of _____, 2008.

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE B
TO CVRD BYLAW NO. 2830

SEWER SERVICE CHARGES

- a) *Consumers of Sewer Services* who do not receive *Metered District Water*, shall pay the minimum billing set out in Sub-section (b) below.
- b) Minimum Sewer Classification Charge per Six (6) month billing period

<u>Classification</u>	<u>Charge</u>	<u>10% Discount</u>	<u>Discounted Amount</u>
Single Family Dwelling – Per Dwelling	\$125.00	\$12.50	\$112.50
STEP – per dwelling	106.50	10.65	95.85
Apartment – Per Unit	106.50	10.65	95.85
Mobile Home Park – Per Unit	125.00	12.50	112.50
RV Trailer Park/Campground:			
a) <u>Site Connected to Sewer:</u> Per serviced pad or site	42.00	4.20	37.80
b) <u>Site not Connected to Sewer:</u> Per pad or site	12.50	1.25	11.25
Hotel/Motel:			
a) <u>Room or Suite:</u> - Per room or suite	26.00	2.60	23.40
b) <u>Kitchenette or Housekeeping Unit (per room or suite)</u>	52.00	5.20	46.80
Restaurants - Per seat:	5.00	0.50	4.50
Licensed Premises - per seat:	5.00	0.50	0.50
Laundromat:			
Minimum charge for each washing machine:	52.00	5.20	46.80
Commercial:			
Minimum charge for each 10 employees or portion thereof per shift	67.50	6.75	60.75
Elementary/Middle School:			
Minimum charge for the first 20 students or portion thereof	125.00	12.50	112.50
Each <u>additional 20 students</u> or portion thereof	125.00	12.50	112.50

.../2

<u>Classification</u>	<u>Charge</u>	<u>10% Discount</u>	<u>Discounted Amount</u>
High School:			
Minimum charge for the first <u>20 students or portion thereof</u>	165.00	16.50	148.50
Each additional 20 students or portion thereof	165.00	16.50	148.50
Continuing Care Facility:			
Minimum charge for <u>each bed</u>	62.50	6.25	56.25
Bed & Breakfast/Rooming House:			
The minimum charge for such facility shall include the minimum charge for a single family dwelling unit plus a minimum charge for each and every guestroom			
a) Single Family Dwelling:	125.00	12.50	112.50
b) Per guest room	26.00	2.60	23.40

Other for each 1.18 m³ (259-Igal.) of daily metered or calculated flow. There should be a minimum of 1 unit applied to each connection if the above calculation yields less than one, where calculation yields an uneven number round to the higher whole number.

Single Family Dwelling:

Applies to any connection servicing a single segregated self-contained residential dwelling used for, or intended for the domestic use of one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities including, but not limited to a townhouse, semi-detached, residential home, duplex and a cabin.

Septic Tank Effluent Pumping (STEP):

Applies to a connection that pumps grey water and retains solids in a holding tank. The rate is calculated at 85% of the Single-Family Dwelling rate to offset the cost of septic tank pump outs (typically a maximum of every 5 years)

Apartment:

Applies to any connection servicing a multiple occupancy residential building(s) with self-contained and segregated units consisting of two or more rooms used for, or intended for the domestic use by one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities.

Mobile Home Park:

Applies to a connection servicing land used or occupied for the purposes of providing space for the accommodation of mobile homes either on a rental or ownership basis. A mobile home means any structure containing one dwelling whether ordinarily equipped with wheels, or not, that is designated, constructed or manufactured to be moved from one place to another by being towed, or carried, but not including travel trailers, campers, or other vehicles exempt from the provisions of the Mobile Home Act.

RV Trailer Park/Campground:

Applies to any connection servicing land used, temporarily occupied for the purpose of providing space for the accommodation of recreational vehicles or recreational structures. A recreational vehicle or recreational structure means a vehicle, trailer, coach, tents, structure, or conveyance designed to travel, or be transported on a highway and constructed and equipped to be used as temporary living or sleeping quarters for travelers.

Where individual spaces for the above accommodations are connected directly to a *Sanitary Sewer* disposal system, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Where individual spaces or sites are not serviced directly by an individual and/or separate *Sanitary Sewer* disposal system, but have the use of common or centrally located sanitary facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Hotel/Motel:

Applies to any connection servicing a building or structure that contains sleeping units for the overnight accommodation of transient paying guests. Auxiliary assembly, commerce, entertainment, or restaurant uses as well as areas licensed to service alcoholic beverages and staff accommodation shall pay the charges according to the classification set forth in the applicable schedule(s).

Where units contain cooking facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per housekeeping or kitchenette unit.

Where units contain sleeping and sanitary facilities only, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per room or suite.

Restaurant:

Applies to any connection servicing a building or structure, or segregated self-contained unit used for, or intended to be used for, the commercial sale of refreshments, prepared or assembled food, and/or meals together with non-alcoholic beverages for sale to the public.

Licensed Premises:

Applies to the connection servicing a licensed beverage establishment as governed by the Liquor Licensing Board of British Columbia, and includes, but is not limited to pubs, restaurants, eateries, lounges, cafeterias and private clubs where alcoholic beverages are served.

Laundromat:

Applies to a connection servicing a building, self-contained unit, or separately owned business entity where washing machines are available for public use for a fee or charge.

Commercial:

Applies to a connection servicing a complex, facility, or parcel of land used to manufacture, sell, repair goods, or provide a service including, but not limited to retail stores, offices, convenience store, service establishment, and light industrial.

Elementary School and High School:

Applies to a connection servicing an institution of learning, or teaching facility, as defined by the School Act.

Continuing Care Facility:

Applies to a connection servicing a multiple occupancy complex providing long-term care, and living accommodations that include residents requiring full-time professional care, including living, sleeping, cooking, and sanitary facilities, but not including an acute care facility.

Bed & Breakfast:

Applies to any connection servicing a single family dwelling, with an accessory use for overnight accommodation for transient paying guests in which breakfast is the only meal served.

Rooming House:

Applies to any connection servicing a single family dwelling with an accessory use of rooms for rent by individuals for living and sleeping, but with common cooking and sanitary facilities shared by the occupants.

Other:

The volume of discharge to be apportioned for other types of developments that do not fall within the above classifications. Single family residential equivalents shall be calculated at 1.18 m³ (259 lgal.) per day metered or calculated flow, rounded to the higher whole number.



C·V·R·D

SCHEDULE F

TO CVRD BYLAW NO. 2830

SOURCE CONTROL

1. DISCHARGES TO SEWERS

- .1 No person shall directly or indirectly *Discharge* or allow or cause to be *Discharged* into a *Sewer* connected to a *Sewage Facility* operated by the *District*, any waste which, at the point of discharge, contains:
 - (a) Any *Prohibited Waste*, as described in Article "A".
 - (b) Any *Restricted Waste*, at a concentration in excess of the limits set out in Article "B"; unless that person has first obtained a *Waste Discharge Permit or Authorization*.
 - (c) Any *High Volume Discharge* unless that person has first obtained a *Waste Discharge Permit or Authorization*; or
 - (d) Any *Uncontaminated Water* in a volume greater than 2.0 cubic metres per day without prior *Authorization* from the *Manager*.
 - (e) Any *Stormwater* without prior *Authorization* from the *Manager*.
- .2 No person shall directly or indirectly *Discharge*, or allow or cause to be *Discharged* into a *Sewer* connected to a *Sewage Facility* operated by the *District* any water or other *Substances* for the purpose of diluting any *Non-domestic Waste*.
- .3 In order to obtain and maintain the *Authorization* referred to in paragraph 2.1(d), where the *Uncontaminated Water* is produced on property, other than *Residential Property*, and is from a source other than a *Waterworks*, a person shall:
 - (a) install and thereafter maintain, at that person's expense, a meter on the water supply generating the *Authorized Discharge*; and
 - (b) supply to the *Manager*, by the tenth (10th) of each month, an accurate calculation of the volume of water measured pursuant to paragraph 2.4(a).
- .4 Every person who directly or indirectly *Discharges Waste* or *Substances* produced, treated, handled, or stored on property other than *Residential Property* into a *Sewer* connected to a *Sewer Facility* operated by the *District* shall, as a condition of that *Discharge*:

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- (a) provide and maintain facilities to prevent accidental *Discharge*, or a *Discharge* contrary to this Schedule for *Substances* which, if accidentally *Discharged*, would constitute *Prohibited or Restricted Waste*;
 - (b) post, and keep posted, permanent signs in conspicuous locations on the *Premises* displaying the name, telephone number of the person to call as prescribed in Article "C" in the event of accidental *Discharge* of a *Prohibited or Restricted Waste*; and
 - (c) inform employees, who may cause or discover the *Discharge* of *Prohibited or Restricted Waste*, of the notification procedures set out in Section 5 of this Schedule.
- .5 *Oil and Grease* interceptors shall be installed for all food preparation facilities including restaurants, canning operations, killing and processing facilities, as close to the source of the *Waste* material as practical.
- .6 Grease, oil and sand interceptors shall be installed for all vehicle repair and maintenance establishments and service stations, as close to the source of the *Waste* material as practical.
- .7 Separate sand traps and *Oil and Grease* interceptors shall be installed for all establishments that provide vehicle or equipment washing facilities. Sand traps shall be located upstream from the *Oil and Grease* interceptors, and shall have a minimum liquid depth of 1 metre and a maximum overflow rate of 8 L/m/m² under peak flow conditions. Sand and silt shall be removed from sand traps before these materials occupy 25 percent of the liquid depth. Accumulated *Oil and Grease* shall be skimmed off the surface of the interceptors and other sumps often enough to prevent these materials from escaping to the *Sewer*.
- .8 Interceptors are required for all industries or commercial establishments as necessary for the removal of grease, flammable wastes, sand, grit or other restricted substances.
- .9 All interceptors shall be installed on the parcel, upstream of the *Service Connection* and shall be located as to be readily accessible for cleaning and inspection.
- .10 All interceptors shall be maintained by the *Owner* or occupier in efficient operation at all times.
- .11 Volume Restriction: *Wastewater* or other *Water* shall not be *Discharged* into the *Sanitary Sewer* system in a volume that causes the *Sanitary Sewer* System to back up or leak at any point.
- .12 Special Control Manholes and Flow Meters: Any *Owner* or occupier of *Premises* that are the location of a facility that is discharging or likely to *Discharge Wastewater* to the *Sanitary Sewer* System in a volume that exceeds 90 m³ per month shall install a control manhole and flow meter on the building *Sewer* at a location that is suitable for the inspection and sampling of the discharged waters.
- .13 The rate or rates of *Discharge* for various times of a twenty-four hour period for any industry connected to the *Sanitary Sewer* system shall not exceed the extra capacity of the *Sanitary Sewer* system after all the other regular users have been accommodated. Such industries shall install and maintain on their own properties, such holding facilities, pumps, valves, flow regulating and measuring devices as may be required by the *Manager* to ensure that the specified flow rates shall not be exceeded.

- .14 The control manhole shall be installed and maintained at the expense of the *Owner* or occupier of the *Premises* and shall be accessible at all times to the *District*.
- .15 The control manhole shall have a barrel diameter of 1200-mm, and shall be located on a straight run of building sewer extending at least 3 metres upstream of the manhole and 2 metres downstream. The section of building sewer on which the manhole is located shall have a gradient not exceeding 2 percent.
- .16 If the *Manager* deems necessary, a permanent flow meter (e.g. "Palmer Bowlus") shall be installed as an integral part of the control manhole, and shall be sized to suit the peak design flows.

2. WASTE DISCHARGE PERMITS AND AUTHORIZATIONS

- .1 The *Manager* may issue a *Waste Discharge Permit* or *Authorization* to allow a *High Volume Discharge*, or to allow the *Discharge* of *Waste* other than *Domestic Sewage* upon such terms and conditions as the *Manager* considers appropriate for the protection of *Sewers*, sewage facilities, human or animal health and safety, and the environment, and without limiting the generality of the foregoing, may in the *Waste Discharge Permit* or *Authorization*;
 - (a) place limits and restrictions on the quantity, frequency of *Discharge*, and the nature of the *Waste* permitted to be discharged;
 - (b) require the holder of a *Waste Discharge Permit* or *Authorization*, at his expense, to repair, alter, remove, or add works, or construct new works to ensure that the *Discharge* will comply with the *Waste Discharge Permit* or *Authorization*, this Schedule, and any *Enactment*;
 - (c) require the holder of a *Waste Discharge Permit* or *Authorization*, at his expense, to monitor the *Waste* being discharged under the *Waste Discharge Permit* or *Authorization* in the manner specified by the *Manager*, and to provide information concerning the *Discharge* as requested by the *Manager* including, but not limited to, routine maintenance check dates, cleaning and *Waste* removal dates, and the means of disposal of accumulated *Wastes* and *Waste* treatment residuals;
 - (d) require the holder of the *Waste Discharge Permit* or *Authorization* to submit to the *Manager* detailed plans and operating procedures for all existing facilities installed on the *Premises* for the purpose of preventing accidental *Discharge*;
 - (e) require compliance by the holder of the *Waste Discharge Permit* or *Authorization* with such other *Enactments* as the *Manager* considers necessary or desirable in the circumstances;
 - (f) make such other requirements as the *Manager* deems necessary or desirable.
- .2 Notwithstanding paragraphs 2.1(b) and (c), the *Manager* may require any *Applicant* or person to obtain a *Waste Discharge Permit* or *Authorization* for the *Discharge* of any *Non-domestic Waste* that is not a *High Volume Discharge* or a *Restricted Waste*.

- .3 Upon receipt of notice under subsection 3.2, the *Applicant* or person receiving the notice shall, within 30 days, apply for a *Waste Discharge Permit* or *Authorization* and shall provide to the *Manager* such information relating to the *Discharge of Non-domestic Waste* by that person as the *Manager* may require.
- .4 The *Manager* may suspend or revoke a *Waste Discharge Permit* or *Authorization* for a failure to comply with the terms and conditions of the *Waste Discharge Permit* or *Authorization*, or for any failure to comply with this Schedule, or any *Enactment* applicable to the *Discharge of Waste* into a *Sanitary Sewer* connected to a *Sewage Facility* operated by the *District*.
- .5 (a) A *Waste Discharge Permit* or *Authorization* may not be transferred or assigned without the *Manager's* consent in writing.
(b) The *Manager* may withhold consent where there has been a breach of this Schedule or a condition of the *Waste Discharge Permit* or *Authorization*.
- .6 An application for a *Waste Discharge Permit* for a new *Discharge*, or an amendment to an existing *Waste Discharge Permit*, shall be made to the *Manager* on the form attached hereto as Article "C", and shall be accompanied by such information, drawings, and specifications as may be required under Article "C".

3. MAINTENANCE OF WORKS AND PROCEDURES

- .1 It is a condition of the *Discharge of Waste* (produced on property other than *Residential Property*) into a *Sanitary Sewer* by a person who holds a *Waste Discharge Permit* or *Authorization*, or who otherwise discharges *Waste*, that all measures be taken to keep all equipment and facilities maintained and in good repair as may be necessary to ensure compliance with the terms and conditions of this Schedule, a *Waste Discharge Permit* or *Authorization*.
- .2 No person shall Discharge or allow or cause to be discharged, into a *Sewage Facility* or a *Sewer* connected to a *Sewage Facility* operated by the *District*, *Non-domestic Waste*, which has bypassed any *Waste* control works *Authorized* and required by the *Manager*, or which is not otherwise in compliance with this Schedule.

4. RECORDS RETENTION

- .1 Holders of a *Waste Discharge Permit* or *Authorization* permitting the *Discharge of Waste* produced on property other than *Residential Property*;
 - (a) shall retain and preserve for not less than six (6) years after their creation, any records, books, documents, memoranda, reports, correspondence, and any and all summaries of such documents, relating to monitoring, sampling and chemical analysis required by the *Manager*, a *Waste Discharge Permit*, or *Authorization*.
 - (b) shall retain and preserve all records that pertain to issues that are the subject of administrative action or any other enforcement or litigation activities by the *District* until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

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5. NOTIFICATION

- .1 Any person who discharges *Waste* or allows the *Discharge* of *Waste* into a *Sewer* or a *Sewage Facility* in contravention of any *Waste Discharge Permit*, or *Authorization*, or that is otherwise in contravention of this Schedule, after becoming aware of the *Discharge*, shall stop the *Discharge*, and after reporting the *Discharge* in accordance with the *Spill Reporting Regulation* shall immediately notify:
 - (a) the *Manager* by telephone and provide the information specified in Sub-section 6.2;
 - (b) the *Owner* of the *Premises*; and
 - (c) any other person whom the person reporting knows, or reasonably should know, may be directly affected by the *Discharge*.
- .2 The *Manager* shall be supplied with the following information:
 - (a) identification of the *Premises* where the *Discharge* occurred;
 - (b) location of the *Discharge*,
 - (c) name of the person reporting the *Discharge* and telephone number, or numbers, where that person can be reached;
 - (d) date, time and duration of the *Discharge*;
 - (e) type and concentration of all *Substances* discharged and any known associated hazards;
 - (f) total weight or volume of the material discharged; and
 - (g) corrective action being taken, or anticipated to be taken, to control the *Discharge* or to prevent similar *Discharges*.
- .3 A person who discharged or allowed a *Discharge* of *Waste* referred to in Subsection 6.1 shall, as soon as that person becomes aware, or reasonably should have become aware of the *Discharge*, take all reasonable measures to:
 - (a) confine, minimize, counteract, mitigate, remedy, and repair the effects of the *Discharge*; and
 - (b) remove or otherwise dispose of the *Substance* discharged in a manner consistent with this Schedule and other applicable *Enactments*.
- .4 A person operating under a *Waste Discharge Permit* shall notify the *Manager* in writing not less than 90 days prior to:
 - (a) commencing a new activity; or
 - (b) expanding or changing an existing activity; which affects or may affect the average composition, or the total volume of *Waste* discharged by that person.

6. POWERS OF THE MANAGER

- .1 The *Manager* may enforce the provisions of this Schedule.
- .2 The *Manager*, or any person *Authorized* by the *Manager*, may at any reasonable time and upon presentation of proof of his identity, enter upon any property or *Premises* in order to ascertain whether the terms of a *Waste Discharge Permit*, an *Authorization* have been, or are being complied with, or the regulations of this Schedule are being observed.
- .3 Nothing in this Schedule shall be interpreted as restricting the powers of the Regional Manager of the Ministry of Environment under the *Environmental Management Act* of British Columbia and Regulations, or of the *Manager* of Engineering Services of the CVRD.

7. MONITORING OF DISCHARGES

- .1 A *Manager*, may require that a person who is discharging any *Waste* other than *Domestic Sewage* into a *Sewer* shall, at his expense, install one or more *Monitoring Points* suitable for inspection, flow monitoring, and sample collection at locations determined by the *Manager*, to be constructed in accordance with plans approved by the *Manager* and maintained in good working order by the person.
- .2 A *Monitoring Point* required under subsection 7.1 shall be installed in a manner so as not to be affected by any *Discharge* of *Domestic Waste* from a *Premises*, unless otherwise *Authorized* by the *Manager*.
- .3 A *Monitoring Point* required under subsection 7.1 shall, for the purposes of enforcing this Schedule, be deemed to be the point or points at which a *Discharge* into a *Sewer* or *Sewage Facility* is made.
- .4 In the absence of a *Monitoring Point* under subsection 7.1, the point of *Discharge* into a *Sewer* or *Sewage Facility* shall, for the purposes of enforcing this Schedule, be the location determined by the *Manager* where access can be had to the *Waste* for the purpose of sampling.
- .5 Where a person is required to install a *Monitoring Point* under subsection 7.1, and the person cannot comply with such requirement within 60 days of being notified of the requirement by the *Manager*, the person shall, within 60 days of the notice being issued by the *Manager*, inform the *Manager* of his inability to install the *Monitoring Point* and the *District* may install, or cause to be installed, the *Monitoring Point* at the person's expense.
- .6 The *Owner* of a *Premises* shall ensure that all *Monitoring Points*, flow measuring devices and other devices specified in the *Waste Discharge Permit*, including water meters, are accessible for inspection by the *Manager* at all times.
- .7 The *Manager* may require that a person who is discharging *Waste* into a *Sewer* undertake, at that person's expense, sampling and analysis of the *Waste* discharged.
- .8 All sampling and analysis required by a *Manager* shall be carried out in accordance with methods and procedures specified in *Standard Methods* or in a manner specified by the *Manager*.

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- .9 Samples which have been collected as the result of a requirement of the *Manager* shall be analysed by an independent agency or by a laboratory *Authorized* by the *Manager*.

8. OFFENCES AND PENALTIES

- .1 A person who contravenes this Schedule, a *Waste Discharge Permit*, or *Authorization* issued under this Schedule, or other requirement made or imposed under this Schedule, is guilty of an offence and is liable to a fine not exceeding \$10,000.00.
- .2 Where an offence is committed or continues for more than one day, a person shall be deemed to have committed separate offences for each day on, or during which an offence occurs or continues, and separate fines, each not exceeding \$10,000.00 may be imposed for each day on or during which an offence occurs or continues.
- .3 Nothing in this Schedule shall limit the *District* from pursuing any other remedy that would otherwise be available to the *District* at law.

9. GENERAL

- .1 No person shall hinder or prevent the *Manager*, or a Bylaw Enforcement Officer, from entering any *Premises* or from carrying out his duties with respect to the administration of this Bylaw.
- .2 Nothing in this Schedule shall be interpreted as relieving a person discharging *Waste* from complying with federal, provincial and local government *Enactments* governing the *Discharge of Waste* into *Sewers*.
- .3 Where the *Regional Board* has authority to direct that a matter or thing be done by a person, the *Regional Board* may also direct that, if the person fails to take the required action, the matter, or thing, shall be done at the expense of the person in default in accordance with the Local Government Act. If action in default is taken, the *Regional Board* may recover the expense from the person, together with costs and interest at the rate prescribed under Section 11(3) of the Taxation (Rural Area) Act, in the same manner as municipal taxes.
- .4 The Articles annexed hereto shall be deemed to be an integral part of this Schedule.
- .5 If any provision of this Schedule is found to be invalid by a court of competent jurisdiction it may be severed from the Schedule.
- .6 The headings in this Schedule are inserted for convenience of reference only.

ARTICLE "A"

PROHIBITED WASTE

Prohibited Waste means:

1. *Special Waste:*

Special Waste as defined by the *Environmental Management Act* of British Columbia and its Regulations.

2. *Air Contaminant Waste:*

Any *Waste* other than *Sanitary Waste* which, by itself or in combination with another *Substance*, is capable of creating, causing or introducing an *Air Contaminant* outside any *Sewer* or *Sewage Facility*, or is capable of creating, causing or introducing an *Air Contaminant* within any *Sewer* or *Sewage Facility* which would prevent safe entry by *Authorized* personnel.

3. *Flammable or Explosive Waste:*

Any *Waste*, which by itself or in combination with another *Substance*, is capable of causing, or contributing to an explosion, or supporting combustion in any *Sewer* or *Sewage Facility* including, but not limited to gasoline, naphtha, propane, diesel, fuel oil, kerosene or alcohol.

4. *Obstructive Waste:*

Any *Waste* which by itself, or in combination with another *Substance*, is capable of obstructing the flow of, or interfering with, the operation or performance of any *Sewer* or *Sewage Facility* including, but not limited to earth, sand, sweepings, gardening, or agricultural waste, ash, chemicals, paint, metal, glass, *Sharps*, rags, cloth, tar, asphalt, cement-based products, plastic, wood, waste portions of animals, fish or fowl and solidified fat.

5. *Corrosive Waste:*

Any *Waste* with corrosive properties which, by itself, or in combination with any other *Substance*, may cause damage to any *Sewer* or *Sewage Facility*, or which may prevent safe entry by *Authorized* personnel.

6. *High Temperature Waste:*

(a) Any *Waste* which, by itself or in combination with another *Substance*, will create heat in amounts which will interfere with the operation and maintenance of a *Sewer* or *Sewage Facility*, or with the treatment of *Waste* in a *Sewage Facility*;

(b) Any *Waste* which will raise the temperature of *Waste* entering any *Sewage Facility* to 40 degrees Celsius (104 degrees Fahrenheit), or more;

(c) Any *Non-domestic Waste* with a temperature of 65 degrees Celsius (150 degrees Fahrenheit), or more.

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7. *Biomedical Waste:*

Any of the following categories of *Biomedical Waste*; human anatomical waste, animal waste, untreated microbiological waste, waste *Sharps* and untreated human blood and body fluids known to contain viruses and agents listed in "Risk Group 4" as defined in "Laboratory Bio-safety Guidelines" published by Health and Welfare Canada and dated 1990.

8. *PCBs, Pesticides:*

Any *Waste* containing *PCBs* or *Pesticides*.

9. *Miscellaneous Wastes:*

Any *Waste*, other than *Sanitary Waste*, which by itself, or in combination with another *Substance*:

- (a) constitutes or may constitute a significant health or safety hazard to any person;
- (b) may interfere with any sewage treatment process;
- (c) may cause a *Discharge* from a *Sewage Facility* to contravene any requirements by or under any BC Waste Management Discharge Permit, or any other act, law or regulation governing the quality of the *Discharge*, or may cause the *Discharge* to result in a hazard to people, animals, property or vegetation;
- (d) may cause *Biosolids* to fail criteria for beneficial land application in British Columbia as set out in the draft "Guidelines for the Disposal of Domestic Sludge under the *Environmental Management Act*", prepared by the Ministry of Water, Land and Air Protection and dated 1983, or may cause the emissions from a *Wastewater Sludge* combustion facility to be out of compliance with appropriate permits, or may cause the ashes from a *Wastewater Sludge* combustion facility to be considered a *Special Waste* under the *Environmental Management Act* of British Columbia.

ARTICLE "B"

RESTRICTED WASTE

Restricted Waste means:

1. Any *Waste* which, at the point of *Discharge* into a *Sewer*, contains any *Contaminant* at a concentration in excess of the limits set out below. All concentrations are expressed as total concentrations which includes all forms of the *Contaminant*, whether dissolved or undissolved. The concentration limits apply to both *Grab* and *Composite Samples*. *Contaminant* definitions and methods of analysis are outlined in *Standard Methods* or methods specified by the *Manager*.

Any of the *Contaminants* listed below in tables (a), (b) or (c) that are present in a *Waste* at dissolved concentrations in excess of the *Special Waste Regulation Leachate Quality Criteria* will qualify that *Waste*, regardless of the sampling method used, as a *Special Waste*.

(a) CONVENTIONAL CONTAMINANTS (mg/L)	
Biochemical Oxygen Demand (<i>BOD</i>)	300
Chemical Oxygen Demand (<i>COD</i>)	600
<i>Oil and Grease</i>	100
Suspended Solids	350
Total Nitrogen (<i>TN</i>)	80
Total Phosphorous (<i>TP</i>)	10

NOTE: *Total *Oil and Grease* includes Petroleum Hydrocarbons (see table (b)).

(b) ORGANIC CONTAMINANTS (mg/L)	
Benzene, Ethyl Benzene, Toluene, Xylene (BETX)	1
Chlorinated <i>Phenols</i>	1.0
Polycyclic Aromatic Hydrocarbons (PAH)	0.05
<i>Phenols</i>	1
Petroleum Hydrocarbons	15

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(c) INORGANIC CONTAMINANTS (mg/L)		
Aluminium	(Al)	50.0
Arsenic	(As)	1.0
Boron	(B)	50.0
Cadmium	(Cd)	0.2
Chromium	(Cr)	4.0
Cobalt	(Co)	5.0
Copper	(Cu)	2.0
Cyanide	(CN)	1.0
Iron	(Fe)	10.0
Lead	(Pb)	1.0
Manganese	(Mn)	5.0
Mercury	(Hg)	0.05
Molybdenum	(Mo)	1.0
Nickel	(Ni)	2.0
Silver	(Ag)	1.0
Sulphate	(SO ₄)	1500
Sulphide	(S)	1.0
Tin	(Sn)	5.0
Zinc	(Zn)	3.0

2. **Food Waste:**

Any *Non-domestic Waste* from cooking and handling of food that, at the point of *Discharge* into a *Sewer*, contains particles larger than 0.5 centimetres in any dimension.

3. **Radioactive Waste:**

Any *Waste* containing *Radioactive Materials* that, at the point of *Discharge* into a *Sewer*, exceeds radioactivity limitations as established by the Atomic Energy Control Board of Canada.

4. **pH Waste:**

Any *Non-domestic Waste* which, at the point of *Discharge* into a *Sewer*, has a *pH* lower than 5.5 or higher than 9.5 as determined by either a *Grab* or a *Composite Sample*.

5. **Dyes and Colouring Material:**

Dyes or colouring materials which may pass through a *Sewage Facility* and discolour the effluent from a *Sewage Facility* except where the dye is used by the *District*, or one or more of its *Municipalities*, as a tracer.

ARTICLE "C"

WASTE DISCHARGE PERMIT APPLICATION

This Information Sheet is provided to assist you in the preparation and submission of an application for a *Waste Discharge Permit* under the CVRD – Sentinel Ridge Sewer System Management Bylaw No. 2830, 2006. Once the form has been completed, initial each page and sign the declaration. To assist the CVRD Engineering Services Department in processing of the application, please make an accurate, readable and complete submission to the address provided below.

A. APPLICATION FORMS1. COMPANY INFORMATION:

Indicate the company name, incorporation number, type of business, and location of the business. If your business or organization has more than one site address, please copy this form and complete a separate application for each site.

2. SUMMARY OF EFFLUENT DISCHARGE CHARACTERISTICS:

Complete this section to indicate *Discharge* duration, volume and quality.

3. NUMBER OF CONNECTIONS:

List the number and type of connections to *Sewer*.

4. SOURCES OF WASTEWATER:

Where *Non-domestic Waste* is being discharged to *Sanitary Sewer* or *Storm Sewer*, list any pre-treatment works and the actual source of the wastewater.

5. SITE PLAN:

A site plan must be submitted. Clearly mark the plant boundary, buildings, and approximate locations of new and existing works, *Monitoring Points* and *Sewer* connections.

6. DECLARATION FORM:

The application form must be signed. Please ensure that the first box in the Declaration Section is complete. An application may be filed by an agent of the *Applicant* and, unless the *Manager* deems otherwise, an obligation imposed by this Schedule on an *Applicant* may be carried out by his agent. If you wish to appoint an agent, please complete the appropriate box in the Declaration Section.

B. ADDITIONAL INFORMATION

1. Specifications and drawings of process equipment and control works associated with the *Discharge* should be submitted to assist the CVRD's Engineering Services Department with the evaluation of the application. The *Manager* may request submission of additional details relevant to the application. Should additional application forms be required, they may be obtained from:

Manager, Engineering Services
 Cowichan Valley Regional District
 175 Ingram Street
 Duncan, BC V9L 1N8

2. In the event of accidental *Discharge* of a *Prohibited* or *Restricted Waste* to a *Sewer* (as described under Articles "A" and "B" of this Schedule), please call:
CVRD Engineering Services Department, Tel (250) 746-2530, Fax (250) 746-2543.

APPLICATION FOR A WASTE DISCHARGE PERMIT

Application for a *Waste Discharge Permit* under the Sentinel Ridge Sewer System Management Bylaw No. 2830, 2008. This application is to be filed with the *Manager*, as described in Article "C", Section B.1, not less than 90 days prior to the date for which a Permit is required.

1. I, _____
 (Full name - if a company, British Columbia Registered Name)

Registered Address: _____

Incorporation Number: _____

hereby apply for a *Waste Discharge Permit* to *Discharge Non-domestic Waste* into *Sanitary Sewer* from a:

(Type of Business)

Located at: _____

2. Summary of Wastewater Discharge Characteristics:

Maximum Duration of Operation: (hours/day) _____
 (days/week) _____
 (weeks/year) _____

Flow:

Is the *Discharge* greater than 90 m³ in a 30 day period?: yes no

Frequency:

Maximum *Discharge* flow rate: _____ (m³/day)

Average daily *Discharge* flow rate: _____ (m³/day)

Method of flow rate determination: _____

measured estimated

(NOTE: 1 m³ = 220 Imperial gallons, or 264 U.S. gallons)

Type of Discharge:

continuous batch both

Quality:

Use the check boxes to indicate whether any of the following types of *Wastes* are discharged:

Flammable or explosive waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
Obstructive waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
<i>Air Contaminant</i> waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
High temperature waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
Corrosive waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
<i>Biomedical Waste</i>	<input type="checkbox"/> yes	<input type="checkbox"/> no
Food waste	<input type="checkbox"/> yes	<input type="checkbox"/> no
<i>Radioactive Waste</i>	<input type="checkbox"/> yes	<input type="checkbox"/> no

Special Waste:

Does any process within the plant produce *Special Waste* as defined under the *Special Waste Regulation* of the *Environmental Management Act* of British Columbia?

yes no do not know

.../15

Wastewater Characteristics:

In the space provided below, check the appropriate box for each *Wastewater Contaminant* to indicate whether the *Contaminant* listed is "known to be present", "suspected to be present", "suspected to be absent", or "known to be absent", in the *Wastewater Discharge*.

If a *Contaminant* is "known to be present", or "suspected to be present", estimate the expected average and maximum daily *Contaminant* concentrations in the spaces provided.

If *Wastewater Discharges* have been sampled and analysed in the past, please attach examples of sampling data.

Wastewater Contaminants	Known to be present	Suspected to be present	Suspected to be absent	Known to be absent	Expected Concentration mg/L (ppm)	
					Average	Maximum
<u>Conventional Contaminants:</u>						
Ammonia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Biochemical Oxygen Demand (<i>BOD</i>)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Chemical Oxygen Demand (<i>COD</i>)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Total Phosphorous (<i>TP</i>)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Suspended Solids	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Total Nitrogen (<i>TN</i>)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<i>Oil and Grease</i> (total)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<i>pH</i> max ___ min ___	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<u>Organic Contaminants:</u>					<u>Average</u>	<u>Maximum</u>
Petroleum Hydrocarbons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<i>Phenols</i> (total)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<i>Phenols</i> (chlorinated)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Polycyclic Aromatic Hydrocarbons (PAH)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

Wastewater Contaminants	Known to be present	Suspected to be present	Suspected to be absent	Known to be absent	Expected Concentration mg/L (ppm)	
					Average	Maximum
<i>PCBs</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<i>Pesticides</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Benzene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Ethylbenzene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Toluene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Xylene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Solvents (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<u>Inorganic Contaminants</u>					<u>Average</u>	<u>Maximum</u>
Aluminium (Al)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Arsenic (As)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Boron (B)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Cadmium (Cd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Chromium (Cr)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Cobalt (Co)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Copper (Cu)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Cyanide (CN)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Iron (Fe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Lead (Pb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Manganese (Mn)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Mercury (Hg)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Molybdenum (Mo)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Nickel (Ni)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Silver (Ag)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Sulphate (SO ₄)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Sulphide (S)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Tin (Sn)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Zinc (Zn)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

3. Number of Connections to Sewer:

a. Sanitary Sewer:

Domestic Waste only _____

Non-domestic Waste only _____

Combined domestic and *Non-domestic Waste* _____

(Note connection locations on attached site plan.)

Will *Stormwater* be *discharged* to *Sanitary Sewer*?

Yes Volume ____ m³/day No

Will contaminated or uncontaminated water be *discharged* to *Sanitary Sewer*?
(Note connection locations on attached site plan.)

Yes Volume ____ m³/day No

4. Sources of Wastewater Discharge to Sewer:

(Note location of sources and control works on attached site plan.)

SOURCE OF *WASTEWATER*

CONTROL WORKS TREATING EACH SOURCE PRIOR TO *DISCHARGE* TO *SEWER** (e.g. Trade Waste Interceptor)

a. Sanitary Sewer:

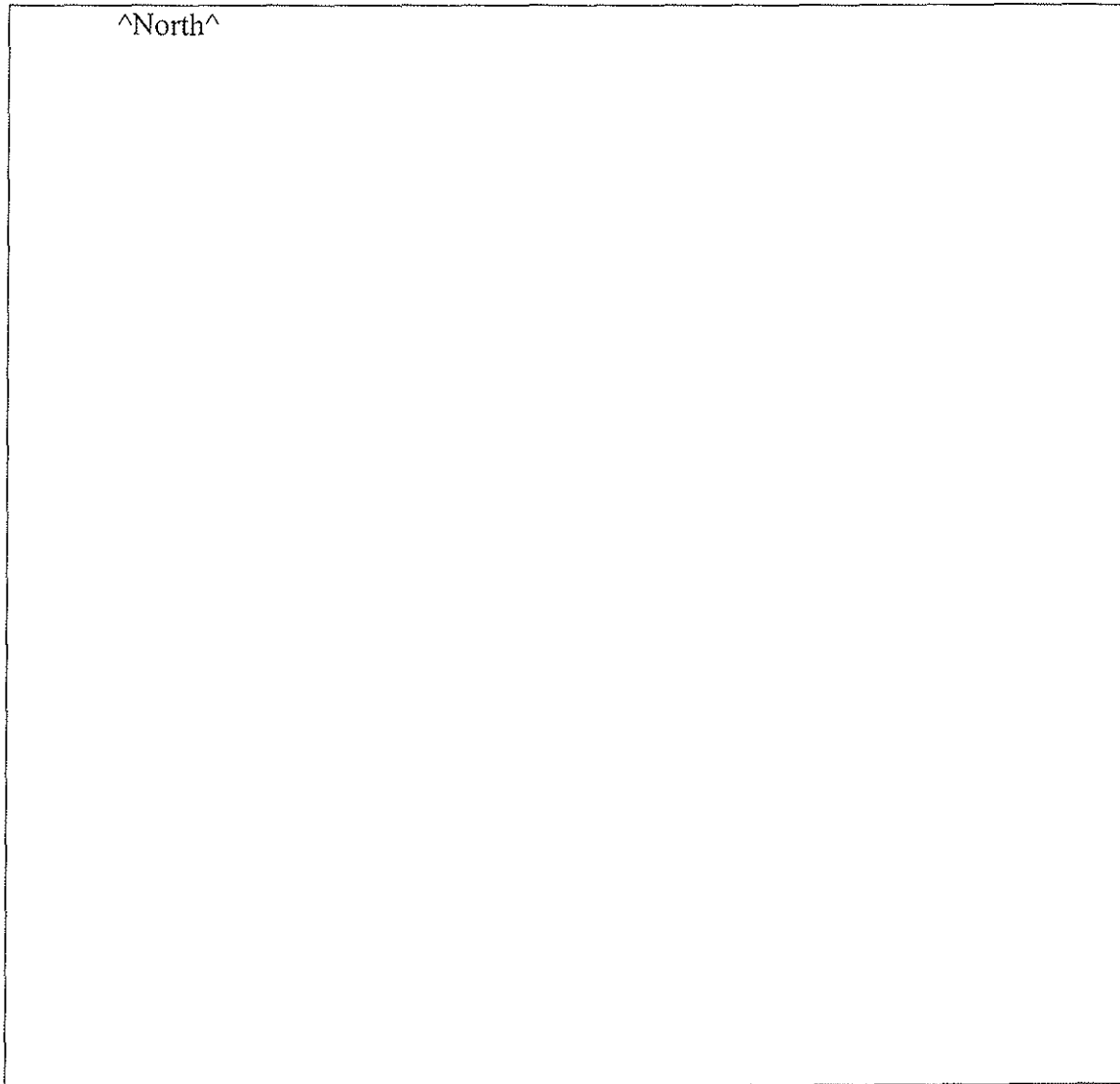
*Control Works include: oil/water separators, grease traps, filters, electrolytic precipitators, reverse osmosis units, ion exchange units, neutralization facilities and other *Wastewater* pre-

treatment works.

5. **Site Plan:**

Sketch a site plan in the area provided below or attach a site plan to this application form. The plan shall include property lines, buildings, pre-treatment works, effluent lines, sanitary and *Storm Sewer* connections, flow measuring devices, and *Monitoring Points* (or available sampling locations).

(Include approximate scale on site plan.)



6. Declaration:

I, _____, declare that the information given on this application form is correct to the best of my knowledge.

_____ Signature of Applicant or Agent	_____ Date
_____ Title	_____ Phone Number

If you elect to appoint an Agent, please complete the following:

I, _____ / _____
Print Name Title

Signature

hereby authorize _____ / _____
Print Name Affiliation

to deal with you directly on all aspects of the subject application.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3225

**A Bylaw to Amend Shawnigan Beach Estates Sanitary Sewer
Service Establishment Bylaw No. 1910**

WHEREAS the Board of the Cowichan Valley Regional District established the *Shawnigan Beach Estates Sanitary Sewer Service Area* under the provisions of Bylaw No. 1910, cited as "CVRD Bylaw No. 1910 - Shawnigan Beach Estates Sewer System Service Establishment Bylaw, 1999", as amended;

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

- Lot A, Section 3, Range 2, Shawnigan District, Plan VIP 82395, PID 026-945-614

AND WHEREAS the owner has petitioned the Regional District Board to include the property within the service area;

AND WHEREAS the Director for Electoral Area B - Shawnigan Lake has consented, in writing, to the adoption of this bylaw;

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. 3225 - Shawnigan Beach Estates Sewer System Service Amendment Bylaw, 2008**".

2. **AMENDMENT**

That Bylaw No. 1910 be amended as follows:

That Schedule A to Bylaw No. 1910 be deleted and replaced with the Schedule A attached to this bylaw.

READ A FIRST TIME this _____ day of _____, 2008.

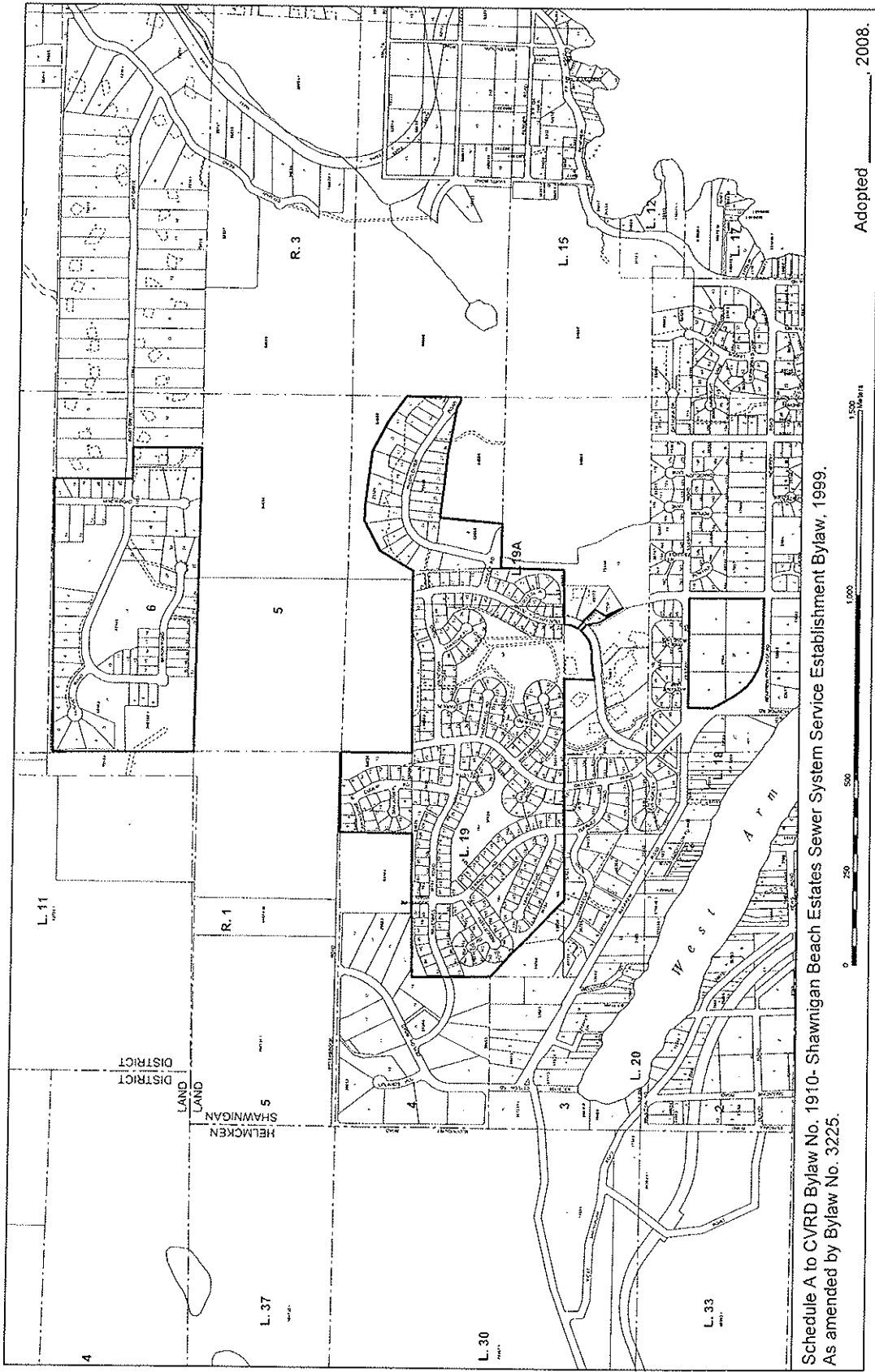
READ A SECOND TIME this _____ day of _____, 2008.

READ A THIRD TIME this _____ day of _____, 2008.

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary



Schedule A to CVRD Bylaw No. 1910- Shawnigan Beach Estates Sewer System Service Establishment Bylaw, 1999.
 As amended by Bylaw No. 3225.

Adopted _____, 2008.



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3226

**A Bylaw to Establish a Capital Reserve Fund for the
Shawnigan Lake East Drainage System**

WHEREAS the Board of the Cowichan Valley Regional District established the *Shawnigan Lake East Drainage System Service Area* under the provisions of the CVRD Bylaw No. 3115, cited as "CVRD Bylaw No. 3115 – Shawnigan Lake East Drainage System Service Establishment Bylaw, 2008";

WHEREAS the *Local Government Act* and *Community Charter* empower regional districts to establish reserve funds for specified purposes;

AND WHEREAS the Board wishes to establish a Capital Reserve Fund to be used for the purposes of providing, constructing, altering, expanding, upgrading or replacement of works in the Shawnigan Lake East Drainage System;

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. 3226 - Shawnigan Lake East Drainage System Capital Reserve Fund Establishment Bylaw, 2008".

2. ESTABLISHMENT OF FUND

A Capital Reserve Fund to be known as the " Shawnigan Lake East Drainage System Capital Reserve Fund" is hereby established.

3. PAYMENTS INTO FUND

Money from current revenues or, as available, from general revenue surplus or as otherwise provided by law may be paid into the Capital Reserve Fund.

4. EXPENDITURES FROM FUND

- a) Money in the Capital Reserve Fund, and interest earned on it, shall only be used for expenditures relating to providing, constructing, altering, expanding, upgrading or replacement of works in the Shawnigan Lake East Drainage System Service Area.

.../2

b) The expenditures of funds in the Capital Reserve Fund shall be authorized by bylaw.

READ A FIRST TIME this _____ day of _____, 2008.

READ A SECOND TIME this _____ day of _____, 2008.

READ A THIRD TIME this _____ day of _____, 2008.

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3227

**A Bylaw to Amend the Lambourn Estates Sewer System
Management Bylaw No. 3098**

WHEREAS the Board of the Cowichan Valley Regional District established the management of the *Lambourn Estates Sewer System* pursuant to CVRD Bylaw No. 3098, cited as "CVRD Bylaw No. 3098 – Lambourn Estates Sewer System Management Bylaw, 2008";

AND WHEREAS the Board of the Cowichan Valley Regional District deems it desirable to amend Schedules B and C.

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. 3227 - Lambourn Estates Sewer System Management Amendment Bylaw, 2008**".

2. **AMENDMENT**

a) That Schedule B be deleted in its entirety and replaced with Schedule B attached to and forming part of this bylaw.

b) That Schedule C be deleted in its entirety and replaced with Schedule C attached to and forming part of this bylaw.

READ A FIRST TIME this _____ day of _____, 2008.

READ A SECOND TIME this _____ day of _____, 2008.

READ A THIRD TIME this _____ day of _____, 2008.

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary



SCHEDULE B

TO CVRD BYLAW NO. 3098

SEWER SERVICE CHARGES

(a) *Consumers of Sewer Services* who do not receive *Metered District Water*, shall pay the minimum billing set out in sub-section (b) below.

(b) Minimum Sewer Classification Charge per Six (6) month billing period

<u>Classification</u>	<u>Charge</u>	<u>10% Discount</u>	<u>Discounted Amount</u>
Single Family Dwelling – Per Dwelling	\$ 175.00	\$ 17.50	\$ 157.50
STEP – Per Dwelling	149.00	14.90	134.10
Apartment – Per Unit	149.00	14.90	134.10
Mobile Home Park – Per Unit	175.00	17.50	157.50
RV Trailer Park/Campground:			
a) <u>Site Connected to Sewer:</u> Per serviced pad or site	58.80	5.80	52.20
b) <u>Site not Connected to Sewer:</u> Per pad or site	17.50	1.75	15.75
Hotel/Motel:			
a) <u>Room or Suite:</u> - Per room or suite	37.00	3.70	33.30
b) <u>Kitchenette or Housekeeping Unit (per room or suite)</u>	74.00	7.40	66.60
Restaurants - Per seat:	7.00	0.70	6.30
Licensed Premises - per seat:	7.00	0.70	6.30
Laundromat:			
Minimum charge for each washing machine:	74.00	7.40	66.60
Commercial:			
Minimum charge for each 10 employees or portion thereof per shift	94.50	9.45	85.05
Elementary/Middle School:			
Minimum charge for the first 20 students or portion thereof	175.00	17.50	157.50
Each <u>additional 20 students</u> or portion thereof	175.00	17.50	157.50
High School:			
Minimum charge for the first <u>20 students or portion thereof</u>	233.00	23.30	209.70
Each additional 20 students or portion thereof	233.00	23.30	209.70

<u>Classification</u>	<u>Charge</u>	<u>10% Discount</u>	<u>Discounted Amount</u>
Continuing Care Facility:			
Minimum charge for <u>each bed</u>	87.50	8.75	78.75
Bed and Breakfast/Rooming House:			
The minimum charge for such facility shall include the minimum charge of a single-family dwelling unit, plus a minimum charge for each and every guestroom.			
a) Single Family Dwelling:	175.00	17.50	157.50
b) Per guest room	37.00	3.70	33.30

Other: for each 1.18 m³ (259-lgal.) of daily metered or calculated flow. There should be a minimum of 1 unit applied to each connection if the above calculation yields less than one, where calculation yields an uneven number round to the higher whole number

Single Family Dwelling:

Applies to any connection servicing a single segregated self-contained residential dwelling used for, or intended for the domestic use of one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities including, but not limited to a townhouse, semi-detached, residential home, duplex and a cabin.

Septic Tank Effluent Pumping (STEP)

Applies to a connection that pumps grey water and retains solids in a holding tank. The rate is calculated at 85% of the Single-Family Dwelling rate to offset the cost of pump outs (typically a maximum of every 5 years).

Apartment:

Applies to any connection servicing a multiple occupancy residential building(s) with self-contained and segregated units consisting of two or more rooms used for, or intended for the domestic use by one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities.

Mobile Home Park:

Applies to a connection servicing land used or occupied for the purposes of providing space for the accommodation of mobile homes either on a rental or ownership basis. A mobile home means any structure containing one dwelling whether ordinarily equipped with wheels, or not, that is designated, constructed or manufactured to be moved from one place to another by being towed, or carried, but not including travel trailers, campers, or other vehicles exempt from the provisions of the Mobile Home Act.

RV Trailer Park/Campground:

Applies to any connection servicing land used, temporarily occupied for the purpose of providing space for the accommodation of recreational vehicles or recreational structures. A recreational vehicle or recreational structure means a vehicle, trailer, coach, tents, structure, or conveyance designed to travel, or be transported on a highway and constructed and equipped to be used as temporary living or sleeping quarters for travelers.

Where individual spaces for the above accommodations are connected directly to a *Sanitary Sewer* disposal system, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Where individual spaces or sites are not serviced directly by an individual and/or separate *Sanitary Sewer* disposal system, but have the use of common or centrally located sanitary facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Hotel/Motel:

Applies to any connection servicing a building or structure that contains sleeping units for the overnight accommodation of transient paying guests. Auxiliary assembly, commerce, entertainment, or restaurant uses as well as areas licensed to service alcoholic beverages and staff accommodation shall pay the charges according to the classification set forth in the applicable schedule(s).

Where units contain cooking facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per housekeeping or kitchenette unit.

Where units contain sleeping and sanitary facilities only, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per room or suite.

Restaurant:

Applies to any connection servicing a building or structure, or segregated self-contained unit used for, or intended to be used for, the commercial sale of refreshments, prepared or assembled food, and/or meals together with non-alcoholic beverages for sale to the public.

Licensed Premises:

Applies to the connection servicing a licensed beverage establishment as governed by the Liquor Licensing Board of British Columbia, and includes, but is not limited to pubs, restaurants, eateries, lounges, cafeterias and private clubs where alcoholic beverages are served.

Laundromat:

Applies to a connection servicing a building, self-contained unit, or separately owned business entity where washing machines are available for public use for a fee or charge.

Commercial:

Applies to a connection servicing a complex, facility, or parcel of land used to manufacture, sell, repair goods, or provide a service including, but not limited to retail stores, offices, convenience store, service establishment, and light industrial.

Elementary School and High School:

Applies to a connection servicing an institution of learning, or teaching facility, as defined by the School Act.

.../4

Continuing Care Facility:

Applies to a connection servicing a multiple occupancy complex providing long-term care, and living accommodations that include residents requiring full-time professional care, including living, sleeping, cooking, and sanitary facilities, but not including an acute care facility.

Bed & Breakfast:

Applies to any connection servicing a single family dwelling, with an accessory use for overnight accommodation for transient paying guests in which breakfast is the only meal served.

Rooming House:

Applies to any connection servicing a single family dwelling with an accessory use of rooms for rent by individuals for living and sleeping, but with common cooking and sanitary facilities shared by the occupants.

Other:

The volume of discharge to be apportioned for other types of developments that do not fall within the above classifications. Single family residential equivalents shall be calculated at 1.18 m³ (259 Gal.) per day metered or calculated flow, rounded to the higher whole number.



SCHEDULE C

TO CVRD BYLAW NO. 3098

1. Parcel Tax Being Paid

The *Sewer Service Connection Charges* for property, which has been paying the annual Parcel Tax, are outlined below:

.1 EXISTING LOT (permits servicing of one unit or building).

- (a) An application for *Sewer Service* shall be accompanied by a payment equal to the *Sewer Service Connection Charge* of:

100-mm or 150-mm diameter connection.....\$300.00

plus a deposit in the amount of the *Manager's estimate* to complete such works. The above charges and deposit must be received by the Cowichan Valley Regional District before the work can be scheduled. The deposit will be applied against the actual cost of the *Sewer Service Connection* installation.

- (b) Where the *Sewer Service Connection* has been installed by the subdivider entirely at his cost and the *Sewer Service Connection Charge* for each connection has been prepaid, the *Applicant* for *Sewer Service* shall only be required to complete a Sewer Connection Application.

.2 EXISTING LOT TO BE SUBDIVIDED:

- (a) Lot presently serviced:

- *First lot exempt.....n/a
 - Each additional lot created\$4,000.00

*Where the existing *Sewer Service Connection* is not utilized, the *Subdivider* will pay a *Sewer Service Connection Charge* of \$300.00

- (b) Lot not presently serviced:

- First lot.....\$300.00
 - Each additional lot created\$4,000.00

.../2

- (c) Pre-installed Sewer Connection – where the *Sewer Service Connection* has been installed by the subdivider entirely at his own cost, but the *Sewer Service Connection Charge* has not been prepaid, then the *Applicant* for *Sewer Service* shall be required to complete a *Sewer Service Connection* Application and pay the *Sewer Service Connection Charge* of \$4,000.00.

.3 SEWER SERVICE CONNECTION TO ADDITIONAL UNITS OR BUILDINGS:
Where a *Sewer Service Connection* is to be installed to additional *Units* or buildings on an existing lot and the lot is:

- (a) Vacant: First *Unit* or building.....n/a
(included under Sub-Section 1.1)
Each additional unit or building.....\$4,000.00
- (b) Presently Occupied and Serviced
Each additional *Unit* or building.....\$4,000.00

2. Parcel Tax Not Being Paid

- .1 EXISTING LOT:
(permits servicing of one *unit* or *building*)\$4,000.00

- .2 EXISTING LOT TO BE SUBDIVIDED:
Each and every newly created *Lot*\$4,000.00

.3 SEWER SERVICE CONNECTION TO ADDITIONAL UNITS OR BUILDINGS:
Where a *Sewer Service Connection* is to be installed to additional *Units* or buildings on an existing lot and the lot is:

- (a) Vacant: First *Unit* or building..... n/a
(Included under Section 2.1 above)
Each additional *Unit* or building.....\$4,000.00
- (b) Presently Occupied and Serviced
Each additional *Unit* or building.....\$4,000.00

3. High Flow Rates

The above *Sewer Service Connection Charge* shall be levied where applicable; however, where in the opinion of the *District*, the flow rates from the intended use or from a change in use of a *Lot, Unit* or *Building*, exceeds maximum daily flow of 2.5 cubic metres per day (550 Imperial gallons per day), then the *Applicant* may be required to pay additional *Sewer Service Connection Charges* in proportion to the flow rates as determined by the *District*, and/or complete an application of a Waste Discharge Permit. The decision of the *District* shall be final.

4. Other

The above Sewer Service Connection Charge shall be levied where applicable, however, where in the opinion of the *District*, the flow rates from the intended use or change in use of a *Lot, Unit* or *Building* may be limited, temporary or seasonal, the *Applicant* may submit a detailed report for review by the District to determine if the *Sewer Service Connection Charge* may be adjusted to suit the intended use. The decision of the *District* shall be final.

5. Disconnection of a Sewer Service Connection

Where a *Sewer Service Connection* is to be abandoned and must be disconnected as determined by the *Manager*, the cost to the *Owner* of the property serviced shall be based on the actual cost to complete the work required plus a 10% Administration charge.

6. Re-use of Abandoned Sewer Service Connection

Inspection fee of previously abandoned, or disused,
Sewer Service Connection -----\$50.00, plus the actual cost of a video inspection



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3228

A Bylaw to Amend the Lambourn Estates Water System Management Bylaw No. 3099

WHEREAS the Board of the Cowichan Valley Regional District established the management of the *Lambourn Estates Water System* pursuant to Bylaw No. 3099, cited as "CVRD Bylaw No. 3099 – Lambourn Estates Water System Management Bylaw, 2008";

AND WHEREAS the Board of the Cowichan Valley Regional District deems it desirable to amend Schedule C;

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. 3228 - Lambourn Estates Water System Management Amendment Bylaw, 2008**".

2. **AMENDMENTS**

- a) That Schedule A of Bylaw 3099 be deleted in its entirety and replaced with Schedule A attached to and forming part of this Bylaw.

READ A FIRST TIME this _____ day of _____, 2008.

READ A SECOND TIME this _____ day of _____, 2008.

READ A THIRD TIME this _____ day of _____, 2008.

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary



SCHEDULE A

TO CVRD BYLAW NO. 3099

WATER SERVICE CONNECTION CHARGES

1. Water Service Connection

.1 EXISTING LOT (permits servicing of one unit or building).

(a) An application for *Water Service* shall be accompanied by a payment equal to the *Water Service Connection Charge* of:

19-mm diameter connection	\$300.00
25-mm diameter connection	\$450.00

plus a deposit in the amount of the *Manager's estimate* to complete such works. The above charges and deposit must be received by the Cowichan Valley Regional District before the work can be scheduled. The deposit will be applied against the actual cost of the *Water Service Connection* installation.

(b) Where the *Water Service Connection* has been installed by the subdivider entirely at his cost and the *Water Service Connection Charge* for each connection has been prepaid, the *Applicant* for *Water Service* shall only be required to complete a Water Connection Application.

.2 EXISTING LOT TO BE SUBDIVIDED:

(a) Lot presently serviced:

- *First lot exempt.....n/a
- Each additional lot created.....\$4,000.00

*Where the existing *Water Service Connection* is not utilized, the *Subdivider* will pay a *Water Service Connection Charge* of \$300.00

(b) Lot not presently serviced:

- First lot.....\$300.00
- Each additional lot created.....\$4,000.00

(c) Pre-installed Water Connection – where the *Water Service Connection* has been installed by the subdivider entirely at his own cost, but the *Water Service Connection Charge* has not been prepaid, then the *Applicant* for *Water Service* shall be required to complete a *Water Service Connection* Application and pay the *Water Service Connection Charge* of \$4,000.00.

.../2

.3 WATER SERVICE CONNECTION TO ADDITIONAL UNITS OR BUILDINGS:

Where a *Water Service Connection* is to be installed to additional *Units* or buildings on an existing lot and the lot is:

- (a) Vacant: First Unit or building.....n/a
 (included under Sub-Section 1.1)
 Each additional unit or building.....\$4,000.00
- (b) Presently Occupied and Serviced
 Each additional *Unit* or building.....\$4,000.00

2. Disconnection of a Water Service Connection

Where a *Water Service Connection* is to be abandoned and must be disconnected as determined by the *Manager*, the cost to the *Owner* of the property serviced shall be based on the actual cost to complete the work required, plus a 10% administration charge.

3. Re-use of Abandoned Water Service Connection

Inspection fee of previously abandoned or disused *Water Service Connection*: \$50.00

4. Extension to Service Area

Where an *Extension* to the *Lambourn Estates Water System* is required, the *Owner* of the property to be serviced shall, upon application for an *Extension*, pay the fee as calculated below:

- .1 Applications to Serve Residential Developments:
 - A fee of \$500.00 plus \$50.00 per dwelling unit to be created by the development.
- .2 Applications to Serve Industrial and Commercial Developments:
 - A fee of \$500.00 plus \$100.00 per hectare (or part thereof) of land proposed to be serviced.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3229

A Bylaw to Amend Bylaw No. 2108 – Solid Waste Management Charges and Regulations Bylaw.

WHEREAS the Board of Directors of the Cowichan Valley Regional District established a scale of charges for its solid waste disposal facilities under the provisions of Bylaw No. 2108, cited as "CVRD Bylaw No. 2108 – Solid Waste Management Charges and Regulations Bylaw, 2000";

AND WHEREAS the Board deems it desirable and expedient to revise Schedule B - Charges For Solid Waste, Controlled Waste And Recyclable Materials;

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. 3229 – Solid Waste Management Charges and Regulations Amendment Bylaw, 2008**".

2. **AMENDMENT**

a) That "SCHEDULE B" to Bylaw No. 2108 be deleted in its entirety and replaced with Schedule B attached hereto and forming part of this Bylaw.

READ A FIRST TIME this _____ day of _____, 2008.

READ A SECOND TIME this _____ day of _____, 2008.

READ A THIRD TIME this _____ day of _____, 2008.

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE B

TO CVRD BYLAW NO. 2108

**CHARGES FOR SOLID WASTE,
CONTROLLED WASTE AND RECYCLABLE MATERIALS**

1. The charge for depositing *Solid Waste, Controlled Wastes and Recyclable Materials* at the *Disposal facility* is:

ITEM	#	DESCRIPTION	IN-AREA CHARGE	OUT-OF-AREA CHARGE
REFUSE	1a	As measured by weight on the scale provided at the <i>Disposal facility</i> by the <i>CVRD</i> ; or	\$130.00/tonne	\$500.00/tonne
	1b	As a minimum charge for <i>Loads</i> weighing not more than 25 kilograms (55 pounds) and delivered by a <i>Vehicle</i> .	\$5.00/load	\$50.00/load
ASPHALT ROOFING	2	As measured by weight on the scale provided at the Bings Creek Solid Waste Management Complex <i>Disposal facility</i> by the <i>CVRD</i> .	\$110.00/tonne	Not Accepted
CFC APPLIANCES	3a	No charge for <i>CVRD</i> residents or non-profit groups for quantities up to 1 unit.	No Charge	Not Accepted
	3b	No charge for <i>CVRD</i> residents or non-profit groups for quantities greater than 1 unit if the units have had all CFCs removed by a certified professional and have been labelled as such.	No Charge	Not Accepted
	3c	Per unit charge for quantities greater than 1 unit if the units have not had CFCs removed.	\$15.00/unit	Not Accepted
COMMERCIAL ORGANIC WASTE	4	As measured by weight on the scale provided at the Bings Creek Solid Waste Management Complex <i>Disposal facility</i> by the <i>CVRD</i> .	\$95.00/tonne	Not Accepted
FLUORESCENT LAMP BALLASTS	5a	No charge for <i>CVRD</i> residents or non-profit groups for quantities up to 6 units weighing not more than 2 kilograms (4.4 pounds) each..	No Charge	Not Accepted
	5b	Commercial generator/collector fees will apply to units weighing greater than 2 kilograms (4.4 pounds) each.	\$5.00/unit	Not Accepted
FLUORESCENT TUBES	6a	No charge for <i>CVRD</i> residents or non-profit groups for quantities up to 12 units.	No Charge	Not Accepted
	6b	Commercial generator/collector fees: <ul style="list-style-type: none"> • Straight Fluorescent Lights (any length), U-Tubes and Compact Fluorescents • Mercury, High-Pressure and Sodium Vapour Lamps 	\$0.50/unit \$3.00 /unit	Not Accepted

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ITEM	#	DESCRIPTION	IN-AREA CHARGE	OUT-OF-AREA CHARGE
GYPSUM BOARD OR DRYWALL	7	As measured by weight on the scale provided at the Bings Creek Solid Waste Management Complex <i>Disposal facility</i> by the <i>CVRD</i> .	\$180.00/tonne	Not Accepted
HOUSEHOLD/ DISPOSABLE BATTERIES	8a	No charge for <i>CVRD</i> residents or non-profit groups for quantities up to 24 units.	No Charge	Not Accepted
	8b	Commercial generator/collector fee (flat rate) will apply to a volume of material lesser than or equal to that which can be contained within a 23 litre (5 gallon) bucket.	\$120.00	Not Accepted
LUBRICATING OIL	9	No charge for <i>CVRD</i> residents or non-profit groups for quantities up to 20 litres.	No Charge	Not Accepted
NON-COMMERCIAL ORGANIC WASTE	10a	As measured by weight on the scale provided at the Bings Creek Solid Waste Management Complex <i>Disposal facility</i> by the <i>CVRD</i> ; or	\$95.00/tonne	Not Accepted
	10b	A minimum charge for <i>Loads</i> exceeding 23 litres (5 gallons) in volume, but weighing not more than 25 kg (55 pounds) and delivered by a <i>Vehicle</i> .	\$3.00/load	Not Accepted
	10c	For a volume of material lesser than or equal to that which can be contained within a 23-litre (5-gallon) bucket.	No Charge	Not Accepted
SCRAP LUMBER AND WOOD PRODUCTS	11	As measured by weight on the scale provided at the Bings Creek Solid Waste Management Complex <i>Disposal facility</i> by the <i>CVRD</i> .	\$85.00/tonne	Not Accepted
SEWAGE SCREENINGS	12	As measured by weight on the scale provided at the Peerless Road <i>Disposal facility</i> by the <i>CVRD</i> .	\$200.00/tonne	Not Accepted
TIRE PRODUCTS	13a	No charge for <i>CVRD</i> residents or non-profit groups for quantities up to 4 units, per day, with an inner diameter not exceeding 43 centimetres (17 inches) each.	No Charge	Not Accepted
USED ANTIFREEZE	14	No charge for <i>CVRD</i> residents or non-profit groups for quantities up to 4 litres.	No Charge	Not Accepted

- The charge for depositing *Solid waste* that is not *Source-separated waste* at the *Disposal facility* is as outlined in Section 5 of this bylaw.
- In the event that the scales provided are not operational, or in the event of traffic congestion, or at the discretion of the *Engineer*, weights of *Loads* and *Small loads* shall be as estimated by the *Engineer* and a fee shall be charged as outlined in Section 1 above.
- Where the charge for depositing *Solid waste* at the *Disposal facility* is described under Section 4 of this bylaw, the charge payable shall be paid following the weighing of the empty *Vehicle* after the load is deposited and shall be based on the difference in weight between the loaded weight and the weight of the empty *Vehicle*.
- Notwithstanding Section 5 hereof, any person depositing *Solid waste* at the *Disposal facility* on a regular basis may apply in writing to the *CVRD* for credit and if the *Treasurer* is satisfied of the credit worthiness of the person, he or she may grant credit to that person, in which case payment of the charge imposed under Section 4 shall be made and the credit extended on the conditions of the application.

**COWICHAN VALLEY REGIONAL DISTRICT****BYLAW NO. 3230****A Bylaw for the Regulation and Management of the
Shawnigan Lake East Drainage System**

WHEREAS the Board of the Cowichan Valley Regional District established the *Shawnigan Lake East Drainage System Service Area* under the provision of CVRD Bylaw No. 3115, cited as "CVRD Bylaw 3115 – Shawnigan Lake East Drainage System Service Establishment Bylaw, 2008", for the purpose of providing services to a defined portion of Electoral Area B – Shawnigan Lake.

AND WHEREAS it is deemed necessary and expedient that provisions be made for the regulation and management of discharge of waste into the storm sewers and watercourses, and for terms and conditions upon which storm drainage services may be provided, and for a tariff of charges for such services;

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. 3230 – Shawnigan Lake East Drainage System Management Bylaw, 2008**".

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

"**Active Floodplain**" means an area of land within a boundary that is indicated by the visible high water mark or water level of a **Stream** that is reached during annual flood events as evidenced by **Riparian Area** conditions described in the definition of "**Riparian Area**".

"**Air**" means the atmosphere but, except in a **Storm Drain** or a **Stormwater Management Facility** or as the context may otherwise require, does not include the atmosphere inside a constructed enclosure that is not open to the weather.

"**Air Contaminant**" means any **Substance** or odour whether gaseous, liquid, solid or a combination that is emitted into the air and that:

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- (a) injures or is capable of injuring the health or safety of a person;
- (b) injures or is capable of injuring property or any life form;
- (c) interferes with or is capable of interfering with visibility;
- (d) interferes with or is capable of interfering with the normal conduct of business;
- (e) causes or is capable of causing material physical discomfort to a person; or
- (f) damages or is capable of damaging the environment.

"**Biomedical waste**" means biomedical waste as defined in "Guidelines for the Management of Biomedical Waste" established by the Canadian Council of Ministers of the Environment (CCME) and dated February, 1992.

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

"**Colour**" means the true *Colour* of water from which turbidity has been removed, as determined by the appropriate procedure in *Standard Methods*.

"**Composite Sample**" means a sample which is composed of equivalent portions of a specified number of *Grab Samples* collected manually or automatically at the same sampling point, at specified times or flow intervals during a specified sampling period.

"**Condensed Water**" means water, which is produced through the process of condensation and includes condensate drainage from refrigeration equipment, air-conditioning equipment and steam heating systems.

"**Contaminant**" means any *Substance*, whether dissolved or suspended, or any *Wastewater* quality parameter that, when present above a certain concentration in *Wastewater*:

- (a) injures or is capable of injuring the health or safety of a person;
- (b) injures or is capable of injuring property or any life form;
- (c) interferes or is capable of interfering with the proper operation of a sewer or *Stormwater Management Facility*;
- (d) causes or is capable of causing material physical discomfort to a person; or
- (e) damages or is capable of damaging the environment.

"**Development**" includes the construction of a building or structure, the placement of fill, the paving of land or any other alteration to land, which causes a change to the existing drainage characteristics.

"**Discharge**" means to directly or indirectly introduce a *Substance* by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying, or by any other means.

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"**Domestic Waste**" means *Waste, Sanitary Waste* and the water-carried wastes from drinking, culinary uses, washing, bathing, laundering or food processing which is produced on a *Residential Property*.

"**Enactment**" means any applicable act, regulation, bylaw, order, or authorization, by a federal, provincial, regional, municipal government or their authorized representatives.

"**Fecal Coliform**" means the portion of coliform bacteria from fecal sources, as determined by the appropriate procedure in *Standard Methods*.

"**Fish-bearing Stream**" means a *Stream* in which fish are present or potentially present if introduced barriers or obstructions are either removed or made passable for fish.

"**Grab Sample**" means a sample of water or *Stormwater* collected at a particular time and place.

"**Impermeable Material**" means a paved or roof surface that prevents or retards the entry of water into the soil and which causes *Stormwater* to run off the surface in quantities and at increased flow rates greater than the quantities and the flow rates of the natural environment.

"**Improvement District**" means an Improvement District incorporated under the *Local Government Act*.

"**Manager**" means the Manager of Engineering Services for the *Regional District* and includes any other employee acting under his authority.

"**Non-Domestic Waste**" means all *Waste*, except domestic *Waste, Trucked Liquid Waste, Sanitary Waste, Stormwater*, and *Uncontaminated Water*.

"**Non Fish-bearing Stream**" means a *Stream* that:

- (a) is not inhabited by fish; and
- (b) provides water, food and nutrients to a downstream fish-bearing stream or other water body.

"**Oil and Grease**" means an organic *Substance* or *Substances* recoverable by procedures set out in *Standard Methods* or procedures authorized by the *Manager* and includes, but is not limited to, hydrocarbons, esters, fats, oils, waxes, and high-molecular weight carboxylic acids.

"**Owner**" means any person who is registered under the *Land Title Act* as the *Owner* of land, or any other person who is in lawful possession of land or who is in lawful possession or occupancy of any buildings situated on the land.

"**PCB**" means any monochlorinated, dechlorinated, or polychlorinated biphenyl or any mixture that contains one or more of these.

"**Permanent**" means, in relation to a *Fish-bearing Stream*, that it typically contains continuous surface waters or flows for periods more than six months in duration.

"**Permanent Structure**" means any building or structure that was lawfully constructed, placed or erected on a secure and long lasting foundation on land in accordance with any local government bylaw or approval condition in effect at the time of construction, placement or erection.

"**Pesticides**" means *Pesticides* regulated under the *Pesticide Control Act* of British Columbia.

"**pH**" means the expression of the acidity or basicity of a solution as defined and determined by the appropriate procedure described in *Standard Methods*.

"**Pollution**" means the presence in the environment of *Substances* or *Contaminants* that substantially alter or impair the usefulness of the environment.

"**Pool**" means any water receptacle designed for decorative purposes or used for swimming or as a bath or hot tub designed to accommodate more than one bather at a time.

"**Potential Vegetation**" is considered to exist if there is a reasonable ability for regeneration either with assistance through enhancement or naturally, and is considered to not exist on that part of an area covered by a *Permanent Structure*.

"**Premises**" means any land or building or both or any part thereof.

"**Prohibited Waste**" means *Prohibited Waste* as defined in Schedule "A" to this Bylaw.

"**Radioactive Materials**" means radioactive material as defined in the *Atomic Energy Control Act* of Canada and Regulations under that Act.

"**Ravine**" means a narrow, steep sided valley that is commonly eroded by running water and with slope grades greater than 3:1.

"**Regional District**" means the Cowichan Valley Regional District.

"**Regional District Drainage System**" means *Storm Drains* and *Stormwater* management facilities owned or operated by the *Regional District*.

"**Residential Property**" means a property, which is used primarily for the purpose of residence by persons on a *Permanent*, temporary or seasonal basis.

"**Riparian Area**" means the area adjacent to a *Stream* that may be subject to temporary, frequent or seasonal inundation, and supports plant species that are typical of an area of inundated or saturated soil conditions, and that are distinct from plant species on freely drained adjacent upland sites because of the presence of water.

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"**Sanitary Waste**" means waste that contains human feces, urine, blood or body fluids originating from sanitary conveniences or other sources.

"**Special Waste**" means **Special Waste** as defined in the *Waste Management Act* of British Columbia or any legislation that replaces the *Waste Management Act*.

"**Special Waste Regulation**" means the **Special Waste Regulation** enacted pursuant to the *Waste Management Act* or any legislation that replaces the *Waste Management Act*.

"**Standard Methods**" means the 20th edition of "**Standard Methods for the Examination of Water and Wastewater**" jointly prepared and published from time to time by the American Public Health Association, American Water Works Association, and the Water Environment Federation, published in 1998.

"**Storm Drain**" means a pipe, conduit, drain or other equipment or facilities for the collection and transmission of **Stormwater** or **Uncontaminated Water**.

"**Stormwater**" means water resulting from natural precipitation from the atmosphere.

"**Stormwater Management Facility**" means an impoundment and appurtenant structures, connections and controls for containment, detention or retention of **Stormwater** and its delayed release at a controlled rate to a receiving **Storm Drain** or **Watercourse**.

"**Stream**" includes a pond, lake, river, creek, brook, spring or wetland.

"**Streamside Protection Area**" means an area adjacent to a **Stream** that links aquatic or terrestrial ecosystems and includes both the **Riparian Area** vegetation and the adjacent upland vegetation that exerts an influence on the **Stream**, the width of which is determined according to Section 5.

"**Substance**" includes any solid, liquid or gas.

"**Suspended Solids**" means the portion of total solids retained by a filter, as determined by the appropriate procedure in *Standard Methods*.

"**Top of Bank**" means the point closest to the wetted boundary of a **Stream** where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from the break.

"**Top of Ravine Bank**" means the first significant break in a **Ravine** slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the **Ravine** that could be developed.

"**Trucked Liquid Waste**" means any **Waste** that is collected and transported from the site where the **Waste** originated by means other than **Discharge** to a sewer including, but not limited to, holding tank **Waste**, septic tank **Waste**, chemical toilet contents, catch basin **Waste**, **Oil and Grease** from interceptors or traps, and other sludge of organic or inorganic origin.

"*Uncontaminated Water*" means any water excluding *Stormwater*, but including cooling water, *Condensed Water* and water from municipal waterworks or a private water supply to which no *Contaminant* has been added.

"*Waste*" means any *Substance* whether gaseous, liquid or solid, that is or is intended to be discharged or discarded, directly or indirectly, to the *Regional District Drainage System*.

"*Wastewater*" means the composite of water and water-carried wastes from residential, commercial, industrial or institutional *Premises* or any other source.

"*Wastewater quality parameter*" means any parameter used to describe the quality of *Wastewater*.

"*Water*" includes surface water, groundwater and ice.

"*Watercourse*" means:

- (a) a *Stream*; or
 - (b) a canal, ditch, reservoir, *Stormwater Management Facility* or other man-made surface feature designed to carry or hold water or *Stormwater*;
- whether it contains or conveys water continuously or intermittently.

"*Waterworks*" means any works owned or otherwise under the control or jurisdiction of the *Regional District* that distributes, transports, or stores drinking water.

3.0 DISCHARGES TO STORM DRAINS AND WATERCOURSES

- 1) No person shall *Discharge* or allow or cause to be discharged into a *Storm Drain* or *Watercourse* any *Domestic Waste*, *Trucked Liquid Waste*, *Prohibited Waste*, or *Sanitary Waste*.
- 2) Despite the prohibition contained in Subsection 3(1), a person may *Discharge* into a *Storm Drain* or *Watercourse* water resulting from domestic activities customarily incidental to a residential use of land including:
 - (a) water resulting from natural precipitation, and drainage of such water;
 - (b) water resulting from garden and lawn maintenance, non-commercial car washing, building washing and driveway washing; and
 - (c) *Uncontaminated Water*.
- 3) Despite the prohibition contained in Subsection 3(1), a person may *Discharge* into a *Storm Drain* or *Watercourse* water resulting from the following non-domestic activities:
 - (a) street, hydrant and water main flushing; and
 - (b) firefighting activities.

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4.0 APPROVAL FOR WORK IN REGIONAL DISTRICT DRAINAGE SYSTEM

- 1) No person shall, without the prior written approval of the *Manager*,
 - (a) alter, repair, remove, fill in, reconstruct, divert or carry out any other works within the *Regional District Drainage System*;
 - (b) enclose any *Watercourse* in a drain or culvert; or
 - (c) cut or remove a tree, cut or remove vegetation, remove or deposit soil, construct or build structures, or install drainage works within a *Streamside Protection Area* of a *Watercourse* where the proposed activity or work is likely to impair the quality of *Stormwater* or alter *Stormwater* flow patterns or flow rates in a manner that is likely to increase the risk of flooding or environmental damage or interfere with the proper functioning of the *Regional District Drainage System*.
- 2) A person who wishes to do work referred to in Subsection (1) shall submit to the *Manager*:
 - (a) a plan of the proposed work showing the design;
 - (b) a written report evaluating the potential impacts of the proposed work on the quality of *Stormwater* and the *Regional District Drainage System* or *Watercourse* including changes in water flow patterns, hydraulic changes and the potential for flooding; and
 - (c) a written report indicating measures that the applicant will take to minimize adverse effects on the environment while the work is carried out.
- 3) The *Manager* may waive the requirement under Subsection (2), if, in the opinion of the *Manager*, the proposed works are of such a minor nature that they are unlikely to have any appreciable impact on a *Watercourse* or on the *Regional District Drainage System*.
- 4) If the *Manager* reviews an application for approval under this section and determines that the proposed work:
 - (a) will not impair the quality of *Stormwater*; and
 - (b) will not alter *Stormwater* flow patterns and flow rates in a manner which is likely to increase the risk of flooding or environmental damage or interfere with the proper functioning of the *Regional District Drainage System*,then the *Manager* may issue the approval.

5.0 DETERMINATION OF THE WIDTH OF STREAMSIDE PROTECTION AREAS

- 1) *Streamside Protection Areas* are those areas determined with reference to the following existing or *Potential Vegetation* conditions by measuring perpendicularly away from the top of the bank or top of the *Ravine* bank on either side of a *Stream*:

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- (a) intact and continuous areas of existing or *Potential Vegetation* equal to or greater than 50 metres wide;
 - (b) limited but continuous areas of existing or *Potential Vegetation* equal to 30 metres wide or discontinuous but occasionally wider areas of existing or *Potential Vegetation* between 30 and 50 metres wide;
 - (c) narrow but continuous areas of existing or *Potential Vegetation* equal to 15 metres wide or discontinuous but occasionally wider areas of existing or *Potential Vegetation* between 15 and 30 metres wide;
 - (d) very narrow but continuous areas of existing or *Potential Vegetation* up to 5 metres wide or discontinuous but occasionally wider areas of existing or *Potential Vegetation* between 5 and 15 metres wide interspersed with *Permanent Structures*.
- 2) With reference to vegetation conditions in Subsection (1), *Streamside Protection Areas* must be:
- (a) if Subsection(1)(a) or (b) applies, 30 metres wide measured perpendicularly away from the top of the bank for all *Fish-bearing Streams* or for *Non Fish-bearing Streams* that are *Permanent*;
 - (b) if Subsection (1)(a), (b) or (c) applies, 15 metres wide measured perpendicularly away from the top of the bank for *Non Fish-bearing Streams* that are non-*Permanent*;
 - (c) if Subsection (1)(c) applies, 15 metres wide measured perpendicularly away from the top of the bank for *Non Fish-bearing Streams* that are *Permanent*;
 - (d) if Subsection (1)(d) applies, 15 metres wide measured perpendicularly away from the top of the bank for all *Fish-bearing Streams*;
 - (e) if Subsection (1)(d) applies, 5 metres wide measured perpendicularly away from the top of the bank for all *Non Fish-bearing Streams*.
- 3) If a *Stream* is in a *Ravine* that is less than 60 metres in total width from top of the *Ravine* bank to top of the *Ravine* bank, not including the *Stream* channel within its *Active Floodplain* boundaries, protection must be consistent with Subsection (2)(a) through (e), where appropriate, from the top of the *Ravine* bank.
- 4) If a *Stream* is in a *Ravine* that is more than 60 metres in total width from top of the *Ravine* bank to *Top of Ravine Bank*, not including the *Stream* channel within its *Active Floodplain* boundaries, a *Streamside Protection Area* must be 10 metres wide measured perpendicularly away from the top of the *Ravine* bank.

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6.0 OBSTRUCTING WATERCOURSES

- 1) No person shall obstruct or impede the flow of a *Stream*, creek, waterway, *Watercourse*, waterworks, ditch, drain or *Storm Drain* whether or not it is located on private property.

7.0 AUTHORITY OF THE MANAGER, ENGINEERING SERVICES

- 1) The *Manager* has the powers set out in this Bylaw and the responsibilities in relation to the administration of this Bylaw as set out in the Bylaw.

8.0 INSPECTION

- 1) The *Manager*, an employee of the *Regional District* authorized by the *Manager*, or a bylaw enforcement officer may enter at all reasonable times, on any property that is subject to this Bylaw to ascertain whether the regulations of this Bylaw are being observed or the requirements of this Bylaw are being met.

9.0 DISCONNECTION

- 1) Where an *Owner* or occupier of real property discharges any *Domestic Waste*, trucked *Waste* or *Prohibited Wastes* into a *Storm Drain*, and where a Court of competent jurisdiction determines that the *Discharge* creates a nuisance, then the *Manager* is authorized to require the *Owner* or occupier of the real property to immediately abate the nuisance, and where the nuisance is not abated, the *Manager* is authorized to cause the nuisance to be abated by the disconnection or plugging of any *Storm Drain* connection at the expense of the person in default.
- 2) If action in default is taken under Subsection (1), the expense may be recovered from the *Owner* of the real property in accordance with Section 376 of the *Local Government Act*.

10.0 OFFENCES AND PENALTIES

- 1) A person who contravenes this Bylaw commits an offence and is liable upon conviction to a fine not exceeding \$2,000.00.
- 2) Each day that a violation occurs or continues shall constitute a separate offence.

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11.0 GENERAL

- 1) No person shall hinder or prevent the *Manager*, a person authorized by the *Manager*, or a bylaw enforcement officer from entering any *Premises* or from carrying out his duties with respect to the administration of this Bylaw.
- 2) The Schedules annexed to this Bylaw shall be deemed to be an integral part of this Bylaw.
- 3) If any provision of this Bylaw is found to be invalid by a Court of competent jurisdiction it may be severed from the Bylaw.
- 4) The headings in this Bylaw are inserted for convenience and reference only.
- 5) This Bylaw, other than section 7, comes into force upon adoption.

12.0 PURPOSE

- 1) This Bylaw must be interpreted in accordance with this section despite any other provision of this Bylaw.
- 2) This Bylaw is enacted for the purpose of regulating *Discharges* to and works and activities in relation to *Watercourses* and the *Regional District Drainage System* in order to reduce the risk of flooding or *Pollution* or interference with the proper functioning of the *Regional District Drainage System*. The purpose of this Bylaw does not extend:
 - (a) to the protection of any person from economic loss;
 - (b) to the assumption by the Regional District of responsibility for ensuring that any *Discharge* of *Wastewater* to a *Watercourse* or the *Regional District Drainage System*, or activity or works in relation to *Watercourses* or the *Regional District Drainage System* does not cause flooding, *Pollution* or interference with the proper functioning of the *Regional District Drainage System*; or
 - (c) to provide any person with a warranty that any *Discharge* of *Wastewater* or activity or works referred to in paragraph (b) will not cause flooding, *Pollution* or other nuisance to any person.
- 3) Nothing in this Bylaw shall be interpreted as relieving a person discharging *Wastewater* from complying with Federal, Provincial and local government *Enactments* governing the *Discharge* of *Wastewater* into *Storm Drains* and *Watercourses*, and in the event of a conflict between the provisions of this Bylaw and a Federal or Provincial *Enactment*, the provisions of the Federal or Provincial *Enactment* shall prevail.

READ A FIRST TIME this _____ day of _____ , 2008.

READ A SECOND TIME this _____ day of _____ , 2008.

READ A THIRD TIME this _____ day of _____ , 2008.

ADOPTED this _____ day of _____ , 2008.

Chairperson

Corporate Secretary



SCHEDULE A

TO CVRD BYLAW NO. 3230

PROHIBITED WASTE

Prohibited Waste means:

1. Special Waste

Special Waste as defined by the *Waste Management Act* (British Columbia) and its Regulations or any legislation that replaces the *Waste Management Act*.

2. Biomedical Waste

Any *Biomedical Waste*.

3. Air Contaminant Waste

Any *Waste* which, by itself or in combination with another *Substance*, is capable of creating, causing or introducing an *Air Contaminant*, causing *Air Pollution* outside any *Storm Drain* or *Stormwater Management Facility* or is capable of creating, causing or introducing an *Air Contaminant* within any *Storm Drain* or *Stormwater Management Facility* which would prevent safe entry by authorized personnel.

4. Flammable or Explosive Waste

Any *Waste*, which by itself or in combination with another *Substance*, is capable of causing or contributing to an explosion or supporting combustion in any *Storm Drain*, *Watercourse* or *Stormwater Management Facility* including, but not limited to gasoline, naphtha, propane, diesel, fuel oil, kerosene or alcohol.

5. Obstructive Waste

Any *Waste* which by itself or in combination with another *Substance* is capable of obstructing the flow of, or interfering with, the operation, performance or flow of any *Storm Drain*, *Watercourse* or *Stormwater Management Facility* including, but not limited to earth, sand, sweepings, gardening or agricultural waste, ash, chemicals, paint, metal, glass, sharps, rags, cloth, tar, asphalt, cement-based products, plastic, wood, waste portions of animals, fish or fowl, and solidified fat.

..../2

6. **Corrosive Waste**
Any *Waste* with corrosive properties which, by itself, or in combination with any other *Substance*, may cause damage to any *Storm Drain* or *Stormwater Management Facility* or which may prevent safe entry by authorized personnel.
7. **High Temperature Waste**
 - (a) Any *Waste* which, by itself or in combination with another *Substance*, will create heat in amounts which will interfere with the operation and maintenance of a *Storm Drain* or *Stormwater Management Facility*;
 - (b) Any *Waste* which will raise the temperature of *Waste* discharged by a *Storm Drain*, *Watercourse* or *Stormwater Management Facility* by 1 degree Celsius or more;
 - (c) Any *Waste* with a temperature of 18 degrees Celsius or more at the point of *Discharge*.
8. **PCB's and Pesticides**
Any *Waste* containing *PCB's* or *Pesticides*.
9. **Pool Water**
Any water from a *Pool* containing residual chlorine, chloramine, bromine or chloride.
10. **Radioactive Waste**
Any *Waste* containing *Radioactive Materials* that, prior to the point of *Discharge* into a *Storm Drain* or *Watercourse*, exceeds radioactivity limitations as established by the Atomic Energy Control Board of Canada.
11. **pH Waste**
Any *Waste* which, prior to the point of *Discharge* into a *Storm Drain* or *Watercourse*, has a *pH* lower than 6.5 or higher than 9.0 as determined by either a *Grab Sample* or *Composite Sample*.
12. **Dyes and Colouring Material**
Dyes or colouring materials that produce, in a *Grab Sample* or *Composite Sample*, a *Colour* value greater than or equal to 50 true *Colour* units, or that causes discolouration of water to such an extent that the *Colour* cannot be determined by the visual comparison method as set out in *Standard Methods* except where the dye is used by a municipality or *Regional District* as a tracer.
13. **Miscellaneous Wastes**
Any *Waste* which by itself or in combination with another *Substance*:
 - (a) constitutes or may constitute a health or safety hazard to any person;
 - (b) causes *Pollution* in any *Storm Drain*, *Watercourse* or *Stormwater Management Facility*.

.../3

14. Disinfectant Process Water

Any water from a waterworks containing residual chlorine or chloramine remaining from the disinfection of the waterworks or any part of the waterworks.

15. Fill

Soil, sand, clay, gravel, rock or other material of which land is composed.

16. Oily Wastewater

Any *Wastewater* that contains visible oil floating on the surface.

17. Wastewater containing *Suspended Solids*

Any *Wastewater* that contains *Suspended Solids* in concentrations that would:

(a) exceed 75 milligrams per litre as determined by either a *Grab Sample* or a *Composite Sample*, or

(b) cause the *Water Quality* in the *Watercourse* receiving the *Wastewater* to exceed the *Suspended Solids* criteria as set out in Table 2, title "Summary of Approved Water Quality Criteria for Particulate Matter" in the "British Columbia Approved Water Quality Guidelines (Criteria): 1998 Edition, Updated June 28, 2000" published by the Ministry of Environment.

18. Wastewater containing *Fecal Coliform*

Any *Wastewater* that contains *Fecal Coliform* in concentrations above 200 colony counts/100-ml as determined by a *Grab Sample* or *Composite Sample*.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3236

**A Bylaw Authorizing the Expenditure of Funds from the
Community Parks Reserve Fund (Area I - Youbou-Meade Creek),
Established Pursuant to CVRD Bylaw No. 272**

WHEREAS as of October 31, 2008, there is an unappropriated balance in the *Electoral Area I Community Parks Park Land Acquisition Reserve Fund* of One Hundred Seventeen Thousand One Hundred and Seventy-Three Dollars (\$117,173.) that has been calculated as follows:

BALANCE in Reserve Fund as at October 31, 2008	\$187,173.
ADD: Additions to the Fund, including interest earned for the current year to date.	<u>\$0.</u>
	\$187,173.
DEDUCT: Commitments outstanding under bylaws previously adopted.	<u>\$70,000.</u>
UNCOMMITTED BALANCE in Reserve Fund as at October 31, 2008:	<u>\$117,173.</u>

AND WHEREAS it is deemed desirable and expedient to expend not more than Thirty Thousand (\$30,000.) of the said balance for the purpose of completing capital projects in the Youbou Little League Park (Phase I ballfield upgrade); Nantree Park (fence installation); and swimming float repairs in Arbutus Park;

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

.../2

1. CITATION

This Bylaw may be cited for all purposes as "CVRD Bylaw No. 3236 – Community Parks Reserve Fund (Area I - Youbou/Meade Creek) Expenditure Bylaw, 2008".

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Thirty Thousand (\$30,000.) of the said balance for the purpose of completing capital projects in the Youbou Little League Park (Phase I ballfield upgrade); Nantree Park (fence installation); and swimming float repairs in Arbutus Park;
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution adopted November 12, 2008.

3. SUMS REMAINING

Should any of the said sum of Thirty Thousand Dollars (\$30,000.) 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 _____, 2008.

READ A SECOND TIME this _____ day of _____, 2008.

READ A THIRD TIME this _____ day of _____, 2008.

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3121

**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. 3121 - Area B – Shawnigan Lake - Zoning Amendment Bylaw (Perrett), 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 District Lot 151, Malahat District , as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3121, from F-1 (Primary Forestry) to R-2 (Suburban Residential).

.../2

3. FORCE AND EFFECT

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

READ A FIRST TIME this 14th day of May, 2008

READ A SECOND TIME this 14th day of May, 2008.

READ A THIRD TIME this 10th day of September, 2008.

ADOPTED this _____ day of _____, 2008.

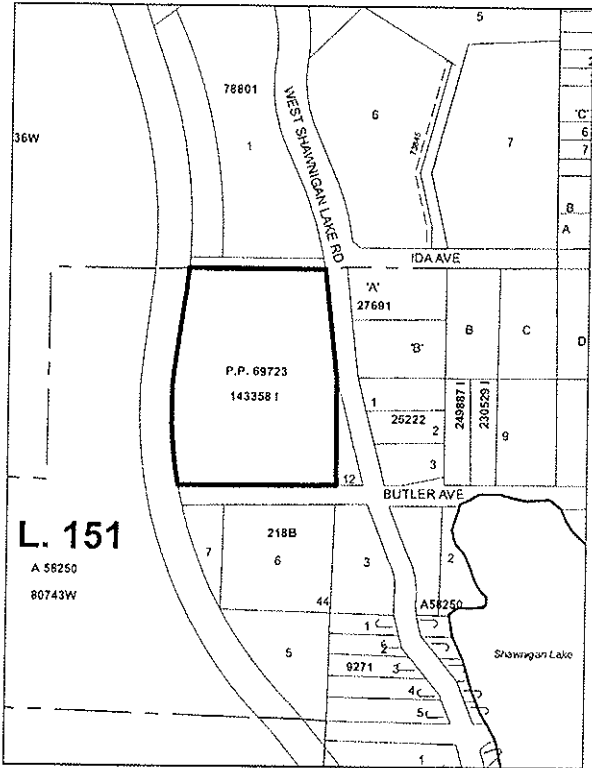
Chairperson

Corporate Secretary

PLAN NO. Z-3121

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

3121



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

F-1 (Primary Forestry)

TO

R-2 (Suburban Residential)

APPLICABLE

TO ELECTORAL AREA B



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3128

**A Bylaw for the Purpose of Amending Official Settlement Plan Bylaw No. 925,
Applicable to Electoral Area D – Cowichan Bay**

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

AND WHEREAS the Regional District has adopted an official settlement plan bylaw for Electoral Area D – Cowichan Bay, that being Official Settlement Plan Bylaw No. 925;

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 Settlement Plan Bylaw No. 925;

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. 3128 – Area D – Cowichan Bay Official Settlement Plan Amendment Bylaw (Partridge), 2008**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Settlement Plan Bylaw No. 925, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. **CAPITAL EXPENDITURE PROGRAM**

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

READ A FIRST TIME this 11th day of June, 2008

READ A SECOND TIME this 11th day of June, 2008.

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

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3128

Schedule A to Official Settlement Plan Bylaw No. 925, is hereby amended as follows:

1. That Lots 1, 2 and 3 of Block 'N', Section 6, Range 4, Plan 79, Cowichan District, as shown outlined in a solid black line on Plan number Z-3128 attached hereto and forming Schedule B of this bylaw, be added to the Multi-Family Development Permit Area on Figure 2.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3129

**A Bylaw for the Purpose of Amending Zoning Bylaw No. 1015
Applicable to Electoral Area D – Cowichan Bay**

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 D – Cowichan Bay, that being Zoning Bylaw No. 1015;

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. 1015;

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. 3129 – Area D – Cowichan Bay Zoning Amendment Bylaw (Partridge), 2008**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 1015, as amended from time to time, is hereby amended in the following manner:

- a) That Section 6.1 "Creation of Zones" be amended by adding RM-3A – High Density Multi Family Residential (10 m) – to the list of zones.
- b) That the following be added after Section 8.4(c):

8.4A **RM-3A ZONE – HIGH DENSITY MULTI-FAMILY RESIDENTIAL (10 m)**

(a) **Permitted Uses:**

The following uses and no others are permitted in the RM-3A Zone:

- (1) multiple family residence;
- (2) daycare, nursery school; and
- (3) home craft.

(b) Conditions of Use:

For any parcel in the RM-3A Zone:

- (1) connection to a community water system and a community sewer system shall be provided;
- (2) the parcel coverage shall not exceed 50% for all buildings and structures;
- (3) the height of any principal building or structure shall not exceed 10 metres;
- (4) the height of any accessory building or structure shall not exceed 4 metres;
- (5) the minimum setbacks for the types of parcel lines set out in Column I are set out for all structures in Section II:

Column I: Type of Parcel Line	Column II: Minimum Setbacks for Buildings and Structures
Front	7.5 metres
Interior Side	3.5 metres or ½ the height of the principal building
Exterior Side	4.5 metres
Rear	7.5 metres

- (6) no parking space or driveway shall be located within 3 metres of windows of habitable rooms or within 1.5 metres of a property line.

(c) Density:

For any parcel in the RM-3A Zone, the maximum density of dwelling units shall not exceed 90 units per hectare of parcel area.

- c) That Schedule B (Zoning Map) to Electoral Area D – Cowichan Bay Zoning Bylaw No. 1015 is amended by adding RM-3A – High Density Multi-Family Residential (10m) to the legend.
- d) That Schedule B (Zoning Map) to Electoral Area D – Cowichan Bay Zoning Bylaw No. 1015 is further amended by rezoning Lots 1, 2 and 3 of Block ‘N’, Section 6, Range 4, Plan 79, Cowichan District, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3129, from R-3B (Urban Residential – Limited Height) to RM-3A - High Density Multi-Family Residential (10m).
- e) That Section 13.1 be amended by adding RM-3A - High Density Multi-Family Residential (10 m) to the list, with a minimum parcel size of 0.2 hectares for parcels serviced by both a community water and a community sewer system.

3. FORCE AND EFFECT

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

READ A FIRST TIME this 11th day of June, 2008

READ A SECOND TIME this 11th day of June, 2008.

SECOND READING RESCINDED this 8th day of October, 2008.

SECOND READING AS AMENDED this 8th day of October, 2008.

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

ADOPTED this _____ day of _____, 2008.

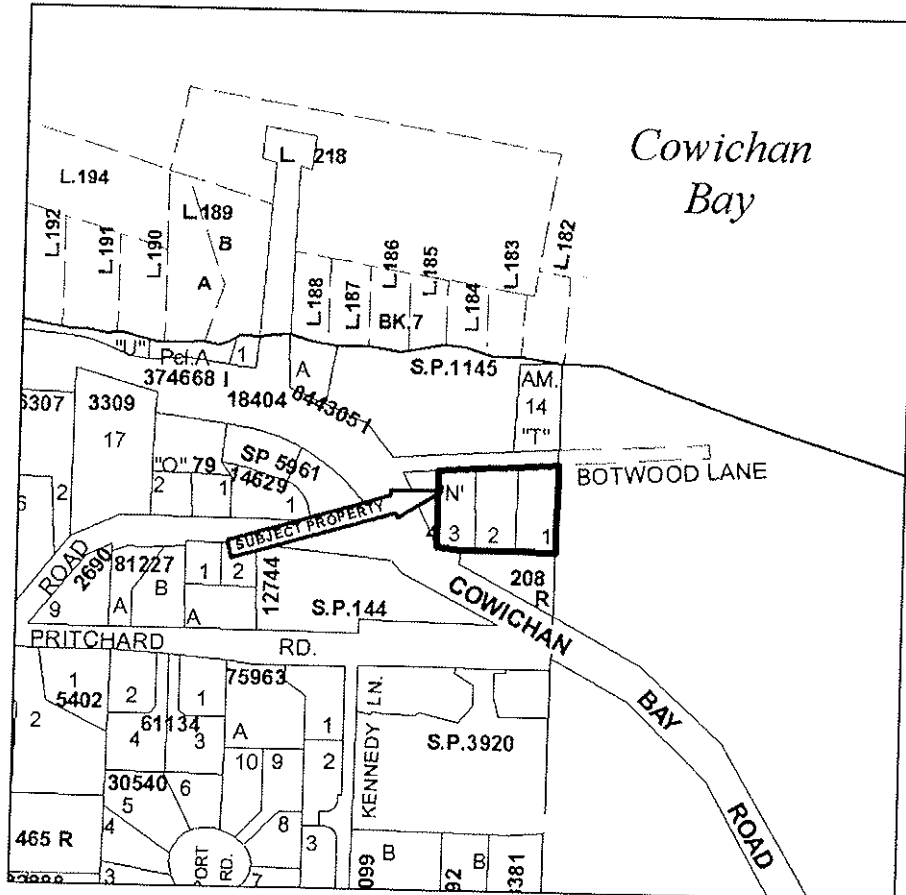
Chairperson

Corporate Secretary

PLAN NO. Z-3129

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

3129



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

R-3B (Urban Residential – Limited Height)

TO

RM-3A – High Density Multi-Family Residential (10 m)

APPLICABLE

TO ELECTORAL AREA D

**COWICHAN VALLEY REGIONAL DISTRICT****BYLAW NO. 3213****A Bylaw for the Purpose of Amending Official Community Plan Bylaw No. 2650,
Applicable to Electoral Area I – Youbou/Meade Creek**

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 I – Youbou/Meade Creek, that being Official Community Plan Bylaw No. 2650;

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. 2650;

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. 3213 – Area I – Youbou/Meade Creek Official Community Plan Amendment Bylaw (Youbou Lands), 2008**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 2650, 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.

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READ A FIRST TIME this _____ day of _____, 2008

READ A SECOND TIME this _____ day of _____, 2008.

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

I hereby certify this to be a true and correct copy of Bylaw No. 3213 as given Third Reading on the _____ day of _____, 2009.

Corporate Secretary

Date

APPROVED BY THE MINISTER OF COMMUNITY DEVELOPMENT UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT*

this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3213

Schedule A to Official Community Plan Bylaw No. 2650, is hereby amended as follows:

1. Section 8 – Future Development Area – is deleted in its entirety and replaced by the following:

SECTION 8 - YOUBOU LANDS SECONDARY PLAN

Introduction

The purpose of this Secondary Plan is to implement development that was approved in principle in the former “Future Development Area” section of this Official Community Plan. The former Future Development Area was intended to promote a healthy, sustainable land use by encouraging development within clearly defined boundaries, and developing an integrated planning approach that allows for a community focus, as opposed to urban and suburban sprawl.

The intent of this Secondary Plan is to promote the creation of a complete, healthy, livable community, by providing opportunities for new residential, commercial and recreational development in close relation to one another, and in very close proximity to the existing Youbou residential area. The primary goal of this Secondary Plan is to not only re-invigorate the progression of the Youbou community, but also to stimulate economic activity by actively encouraging the development of new businesses, both commercial and light industrial in nature. The cleanup of the former site of the sawmill was also among the main reasons that this site was designated for development, and the creation of a suitable community core for Youbou is also a principal goal of this Secondary Plan.

Promotion of compact residential living areas and a walkable community will advance the standard of development in the CVRD, heralding a more harmonious relationship between community growth and the natural environment. With more recreational opportunities, affordable lake access, remediation of the former mill site, and concentrated mixed land uses, dependence on the automobile can be reduced, resulting in less pollution. Controlled, concentrated development means more efficient, effective, and affordable services such as public transit, police, educational and health care, and better infrastructure throughout Youbou. At the same time, the working forest land base outside of the Secondary Plan area and large amounts of the natural environment within the Secondary Plan area are preserved, and Cowichan Lake as a whole will be better protected from over-development.

.../2

In approving the Youbou Lands application, the CVRD Board of Directors has committed the developer to the creation of a very significant amount of public infrastructure, mainly in the form of a community water system and community sewer system. It has also committed itself to the ownership and operation of this infrastructure. Aside from sewer and water, drainage, street lighting, parklands and trailways are also proposed, and each of these also represents significant public infrastructure.

Where such public infrastructure is created, there immediately develops a public imperative to maximize its efficient use. The CVRD Board of Directors intends to enter into a phased development agreement with the Youbou lands, to provide a degree of immunity from regulatory changes that could impact development of the site and thereby increase the likelihood that public infrastructure supporting the project will be efficiently used. In addition, other provisions of this Official Community Plan, including future land use designations, are intended to direct development pressures to the Youbou Lands and other appropriately serviced areas until those areas are substantially built out.

Secondary Plan Process

Development of this Secondary Plan was triggered by the application for an Official Community Plan and zoning amendment. Extensive public consultation was conducted at an early stage of the application review process, in the form of three open houses held by the applicant and two public meetings hosted by the CVRD, at which various concepts for the development of this site were presented to the community. Later, a public hearing was held to present the Secondary Plan and complementary zoning amendment to the community. Public feedback from those sessions assisted the CVRD in the development and refinement of this Secondary Plan.

Phased Development Agreement

A Phased Development Agreement (PDA) adopted pursuant to Section 905.1 of the *Local Government Act* complements this Secondary Plan. The PDA is briefly described in Policy 8.4 below. The PDA would not be assignable by the developer to a third party that is not listed in the PDA, without the written consent of the Cowichan Valley Regional District, pursuant to Section 902(5)(c) of the *Local Government Act*.

YUBOU LANDS SECONDARY PLAN - OBJECTIVES

The principal objective of this Secondary Plan is to encourage a complete, healthy, liveable community by encouraging growth mainly within the Secondary Plan area and, in doing so, to:

- (1) Provide for a mix of housing opportunities that would enable all ages and people of various means to reside in the community;

.../3

- (2) Encourage the provision of a firm economic base, to provide local employment opportunities and shopping opportunities, and thus ensure that Youbou/Meade Creek does not become merely an automobile dependent bedroom community of Lake Cowichan or Duncan;
- (3) Support the landowners in their commendable efforts to ensure the timely environmental remediation (clean-up) of the former Youbou sawmill site;
- (4) Encourage a community that is integrated with the natural environment, and includes measures to support the local populations of Roosevelt Elk;
- (5) Encourage the provision of adequate and efficient services commensurate with the degree of new residential development proposed, including road upgrades and servicing, utilities, policing, parks and recreation, Cowichan Lake access, schools, transit, fire services, and health care;
- (6) Require the provision of community sewer services, with a Class B (plus tertiary) level of treatment, that can be shared by the existing Youbou Community, should residents so desire;
- (7) Encourage urban design that will enable the provision of efficient public transit and non-motorized transportation modes;
- (8) Provide for the establishment of an affordable public access marina, boat launch and beach area;
- (9) Concentrate future urban development in Youbou/Meade Creek in the Future Development Area and, in doing so, to ensure a sustainable community, with the renewable forest resource and the natural environment values protected for future generations;
- (10) Establish development permit areas as required to ensure that the development proceeds in a fashion that is consistent with state-of-the-art environmental practices, and that the community's expectations of a high-quality development are met.

YOUBOU LANDS SECONDARY PLAN – GENERAL POLICIES

POLICY 8.1: Lands subject to the Youbou Lands Secondary Plan are shown on Schedule "B", the Plan Map.

POLICY 8.2: The intent of this Secondary Plan is to permit the development of a mixed-use residential/commercial/light industrial addition to the community of Youbou, and to provide for a new focal centre for the community of Youbou. It is also intended to accommodate most of the anticipated population growth in this electoral area for a period of at least twenty years from the date of adoption of this Secondary Plan.

POLICY 8.3: Until the Youbou Lands site is approximately 75% built out (at least 1600 residential dwelling units), the CVRD Board will not give favourable consideration to proposals to amend this Official Community Plan (OCP) to permit the development of significant alternative large-scale residential sites. This policy complements other policies of this OCP that discourage speculative residential developments in areas that are not already designated or serviced for that purpose.

YOUBOU LANDS SECONDARY PLAN – COMPREHENSIVE POLICIES

POLICY 8.4: The CVRD Board, as a condition of permitting the Youbou Lands site to be developed, requires that the owners of these lands enter into a **Phased Development Agreement (PDA)** – pursuant to Sections 905.1 through 905.5 of the *Local Government Act* – with the CVRD. The PDA:

- i. Specifies the lands to which particular zoning provisions apply;
- ii. Requires the inclusion of certain features within the development;
- iii. Contains requirements concerning the provision of amenities related to the development;
- iv. Contains a phasing schedule with respect to matters contained in the PDA;
- v. Contains provisions for making minor adjustments to the PDA;
- vi. Protects the developer, for a period of up to 20 years from effective date of the PDA, from zoning changes that are not required by a Provincial or Federal Enactment.

The implementing zoning bylaw will not be adopted until the PDA is in place and has been adopted by the CVRD Board.

POLICY 8.5: The implementing zoning bylaw will identify the various portions of the Youbou Lands development area, and within some of those areas, comprehensive zones may be developed in the implementing bylaw. The comprehensive zones would identify the type and density of housing units to be permitted within the area and the other land uses such as commercial, industrial and institutional, and the densities that are permitted within each.

POLICY 8.6: Overall, the Youbou Lands development will be permitted to develop up to 1950 residential dwelling units, in a mixture of single-family, townhouse and multiple family buildings. Tourist accommodation, local commercial and light industrial uses are also incorporated. It is anticipated that the designation of these lands for development will address the majority of the Youbou/Meade Creek community's growth need for a period of at least twenty years. Community water and community sewer services, as defined by the Youbou/Meade Creek Zoning Bylaw, will be required for all development in this area.

POLICY 8.7: For the purposes of the Sections that follow, Schedule B indicates the approximate boundaries of the Secondary Plan Designations listed below. These boundaries shown on Schedule B are not intended to be interpreted as definitive; rather, they are intended to convey the relationship between uses in the various portions of the Youbou Lands development.

- **Village Core (mixed use commercial and residential)**
- **Residential A**
- **Residential B**
- **Residential C**
- **Residential D**
- **Residential E**
- **Public Utility**
- **Institutional and Community Facilities**
- **Light Industrial**
- **Park**
- **Environmental Conservation**

VILLAGE CORE DESIGNATION- POLICIES

POLICY 8.8: The Village Core – shown on Schedule B - is the heart of the Youbou Lands site and will become the focus – in due course – for Youbou itself. It is therefore necessary to permit a wide range of mixed commercial, institutional, park and residential land uses in this area.

POLICY 8.9: The Village Core will be a pedestrian-oriented area within which people will be encouraged to live, work, shop, assemble, socialize and recreate. While many of the residents of the Youbou Lands site will not live in or immediately next to the Village Core, measures will be put in place to ensure that the community remains well suited to walking, even for those who may live on the western fringes of the Youbou Lands site.

POLICY 8.10: The Youbou Lands Development Permit Area (DPA) respecting the form and character of the development in the Village Core focus on creating a very attractive, safe and functional heart of the community, built on a scale that is comfortable for residents. The intent is to provide the highest quality of urban fabric that excellent design can offer. The DPA also contains guidelines respecting natural hazards and environmental protection, intended to ensure the safety of the Village Core and appropriate consideration of environmental matters in design and execution. Finally, the DPA contains provisions respecting the order in which development will take place.

POLICY 8.11: Residential density permitted in the Village Core will naturally be the highest on the Youbou Lands site. The Phased Development Agreement, in conjunction with the implementing zoning bylaw, will permit a total of up to 750 residential units in this area. Residential densities on individual sites within the village core may be as high as 80 units per hectare of land. In order to approach such densities while still allowing for open space and views, taller buildings will be permitted, up to 17 metres or 4 storeys in height for multiple family residences and buildings other than resorts or hotels, and 24 metres for hotels and resorts. Floor area ratios in such areas may be as high as 2.0.

POLICY 8.12: The implementing zoning bylaw for the Village Core will permit multiple family residential use, a variety of commercial uses and some institutional uses. These uses may be apportioned to sub-units of the Village Core in a variety of combinations.

POLICY 8.13: Commercial uses in the Village Core will be limited to those that are related to the local commercial and service needs of the community of Youbou, and those required to support resort guests, visitors and marina users. Large-scale shopping centres will not be permitted.

POLICY 8.14: Prior to finalizing zoning provisions or issuing any development permit related to building construction for the Village Core area, the CVRD will require that the owner of the development undertake a detailed Village Core Neighbourhood Plan. The purpose of this plan will be to define the layout of the entire Village Core area, with roads, plazas, pedestrian walkways, building footprints and massing, view corridors and solar access for all proposed buildings and development prescribed. Site-specific zoning details such as setbacks and buildings heights will be established through the neighbourhood plan process. Gross densities and permitted uses have been established in zoning and are protected by the Phased Development Agreement. In recognition of the fact that the entire core area will not be built out at one time, the Neighbourhood Plan will be general in nature and not require development permit detail. Upon approval of the Neighbourhood Plan by the CVRD, it will be incorporated into this Official Community Plan by amendment, and the implementing zoning bylaw may be altered only with respect to matters other than permitted use and overall site density.

POLICY 8.15: The resort/hotel area will be within the Village Core designation on Schedule B, and it will be the focus for visitors seeking lodging in Youbou. It is intended to provide the opportunity for a major hotel to be established along with associated accessory uses such as – but not limited to – personal service establishment, convention centre, pub/bar, restaurants and retail use, as specified in the implementing zoning bylaw. The floor area ratio may be as high as 2.0.

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POLICY 8.16: Building height for resort purposes may be up to 24 metres and 6 storeys for the area designated as Village Core, as specified in the implementing zoning bylaw. However, the horizontal extent of a building in this designation will be limited in order to preserve views around the building. In achieving high density on this site, the CVRD will have regard for the preservation of views to the lake from properties to the north, and will strive to protect these through the Village Core Neighbourhood Plan process and development permit area guidelines.

POLICY 8.17: For parking in the Village Core, should the CVRD ever enact a parking function at Youbou, variances from parking requirements will not be considered, but instead, cash in lieu of parking under Section 906(1)(d) of the *Local Government Act* may be required if the number of parking spaces cannot be provided on site. This cash in lieu may be used in the provision of alternative transportation modes, including cycling paths and pedestrian pathways.

RESIDENTIAL A DESIGNATION - POLICIES

POLICY 8.17: The Residential A portion of Youbou Lands – shown on Schedule B – will permit single-family, multiple family and lakefront residential uses on defined portions of the Youbou Lands site. The primary focus of this area is single family residential development, with two small clusters of townhouses.

POLICY 8.18: For the non-waterfront single family areas within Residential A, the implementing zoning bylaw will permit parcel sizes that range from 450 to 750 m².

POLICY 8.19: For the lakefront single family areas within Residential A, the implementing zoning bylaw will permit parcel sizes that range from 1000 to 2200 m².

POLICY 8.20: For the multiple family areas within Residential A, the maximum permissible density will be 30 units per gross hectare, with a maximum Floor Area Ratio of 0.8.

POLICY 8.21: The maximum number of dwelling units permitted within the Residential A portion of Youbou Lands is 385.

RESIDENTIAL B DESIGNATION - POLICIES

POLICY 8.22: The Residential B portion of Youbou Lands – shown on Schedule B – will permit single-family, multiple family and lakefront residential uses on a defined portion of the Youbou Lands site. The primary focus of this area is single family residential development, with one small townhouse cluster.

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POLICY 8.23: For the non-waterfront single family areas within Residential B, the implementing zoning bylaw will permit parcel sizes that range from 450 to 1100 m².

POLICY 8.24: For the lakefront single family areas within Residential B, the implementing zoning bylaw will permit parcel sizes that range from 1000 to 2200 m².

POLICY 8.25: For the multiple family areas within Residential B, the maximum permissible density will be 30 units per gross hectare, with a maximum Floor Area Ratio of 0.8.

POLICY 8.26: The maximum number of dwelling units permitted within the Residential B portion of Youbou Lands is 250.

RESIDENTIAL C DESIGNATION - POLICIES

POLICY 8.27: The Residential C portion of Youbou Lands – shown on Schedule B – will permit single-family and lakefront residential uses on a defined portion of the Youbou Lands site.

POLICY 8.28: For the non-waterfront single family areas within Residential C, the implementing zoning bylaw will permit parcel sizes that range from 650 to 1100 m².

POLICY 8.29: For the lakefront single family areas within Residential C, the implementing zoning bylaw will permit parcel sizes that range from 1000 to 2200 m².

POLICY 8.30: The maximum number of dwelling units permitted within the Residential C portion of Youbou Lands is 185.

RESIDENTIAL D DESIGNATION - POLICIES

POLICY 8.31: The Residential D portion of Youbou Lands – shown on Schedule B – will permit single-family uses on a defined portion of the Youbou Lands site. This area is single-family residential development.

POLICY 8.32: For Residential D, the implementing zoning bylaw will permit parcel sizes that range from 650 to 1100 m².

POLICY 8.33: The maximum number of dwelling units permitted within the Residential D portion of Youbou Lands is 50.

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RESIDENTIAL E DESIGNATION - POLICIES

POLICY 8.34: The Residential E portion of Youbou Lands – shown on Schedule B – will permit single-family, multiple family residential uses and congregate care facilities on a defined portion of the Youbou Lands site. This area is intended for a combination of multiple family residential and single family residential development.

POLICY 8.35: For the single family areas within Residential E, the implementing zoning bylaw will permit parcel sizes that range from 450 to 2000 m².

POLICY 8.36: For the multiple family areas within Residential E, the maximum permissible density will be 37 units per hectare, with a maximum building height of 16 metres and a maximum floor area ratio of 0.8.

POLICY 8.37: The maximum number of dwelling units permitted within the Residential E portion of Youbou Lands is 330.

LIGHT INDUSTRIAL DESIGNATION – POLICIES

POLICY 8.38: The Light Industrial portion of Youbou Lands – shown on Schedule B – will permit uses that relate to watercraft, wood processing, value-added wood product manufacturing, artisan businesses and other low-impact light industrial uses, as set out in the implementing zoning bylaw.

POLICY 8.39: Density in the light industrial area will be limited to a floor area ratio of 0.75.

POLICY 8.40: Restrictions on the form and character of industrial development are contained within the development permit guidelines, with a view to minimising the risk of undesirable impacts upon other parts of the Youbou Lands development.

INSTITUTIONAL & COMMUNITY FACILITIES DESIGNATION - POLICIES

POLICY 8.41: The Institutional and Community Facilities portion of Youbou Lands – shown on Schedule B – will permit uses that are civic in nature, as well as permitting multiple family residential use with the intent of allowing some low income housing to be developed.

POLICY 8.42: Where residential uses are proposed, density will not exceed 30 units per hectare and for all other uses in the ICF designation, density will not exceed a floor area ratio of 0.8.

PUBLIC UTILITY DESIGNATION – POLICIES

POLICY 8.43: The Public Utility portion of Youbou Lands – shown on Schedule B – is considered to be suitable for sewage treatment and disposal purposes.

PARK DESIGNATION – POLICIES

POLICY 8.44: The Park portion of Youbou Lands – shown on Schedule B – is intended for the use, recreation and enjoyment of the public, and limited structures, landscaping, play fields, playgrounds, swimming beaches and other improvements to enhance this may be permitted in the implementing zoning bylaw. Aside from lands designated as park in this Plan, parks are a permitted use in all zones.

ENVIRONMENTAL CONSERVATION – POLICIES

POLICY 8.45: The Environmental Conservation portion of Youbou Lands – shown on Schedule B – is intended to leave a suitably large floodway and riparian zone for Cottonwood Creek and also to protect other areas that have high value as forest and habitat for native flora and fauna, notably including the Vancouver Island herd of Roosevelt Elk. These areas will have minimal improvements to them, which might include public trails on existing alignments, and a pedestrian bridge in the lower reaches of Cottonwood Creek. There will also be a public highway bridge that passes through this area.

POLICY 8.46: Flood protection works may be built within part of the area designated as Environmental Conservation, provided the necessary Provincial and Federal approvals can be achieved and the CVRD approves of them and a suitable administrative arrangement for their maintenance, in a development permit.

2. The following is added after Section 16.7:

17. YOUBOU LANDS COMPREHENSIVE DEVELOPMENT PERMIT AREA**17.1 CATEGORIES OF DEVELOPMENT PERMIT AREA**

The Youbou Lands Comprehensive Development Permit Area is designated pursuant to Sections 919.1(a), (b), (e), (f), (h), (i) and (j) of the Local Government Act, for the purpose of providing guidelines for:

- protection of the natural environment, its ecosystems and biological diversity;
- protection of development from hazardous conditions;
- the form and character of intensive residential development;

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- the form and character of commercial, industrial or multi-family residential development;
- promotion of energy conservation;
- promotion of water conservation;
- promotion of the reduction of greenhouse gases.

17.2 SCOPE OF DEVELOPMENT PERMIT AREA

The Youbou Lands Comprehensive Development Permit Area applies only to lands shown on Schedule D: Youbou Lands Comprehensive Development Permit Area, within Electoral Area I.

17.3 JUSTIFICATION OF DEVELOPMENT PERMIT AREA

Environmental Justifications

The Youbou Lands development site is located in an area with a number of environmental constraints. First and foremost, most of the site is comprised of an alluvial fan, part of which remains active, and protecting development from the possibility of flooding and associated accumulation of debris is necessary.

Cowichan Lake is a very sensitive feature of the entire region that warrants special protective measures along the shoreline areas. Additionally, Cottonwood Creek is a major tributary of Cowichan Lake, and it too deserves protective measures to ensure adequate riparian function and habitat for plants and animals.

Form and Character Justifications

The designation of the Youbou Lands site for development was in part predicated on the form and character of this new central focus for Youbou being developed in a very attractive and sensitive way. Appropriate site layout, good landscaping, attractive public spaces and parkland locations, high quality building design that evokes the history of the site and the existing community are all important to the success of this Secondary Plan area. This development permit area will therefore strive for high quality design and site planning in all phases of this development.

Sustainability Guidelines

It is very important to the community of Youbou and the region as a whole that the area subject to this Secondary Plan be implemented with due regard to resource and energy conservation, through minimising the ecological “footprint” of the development.

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17.4 DEVELOPMENT PERMIT AREA PROCEDURE & GUIDELINES

In the Village Core designation, no development permit for any construction will be issued until after a Neighbourhood Plan has been prepared under Policy 8.14, and has been approved by the Regional District Board of Directors. Following approval, any development permits issued subsequently in these areas will comply with the footprint, site layout and building mass provisions contained in the approved Neighbourhood Plan.

Prior to commencing any development, including land clearing, on lands within the Youbou Lands Comprehensive Development Permit Area (DPA), the owner shall submit information that demonstrates how the proposed development meets the following guidelines:

Natural Hazard Guidelines For All Development

Note: A development permit issued under the guidelines which follow may vary the use and density of land, insofar as doing so is necessary to protect development from hazardous conditions.

- (a) The first application for a development permit in the Youbou Lands Development Permit Area will be accompanied by:
- topographic mapping for the entire Youbou Lands site with a one metre contour interval;
 - cross-sections of Cottonwood Creek, prepared by a BCLS, taken at 100 to 150 metre intervals between the apex of the alluvial fan and Cowichan Lake shoreline;
 - the location of the 167.33 metre contour interval on the ground, representing the calculated 1 in 200 year flood construction level;
 - a report by a qualified engineer with experience in natural hazard assessment, management and mitigation, which will identify areas that ought to remain free of development, areas that may be used for development provided that specified engineering measures are employed, and areas that may be developed without constraint. These areas will be set out on a map in the report, with a different colour being used to indicate each of these three categories. The CVRD will follow the recommendations of the qualified engineer in all subsequent phases of development. Where protective structures are proposed, the proponent will recommend an administrative process to maintain the structures through time, and the CVRD will have to approve of this arrangement in the course of processing the application, for the development permit to be issued.
- (b) Habitable portions of buildings and structures will be elevated above the 167.33 metre 200-year Flood Construction Level on Cowichan Lake and where this would require that fill be placed on the land prior to development, a report certified by an engineer with experience in geotechnical engineering will be required, indicating that the fill is a suitable load-bearing substrate for the proposed buildings and structures.

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Subdivision Layout Guidelines

- (c) The subdivision of all lands within Youbou Lands will require a development permit, and the applicant will be required to demonstrate how the proposed subdivision addresses the following matters:
- (i) The development will have a looping public road system that provides alternative access and egress points for each area to be subdivided, and in cases where this would be impractical, alternative emergency access will be provided;
 - (ii) Pedestrian walkways and connections to all park areas will be made at the subdivision stage ensuring, for example, that pedestrian walkways between parcels of land will be located to maximize access to all public lands;
 - (iii) The road network in the single-family subdivision areas will include laneways behind lots;
 - (iv) Portions of road rights-of-way not required for traffic or parking will have street trees and boulevard landscaping;
 - (v) The CVRD will require sidewalks where these are necessary for pedestrian traffic, and will take on maintenance responsibility for these where they are required;
 - (vi) Parcels to be subdivided will be of a shape that allows practical building sites, without the need to resort to setback variances;
 - (vii) Panhandle lots are strongly discouraged;
 - (viii) Subdivision of parcels within the Village Core will be in strict conformity with the Village Core Neighbourhood Plan;
 - (ix) Wildfire interface zones will be examined at the subdivision stage and measures to reduce the interface risk may be specified in a development permit.

Environmental and Water Protection Guidelines for all Development

- (d) Land clearing, tree cutting and alteration of vegetation and earthworks will not be permitted prior to the receipt of a Development Permit under this DPA.
- (e) If adequate, suitable areas of land for the use intended exist on a portion of the proposed parcel that lies outside of the 30 metre Riparian Assessment Area, the proposed development should be directed to those areas in order to minimize development in the potentially sensitive Riparian Assessment Area. In all other cases, the applicant will have to demonstrate with the support of a Qualified Professional, to the satisfaction of the CVRD Board that developing in the Riparian Assessment Area is necessary or advisable due to circumstances such as topography, hazards or lack of alternative developable land, and that every effort has been made to minimize adverse impacts.
- (f) Any proposed land development activities in this DPA must be set out in a manner that minimizes the need for vegetation clearing. This would support objectives for protecting ungulate habitat, in addition to aquatic habitat. Owing to the sensitive nature of this site, the development permit may specify the amount and location of tree and vegetative cover to be retained during development, or planted following development.

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- (g) A drainage plan prepared by a qualified professional is required at the subdivision stage for single-family parcels, and at the building stage for multiple-family, commercial and industrial parcels. The purpose of the drainage plan is to strive to maintain post-development flows and water quality at pre-development levels, or better. Impervious surfaces and new sources of runoff must be kept to a bare minimum. Figures for total imperviousness on sites within the area being proposed for development should be calculated by the professional and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit, and require, where necessary, the establishment of service areas for drainage control.
- (h) Recommendations in the Ministry of Environment's various Best Management Practices guides, such as that for rainwater management and habitat protection should be addressed in detail in the application. On-site rainwater management techniques that do not impact surrounding lands, should be used, rather than traditional engineering methods.
- (i) Riparian Areas Regulation matters will be dealt with concurrently with this DPA, using the provisions of the Watercourse Protection DPA of this Bylaw.
- (j) Where a Streamside Protection and Enhancement Area (SPEA) is designated in a Riparian Assessment Report, the CVRD will require that development be set back from the SPEA boundary by at least 5 metres, and may require an additional setback in a development permit, where justified by the particular site development plan.

Resource Conservation and Energy Efficiency Guideline For All Development

- (k) Applicants will demonstrate how the proposed development is advancing the standard of resource conservation and energy efficiency in the CVRD, in such matters as:
- Reduced automobile dependency, including transit and car pooling programs;
 - Promotion of a compact urban form that encourages pedestrian and bicycle traffic;
 - High standards of building energy efficiency, through innovative heating and cooling systems, efficient appliances, high insulation standards and other means;
 - Landscape plantings that minimize the need for water use;
 - Low flow plumbing fixtures and similar water conservation measures;
 - Not restricting the use of outdoor clotheslines for the air-drying of garments;
 - Such other measures as may be feasible.

The CVRD may specify measures for resource conservation and energy efficiency in a development permit.

Form and Character of Intensive/Multi-Family and Commercial Sites and Buildings

- (l) Applicants will demonstrate through the submission of architectural renderings and such other materials as may be necessary that the proposed residential buildings achieve high aesthetic standards of design, preferably aided through the use of natural materials such as wood and rock on external finishes, earth tones and colours. Ground floors of buildings in the Village Core will have ceilings of at least 3.6 metres in height in order to facilitate conversion to commercial uses in the future. Parcel line setbacks may be reduced to between 3 metres and zero metres in order to provide a suitable streetscape for pedestrians.
- (m) For multiple family residences exceeding 7.5 metres in height, and commercial buildings exceeding 10 metres in height, view preservation and solar access of surrounding properties will be considered and analyzed through shading analysis and other suitable graphic methods. The applicant will provide such material as is necessary to demonstrate that these values have been appropriately protected. Generally, very tall buildings will be discouraged on the waterfront, with the preference being for lower buildings near the water, rising in height gradually as the distance from the water increases.
- (n) Owing to the history of the core of the Youbou Lands site as a major industrial sawmilling operation, the form and character of proposed commercial buildings may reflect this industrial heritage in their design. While the intent is not to replicate the form of previous buildings, appropriate design cues and materials from that era may be proposed.
- (o) The CVRD will place the highest priority on providing a built environment that welcomes human use and respects the perception of streetscapes by people on foot. To this end, every wall of a building at street level will be required to present either a welcoming façade (for example: picture windows, entrances, attractive architectural features). Where no reasonable alternative to a concrete firewall exists in certain areas, patterned, toned concrete with architectural treatment, embossed designs or similar finishes in other materials will be the minimum requirement.

Form and Character Guidelines of Industrial Sites and Buildings

- (p) Applicants will demonstrate through the submission of architectural drawings and renderings and such other materials as may be necessary that the proposed industrial buildings achieve high aesthetic standards of design, appropriate to the overall context of Youbou Lands and the proposed uses.
- (q) Where an industrial area abuts a residential area, buffering in the form of landscape or visual screening will be required, in order to minimize the possibility of land use conflicts.
- (r) Outdoor storage is strongly discouraged, and where it is unavoidable and permitted in the implementing zoning bylaw, it will be screened from the perspective of surrounding non-industrial parcels.

Landscaping Guidelines

- (s) In support of the high standards expected of the form and character of intensive residential, multi-family residential, light industrial and commercial development, applicants whose proposals involve the initial development or redevelopment of a site will submit a landscape plan, which will be reviewed in accordance with the Landscape Standard developed jointly by the British Columbia Society of Landscape Architects (BCSLA) and the British Columbia Nursery Trades Association (BCNTA). A Security in the form of an Irrevocable Letter of Credit in the amount of 110% of the estimated cost of all hard and soft landscaping will be required to ensure that the landscaping is done as planned, and survives for at least two years after planting.
- (t) Dumpsters and large recycling containers will be located in such a way as to not be visible, either by locating them inside a parking level under a building, or by highly effective screening measures.

Other Guidelines

- (u) Signs will be discreet and unobtrusive to the design of buildings and landscaping – directly backlit signs will be strongly discouraged, particularly where this would illuminate not only a commercial logo, but all the area around it. Where feasible, signs will be made of natural or natural-looking materials and their scale will be appropriate for the village character that is intended for the Youbou Lands site. Remote signs advertising business will not be approved; however, as part of an integrated, comprehensive directional sign program for the entire Youbou Lands development area, business locations may be indicated on signposts, along with footpath, recreational facility, other public facility and related directional arrows. Consolidated monolith signs advertising multiple businesses and facilities may be permitted in limited circumstances.
- (v) Integrated planning of public pathways, sidewalks, bicycle paths, parking areas, roads, publicly accessible plazas and parkland will be done, with a view to making the community non-automobile dominated. Parking areas will preferably be underground or otherwise concealed; where surface parking is proposed, it will be well planted with landscaped areas, and where pedestrian pathways traverse a surface parking area, these will be raised and visually set apart from the parking and maneuvering area by different colours, materials or pavement textures, in order to give clear priority to pedestrians.

17.5 EXEMPTIONS FROM DEVELOPMENT PERMIT PROCESS

The terms of the Youbou Lands Comprehensive Development Permit Area does not apply to:

- (a) Construction or renovation of single family dwellings on parcels larger than 450 m²;
- (b) Interior renovations to existing buildings;
- (c) Changes to the text or message on an existing sign allowed by a previous development permit.

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17.6 REQUIREMENTS FOR DEVELOPMENT PERMIT APPLICATION

Before the CVRD Board authorizes the issuance of a development permit for a parcel of land in the Youbou Lands Development Permit Area, the applicant for a development permit shall submit a development permit application, which at a minimum, shall include:

- (a) A written description of the proposed development;
- (b) A scalable site plan showing the general arrangement of land uses including the following:
 - i. Parcel lines
 - ii. Existing buildings
 - iii. Proposed buildings
 - iv. Parking areas
 - v. Vehicular access points
 - vi. Pedestrian access points
 - vii. Outdoor illumination design
 - viii. Recreation areas
 - ix. Drainage details
- (c) Elevation drawings for all sides of the proposed buildings and structures;
- (d) A scalable site landscaping plan, identifying the plant species, quantities and sizes proposed for all landscaped areas, as well as all proposed hard landscaping works such as rock walls.

17.7 VARIANCES IN A DEVELOPMENT PERMIT

Where a proposed development plan adheres to the guidelines of this Development Permit Area, the Regional Board may give favorable consideration to variances of the terms of its zoning, sign and parking regulations, 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 may be incorporated into the development permit.

17.8 VIOLATION

- (a) Every person who:
 - 1. violates any provision of this Development Permit Area;
 - 2. causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
 - 3. neglects to do or refrains from doing any act or thing required under this Development Permit Area;
 - 4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
 - 5. fails to comply with an order, direction or notice given under this Development Permit Area; or

6. prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;
commits an offence under this Bylaw.
- (b) Each day's continuance of an offence constitutes a new and distinct offence.
3. That the following new land-use designations be added to the legend of Schedule B – Plan Map: Village Core; Village Resort; Residential A; Residential B; Residential C; Residential D; Residential E; Public Utility; Institutional and Community Facilities; Light Industrial; and Environmental Conservation.
- a) Schedule B (Plan Map) of Electoral Area I – Youbou/Meade Creek Official Community Plan Bylaw No. 2650 is amended by redesignating:
1. Lot 1, Section 46, Renfrew District (situate in Cowichan Lake District), Plan VIP84672 (see Plan as to limited access);
 2. Lot 2, Section 46, Renfrew District (situate in Cowichan Lake District), Plan VIP84672 (see Plan as to limited access);
 3. Lot 3, Section 46, Renfrew District (situated in Cowichan Lake District) and District Lot 64, Cowichan Lake District, Plan VIP84672 (see Plan as to limited access);
 4. Lot 4, District Lots 31 and 64, Cowichan District and Section 46, Renfrew District (situated in Cowichan Lake District), Plan VIP84672 (see Plan as to limited access);
 5. Lot 5, District Lots 31 and 64, Cowichan Lake District, Plan VIP84672 (see Plan as to limited access);
 6. Lot 6, Section District Lots 31 and 64, Cowichan Lake District, Plan VIP84672 (see Plan as to limited access);
 7. Lot 7, District Lots 31 and 64, Cowichan Lake District, Plan VIP84672 (see Plan as to limited access);
 8. That part of the unnumbered portion of Cowichan Lake District shown coloured red on Plan 1215 OS lying between the production of the Westerly and Southerly Boundaries of District Lot 64 of said District, and contains 3.19 acres more or less;
 9. Block A, District Lot 64, Cowichan Lake District;
 10. Section 46, Renfrew District (situated in Cowichan Lake District), except that part shown coloured red on Plan 1210 OS;
 11. Those Parts of District Lot 35, Cowichan Lake District lying south of said Plan 172 RW;
 12. That Part of District Lot 35, Cowichan Lake District, outlined in red on Plan 172 RW lying to the west of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
 13. That Part of District Lot 35, Cowichan Lake District, outlined in red on Plan 172 RW lying to the east of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
 14. Parcel A, Plan (DD 163332I), of Lot 31 Cowichan Lake District;

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15. That Part of District Lot 31, Cowichan Lake District, outlined in red on Plan 172 RW lying to the east of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
16. That Part of District Lot 31, Cowichan Lake District, containing 6.24 acres more or less as shown coloured red on Plan Deposited under DD 31052I;
17. That Part of Block 113, Cowichan Lake District, containing 0.54 acres , more or less, and shown coloured in red on Plan Marked 'B' Deposited under DD 40883I;
18. That Part of Block 113, Cowichan Lake District, containing 6.34 acres, more or less, and shown coloured red on Plan Marked 'B' in DD 40883I, except those parts in Plans 20033 and VIP54704;
19. Part of the surface of the water over the bed of Cowichan Lake, Cowichan Lake District;
20. That Part of District Lot 35, Cowichan Lake District, lying to the north of the right-of-way of the Canadian Northern Pacific Railway as said right-of-way is shown on Plan 172RW;
21. Block 113, Cowichan Lake District, except parts containing 6.34 and 0.54 of an acre more or less shown coloured red on Plan Marked B (DD40883I); except part shown outlined in red on Plan 283R; and except parts in Plans 20033, 31184 and VIP63536;

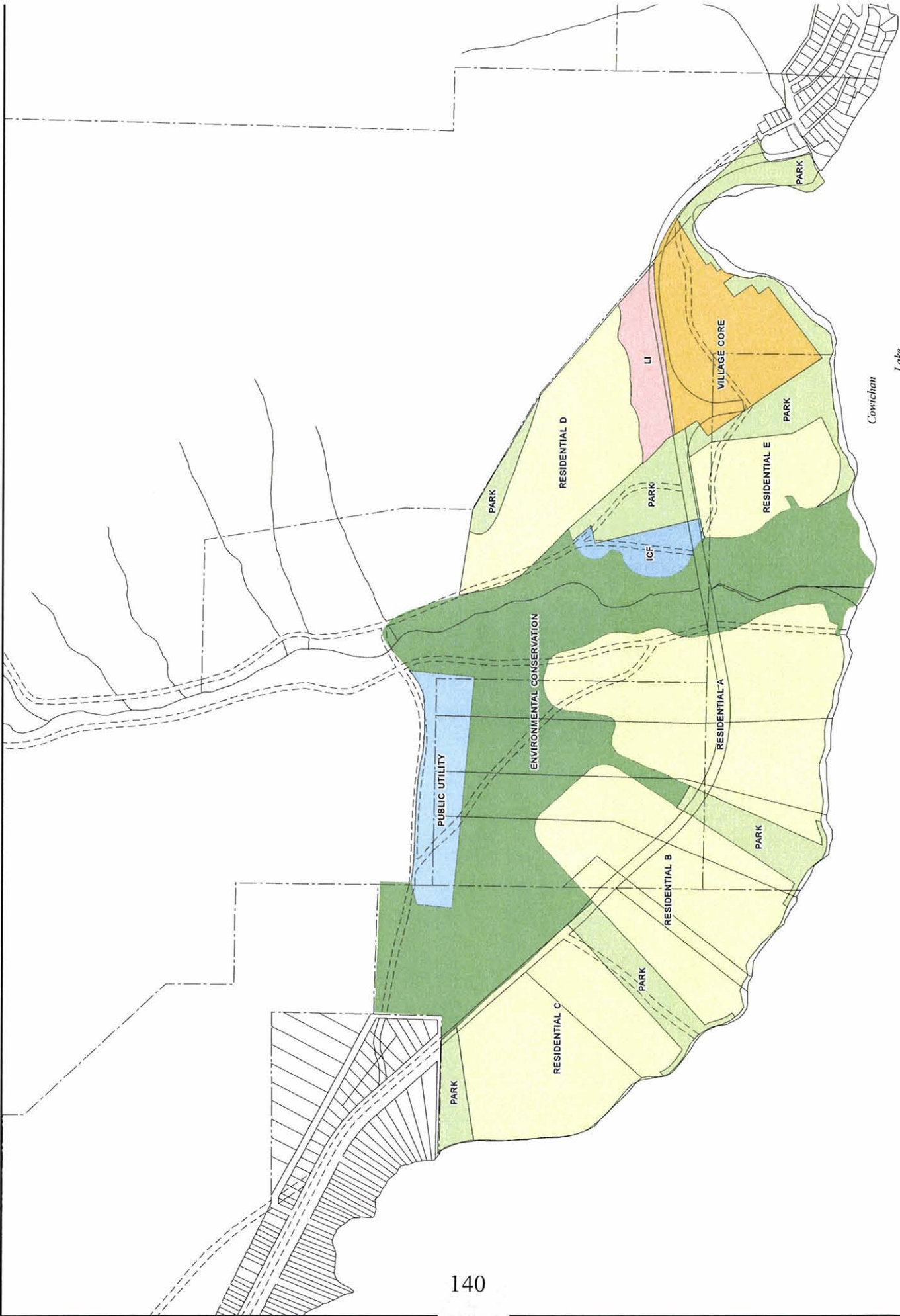
all as shown outlined in a solid black line on Plan number Z-3213 attached hereto and forming Schedule B of this bylaw, from Future Development Area to:

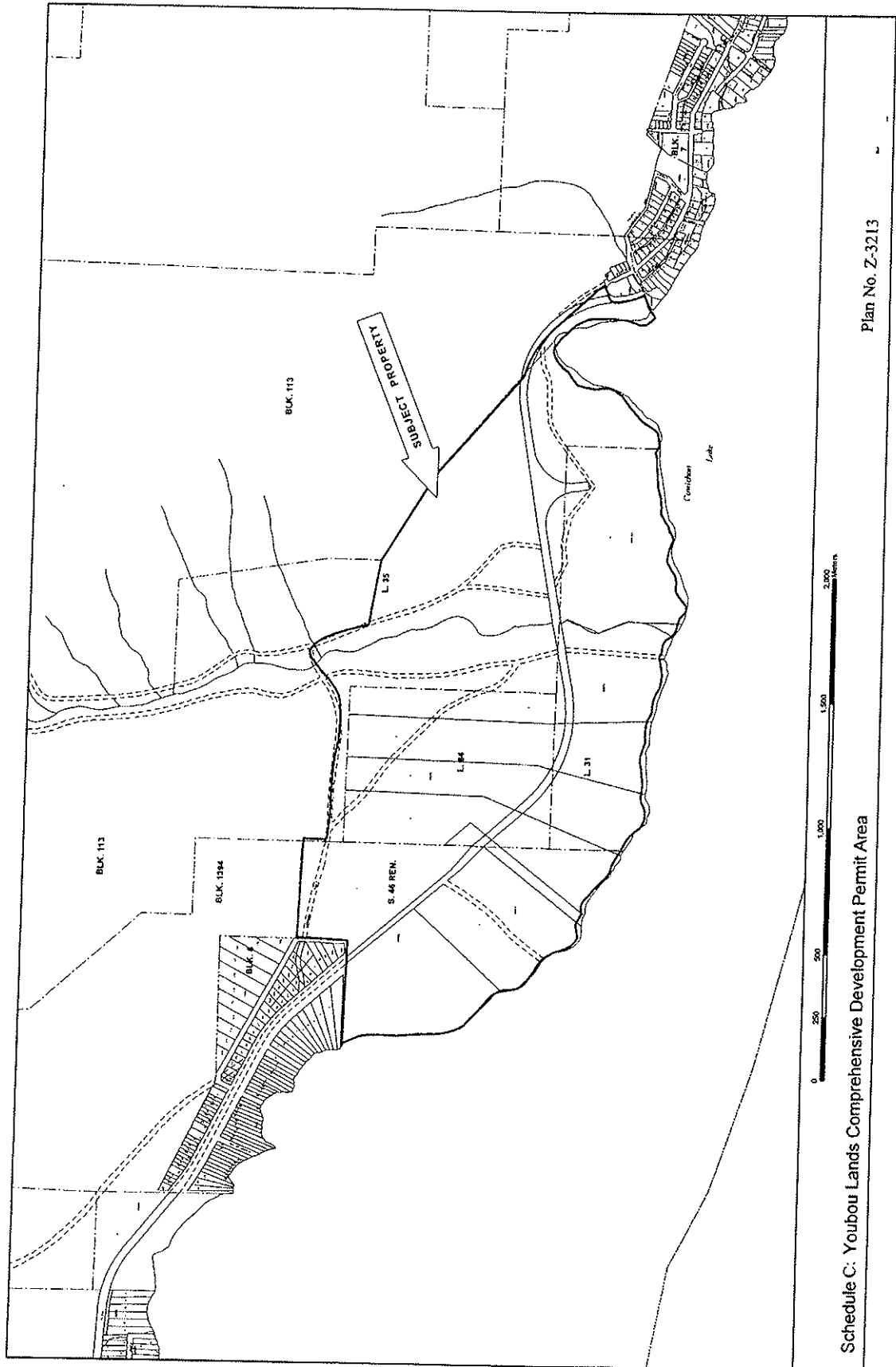
1. Village Core;
 2. Residential A;
 3. Residential B;
 4. Residential C;
 5. Residential D;
 6. Residential E;
 7. Public Utility;
 8. Institutional and Community Facilities;
 9. Light Industrial;
 10. Park; and
 11. Environmental Conservation;
4. That:
1. Lot 1, Section 46, Renfrew District (situate in Cowichan Lake District), Plan VIP84672 (see Plan as to limited access);
 2. Lot 2, Section 46, Renfrew District (situate in Cowichan Lake District), Plan VIP84672 (see Plan as to limited access);
 3. Lot 3, Section 46, Renfrew District (situated in Cowichan Lake District) and District Lot 64, Cowichan Lake District, Plan VIP84672 (see Plan as to limited access);
 4. Lot 4, District Lots 31 and 64, Cowichan District and Section 46, Renfrew District (situated in Cowichan Lake District), Plan VIP84672 (see Plan as to limited access);

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5. Lot 5, District Lots 31 and 64, Cowichan Lake District, Plan VIP84672 (see Plan as to limited access);
6. Lot 6, Section District Lots 31 and 64, Cowichan Lake District, Plan VIP84672 (see Plan as to limited access);
7. Lot 7, District Lots 31 and 64, Cowichan Lake District, Plan VIP84672 (see Plan as to limited access);
8. That part of the unnumbered portion of Cowichan Lake District shown coloured red on Plan 1215 OS lying between the production of the Westerly and Southerly Boundaries of District Lot 64 of said District, and contains 3.19 acres more or less;
9. Block A, District Lot 64, Cowichan Lake District;
10. Section 46, Renfrew District (situated in Cowichan Lake District), except that part shown coloured red on Plan 1210 OS;
11. Those Parts of District Lot 35, Cowichan Lake District lying south of said Plan 172 RW;
12. That Part of District Lot 35, Cowichan Lake District, outlined in red on Plan 172 RW lying to the west of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
13. That Part of District Lot 35, Cowichan Lake District, outlined in red on Plan 172 RW lying to the east of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
14. Parcel A, Plan (DD 163332I), of Lot 31 Cowichan Lake District;
15. That Part of District Lot 31, Cowichan Lake District, outlined in red on Plan 172 RW lying to the east of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
16. That Part of District Lot 31, Cowichan Lake District, containing 6.24 acres more or less as shown coloured red on Plan Deposited under DD 31052I;
17. That Part of Block 113, Cowichan Lake District, containing 0.54 acres , more or less, and shown coloured in red on Plan Marked 'B' Deposited under DD 40883I;
18. That Part of Block 113, Cowichan Lake District, containing 6.34 acres, more or less, and shown coloured red on Plan Marked 'B' in DD 40883I, except those parts in Plans 20033 and VIP54704;
19. Part of the surface of the water over the bed of Cowichan Lake, Cowichan Lake District;

all as shown outlined in a solid black line on Plan number Z-3213 attached hereto and forming Schedule C of this bylaw, be designated as Youbou Lands Comprehensive Development Permit Area.





**COWICHAN VALLEY REGIONAL DISTRICT****BYLAW NO. 3214****A Bylaw for the Purpose of Amending Zoning Bylaw No. 2465
Applicable to Electoral Area I – Youbou/Meade Creek**

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 I – Youbou/Meade Creek, that being Zoning Bylaw No. 2465;

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. 2465;

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. 3214 - Area I – Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 2465, as amended from time to time, is hereby amended in the following manner:

a) That the following is added to Section 1.3 – Definitions:

“environmental conservation” means activities directed towards the protection of natural areas and reduction of natural hazards, including the development of trails and associated facilities to allow the public to better understand the importance of protecting such areas;

“frontage” means the side of a parcel abutting on a highway, other than a lane or walkway;

“high water mark”, with respect to Cowichan Lake, means the 164 metre contour above mean geodetic sea level;

.../2

“two family residence” means two dwelling units that are attached either side by side or one above the other, in a principal building on a single parcel;

- b) That the following is added to the table in Section 4.1 Creation of Zones, after LR-2:

Waterfront	LR-3	Lakefront Residential 3 Zone
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- c) That the following is added to the table in Section 4.1 Creation of Zones, after R-7:

Residential	R-8	Residential 8 Zone
	R-9	Residential 9 Zone

- d) That the following is added to the table in Section 4.1 Creation of Zones, after RM-5:

Multi-Family Residential	RM-6	Multiple Family Residential 6 Zone
	RM-7	Single & Multiple Family Residential 7 Zone

- e) That the following is added to the table in Section 4.1 Creation of Zones, after the Multi-Family Residential Category:

Village Core	VC-1	Village Core 1 Zone
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- f) That the following is added to the table in Section 4.1 Creation of Zones, after I-2:

Industrial	I-3	Business Park Light Industrial 3 Zone
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- g) That the following is added to the table in Section 4.1 Creation of Zones, after P-2:

Parks/Institutional	P-3	Environmental Conservation 3 Zone
	ICF-4	Institutional and Community Facilities 4 Zone

- h) That the following is added to the table in Section 4.1 Creation of Zones, after U-1:

Utility	U-2	Community Sewer Utility 2 Zone
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- i) That the following is added after Section 5.4.9, and all subsequent sections are renumbered consecutively:

5.5 LR-3 LAKEFRONT RESIDENTIAL 3 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the LR-3 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the LR-3 Zone:

- a. Single family dwelling;

The following accessory uses are permitted in the LR-3 Zone:

- b. Home occupation;
- c. Bed and Breakfast accommodation;
- d. Secondary dwelling unit or secondary suite;
- e. Buildings and structures accessory to a principal permitted use.

2. **Minimum Parcel Area**
The minimum parcel area in the LR-3 Zone is 1600 m².

3. **Parcel Area Averaging**
Parcel area averaging is permitted in the LR-3 Zone, provided that the smallest parcel in any subdivision plan is at least 1000 m² and the largest not more than 2200 m² in area. For certainty, highways and parks dedicated by subdivision plan shall be excluded from parcel area averaging calculations.

4. **Minimum Water Frontage**
The parcel line of all parcels in the LR-3 Zone that is contiguous with or parallel to the shore of Cowichan Lake shall be not less than 22 metres in length as measured by a straight line drawn between where the two parcel lines intersect the high water mark.

5. **Servicing**
All parcels in the LR-3 Zone shall be connected to both a community water system and a community sewer system.

6. **Number of Dwellings**
Not more than one principal single family dwelling plus one secondary dwelling unit or one secondary suite is permitted on a parcel that is zoned LR-3, subject to Sections 317 and 318.

7. **Setbacks**
The following minimum setbacks apply in the LR-3 Zone:

Type of Parcel Line	Residential and Accessory Buildings and Structures
Front Parcel Line	10 m
Interior Side Parcel Line	3 m
Exterior Side Parcel Line	4.5 m
Basic lakefront setback (from High Water Mark)	15 m
Supplementary lakefront setback (additional to the Basic lakefront setback)	An additional 12.5% of the total parcel depth averaged between the minimum and maximum parcel depth along the side parcel lines

8. **Height**
The following maximum height regulations apply in the LR-3 Zone:
 - a. Principal Buildings and structures: 11 m;
 - b. Accessory buildings and structures: 6 m.

9. Parcel Coverage

The parcel coverage shall not exceed 30 percent of parcel area for all buildings and structures in the LR-3 Zone.

10. Parking

Off-street parking shall be provided in accordance with Section 3.14 of this Bylaw.

- j) That the following is inserted following the end of the “R-7 Residential 7 Zone”, and the RM-1 Zone is renumbered 5.20, with all subsequent sections to be renumbered consecutively:

5.18 R-8 RESIDENTIAL 8 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the R-8 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the R-8 Zone:

- a. Single family dwelling;

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

- b. Home occupation;
- c. Buildings and structures accessory to a principal permitted use.

2. Minimum Parcel Area

The minimum parcel area in the R-8 Zone is 650 m².

3. Parcel Area Averaging

Parcel area averaging is permitted in the R-8 Zone, provided that the smallest parcel in any subdivision plan is at least 450 m² and the largest not more than 750 m² in area. For certainty, highways and parks dedicated by subdivision plan shall be excluded from parcel area averaging calculations.

4. Minimum Parcel Frontage

The minimum parcel frontage in the R-8 Zone is:

- a. 15 m where there is no lane behind the parcel;
- b. 12 m where motor vehicle access is from a lane behind the parcel.

5. Servicing

All parcels in the R-8 Zone shall be connected to both a community water system and a community sewer system.

6. Number of Dwellings

Not more than one dwelling is permitted on a parcel that is zoned R-8.

.../5

7. Setbacks

The following minimum setbacks apply in the R-8 Zone:

Type of Parcel Line	Residential and Accessory Buildings and Structures
Front Parcel Line	6 m
Interior Side Parcel Line	1.5 m
Exterior Side Parcel Line	4.5 m
Rear Parcel Line not touching a lane	7.5 m
Rear parcel Line touching a lane, accessory building only	1 m
Parcel line next to P-1 or P-3 Zone	5 m

8. Height

The following maximum height regulations apply in the R-8 Zone:

- a. Principal Buildings and structures: 11 m;
- b. Accessory buildings and structures: 6 m.

9. Parcel Coverage

The parcel coverage shall not exceed 35 percent of parcel area for all buildings and structures in the R-8 Zone.

10. Parking

Off-street parking shall be provided in accordance with Section 3.14 of this Bylaw.

5.19 R-9 RESIDENTIAL 9 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the R-9 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the R-9 Zone:

- a. Single family dwelling;

The following accessory uses are permitted in the R-9 Zone:

- b. Home office;
- c. Buildings and structures accessory to a principal permitted use.

2. Minimum Parcel Area

The minimum parcel area in the R-9 Zone is 925 m².

3. Parcel Area Averaging

Parcel area averaging is permitted in the R-9 Zone, provided that the smallest parcel in any subdivision plan is at least 650 m² and the largest not more than 1100 m² in area. For certainty, highways and parks dedicated by subdivision plan shall be excluded from parcel area averaging calculations.

4. Minimum Parcel Frontage

The minimum parcel frontage in the R-9 Zone is:

- a. 18 m where there is no lane behind the parcel;
- b. 15 m where motor vehicle access is from a lane behind the parcel.

5. Servicing

All parcels in the R-9 Zone shall be connected to both a community water system and a community sewer system.

6. Number of Dwellings

Not more than one dwelling is permitted on a parcel that is zoned R-9.

7. Setbacks

The following minimum setbacks apply in the R-9 Zone:

Type of Parcel Line	Residential and Accessory Buildings and Structures
Front Parcel Line	6 m
Interior Side Parcel Line	2.5 m
Exterior Side Parcel Line	4.5 m
Rear Parcel Line not touching a lane	7.5 m
Rear parcel line touching a lane, accessory building only	1 m
Parcel line next to P-1 or P-3 Zone	5 m

8. Height

The following maximum height regulations apply in the R-9 Zone:

- a. Principal Buildings and structures: 11 m;
- b. Accessory buildings and structures: 6 m.

9. Parcel Coverage

The parcel coverage shall not exceed 30 percent of parcel area for all buildings and structures in the R-9 Zone.

10. Parking

Off-street parking shall be provided in accordance with Section 3.14 of this Bylaw.

- k) That the following is inserted following the end of the RM-5 Zone regulations, and the C-2 Zone is renumbered as 5.29, with all subsequent sections renumbered accordingly:

5.25 RM-6 MULTIPLE FAMILY RESIDENTIAL 6 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the RM-6 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the RM-6 Zone:

- a. Multiple family residence;
- b. Community Care facility and assisted living facility;

The following accessory uses are permitted in the RM-6 Zone:

- c. Home office;
- d. Community service facility;
- e. Buildings and structures accessory to a principal permitted use.

2. Minimum Parcel Area

The minimum parcel area in the RM-6 zone is 5000 m².

3. Density

Not more than 30 dwelling units per hectare of parcel area are permitted on a parcel that is zoned RM-6.

4. Floor Area Ratio

The maximum floor area ratio (FAR) in the RM-6 Zone is 0.8 for all buildings and structures.

5. Servicing

All buildings with plumbing in the RM-6 Zone shall be connected to both a community water system and a community sewer system.

6. Setbacks

The following minimum setbacks apply in the RM-6 Zone:

Type of Parcel Line	Residential and Accessory Buildings and Structures
Front Parcel Line	6 m
Interior Side Parcel Line	6 m
Exterior Side Parcel Line	6 m
Basic lakefront setback (from High Water Mark)	15 m
Supplementary lakefront setback (additional to the Basic lakefront setback)	An additional 12.5% of the total parcel depth averaged between the minimum and maximum parcel depth along the side parcel lines
Rear Parcel Line (non-waterfront only)	5 m

7. Height

The following maximum height regulations apply in the RM-6 Zone:

- a. Principal Buildings and structures: 12 m and not more than three storeys;
- b. Accessory buildings and structures: 6 m.

8. Parcel Coverage

The parcel coverage shall not exceed 40 percent of parcel area for all buildings and structures in the RM-6 Zone.

9. Parking

Off-street parking shall be provided in accordance with Section 3.14 of this Bylaw.

5.26 RM-7 SINGLE AND MULTIPLE FAMILY RESIDENTIAL 7 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the RM-7 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the RM-7 Zone:

- a. Multiple family residence on a parcel at least 2000 m² in area;
- b. Single family dwelling on a parcel at least 450 m² in area;
- c. Two family residence on a parcel at least 600 m² in area;
- d. Community Care Facility and Assisted Living Residence on parcels at least 2000 m² in area;

The following accessory uses are permitted in the RM-7 Zone:

- e. Home office;
- f. Community service facility;
- g. Buildings and structures accessory to a principal permitted use.

2. Density

The following density regulations apply in the RM-7 Zone:

- a. For a multiple family residence, not more than 37 dwelling units per hectare of parcel area are permitted on a parcel;
- b. Not more than one single family dwelling is permitted on a parcel;
- c. Not more than one two family residence is permitted on a parcel.

3. Floor Area Ratio

The maximum floor area ratio (FAR) in the RM-7 Zone is 0.8 for all multiple family residential buildings and structures; single and two family residential buildings on are not subject to a FAR limit.

4. Minimum Water Frontage for

The parcel line of all parcels in the RM-7 Zone under 2000 m² in area, that is contiguous with or parallel to the shore of Cowichan Lake shall be not less than 22 metres in length as measured by a straight line drawn between where the two parcel lines intersect the high water mark.

5. Servicing

All buildings with plumbing in the RM-7 Zone will be connected to both a community water system and a community sewer system.

6. Setbacks

The following minimum setbacks apply in the RM-7 Zone:

Type of Parcel Line	Multiple Family Residential Buildings and Accessory Structures	Single and Two Family Residential Buildings and Accessory Structures
Front Parcel Line	6 m	6 m
Interior Side Parcel Line	6 m	1.5 m
Exterior Side Parcel Line	6 m	4.5 m
Basic lakefront setback (from High Water Mark)	15 m	15 m
Supplementary lakefront setback (additional to the Basic lakefront setback)	An additional 12.5% of the total parcel depth averaged between the minimum and maximum parcel depth along the side parcel lines	An additional 12.5% of the total parcel depth averaged between the minimum and maximum parcel depth along the side parcel lines
Rear Parcel Line (non-waterfront only)	5 m	5 m

6. Height

The following maximum height regulations apply in the RM-7 Zone:

- a. Multiple Family Residence and structures: 16 m and not more than four storeys;
- b. Single and Two Family Residential buildings and structures: 11 m;
- c. Accessory buildings and structures: 6 m.

7. Parcel Coverage

The parcel coverage of buildings and structures in the RM-7 Zone shall not exceed:

- a. 40 percent of parcel area for multiple family residences;
- b. 30 percent for single family dwellings and two family residences.

8. Parking

Off-street parking shall be provided in accordance with Section 3.14 of this Bylaw.

5.27 VC-1 VILLAGE CORE 1 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the VC-1 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the VC-1 Zone:

- a. Automobile service station;
- b. Bakery;
- c. Café, restaurant, catering;
- d. Clinic;
- e. Convenience store;
- f. Convention centre;
- g. Day care facility;
- h. Equipment sales, servicing and repairs;
- i. Financial establishment;
- j. Hotel, resort accommodation units including guest cottages;
- k. Laundromat or dry cleaning establishment;
- l. Liquor store;
- m. Marina operations;
- n. Multiple family residence;
- o. Neighbourhood public house;
- p. Office;
- q. Outdoor recreation equipment sales and service;
- r. Personal service use;
- s. Plant nursery;
- t. Recreational use;
- u. Retail store;
- v. School;
- w. Single family and two family dwellings;

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The following accessory uses are permitted in the VC-1 Zone:

- x. Community service facility;
- y. Facilities and uses that are customarily incidental to a hotel and resort;
Boat sales, rental, servicing and fuel sales accessory to a marina;
- z. Home office;
- aa. Buildings and structures accessory to a principal permitted use.

2. Minimum Parcel Area

The minimum parcel area in the VC-1 zone is 0.5 hectares.

3. Density

Not more than 80 dwelling units per hectare are permitted on a parcel in the VC-1 Zone.

4. Floor Area Ratio

The maximum floor area ratio (FAR) in the VC-1 Zone is 2.0 for all buildings and structures.

5. Servicing

All buildings with plumbing in the VC-1 Zone shall be connected to both a community water system and a community sewer system.

6. Setbacks

The following minimum setbacks apply in the VC-1 Zone:

Type of Parcel Line	Buildings and Structures other than Resort and Hotel	Hotel or Resort Buildings and Structures
Front Parcel Line	3 m	8 m
Interior Side Parcel Line	0 m	8 m
Exterior Side Parcel Line	4.5 m	8 m
Rear Parcel Line (non-waterfront only)	5 m	8 m
Basic lakefront setback (from High Water Mark)	15 m	15 m
Supplementary lakefront setback (additional to the Basic lakefront setback)	An additional 12.5% of the total parcel depth averaged between the minimum and maximum parcel depth along the side parcel lines	An additional 12.5% of the total parcel depth averaged between the minimum and maximum parcel depth along the side parcel lines

7. Height

The following maximum height regulations apply in the VC-1 Zone:

- a. Resort and hotel buildings: 24 m;
- b. Principal Buildings and structures other than a resort or hotel: 17 m;
- c. Accessory buildings and structures: 6 m.

8. Parcel Coverage

For the uses listed below, the parcel coverage in the VC-1 shall not exceed the following percentage of parcel area:

- a. 35% for hotel and resort buildings;
- b. 60% for all other buildings and structures in the VC-1 Zone.

9. Parking

Off-street parking shall be provided in accordance with Section 3.14 of this Bylaw.

- j) That the following is inserted following the end of the Heavy Industrial 2 Zone regulations, and the P-1 Parks 1 Zone is renumbered as 5.36, with all subsequent sections renumbered accordingly:

5.35 I-3 BUSINESS PARK LIGHT INDUSTRIAL 3 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the I-3 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the I-3 Zone:

- a. Boat building, repair, sales and storage;
- b. Building supply sales;
- c. Car and truck wash;
- d. Mini-warehousing and mini-storage;
- e. Service, sales, repair and rentals of watercraft and related equipment, including fuel sales;
- f. Plant nursery and related uses;
- g. Soil and aggregate sales;
- h. Wood product manufacturing, including cabinet and furniture manufacturing and sawmilling;
- i. Artisan's and artist's workshop;
- j. Light industrial uses;

The following accessory uses are permitted in the I-3 Zone:

- k. Single family dwelling accessory to a principal permitted use;
- l. Buildings and structures accessory to a principal permitted use.

2. Minimum Parcel Area

The minimum parcel area in the I-3 zone is 2500 m².

3. Residential Density

Not more than one accessory dwelling unit is permitted per building on a parcel that is zoned I-3.

7. Floor Area Ratio

The maximum floor area ratio (FAR) in the I-3 Zone is 0.75 for all buildings and structures.

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8. Servicing

All buildings with plumbing in the I-3 Zone shall be connected to both a community water system and a community sewer system.

9. Setbacks

The following minimum setbacks apply in the I-3 Zone:

Type of Parcel Line	Industrial and Accessory Buildings and Structures
Front Parcel Line	10 m
Interior Side Parcel Line	3 m
Exterior Side Parcel Line	10 m
Rear Parcel Line	10 m

7. Height

The following maximum height regulations apply in the I-3 Zone:

- a. Principal Buildings and structures: 11 m;
- b. Accessory buildings and structures: 6 m.

8. Parcel Coverage

The parcel coverage shall not exceed 75 percent of parcel area for all buildings and structures in the I-3 Zone.

9. Parking

Off-street parking shall be provided in accordance with Section 3.14 of this Bylaw.

- k) That the following is inserted following the end of the Institutional Retreat P-2A Zone regulations, and the Water Conservation W-1 Zone is renumbered as 5.41, with all subsequent sections renumbered accordingly:

5.39 P-3 ENVIRONMENTAL CONSERVATION 3 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the P-3 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the P-3 Zone:

- a. Environmental conservation;

The following accessory uses are permitted in the P-3 Zone:

- b. Structures accessory to a principal permitted use.

2. Minimum Parcel Area

The minimum parcel area in the P-3 zone is 5 hectares.

5.40 ICF-4 INSTITUTIONAL AND COMMUNITY FACILITIES 4 ZONE

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

1. Permitted Uses

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

- a. Multiple family residence;
- b. Civic use;
- c. Institutional use;

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

- d. Home occupation;
- e. Community service facility;
- f. Buildings and structures accessory to a principal permitted use.

2. Minimum Parcel Area

The minimum parcel area in the ICF-4 zone is 2000 m².

3. Density

Not more than 30 dwelling units per hectare of parcel area are permitted on a parcel that is zoned ICF-4.

10. Floor Area Ratio

The maximum floor area ratio (FAR) in the ICF-4 Zone is 0.8 for all buildings and structures.

11. Servicing

All buildings with plumbing in the ICF-4 Zone shall be connected to both a community water system and a community sewer system.

12. Setbacks

The minimum setback in the ICF-4 Zone is 6 metres from all parcel lines.

7. Height

The following maximum height regulations apply in the ICF-4 Zone:

- a. Principal Buildings and structures: 12 m;
- b. Accessory buildings and structures: 6 m.

8. Parcel Coverage

The parcel coverage shall not exceed 40 percent of parcel area for all buildings and structures in the ICF-4 Zone.

9. Parking

Off-street parking will be provided in accordance with Section 3.14 of this Bylaw.

- l) That the following is inserted following the end of the Private Utility U-1 Zone regulations:

5.47 U-2 COMMUNITY SEWER UTILITY 2 ZONE

Subject to compliance with the general regulations detailed in Part 3 of this Bylaw, the following regulations apply in the U-2 Zone:

1. Permitted Uses

The following principal uses and no others are permitted in the U-2 Zone:

- a. Community sewer treatment facility, sewage drainfields;

The following accessory uses are permitted in the U-2 Zone:

- b. Buildings and structures accessory to a principal permitted use.

2. Minimum Parcel Area

The minimum parcel area in the U-2 Zone is 2 hectares.

3. Setbacks

All buildings and structures in the U-2 Zone shall be set back a minimum of 4 metres from all parcel lines.

- m) Schedule A (Zoning Map) to Electoral Area I – Youbou/Meade Creek Zoning Bylaw No. 2465 is amended by adding the following zones to the legend:

R-8 Residential 8 Zone
 R-9 Residential 9 Zone
 LR-3 Lakefront Residential 3 Zone
 RM-6 Multiple Family Residential 6 Zone
 RM-7 Multiple Family Residential 7 Zone
 VC-1 Village Core 1 Zone
 I-3 Light Industrial 3 Zone
 P-3 Environmental Conservation 3 Zone
 ICF-4 Institutional and Community Facilities 4 Zone
 U-2 Community Sewer Utility 2 Zone

- n) Schedule A (Zoning Map) to Electoral Area I – Youbou/Meade Creek Zoning Bylaw No. 2465 is further amended by rezoning:

1. Lot 1, Section 46, Renfrew District (situate in Cowichan Lake District), Plan VIP84672 (see Plan as to limited access);
2. Lot 2, Section 46, Renfrew District (situate in Cowichan Lake District), Plan VIP84672 (see Plan as to limited access);
3. Lot 3, Section 46, Renfrew District (situated in Cowichan Lake District) and District Lot 64, Cowichan Lake District, Plan VIP84672 (see Plan as to limited access);
4. Lot 4, District Lots 31 and 64, Cowichan District and Section 46, Renfrew District (situated in Cowichan Lake District), Plan VIP84672 (see Plan as to limited access);
5. Lot 5, District Lots 31 and 64, Cowichan Lake District, Plan VIP84672 (see Plan as to limited access);

6. Lot 6, Section District Lots 31 and 64, Cowichan Lake District, Plan VIP84672 (see Plan as to limited access);
7. Lot 7, District Lots 31 and 64, Cowichan Lake District, Plan VIP84672 (see Plan as to limited access);
8. That part of the unnumbered portion of Cowichan Lake District shown coloured red on Plan 1215 OS lying between the production of the Westerly and Southerly Boundaries of District Lot 64 of said District, and contains 3.19 acres more or less;
9. Block A, District Lot 64, Cowichan Lake District;
10. Section 46, Renfrew District (situated in Cowichan Lake District), except that part shown coloured red on Plan 1210 OS;
11. Those Parts of District Lot 35, Cowichan Lake District lying south of said Plan 172 RW;
12. That Part of District Lot 35, Cowichan Lake District, outlined in red on Plan 172 RW lying to the west of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
13. That Part of District Lot 35, Cowichan Lake District, outlined in red on Plan 172 RW lying to the east of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
14. Parcel A, Plan (DD 163332I), of Lot 31 Cowichan Lake District;
15. That Part of District Lot 31, Cowichan Lake District, outlined in red on Plan 172 RW lying to the east of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
16. That Part of District Lot 31, Cowichan Lake District, containing 6.24 acres more or less as shown coloured red on Plan Deposited under DD 31052I;
17. That Part of Block 113, Cowichan Lake District, containing 0.54 acres , more or less, and shown coloured in red on Plan Marked 'B' Deposited under DD 40883I;
18. That Part of Block 113, Cowichan Lake District, containing 6.34 acres, more or less, and shown coloured red on Plan Marked 'B' in DD 40883I, except those parts in Plans 20033 and VIP54704;
19. Part of the surface of the water over the bed of Cowichan Lake, Cowichan Lake District;
20. That Part of District Lot 35, Cowichan Lake District, lying to the north of the right-of-way of the Canadian Northern Pacific Railway as said right-of-way is shown on Plan 172RW;
21. Block 113, Cowichan Lake District, except parts containing 6.34 and 0.54 of an acre more or less shown coloured red on Plan Marked B (DD40883I); except part shown outlined in red on Plan 283R; and except parts in Plans 20033, 31184 and VIP63536;

all as outlined in solid black lines on Plan number Z-3214 attached hereto and forming Schedule A of this bylaw, from Forest Resource 1 (F-1), Heavy Industrial (I-2) and Water Conservation (W-1) to:

.../17

1. Residential 8 (R-8);
2. Residential 9 (R-9);
3. Lakefront Residential 3 (LR-3);
4. Multiple Family Residential 6 (RM-6);
5. Multiple Family Residential 7 (RM-7);
6. Village Core 1 (VC-1)
7. Light Industrial 3 (I-3);
8. Environmental Conservation 3 (P-3);
9. Institutional and Community Facilities 4 (ICF-4);
10. Community Sewer Utility 2 (U-2);
11. Water Marina (W-3)

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this _____ day of _____, 2008

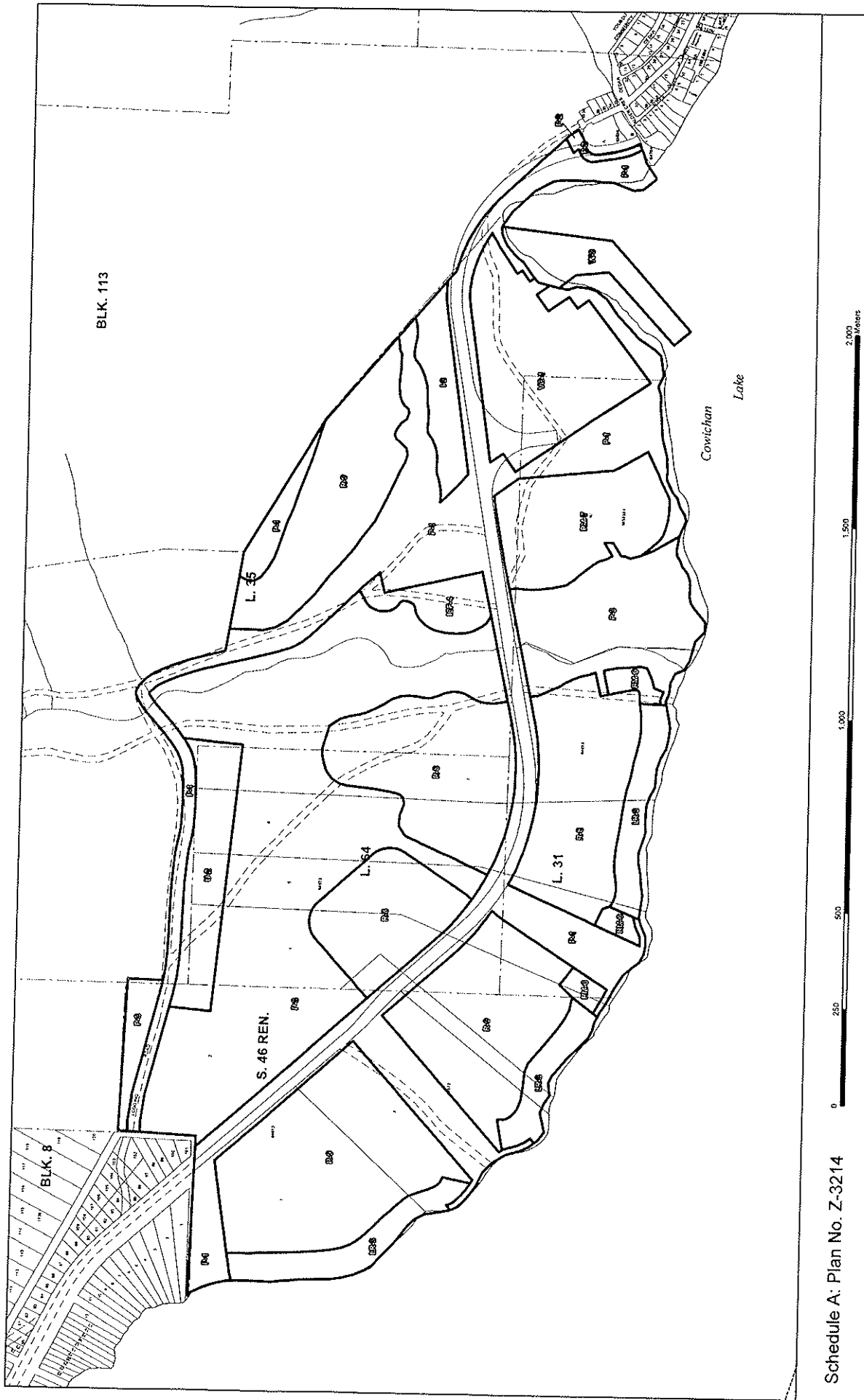
READ A SECOND TIME this _____ day of _____, 2008.

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

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



Schedule A: Plan No. Z-3214





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.

.../2

READ A FIRST TIME this _____ day of _____, 2008.

READ A SECOND TIME this _____ day of _____, 2008.

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
 - i. Protection of the natural environment, its ecosystems and biodiversity;
 - ii. Protection of development from hazardous conditions,
 - iii. Establishment of objectives for the form and character of intensive residential development;
 - iv. Establishment of objectives for the form and character of commercial, industrial and multifamily residential development;
 - v. Establishment of objectives to promote energy conservation;
 - vi. Establishment of objectives to promote water conservation; and
 - vii. 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, is required at the overall site planning level, as well as for buildings and structures;
- (b) A treed buffer will be provided between the industrial use and adjoining non-industrial parcels. 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.

.../3

- (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 treed buffer 30 metres in width is required from the high water mark of a watercourse, including a wetland area or stream. 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 this area.
- (m) 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.
- (n) The use of rainwater catchment tanks and cisterns for re-use is required.
- (o) The use of alternative and renewable sources of energy is required.
- (p) 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.
- (q) The latest best management practices for land development of the BC Ministry of Environment should be respected.

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.

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:

.../4

- (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
 - 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.

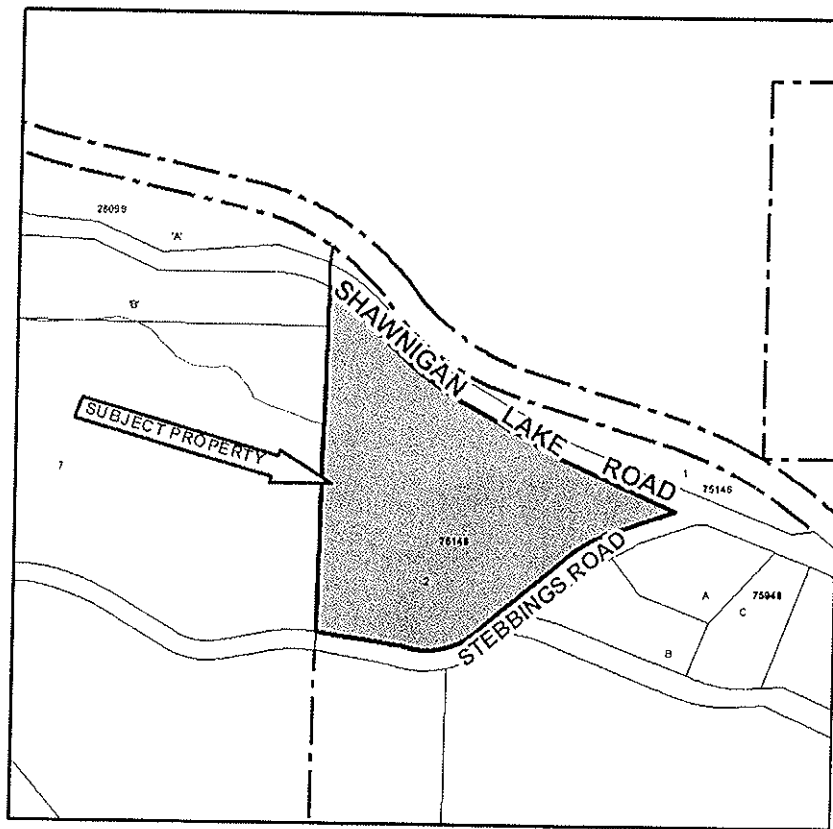
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2. That Schedule B (OCP Map) to Electoral Area B – Shawnigan Lake Official Community Plan Bylaw No. 1010 is further amended by redesignating part of Lot 2, District Lot 132, Malahat District, Plan VIP 75146, as shown outlined in a solid black line on Schedule B attached hereto and forming part of this bylaw, numbered Z-3238, from Forestry to Industrial.

PLAN NO. Z-3238

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

3238



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Forestry

TO

Industrial

APPLICABLE

TO ELECTORAL AREA B



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 amendments have been consolidated 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.

File: 10-B-07-RS

Figure 5F

Legend Subject Property

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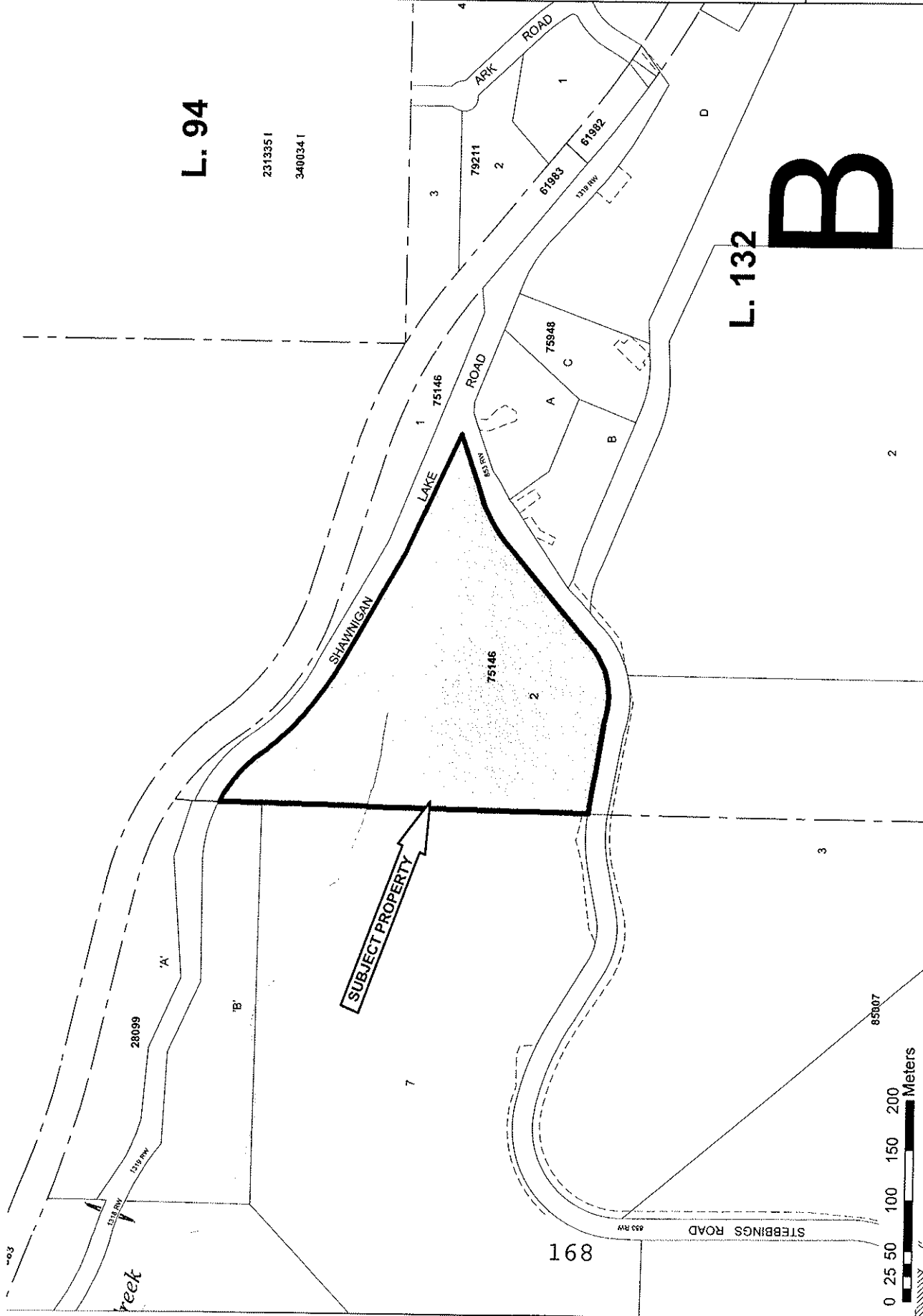
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B





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 1 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) auto body repair and painting;
- 2) automotive repair, storage and sales;
- 3) boat building, repair and storage;
- 4) book binding, publishing, and storage;
- 5) building supplies, sale and storage;
- 6) clothing cleaning, manufacture, repair and storage;
- 7) equipment repair, sales, storage and rental;
- 8) feed, seed and agricultural supplies, sales and storage;
- 9) food processing, storage and packaging, excluding fish cannery and abattoir;
- 10) industrial processing, manufacturing, repair, storage and packaging enclosed within a building;
- 11) laboratory, kennel and animal hospital;
- 12) lumber yards, storage yards, auction grounds;
- 13) recycling, sorting and storage of any substance or material, including paper, wood, and metal but excluding any type of septage, animal material, or animal substance;
- 14) restaurant, take out service and catering;
- 15) 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, but excluding sawmills, pulp and paper mills and log storage and sorting;
- 16) storage of propane not exceeding 160,000 litres, excluding wholesale and retail sales;
- 17) warehousing, mini-warehousing, freight handling and storage;
- 18) wholesale sales, excluding hazardous materials, pesticides, explosives, and petroleum products;
- 19) office, retail sales, accessory to a use permitted in 11.7(a)1 to 17;
- 20) one single-family dwelling unit or mobile home accessory to a use permitted in 11.7(a)1 to 17.

.../3

(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;
- 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 “I-5 Eco-Industrial ” in Column I following “I-1 Light Industrial” and by adding in the same table “0.2 ha” in the last row of the second column, “0.4” ha in the last row of the third column, and “0.8” 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 _____ day of _____, 2008

READ A SECOND TIME this _____ day of _____, 2008.

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

ADOPTED this _____ day of _____, 2009.

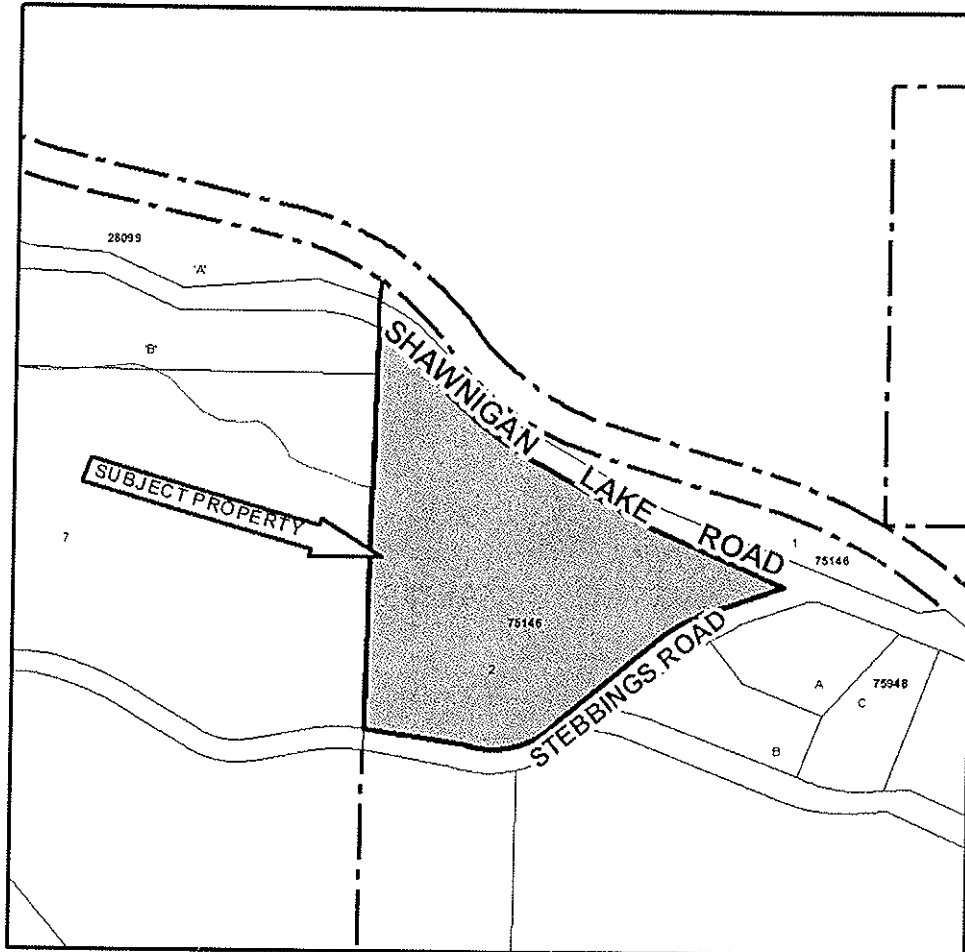
Chairperson

Corporate Secretary

PLAN NO. Z-3239

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

3239



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