



**COWICHAN VALLEY REGIONAL DISTRICT**

**NOTICE OF REGULAR BOARD MEETING**

**DAY: WEDNESDAY**

**DATE: JUNE 9, 2010**

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

**PLACE: BOARD ROOM**

**175 INGRAM STREET**



**Kathleen Harrison  
Deputy Corporate Secretary**



**REGULAR BOARD MEETING**  
**WEDNESDAY, JUNE 9, 2010**  
**6:00 PM - CVRD BOARD ROOM**

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**AGENDA**

	<b>PAGES</b>
<b>1. <u>APPROVAL OF AGENDA:</u></b>	2-5
<b>2. <u>ADOPTION OF MINUTES:</u></b>	
M1      Adoption of minutes of Board meeting of May 12, 2010	6-23
M2      Adoption of minutes of Special Board meeting of May 25, 2010	24-25
<b>3. <u>BUSINESS ARISING FROM THE MINUTES:</u></b>	
<b>4. <u>DELEGATIONS</u></b>	
D1      Cdr. Steven Pokoytlo, Commanding Officer and LCdr Michael Lawless, Executive Officer, Victoria Naval Reserve Division HMCS MALAHAT Re: Namesake Communities - Naval Partnership Projects and commemorative presentation	26-38
D2      Justin Straker and Roger Wilers, CVRD Environment Commission Re: Presentation of the State of the Environment Report	39
<b>5. <u>REPORT OF THE CHAIRPERSON:</u></b>	
<b>6. <u>CORRESPONDENCE:</u></b>	
<b>7. <u>INFORMATION:</u></b>	
<b>8. <u>COMMITTEE REPORTS:</u></b>	
CR1      Regional Services Committee - Director Kent Report and Recommendations of Meeting of May 26, 2010	40
CR2      Electoral Area Services Committee – Director Harrison Report and Recommendations of Meeting of May 18, 2010	41-42
Electoral Area Services Committee - Director Harrison Report and Recommendations of Meeting of June 1, 2010	To Be Distributed 43-44
CR3      Engineering Services Committee - Director Cossey Report and Recommendations of Meeting of May 26, 2010	45-46

CR4	Kerry Park Recreation Centre Commission - Director Iannidinardo Report and Recommendations of Meeting of May 25, 2010	47
CR5	Cowichan Lake Recreation Commission - Director Morrison Report and Recommendation of Meeting of May 27, 2010	48
<b>9.</b>	<b><u>STAFF REPORTS:</u></b>	
SR1	Staff Report from the Manager, Development Services Division Re: Youbou Lands	49-52
SR2	Staff Report from the Manager, Regional Environmental Policy Re: State of the Environment	53-60
<b>10.</b>	<b><u>PUBLIC HEARINGS:</u></b>	
PHI	Public Hearing Report and Minutes Re: Official Community Plan Amendment Bylaw No. 3362 and Zoning Amendment Bylaw No. 3363 (Parkinson), applicable to Electoral Area G - Saltair/Gulf Islands.	61-67
<b>11.</b>	<b><u>BYLAWS:</u></b>	
B1	"CVRD Bylaw No. 3348 - Brulette Place Sewer System Service Area Amendment Bylaw, 2010", adoption.	68-70
B2	"CVRD Bylaw No. 3381 - Shawnigan Lake North Water System Service Amendment Bylaw, 2010", adoption.	71-73
B3	"CVRD Bylaw No. 3382 - Douglas Hill Water System Service Establishment Bylaw, 2010", 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> reading.	74-76
B4	"CVRD Bylaw No. 3383 - Douglas Hill Water System Service Loan Authorization Bylaw, 2010", 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> reading.	77-78
B5	"CVRD Bylaw No. 3389 - Cowichan Station Area Association Annual Financial Contribution Service Establishment Bylaw, 2010" 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> reading.	79-80
B6	"CVRD Bylaw No. 3390 - Honeymoon Bay Water System Management Amendment Bylaw, 2010", 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> reading.	81-84
B6	"CVRD Bylaw No. 3390 - Honeymoon Bay Water System Management Amendment Bylaw, 2010", adoption.	81-84
B7	"CVRD Bylaw No. 3391 - CVRD Economic Development Commission Amendment Bylaw, 2010", 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> reading.	85
B7	"CVRD Bylaw No. 3391 - CVRD Economic Development Commission Amendment Bylaw, 2010", adoption.	85

B8	"CVRD Bylaw No. 3394 - Electoral Area F Community Parks Capital Reserve Fund Expenditure (Mesachie Lake Park Ball Field Expansion Upgrade) Bylaw, 2010", 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> reading.	86-87
B8	"CVRD Bylaw No. 3394 - Electoral Area F Community Parks Capital Reserve Fund Expenditure (Mesachie Lake Park Ball Field Expansion Upgrade) Bylaw, 2010", adoption.	86-87
B9	"CVRD Bylaw No. 3395 - Bings Creek Solid Waste Management Complex Reserve Fund Expenditure Bylaw, 2010", 1 <sup>st</sup> , 2 <sup>nd</sup> and 3 <sup>rd</sup> reading.	88-89
B9	"CVRD Bylaw No. 3395 - Bings Creek Solid Waste Management Complex Reserve Fund Expenditure Bylaw, 2010", adoption.	88-89
<b>Electoral Area Directors only vote on the following bylaws under Part 26 OR Section 791 of the <i>Local Government Act</i>:</b>		
B10	"CVRD Bylaw No. 3213 - Area I - Youbou/Meade Creek Official Community Plan Amendment Bylaw (Youbou Lands), 2008", adoption. <b>Pending Registration of Covenants</b>	90-113
B11	"CVRD Bylaw No. 3414 - Area I - Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009", adoption. <b>Pending Registration of Covenants</b>	114-131
B12	"CVRD Bylaw No. 3242 Phased Development Agreement Authorization Bylaw (Youbou Lands), 2008", adoption. <b>Pending Registration of Covenants</b>	132-153
B13	"CVRD Bylaw No. 3324 - Area D - Cowichan Bay Official Settlement Plan Amendment Bylaw (Parhar), 2010", adoption.	154-162
B14	"CVRD Bylaw No. 3325 - Area D - Cowichan Bay Zoning Amendment Bylaw (Parhar), 2010", adoption.	163-167
B15	"CVRD Bylaw No. 3362 - Area G - Saltair/Gulf Islands Official Community Plan Amendment Bylaw (Parkinson), 2010", 3 <sup>rd</sup> reading.	168-171
B16	"CVRD Bylaw No. 3363 - Area G - Saltair/Gulf Islands Zoning Amendment Bylaw (Parkinson), 2010", 3 <sup>rd</sup> reading.	172-174
B17	"Cowichan Valley Regional District Bylaw No. 3378 - Area A - Mill Bay/Malahat Official Community Plan Amendment Bylaw (Koutougos), 2010", 1 <sup>st</sup> and 2 <sup>nd</sup> reading.	175-177
B18	"Cowichan Valley Regional District Bylaw No. 3379 - Area A - Mill Bay/Malahat Zoning Amendment Bylaw (Koutougos), 2010", 1 <sup>st</sup> and 2 <sup>nd</sup> reading.	178-181

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

- a) Public
- b) Press

**17. CLOSED SESSION:**

CSM1	Adoption of Closed Session Minutes of May 12, 2010	182-183
CSM2	Adoption of Special Closed Session Minutes of May 25, 2010	184-185
CSCR1	Land Acquisition {Sub (1) (e)}	186
CSSR1	Employee Relations {Sub (1) (c)}	Envelope Attached
CSRES1	Personal Information {Sub (1) (a)}	187-188

**18. ADJOURNMENT:**

The next Regular Board meeting will be held July 14, 2010 at 6:00 p.m., in the Board Room, 175 Ingram Street, Duncan BC.

Minutes of the Regular meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, May 12, 2010 at 6:12 pm.

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

**ALSO** Warren Jones, Administrator  
**PRESENT:** Joe Barry, Corporate Secretary  
Tom Anderson, General Manager  
Planning & Development Department  
Dan Derby, General Manager, Public Safety  
Brian Dennison, General Manager  
Engineering & Environmental Services

## APPROVAL OF AGENDA

10-242

It was moved and seconded that the agenda be amended with the deletion of agenda item SR3 and the addition of New Business items:

NB1 Commission Appointment - Electoral Area D - Cowichan Bay Parks & Recreation Commission  
NBCS1 Land Acquisition {Sub (1) (e)} and Freedom of Information {Sub (1) (j)}

and that the agenda, as amended, be approved.

**MOTION CARRIED**

## ADOPTION OF MINUTES

10-243

It was moved and seconded that the minutes of the April 14, 2010 Regular Board meeting be adopted.

**MOTION CARRIED**

10-244

It was moved and seconded that the minutes of the April 28, 2010 Special Board meeting be adopted.

**MOTION CARRIED**

## DELEGATIONS

**D1** Rodger Hunter representing the Cowichan Watershed Board  
Re: Support to Implement Specific Elements of the Cowichan Basin Water Management Plan.

Rodger Hunter requested CVRD support for the Cowichan Watershed Board's 2010 recommended actions pertaining to Demand Management, Water Supply, Habitat and Flood Management.

**10-245** **It was moved and seconded that the CVRD support in principle the four Cowichan Watershed Board 2010 Goals pertaining to Demand Management, Water Supply, Habitat and Flood Management, subject to a review by staff, and engaging the Cowichan Tribes; with a report back that contains recommendations for the implementation of the four Cowichan Watershed Board 2010 Goals.**

Opposed: Director Marcotte

**MOTION CARRIED**

**CORRESPONDENCE**

**C1** Correspondence from the City of Duncan, Director of Corporate Services, dated April 22, 2010 re: Lower Cowichan - Koksilah River Integrated Flood Management Plan was considered.

**10-246** **It was moved and seconded that the correspondence from the City of Duncan, Director of Corporate Services, dated April 22, 2010 re: Lower Cowichan - Koksilah River Integrated Flood Management Plan be received.**

**MOTION CARRIED**

**REPORT OF THE CHAIRPERSON**

**RC1** The Chair reported on the following:

1. Corporate Strategic Plan: the Chair requested the Directors to please respond to Jacob Ellis, Corporate Planning, regarding his email.
2. The sod-turning event on Tuesday, May 11<sup>th</sup> for the construction at Bings Creek of an Operations Base for the Cowichan Valley Search and Rescue Association. Chair Giles extended the Association's appreciation to the Board for providing the facility.

**COMMITTEE REPORTS**

**CR1** The report and recommendations from the Electoral Area Services Committee meeting held April 20, 2010 listing 11 items were considered.

- 10-247**
1. That the irrevocable letter of credit provided for Development Permit No. 1-E-08DP (Parhar Property Management Ltd.) be drawn upon respecting non-compliance of landscaping requirements.
  2. 1. That an annual financial contribution service be created for the Mill Bay/Malahat Historical Society with a maximum requisition limit of \$10,000 to assist with costs associated with the collection, preservation, restoration and presentation of historical artifacts and archives of Mill Bay/Malahat and the surrounding South Cowichan area.
  2. That CVRD Bylaw No. 3380 – Mill Bay/Malahat Historical Society annual Financial Contribution Service Establishment Bylaw, 2010, be forwarded to the Board for consideration of three readings and following provincial and voter approval, be considered for adoption.
  3. That voter approval to establish the Mill Bay/Malahat Historical Society Annual Financial Contribution Service be obtained through an alternative approval process.
  3. 1. That the services of Bob Hamilton Enterprises Inc. be obtained to undergo negotiations, inspection and purchase of a used fire tender on behalf of the CVRD Malahat Fire Rescue Service.
  2. That the Board approve the sole source purchase of a used fire tender for the Malahat Volunteer Fire Rescue Service, the overall expenditure of which will not exceed \$100,000.
  3. That a Reserve Fund expenditure bylaw be prepared authorizing expenditure of no more than \$36,308 from the Malahat Fire Protection Specified (Local Service) Area Machinery and Equipment Reserve Fund (CVRD Establishment Bylaw No. 1301, cited as the Malahat Fire Protection Specified (Local Service) Area Machinery and Equipment Reserve Fund Establishment By-law No. 1, 1990) for the purpose of purchasing machinery and equipment, and that the reserve fund bylaw be forwarded to the Board for consideration of three readings and adoption.
  4. That CVRD Bylaw No. 3384 – Nature and Habitat Fund Establishment Bylaw, 2010 be forwarded to the Board for consideration of three readings and adoption.



5. That the 2010 Major and Minor Capital Work Program revised Schedule dated April 18<sup>th</sup> for Community and Sub-Regional Parks be further revised to remove Area C Manley Creek Box Steps Installation, Area C Beach Accesses Rip Rap Improvements, and Area C Cenotaph Rock Retaining Wall (if funding for the Area C washroom building involves parks), and that the further revised Schedule be adopted as the order and priority list for undertaking completion of capital project work approved in the 2010 budget.
6. That the resignation of Linden Collette from the Area C Parks Commission be accepted and that a letter of appreciation be forwarded to Linden Collette.
7. That the following grant in aid requests be approved:
  - Grant-in-aid (Area D) to Cowichan Bay Improvement Area in the amount of \$500 to support their second annual prawn festival.
  - Grant-in-aid (Area I) to Cowichan Lake Salmonid Enhancement in the amount of \$1,000 to support their Coho south study.
  - Grant-in-aid (Area I) to Lake Days Society in the amount of \$300 to assist with costs to hold the Lake Days dance.
  - Grant-in-aid (Area I) to Lake Days Society in the amount of \$500 to assist with costs to hold the "Breakfast in the Town" event.
  - Grant-in-aid (Area I) to Lake Cowichan Secondary School in the amount of 250to assist with Grad 2010 dry grad costs.
  - Grant-in-aid (Area I) to Cowichan Lake District Chamber of Commerce in the amount of \$4,000 to assist the Tourist Info Centre costs.
  - Grant-in-aid (Area I) to Cowichan Lake Lady of the Lake Society in the amount of \$1,200 to assist with costs related to the Ambassador Programme.
  - Grant-in-aid (Area I) to Wilderness Watch in the amount of \$750 to assist with truck insurance costs.
  - Grant-in-aid (Area I) to Cowichan Lake Secondary School Grad 2010 (Chris Friesen) in the amount of \$500 to assist with prom night costs.
  - Grant-in-aid (Area D) to Cowichan Music Festival Society in the amount of \$500 to assist with hosting the Performing Arts BC Provincial Finals.
  - Grant-in-aid (Area C) to Frances Kelsey School in the amount of \$500 to provide a third bursary to a graduating Cobble Hill student.
  - Grant-in-aid (Area C) to Cowichan Music Festival Society in the amount of \$500 to assist with costs to stage the Performing Arts BC Provincial Finals.

- Grant-in-aid (Area C) to Cobble Hill LERN Program in the amount of \$250 to assist with costs in developing Cobble Hill's LERN Program.
  - Grant-in-aid (Area A) to Cowichan Music Festival Society in the amount of \$500 to assist with hosting the Performing Art BC Provincial Finals.
  - Grant-in-aid (Area E) to Cowichan Music Festival Society in the amount of \$500 to assist with hosting the Performing Art BC Provincial Finals.
8. That the resignation of Donna Einarsson from the Area D Parks Commission be accepted and that a letter of appreciation be forwarded to Ms. Einarsson.
  9. That a letter be forwarded to the Mayor of Powell River expressing sincere thanks and appreciation for the excellent job hosting the recent AVICC conference.

**MOTION CARRIED**

10-248

It was moved and seconded:

10. 1. That Official Community Plan and Zoning amendment bylaws for Application No. 4-A-09RS (Baranti Developments) be prepared that would permit a bare-land subdivision of 40 lots, and that the bylaws be forwarded to the Regional Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> readings.
  2. That a public hearing be scheduled with Directors Harrison, Cossey, and Giles appointed as Board delegates, following submission of a draft covenant by the applicants committing to the dedication 4.39 ha of land on the southern portion of the property at the time of subdivision.
  3. That application referrals to the Ministry of Transportation and Infrastructure, the Vancouver Island Health Authority, the Ministry of Environment, the Ministry of Community and Rural Development, School District No. 79, Malahat First Nation, Cowichan Tribes, Mill Bay Waterworks District, CVRD Public Safety Department, CVRD Parks and Trails Division, and the CVRD Water Management Division, be accepted.
11. That a letter be forwarded to the Minister of Agriculture and Lands and/or appropriate Minister requesting a meeting with the Minister, Area D Director L. Iannidinardo, and the CVRD Board Chair, to explain the CVRD's position that expiring Lease No. 105062 (Block A of District Lot 160, Cowichan District - Hokensen/boat repair business) not be renewed due to existing OCP review process.

**MOTION CARRIED**

CR2 The report and recommendations of the Electoral Area Services Committee meeting held May 4, 2010 listing 11 items were considered.

10-249 It was moved and seconded:

1. That the Regional District Board establish an Agricultural Advisory Committee comprised of government, community, farmers and other stakeholders to address the issues and actions identified in the Area Agriculture Plan; and to advise the Board on issues of importance to the agricultural community, and on ALR exclusion applications as well as other matters referred to it.
3. 1. That the Regional Board appoint Brian Duncan as a Bylaw Enforcement Official.
  2. That the Regional Board appoint Grant Breckenridge as a Bylaw Enforcement Official.
  3. That the Regional Board appoint Norm Knodel as a Bylaw Enforcement Official.
  4. That the Regional Board appoint Ian McDonald as a Bylaw Enforcement Official.
  5. That the Regional Board appoint Gary Anderson as a Bylaw Enforcement Official.
4. That a grant in aid (Area C) be given to Evergreen Independent School in the amount of \$3,500 to assist with repair and upgrading of the original Cobble Hill School.
5. That the Board Chair and Corporate Secretary be authorized to execute an agreement with the Mill Bay Waterworks District to permit the maintenance and operation of a short section of CVRD's Mill Springs Trail located on property owned by Mill Bay Waterworks District, legally described as Lot 4, District Lots 46&60, VIP 68911, Malahat District to address issues pertaining to liability and indemnification, insurance coverage provisions and use of the lands for community trail purposes.
6. That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to release Covenant FB307700 in favour of the Cowichan Valley Regional District concurrent with the transfer of lands to the Regional District for park purposes, per the conditions of the covenant, at time of registration of the subdivision of Lot 3, District Lot 96, Malahat District, Plan 32725.
7. That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$20,000 from the Community Parks General Reserve Fund (Area F – Cowichan Lake South/Skutz Falls) for the purpose of completing the Mesachie Lake Park ball field expansion upgrade; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

MOTION CARRIED

The Chair advised that the issue noted in Recommendation 2 has already been dealt with and a resolution from the Board is not required.

10-250

It was moved and seconded:

8. That Application No. 4-G-10DP be approved, and that a development permit be issued to Brian Tassell, on behalf of, Robert Boscher, for that part of Lot 12, District Lot 34, Oyster District, Plan 2519, shown outlined in red on Plan 298R, except part in Plan 33268, to permit repair of a 10 metre section of a  $\pm 3$  metre tall riprap retaining wall, repair 28 metres of scour protection along the retaining wall footings, and removal of 2-3 trees along the bank subject to the development complying with the recommendations noted in Simpson Geotechnical Ltd report, dated April 12<sup>th</sup>, 2010.
9. That Application No. 1-B-10DVP by Charles and Jill Bell for a variance to Section 8.3(b)(2) of Zoning Bylaw No. 985, by increasing the height limit for an accessory building from 7.5 metres (24.6 ft.) to 9.5 metres (31 ft.) on Lot 1, Shawnigan Lake Suburban Lots, Malahat District, Plan 32805, be approved.
10. That the request by Dwain and Lynda Walerius to allow the accessory building fixture in the workshop located at 5175 Lee Road, be approved, and that one bathing facility (bathtub) and one sink be permitted to remain in the accessory building subject to the land owner registering a covenant re-affirming that the structure will not be used as a dwelling.
11. That Application No. 3-G-10DP be approved and that a development permit be issued to Murray Archdekin and Gwen Robinson, for Lot 1, District Lot 34, Oyster District, Plan 4347, to construct a single family dwelling and garage, subject to complying with the recommendations noted in the Lewkowich Engineering Associates Ltd. report dated April 26, 2010.

**MOTION CARRIED**

CR3

The report and recommendations of the Engineering & Environmental Services Committee held April 28, 2010 listing six items were considered.

10-251

It was moved and seconded:

1. That a *critical location* streetlight be installed at the corner of Cameron Taggart and Lovers Lane in Electoral Area B – Shawnigan Lake, as requested by a local resident, with endorsement from the RCMP.

2. .1 That the *Certificate of Sufficiency*, confirming that a sufficient petition, requesting inclusion into the Shawnigan Lake North Water System Service Area, be received.
  - .2 That the boundaries of the Shawnigan Lake North Water System Service Area be amended to include "*PID 009-480-901, District Lot 12, Shawnigan District except that part in Plans 10129, 24926, 32212 & 37171*".
  - .3 That "CVRD Bylaw No. 1967 – Shawnigan Lake North Water System Service Establishment Bylaw, 1999", be amended to include *PID 009-480-901, District Lot 12, Shawnigan District except that part in Plans 10129, 24926, 32212 & 37171*, and that the amended bylaw be forwarded to the Board for consideration of three readings and adoption.
3. .1 That "CVRD Bylaw No. 3385 – Satellite Park Water System Management Amendment Bylaw, 2010" be forwarded to the Board for three readings and adoption.
  - .2 That billings be sent via e-mail for this pilot project and that customers be given the ability to pay online.
4. .1 That the *Certificate of Sufficiency*, confirming that a sufficient petition requesting inclusion into the Brulette Sewer System Service Area be received.
  - .2 That the boundaries of the Brulette Sewer System Service Area be amended to include "*PID 025-382-667, Lot 1, Section 4, Range 8, Shawnigan District, Plan VIP73512*".
  - .3 That "CVRD Bylaw No. 3296 – Brulette Place Sewer System Service Establishment Bylaw, 2009", be amended to include *PID 025-382-667, Lot 1, Section 4, Range 8, Shawnigan District, Plan VIP73512*, and that the amended bylaw be forwarded to the Board for consideration of three readings and adoption.
6. .1 That staff apply for funding under the Federation of Canadian Municipalities' Green Municipal Fund, to assist in the completion of the Meade Creek Ash Landfill Remediation Project; and further
  - .2 That should the application for funding from the Green Municipal Fund be approved, that the Chair and Corporate Secretary be authorized to enter into the funding agreement on behalf of the CVRD.

**MOTION CARRIED**

It was moved and seconded:

5. That the Board provide first stage approval and authorize staff time to continue with the process of investigating takeover of the water and sanitary sewer systems for a proposed 147 lot manufactured home strata subdivision, described as: "*District Lot 51, Oyster District, Except the Right-of-Way of the Esquimalt & Nanaimo Railway Company, except part coloured red on plan deposited under*

*DD272791 & except part shown outlined in red on plan deposited under DD285551, AND, that part of District Lot 51, Oyster District, shown coloured red on plan deposited under DD272791”, as requested in a letter from Bruce Muir for Heart Lake Developments Ltd., dated April 13, 2010, subject to the following conditions and without prejudice to the rezoning process*

1. The preliminary concepts, detailed design and installation must be approved by Engineering Services staff to ensure compliance with CVRD Design Standards and Subdivision Bylaw 1215;
2. The developer must have a qualified professional prepare and submit the Registration of Discharge form, Operation Plan and Environmental Impact Study, and all other necessary documentation, to the Ministry of Environment for the sewage treatment and disposal system;
3. That the developer provide a two-year warranty on the completed works, backed by an irrevocable Letter of Credit;
4. All lands on which infrastructure works are located are transferred to the CVRD, except where not practical, in which case will be placed within registered Statutory Rights-of-way using the CVRD's standard charge terms;
5. All sewage disposal capacities must be confirmed by the developer;
6. The developer is required to provide a suitable reserve fund to start the water and sewer functions;
7. The developer is required to provide all water and sewer servicing infrastructure, including but not limited to, pumps, reservoir, SCADA system, fire protection, controls and mainlines, and sewage treatment works, disposal system, pumps, controls, gensets, and mainlines for the proposed development;
8. The developer shall pay all costs associated with monitoring and sampling requirements for the sewer system for the initial intensive monitoring period;
9. A utility transfer agreement must be executed between the CVRD and the owner/developer;
10. That the water source, treatment, reservoir and distribution works have adequate capacity and fire flow and have received approval from the Vancouver Island Health Authority.
11. That a successful petition process be carried out for establishment of service areas for the water and sewage systems;
12. This list is not exhaustive and items may be added, deleted or altered prior to a formal agreement being executed.
13. That the treatment system be designed to meet “effluent re-use standards”.
14. That use of recycled wastewater for irrigation purposes be investigated.

and further that the necessary bylaws be prepared to create water and sewer service areas for these systems.

10-252 It was moved and seconded that the motion be amended by deleting item 13, renumbering item 14 to 13, and adding a new item 14 as follows:

14. That upon investigation, if it is deemed to be feasible and desirable to use recycled wastewater for irrigation purposes, the treatment system be designed to meet "effluent re-use standards".

Opposed: Directors Cossey, Dorey, Duncan, Giles, Harrison, Hutchins, Iannidinardo, Kent, Kuhn, Seymour, and Walker

**MOTION DEFEATED**

10-253 **VOTING RESUMED ON THE ORIGINAL MOTION**

Motion restated for clarification:

5. That the Board provide first stage approval and authorize staff time to continue with the process of investigating takeover of the water and sanitary sewer systems for a proposed 147 lot manufactured home strata subdivision, described as: "*District Lot 51, Oyster District, Except the Right-of-Way of the Esquimalt & Nanaimo Railway Company, except part coloured red on plan deposited under DD27279I & except part shown outlined in red on plan deposited under DD28555I, AND, that part of District Lot 51, Oyster District, shown coloured red on plan deposited under DD27279I*", as requested in a letter from Bruce Muir for Heart Lake Developments Ltd., dated April 13, 2010, subject to the following conditions and without prejudice to the rezoning process

1. The preliminary concepts, detailed design and installation must be approved by Engineering Services staff to ensure compliance with CVRD Design Standards and Subdivision Bylaw 1215.
2. The developer must have a qualified professional prepare and submit the Registration of Discharge form, Operation Plan and Environmental Impact Study, and all other necessary documentation, to the Ministry of Environment for the sewage treatment and disposal system;
3. That the developer provide a two-year warranty on the completed works, backed by an irrevocable Letter of Credit;
4. All lands on which infrastructure works are located are transferred to the CVRD, except where not practical, in which case will be placed within registered Statutory Rights-of-way using the CVRD's standard charge terms;
5. All sewage disposal capacities must be confirmed by the developer;
6. The developer is required to provide a suitable reserve fund to start the water and sewer functions;
7. The developer is required to provide all water and sewer servicing infrastructure, including but not limited to, pumps, reservoir, SCADA system, fire protection, controls and mainlines, and sewage treatment works, disposal system,

- pumps, controls, gensets, and mainlines for the proposed development;
8. The developer shall pay all costs associated with monitoring and sampling requirements for the sewer system for the initial intensive monitoring period;
  9. A utility transfer agreement must be executed between the CVRD and the owner/developer;
  10. That the water source, treatment, reservoir and distribution works have adequate capacity and fire flow and have received approval from the Vancouver Island Health Authority.
  11. That a successful petition process be carried out for establishment of service areas for the water and sewage systems;
  12. This list is not exhaustive and items may be added, deleted or altered prior to a formal agreement being executed.
  13. That the treatment system be designed to meet "effluent re-use standards".
  14. That use of recycled wastewater for irrigation purposes be investigated.

and further that the necessary bylaws be prepared to create water and sewer service areas for these systems.

Opposed: Directors Marcotte and Morrison

**MOTION CARRIED**

**CR3** The report and recommendations of the Parks Committee meeting held May 12, 2010 listing four items were considered.

**10-254** It was moved and seconded:

1. That the Vancouver Island Spine Relay in June 2010 be endorsed, inclusive of the use of the Cowichan Valley Trail June 24<sup>th</sup> and 25<sup>th</sup>, for hikers/runners and equestrians involved with the length of Vancouver Island promotional event.
2. That approval be given for the use of sections of the Cowichan Valley Trail between Waters Road area in Glenora and the trail section south of Mountain Road to the BC Competitive Trail Ride Association for an organized equestrian competitive ride event the weekend of July 3<sup>rd</sup> and 4<sup>th</sup>, 2010.
3. That, if necessary, up to a maximum of \$155,000 in short term borrowing for the construction of sections of the Cowichan Valley Trail - Northern Completion, be approved, in order to fully match grant funding contributions awarded to the project; and that the loan be paid back over five years under the Liability Under Agreement Section of 175 of the *Community Charter*; and that the adopted 2010 Budget be amended to reflect the Cowichan Valley Trail - Northern Completion funding changes.



4. That the CVRD continue with the existing Parks Bylaw Policies, which do not permit the use of motorized vehicles on Regional District trails.

**MOTION CARRIED**

**CR4**

The report and recommendations of the Cowichan Lake Recreation Commission meeting held April 16, 2010 listing three items was considered.

**10-255**

It was moved and seconded:

1. .1 That the CVRD Board request that the Liquor Control and Licensing Branch approve the temporary change of location to Liquor License #300537 so that staff may run the Annual Youbou Regatta Dance on August 14, 2010.
- .2 That the CVRD has taken into account:
  - The potential for noise if the application is approved: Noise is kept at a minimum as the dance will be held indoors.
  - The impact on the community if the application is approved: This is an annual community event that has been occurring since the 1940s. The community will be involved through participation and volunteer activities.
  - Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose: This facility will still be operated as a liquor primary facility for the purpose of this event.
- .3 And further, should the CVRD Board give approval to proceed with the application process, that the Chair and Corporate Secretary be authorized to sign a copy of the resolution required to accompany the application form.
2. That the CVRD Board approve and support Cowichan Lake Recreation staff obtaining a Special Occasion License in order to host the Youbou Annual New Year's Eve Dance as the Youbou Bowling Alley Liquor Primary License is not in effect on Fridays.
3. That the CVRD Board approve the renewal of the Rental Agreement with Canada Post Outlet within the Honeymoon Bay Community Hall for a term of five (5) years commencing on June 1, 2010 and terminating May 31, 2015, and further, that the Chair and Corporate Secretary be authorized to enter into the rental agreement on behalf of the CVRD should the request be approved.

**MOTION CARRIED**

**STAFF REPORTS**

**SR1** The Staff Report from the Legislative Services Coordinator dated May 5, 2010 re: Shawnigan Creek Drainage System Service - Notice of Alternative Approval Process and Elector Response Form was considered.

**10-256** It was moved and seconded:

1. That the *Notice of Alternative Approval Process* and the *Elector Response Form* for CVRD Bylaw No. 3344, be approved.
2. That, due to the large number of Non-resident Property Electors within the proposed Shawnigan Creek Drainage System Service Area, individual distribution of the *Notice of Alternative Approval Process*, *Elector Response Form* and Backgrounder also occur by direct mail.

**MOTION CARRIED**

**SR2** The Staff Report from the General Manager, Public Safety dated May 3, 2010 re: Application for Grant Funding for an Operational Fuel Treatment Program for Bald Mountain Repeater Site was considered.

**10-257** It was moved and seconded that an application to the Union of British Columbia Municipalities for a Grant for a "Community Operational Fuel Treatment Program" for Bald Mountain Repeater Site be approved for submission and further, that should the application for funding to the UBCM be approved, that the Chair and Corporate Secretary be authorized to enter into the funding agreement on behalf of the CVRD.

**MOTION CARRIED**

**SR3** Deleted upon Adoption of Agenda.

**SR4** The Staff Report from the Administrator dated May 4, 2010 re: "Gas Tax" Regionally Significant Projects - 2010 to 2014 was considered.

**10-258** It was moved and seconded that Item 7 Cowichan Basin Implementation Plan, of Appendix A, be amended by increasing the Gas Tax Contribution from \$50,000 to \$150,000 and reducing the reserve funding from \$385,550 to \$285,550.

**MOTION CARRIED**

**10-259** It was moved and seconded that the Board approve the amended Tier I and II Regional Gas Tax projects as identified in the Report of the Administrator dated May 4, 2010 and that \$285,550 of Regional Gas Tax funding be reserved for future Regional Gas Tax projects.

**MOTION CARRIED**

**PUBLIC HEARINGS**

**PH1** The Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3354 (Area E OCP Maintenance Bylaw) applicable to Electoral Area E - Cowichan Station/Sahtlam/Glenora; Zoning Amendment Bylaw No. 3355 (Area E Zoning Maintenance Bylaw), applicable to Electoral Area E - Cowichan Station/Sahtlam/Glenora; and Bylaw No. 3356 Subdivision for a Relative Amendment Bylaw (Area E and G Deletion), applicable to Electoral Area E - Cowichan Station/Sahtlam/Glenora and Electoral Area G - Saltair/Gulf Islands were considered.

**10-260** It was moved and seconded that the Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3354 (Area E OCP Maintenance Bylaw) applicable to Electoral Area E - Cowichan Station/Sahtlam/Glenora; Zoning Amendment Bylaw No. 3355 (Area E Zoning Maintenance Bylaw), applicable to Electoral Area E - Cowichan Station/Sahtlam/ Glenora; and Bylaw No. 3356 Subdivision for a Relative Amendment Bylaw (Area E and G Deletion), applicable to Electoral Area E - Cowichan Station/Sahtlam/Glenora and Electoral Area G - Saltair/Gulf Islands be received.

**MOTION CARRIED**

**PH2** The Public Hearing Report and Minutes re: Official Community Plan Amendment bylaw No. 3316 and Zoning Amendment Bylaw No. 3317 - Wiggins (applicable to Electoral Area H - North Oyster/Diamond) were considered.

**10-261** It was moved and seconded that Public Hearing Report and Minutes re: Official Community Plan Amendment bylaw No. 3316 and Zoning Amendment Bylaw No. 3317 - Wiggins (applicable to Electoral Area H - North Oyster/Diamond) be received.

**MOTION CARRIED**

**BYLAWS**

**B1**  
**10-262** It was moved and seconded that "CVRD Bylaw No. 3323 - Sahtlam Fire Protection Specified Service Area Capital Reserve Fund Expenditure Mobile Water Tender) Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

**B1**  
**10-263** It was moved and seconded that "CVRD Bylaw No. 3323 - Sahtlam Fire Protection Specified Service Area Capital Reserve Fund Expenditure Mobile Water Tender) Bylaw, 2010", be adopted.

**MOTION CARRIED**

B2  
10-264 It was moved and seconded that "CVRD Bylaw No. 3348 - Brulette Place Sewer System Service Area Amendment Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MOTION CARRIED

B3  
10-265 It was moved and seconded that "CVRD Bylaw No. 3373 - Emergency Programs Reserve Fund Expenditure (Two Bays at Bings Creek) Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MOTION CARRIED

B3  
10-266 It was moved and seconded that "CVRD Bylaw No. 3373 - Emergency Programs Reserve Fund Expenditure (Two Bays at Bings Creek) Bylaw, 2010", be adopted.

MOTION CARRIED

B4  
10-267 It was moved and seconded that "CVRD Bylaw No. 3374 - Electoral Area E Community Parks Park Land Acquisition Reserve Fund Expenditure (\$35,000) Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MOTION CARRIED

B4  
10-268 It was moved and seconded that "CVRD Bylaw No. 3374 - Electoral Area E Community Parks Park Land Acquisition Reserve Fund Expenditure (\$35,000) Bylaw, 2010", be adopted.

MOTION CARRIED

B5  
10-269 It was moved and seconded that "CVRD Bylaw No. 3375 - Electoral Area E Community Parks Capital Reserve Fund Expenditure (\$165,000) Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MOTION CARRIED

B5  
10-270 It was moved and seconded that "CVRD Bylaw No. 3375 - Electoral Area E Community Parks Capital Reserve Fund Expenditure (\$165,000) Bylaw, 2010", be adopted.

MOTION CARRIED

B6  
10-271 It was moved and seconded that "CVRD Bylaw No. 3380 - Mill Bay/Malahat Historical Society Annual Financial Contribution Service Establishment Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MOTION CARRIED

B7  
10-272 It was moved and seconded that "CVRD Bylaw No. 3381 - Shawnigan Lake North Water System Service Amendment Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MOTION CARRIED

B8  
10-273                   It was moved and seconded that "CVRD Bylaw No. 3384 - Nature and Habitat Fund Establishment Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

Opposed: Directors Morrison and McGonigle

**MOTION CARRIED**

B9  
10-274                   It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3385 - Satellite Park Water System Management Amendment Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

B9  
10-275                   It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3385 - Satellite Park Water System Management Amendment Bylaw, 2010", be adopted.

**MOTION CARRIED**

B10  
10-276                   It was moved and seconded that "CVRD Bylaw No. 3386 - Cowichan Lake Arena Capital Reserve Fund Expenditure (Zamboni) Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

**MOTION CARRIED**

B10  
10-277                   It was moved and seconded that "CVRD Bylaw No. 3386 - Cowichan Lake Arena Capital Reserve Fund Expenditure (Zamboni) Bylaw, 2010", be adopted.

**MOTION CARRIED**

B11  
10-278                   It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3316 - Area H - North Oyster/Diamond Official Community Plan Amendment Bylaw (Clifford/Wiggins), 2009", be granted 3<sup>rd</sup> reading.

Opposed: Directors Cossey, Dorey, Duncan, Giles, Harrison, Iannidinardo, Kuhn, Marcotte and Morrison

**MOTION DEFEATED**

B12  
10-279                   It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3317 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (Clifford/Wiggins), 2009", be granted 3<sup>rd</sup> reading.

Opposed: Directors Cossey, Dorey, Duncan, Giles, Harrison, Iannidinardo, Kuhn, Marcotte and Morrison

**MOTION DEFEATED**

B13  
10-280                   It was moved and seconded that "CVRD Bylaw No. 3354 - Area E - Cowichan Koksilah Official Community Plan Amendment Bylaw (Area E OCP Maintenance Bylaw), 2010", be granted 3<sup>rd</sup> reading.

**MOTION CARRIED**

B14  
10-281 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3355 - Electoral Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Area E Zoning Maintenance Bylaw), 2010", be granted 3<sup>rd</sup> reading.

MOTION CARRIED

B14  
10-282 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3355 - Electoral Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Area E Zoning Maintenance Bylaw), 2010", be adopted.

MOTION CARRIED

B15  
10-283 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3356 Subdivision for Relative Amendment Bylaw (Area E and G Deletion), 2010", be granted 3<sup>rd</sup> reading.

MOTION CARRIED

B15  
10-284 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3356 Subdivision for Relative Amendment Bylaw (Area E and G Deletion), 2010", be adopted.

MOTION CARRIED

B16  
10-285 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3387 - Area A - Mill Bay/Malahat Official Community Plan Amendment Bylaw (Baranti Developments), 2010", be granted 1<sup>st</sup> and 2<sup>nd</sup> reading.

MOTION CARRIED

B17  
10-286 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3388 - Area A - Mill Bay/Malahat Zoning Amendment Bylaw (Baranti Developments), 2010", be granted 1<sup>st</sup> and 2<sup>nd</sup> reading.

MOTION CARRIED

#### NEW BUSINESS

NB1  
10-287 It was moved and seconded that the following appointment to the Electoral Area D - Cowichan Bay Parks & Recreation Commission be approved:

Appointed:  
Bruce Clarke

Term to expire: December 31, 2010.

MOTION CARRIED

**RESOLVING INTO  
CLOSED SESSION**

10-288  
8:16 pm

It was moved and seconded that the meeting be closed to the public in accordance with the Community Charter Part 4, Division 3, Section 90, Subsection (1) Land Acquisition (e) and Freedom of Information (j).

**MOTION CARRIED**

**RISE FROM  
CLOSED SESSION**

10-294  
8:45 pm

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

**MOTION CARRIED**

**ADJOURNMENT**

10-295  
8:45 pm

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

**MOTION CARRIED**

The meeting adjourned at 8:45 pm

Certified Correct:

\_\_\_\_\_  
Chairperson

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

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

Minutes of the Special meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Tuesday, May 25, 2010 at 5:02 pm.

**PRESENT:** Chair G. Giles  
Directors R. Hutchins <to 5:35 pm>, Klaus Kuhn,  
Tom Walker, Loren Duncan, Brian Harrison,  
Ken Cossey, Phil Kent, Dave Haywood,  
L. Iannidinaro <5:05 pm>

**ALSO**

**PRESENT:** Warren Jones, Administrator  
Kathleen Harrison, Deputy Corporate Secretary  
Brian Dennison, General Manager,  
Engineering and Environmental Services

**ABSENT:** Directors M. Dorey, M. Marcotte,  
T. McGonigle, I. Morrison, G. Seymour

**GUESTS:** Frank Raimondo, Consultant  
Chris Corps, BSc, MRICS, Asset Strategies Ltd.

**APPROVAL OF  
AGENDA  
10-296**

**It was moved and seconded that the agenda be approved.**

**MOTION CARRIED**

**RESOLVE INTO  
CLOSED SESSION  
10-297**

**It was moved and seconded that the meeting be closed to the public in accordance with the Community Charter Part 4, Division 3, Section 90, Subsection (1)(e) Land Acquisition.**

**MOTION CARRIED**

**RISE FROM  
CLOSED SESSION  
10-301  
6:07 pm**

**It was moved and seconded that the Board rise without report and return to the Special Board meeting.**

**MOTION CARRIED**

**ADJOURNMENT  
10-302  
6:07 pm**

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

**MOTION CARRIED**

The meeting adjourned at 6:07 pm.



Certified Correct:

\_\_\_\_\_  
Chairperson

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

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

You are here: [Home](#) > Forms

## Request to Appear as a Delegation

# D1

### Meeting Information

Request to Address:\*

CVRD Board

Committee

If Committee, specify the Committee here:\*

Regular CVRD Board meeting

Meeting Date:\*

06/09/10

Meeting Time:\*

6:00 pm

### Applicant Information

Applicant Name:

Cdr. Steven Pokotylo

Representing:

Victoria Naval Reserve Division HMCS MALAHA

(Name of organization if applicable)

As:

(Capacity / Office)

Number Attending:

4

### Applicant Contact Information

Applicant Mailing Address:

20 Huron Street

Applicant City:

Victoria BC

Applicant Telephone:

250-360-7901

Applicant Fax:

Applicant Email:

### Presentation Topic and Nature of Request:

2010 is the Canadian Navy's 100th Anniversary. The theme of the Centennial is to Bring the Navy to Canadians - cross-Canada events and activities are planned to honour the past, showcase the current navy, and reinforce the enduring role of the future naval forces.

The occasion will be marked with the presentation of a memento depicting the warship, Ship's name, that was named for your community.

The presentation will be approximately 20 minutes.

\* indicates required fields.

## NAMING OF CANADIAN WARSHIPS

During the Second World War most Royal Canadian Navy escort ships were named in a straightforward way for Canadian cities, towns, bas or islands. For 37 locations it was determined that an alternate name was necessary rather than the actual municipal name to avoid confusion with similarly-named RCN ships or shore establishments, or the names of other Allied warships

HMCS Atholl	Campbellton, N.B.	HMS Campbellton
HMCS Beacon Hill	Victoria, B.C.	HMS Victorious
HMCS Border Cities	Windsor, Ont.	HMS Windsor
HMCS Bucatouche	Bathurst, N.B.	HMAS Bathurst
HMCS Cape Breton	Sydney, N.S.	HMAS Sydney
HMCS Capilano	North Vancouver, B.C.	HMCS Vancouver
HMCS Carlplace	Carlton Place Ont.	Abbreviation
HMCS Chebogue	Yarmouth, N.S.	HMS Yarmouth
HMCS Dunver	Verdon, Que.	HMS Verdon
HMCS Eastview	Ottawa, Ont	HMCS Ottawa (River Class)
HMCS Frontenac	Kingston, Ont	HMS Kingston
HMCS Grou	Point-aux-Trembles, Que	too long
HMCS Hallowell	Picton, Ont.	HMCS Pictou
HMCS Inch Arran	Dalhousie, N.B.	HMIS Dalhousie
HMCS Kokanee	Nelson, B.C.	HMS Nelson
HMCS La Hullose	Hull, Que	USS Hull
HMCS Lanark	Perth, Ont.	HMAS Perth
HMCS Merrittonia	Merritton, Ont.	Local preference
HMCS Middlesex	London, Ont.	HMS London
HMCS Norsyd	North Sydney, N.S.	HMAS Sydney
HMCS Orkney	Yorkton, Sask.	USS Yorktown
HMCS Portage	Portage-la-Prairie, Man.	too long
HMCS Poundmaker	North Battleford, Sask.	HMCS Battleford
HMCS Prestonian	Preston, Ont.	HMS Preston
HMCS Royal Mount	Mount Royal, Que.	HMCS Montreal
HMCS Runnymede	York Township, Ont.	HMCS York
HMCS Sea Cliff	Leamington, Ont.	HMS Leamington
HMCS Stettler	Edmonton, Alta.	HMCS Edmundston
HMCS Stone Town	St. Mary's Ont.	HMS St. Mary's
HMCS Stormont	Cornwall, Ont.	HMS Cornwall
HMCS Strathadam	Newcastle, N.B.	HMS Newcastle
HMCS Sussexvale	Sussex, N.B.	HMS Sussex
HMCS Thorlock	Thorold, Ont.	Local preference
HMCS Trentonian	Trenton, Ont.	USS Trenton
HMCS Waskesiu	Prince Albert, Sask.	HMS Prince Albert
HMCS Wentworth	Hamilton, Ont.	HMCS Hamilton (re: Hamilton, Bermuda)
HMCS West York	Weston, Ont.	HMS Weston

## **CANADIAN NAVY CENTENNIAL NAMESAKE SHIPS PROGRAM**

Hundreds of Canadian communities will be reacquainted with their namesake Canadian Navy warship to mark the Canadian Navy's Centennial year, 2010. Since the Canadian Navy was established in 1910, 320 Canadian navy ships have been named for communities from coast to coast to coast. In the early years former Royal Navy ships transferred for service in the Royal Canadian Navy were coincidentally named Aurora, Vancouver, and Shearwater.

Over the year's Canadian warships have been named for cities and provinces, First Nations communities and geographical features (rivers, capes, and bays). This was particularly true during the Second World War when Canada had the third largest allied Navy. While naming ships for cities and towns seemed straightforward, 37 ships were given alternate names lest they be confused with similarly named ships. Such was the case for HMCS Beacon Hill named for Victoria, B.C, so as to not confuse it with HMS Victorious, or HMCS Orkney for Yorkton, Sask., to be confused with the USS Yorktown.

During the Cold War many ships were named for rivers and perpetuated their "River Class" predecessors. Naming ships for cities returned in the 1990's with the names carried by the present fleet of ships. While four ships have been named HMCS Ottawa, the current ship is named for our nation's capital, the earlier ships named for the Ottawa River.

Naming ships for communities served to create a bond between the namesake city and the ship's company. During the Second World War and Korea, people would send "care packages" to the ship's company with hand knit socks, and scarves, cigarettes and chocolate. The current ships have all benefited from the generosity of their namesake cities with amenities that were presented on the occasion of their commissioning. The main passageways in the current ships are named for the main thoroughfares of their namesake city such as Portage Ave. and Main Street in HMCS Winnipeg furthering the special connection between the community and the ship that brings attention to its namesake wherever it sails. Annually, the ship's company visit its namesake city to renew acquaintance and often supports a local charity such as a children's medical service.

The Canadian Naval Centennial namesake ship project will further serve to bring the Navy to Canadians in communities large and small during the 2010 Centennial Year. It will allow citizens to connect the Navy with their home.

Through 2009, each community will be presented with a professionally matted and framed display featuring photographs of the Canadian Navy ship or ships associated with the community. The presentation will include a short history of the ship or ships, the ship's badge, battle honours, and the Canadian Navy Centennial identifier. The presentation is suitable for permanent display in an appropriate public location such as a City Hall, Community Centre, Theatre or Museum.

PAGE

**For more information on the Canadian Naval Centennial visit:**  
[www.canadiannavy100.forces.gc.ca](http://www.canadiannavy100.forces.gc.ca)

Naval Reserve Headquarters  
PO Box 1000 Station Forces  
Courcellette QC G0A 4Z0

10 November 2009

Address

Your Worship,

**NAMESAKE PRESENTATION BY THE CANADIAN NAVY**

I am writing on behalf of the Commander Steven Pokotylo, Commanding Officer of Victoria's naval reserve division HMCS MALAHAT. You have recently been sent and hopefully received a letter from Commodore Jennifer Bennett of Naval Reserve Headquarters, informing you of the celebrations for the Canadian Navy's 100<sup>th</sup> Anniversary in 2010. The theme of the Centennial is to *Bring the Navy to Canadians* and a number of cross-Canada events and activities are being planned to honour the past, showcase the current navy, and reinforce the enduring role for future naval forces.

The Canadian Naval Centennial project has launched an initiative to honour over 320 towns and cities whose names have been shared with Canadian warships and submarines since 1910. Our warships and their crews carry these names with the utmost pride, and those still in service continue to value and promote the relationships between ships and namesake communities that were established and enjoyed by their predecessors. In order to renew or strengthen these ties, and to recognize the historic connection between ships and cities, the Navy is acknowledging namesake communities across Canada with the presentation of a framed picture of the warship named after their city, town, district or associated First Nation. Haida/Cowichan/Pt. Alberni/City has the distinction of having just such a legacy connection with our navy, and it would be our pleasure to present you with a memento depicting the warship, Ship's name, which was named for your community.

In order to mark this occasion for your community and the Navy, we would like find a mutually agreeable time to schedule a suitable ceremony and despatch a naval representative (if at all possible a "home-towner") to make the presentation on behalf of the Navy. You may wish to mark the occasion with a ceremony at a public venue, council office, or linked with planned community events and we would appreciate if you could include local 'friends of the Navy' organizations, community leaders, public and the media to share this special event. We are hoping that a date in the month of April or May would be convenient for you.

My point of contact for these arrangements is Lieutenant (Navy) Jim Parker and he may be reached at the following telephone numbers and email addresses:

(250) 383-7901  
(250) 363-3528  
parker.ja@forces.gc.ca

HMCS MALAHAT's mailing address is: HMCS MALAHAT, FMO Victoria, PO Box XXX . . .

We look forward to meeting you and working with you with great anticipation.

Yours Sincerely,

Commander Steven Pokotylo  
HMCS MALAHAT  
20 Huron Street,  
Victoria, BC

For more information on the Naval Centennial, please check our website at <http://www.navy.forces.gc.ca/centennial/>

National Defence  
Défense nationale

PAGE 1

PAGE 1/ NUMPAGES 2

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Naval Reserve Headquarters  
PO Box 1000 Station Forces  
Courcellette QC G0A 4Z0

10 November 2009

Address

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(250) 383-7901  
(250) 363-3528  
parker.ja@forces.gc.ca

HMCS MALAHAT's mailing address is: HMCS MALAHAT, FMO Victoria, PO Box XXX . . . .

We look forward to meeting you and working with you with great anticipation.

Yours Sincerely,

Commander Steven Pokotylo  
HMCS MALAHAT  
20 Huron Street,  
Victoria, BC

For more information on the Naval Centennial, please check our website at <http://www.navy.forces.gc.ca/centennial/>

National Defence  
Défense nationale



PAGE 1

PAGE 1/ NUMPAGES 2



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# NAMEAKE COMMUNITIES - NAVAL PARTNER SHIPS PROJECT



**HER MAJESTY'S CANADIAN SHIP  
Navire canadien de Sa Majesté  
Haida**



**HER MAJESTY'S CANADIAN SHIP  
Navire canadien de Sa Majesté  
CALGARY**



**HER MAJESTY'S CANADIAN SHIP  
Navire canadien de Sa Majesté  
CALGARY**



**HER MAJESTY'S CANADIAN SHIP  
Navire canadien de Sa Majesté  
Haida**

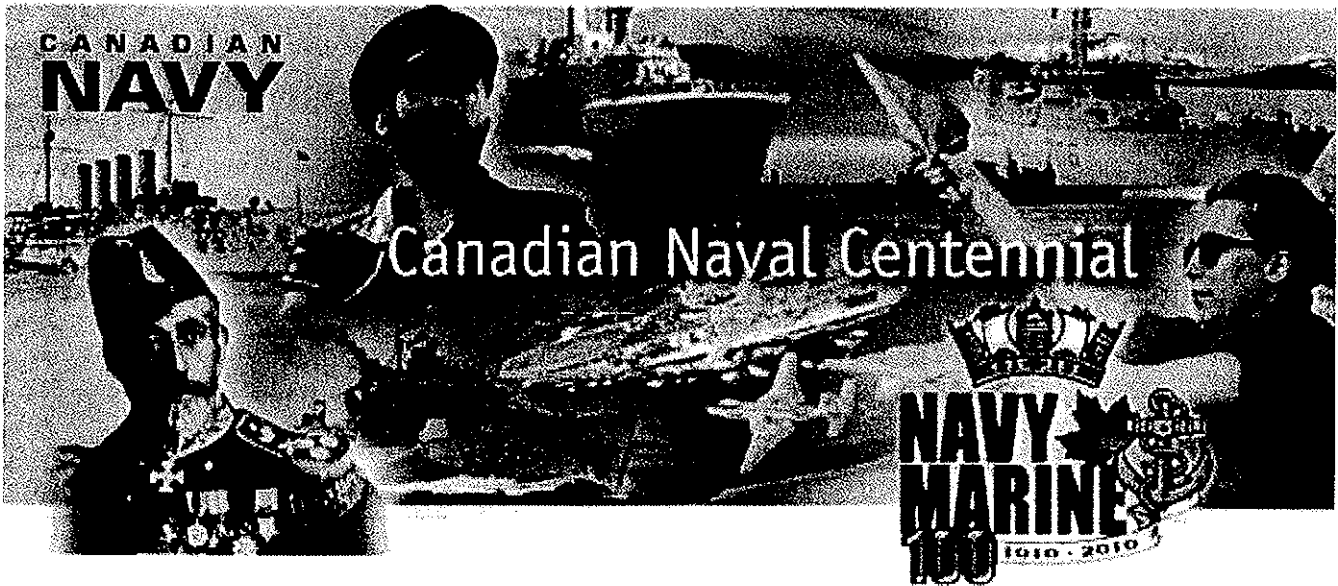



**HER MAJESTY'S CANADIAN SHIP  
Navire canadien de Sa Majesté  
CALGARY**

**HER MAJESTY'S CANADIAN SHIP  
Navire canadien de Sa Majesté  
CALGARY**



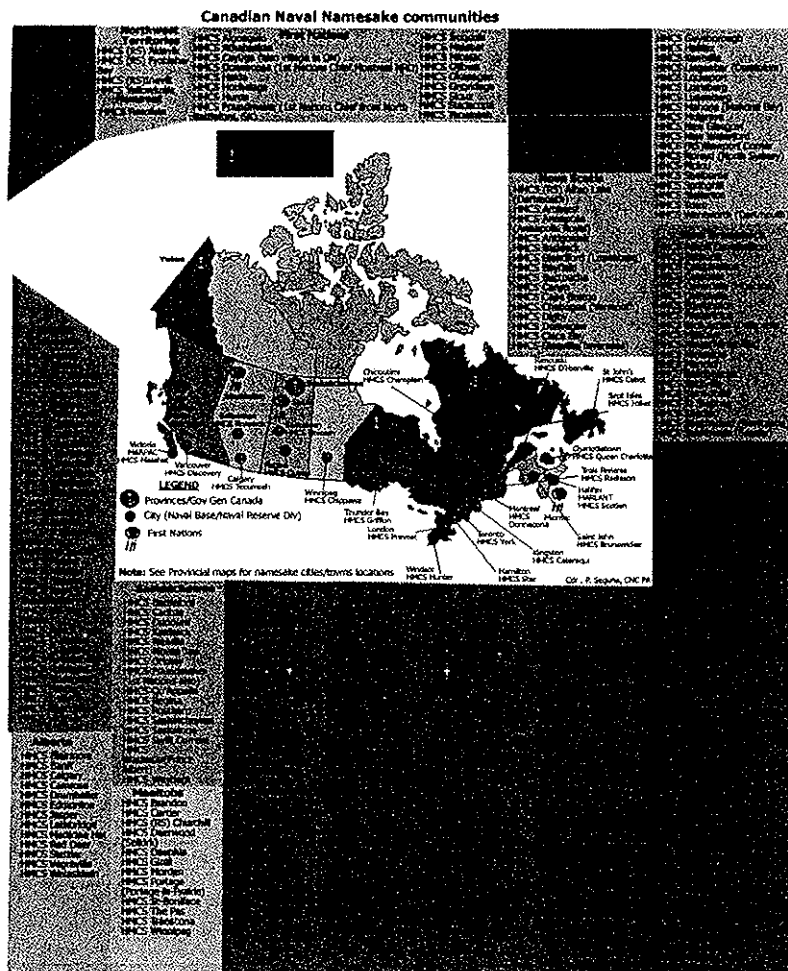
NAVRES 2010 Project  
Updated 25 Aug 08 v.1



## NAMESAKE COMMUNITIES – NAVAL PARTNER SHIPS PROJECT

Under the centennial objective to “Bring the Navy to Canadians”, the namesake project has been stood up to provide every Canadian warship namesake community, including those representing the Aboriginal people, with a framed photograph of their ship with accompanying historical text.

CNC has identified namesake cities, conducted the research, and are in the process of having produced and funded the framed prints. On behalf of CNC, NAVRES 2010 has been tasked to coordinate the distribution and delivery of the approximately 350 framed presents to the namesake cities. The NAVRES OPI for the project is Cdr Harvey – [Harvey.hm@forces.gc.ca](mailto:Harvey.hm@forces.gc.ca) (709) 570-4564



(Note: this chart requires updating – refer to attached spreadsheet)

This total communities list includes ships given nom-de-guerre (as RN ship may have already had the same community name or the name may have caused confusion - HMCS HALLOWELL was to be named HMCS PICTON, but due to possible confusion with HMCS PICTOU (Nova Scotia), the circumlocution was chosen. HMCS INCH ARRAN was to be named DALHOUSIE but the RN already had a ship of that name – Inch Arran is a point off Dalhousie, NB)) and ships given names representing First Nations peoples (such as HAIDA and IROQUOIS). As well, a number of ships have names which can be linked to a Canadian community which may provide a partnership opportunity such as HMCS TRINITY and ST JULIEN

These prints will follow a standard template – for example, the centre block will contain pictures of all warships bearing that name and the sidebar write-ups will have information on the ship

For the Aboriginal people s link to namesake ships, the following terminology information will be useful in planning. An extract from the Assembly of First Nations website is reproduced below <http://www.afn.ca/article.asp?id=437> :

Collectively, First Nations, Inuit, and Métis peoples constitute Canada's Aboriginal peoples.

- Aboriginal Peoples: This is a collective name for all of the original peoples of Canada and their descendants. The Constitution Act of 1982 specifies that the Aboriginal Peoples in Canada consist of three groups – Indians, Inuit and Métis.
- First Nations, Inuit and Métis peoples have unique heritages, languages, cultural practices and spiritual beliefs. The term Aboriginal peoples should not be used to describe only one or two of the groups.
- First Nation(s) The term First Nations came into common use in the 1970s to replace Indian, which some people found offensive. Many communities have also replaced “band” with “First Nation” in their names.

Despite its widespread use, there is no legal definition for this term in Canada.

- Indian: The term Indian collectively describes all the Indigenous People in Canada who are not Inuit or Métis. Indian Peoples are one of three peoples recognized as Aboriginal in the Constitution Act, 1982 along with Inuit and Métis.

## PROJECT TIMELINES

- Aug – mid Oct – contacting communities to verify contact information, provide brief outline of project, and indicate letter to follow
- 1 Sep 08 – Initial assignment of formation/presenter responsibilities
- 22 Sep 08 – Receipt of input from formations to assist in the reassignment of formation/presenter responsibilities (names not required at this point)
- 29 Sep 08 – Updated formation assignment promulgated. Feedback requested
- 15 Oct – Receipt of input from formations.
- mid Oct – as plan evolves, discussions with federal authorities re Aboriginal communities link
- end Oct – Draft OPORD to CNC for review and promulgation
- mid Nov - Updated list to formations. This is the list to be used for assignment of personnel, initial planning (This list will be amended and updated at least monthly and as required). Commence reporting of individual presenters to NAVRES 2010 for tracking
- End Nov: Letter to civic authorities to formally indicate presentation plan
- Jan 09 – framed prints received
- Jan-May 09 – presentation package compilation
- May-Jun 09 – forwarding of presentation packages to formations/NRDs for presenters
- Jul 09 – Commence presentations (after official start of Centennial mid Jul 09 - Halifax ceremony for 250<sup>th</sup> anniversary of founding of the dockyard). Presentations to be complete by Mar 2010. The earlier the presentation arrangements can be made prior to/during the centennial, the better for awareness and connection.
- Mar 2010 – Presentations complete. Feedback form presenters received
- May 2010 – Follow up with communities as appropriate

## NOTES TO NAMESAKE COMMUNITIES – PARTNER SHIPS PROJECT

Updated 25 Aug 08 - version 1

1. Version 1 is an initial nominal allocation only, pending formation input – The NAVRES has been assigned default responsibility pending other formation input. A number of iterations will follow based on NAVRES/MARLANT/MARPAC/CMS feedback. SCO (MARLANT), CAR (CNC), and MAL (MARPAC) are part of joint committees. Assignment of those NRD presenters to assist in the MARLANT/MARPAC assignments would be negotiated in those committees. Notwithstanding, all NRDs are subject to NAVRES presentation tasking.
2. Aim is to establish an early working draft of formation assignment of namesake communities. Initial review is requested by Mon 22 September.
3. Namesake distribution and delivery plan responsibility of NAVRES 2010 on behalf of CNC. Delivery and presentation will be shared among all formations and CMS personnel as assigned. Senior non-naval staffs, retired naval personnel, and friends of the Navy may be a consideration as presenters by the formation (funding to be considered).
4. Delivery may be done as a single trip or multiple presentations over a short TD period by a single presenter. This is a consideration in formation review of assigned communities. In communities that have a commissioned ship in service and also have a NRD in the area, the presentation will be joint (ship and NRD) with the coastal formation as the lead coordinator.
5. In the event formation feedback results in multiple requests for same community, the communities will be highlighted in later versions of this document for the requesting formations to resolve. PM CNC will approve the final program allocations.
6. Selection of appropriate presenters is key to the success of the project. They will be the OPI for that presentation. Considerable involvement is required to plan, deliver, and follow up on the ceremony. Presenters will be responsible for coordinating the presentation plan with community/communities. This will include liaison with community officials, associated naval and veteran groups, and formal presentation speeches.
7. Sponsoring formations will be responsible for funding of TD/other costs of their presenters.
8. When presenters are tasked, the presenter is to provide his/her contact information. Once they have determined the presentation date, this information and any updates are to be provided to NAVRES OPI (TBD) to allow overall tracking and program reporting to CNC and CMS/formation staff.

9. Once presenter assignments finalized, presenters will be provided, through formation centennial reps, a presentation package for each community (currently under development). For example, the presenters for Montreal and Toronto will have seven (7) framed prints of namesake ships each to present during their ceremony as a single package.
  - framed/wrapped print (approx print size 16 inches by 20 inches)
  - presentation planning checklist
  - namesake community contact information. Presenters will use this information to liaise with community to schedule presentation and discuss ceremony arrangements.
  - copies of sent and received letters and correspondence. NAVRES 2010 will draft a letter for CNC signature (English and French versions) to the community leader (mayor/reeve/elder level) to request that the community consider an appropriate ceremony/reception with media, friends of navy (local military, legion/veterans, naval affiliations and cadets) as well as inviting local/regional dignitaries as appropriate.
  - generic presentation ceremony remarks - presenters will customize for assigned communities
  - supporting promotional material (brochures, giveaways, etc) Additional pop up banners to support presentations are to be requested by the formations.
  - feedback information sheets (presenter report of ceremony activities, media/community response, and possible follow up/contact personnel as legacy to build on community links with navy)
10. Note that some namesake ships will represent both communities and Aboriginal peoples. This will requires linked ceremonies or duplicate ceremonies. The Aboriginal people plan is under development. This will require follow up by NAVRES and CNC through Dept of Indian Affairs and with the appropriate Aboriginal leaders.
11. Record Keeping – this is a critical element to ensure the connection/goodwill is not lost. All communities will have a presenter assigned with the presenter is responsible to follow up to schedule the event, inform NAVRES 2010 of timings, and on completion of the presentation, provide feedback. NAVRES 2010 will maintain the schedule, checklists and keep CNC informed.

PRESENTATION DISTRIBUTION

Regional Distribution	Communities/Total Namesake Warships
Canada	1/1
NL	6/6
NS	27/34
PEI	3/3
NB	16/16
QUE	43/64
ONT	84/98
MAN	12/12
SAS	13/15
ALB	11/11
BC	30/33
NWT	2/3
YUK	3/3
NUN	1/1
International	1/1
Aboriginal Peoples	15/21
Total Communities	278/329

**Cowichan Valley Regional District  
Administrative Services Department  
Request for Delegations**

**D2**

**APPLICATION DATED:** June 3, 2010 \_\_\_\_\_

**NAME OF APPLICANT:** Justin Straker and Roger Wiles \_\_\_\_\_

**ADDRESS OF APPLICANT:** 175 Ingram St \_\_\_\_\_

**PHONE NO.:** 746-2509 \_\_\_\_\_

**REPRESENTING:** CVRD Environment Commission \_\_\_\_\_  
(Name of Organization)

**MEETING DATE:** June 9, 2010 \_\_\_\_\_

**COMMITTEE/BOARD NAME:** CVRD Board Meeting \_\_\_\_\_

**NO. ATTENDING:** 2-3 \_\_\_\_\_

**TOPIC TO BE PRESENTED:**

State of the Environment Report \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NATURE OF REQUEST/CONCERN:**

To present a summary by PowerPoint of the main points in the State of Environment Report \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



CR1

**REGIONAL SERVICES COMMITTEE REPORT**  
**OF REGULAR MEETING HELD MAY 26, 2010**

**DATE:** June 2, 2010

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

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Your Regional Services Committee reports and recommends as follows:

1. That the Cowichan Valley Regional District's 2009 Financial Statements be received.
2. That the Directors' 2009 Statement of Remuneration and Expenses be received.
3. That the Audit Findings Report dated April 19, 2010 be received.
4. That the Lower Cowichan / Koksilah River Integrated Flood Management Plan Final Report, prepared by Northwest Hydraulic Consultants dated September 2009, be received.
5. That CVRD staff work with member municipalities and Cowichan Tribes to provide appropriate information from the Lower Cowichan / Koksilah River Integrated Flood Management Plan Final Report to communities.
6. That the CVRD enter into a contribution agreement with the University of Victoria to acquire digital photography and LIDAR data for the Region for research purposes and that the Chair and Corporate Secretary be authorized to sign the agreement.

**For Information Only (no resolution required):**

That it be recommended to the Board that a sub-regional approach to integrated flood management for the Lower Cowichan – Koksilah Flood Plain be developed utilizing available Regional Gas Tax funding.





**ELECTORAL AREA SERVICES  
COMMITTEE REPORT**

**OF MEETING HELD MAY 18, 2010**

**DATE:** May 20, 2010

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

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Your Electoral Area Services Committee reports and recommends as follows:

1. 1. That an annual financial contribution service be created for the Cowichan Station Area Association with a maximum requisition limit of \$20,000.00 to assist with costs associated with the operation and maintenance of buildings and lands located at 2375 Koksilah Road (former Cowichan Station School Site) and the delivery of community based programs and services, heritage projects and community events.
2. That **"CVRD Bylaw No. 3389 – Cowichan Station Area Association Annual Financial Contribution Service Establishment Bylaw, 2010"**, be forwarded to the Board for consideration of first three readings, and following provincial and voter approval, be considered for adoption.
3. That voter approval to establish the Cowichan Station Area Association Annual Financial Contribution Service be obtained through an alternative approval process.
2. That a Reserve Fund expenditure bylaw be prepared authorizing expenditure of no more than \$6,400 from the Honeymoon Bay Fire Protection Local Service Area Capital Reserve Fund (CVRD Establishment Bylaw No. 1897, cited as the Honeymoon Bay Fire Protection Local Service Area Capital Reserve Fund Establishment Bylaw, 2000) for the purpose of repairing the roof of the Honeymoon Bay Fire Hall, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.
3. That a grant-in-aid (Area D) be given to Cowichan Bay Improvement Association in the amount of \$500 to provide funding support for their Low Tide Day event, May 15, 2010.
4. That a grant-in-aid (Area F) be given to Cowichan Lake Salmonid Enhancement Society in the amount of \$1,000 to provide funding support for their annual Fry Salvage Program.
5. That a grant-in-aid (Area G) be given to Saltair Ratepayers Association in the amount of \$1,000 to provide funding support for their Saltair Centennial Celebration, August 15, 2010.
6. That a grant-in-aid (Area B) be given to Shawnigan Lake Community Association in the amount of \$750 to provide funding support for their Canada Day celebration.

.../2

7. That a letter be forwarded to the Building and Safety Standards Branch, Ministry of Housing and Social Development, requesting that the CVRD be included in the list of local government jurisdictions that will be “Solar Hot Water Ready”.

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

8. That Application No. 2-B-09DP by **Ramina Dhillon** for a variance to Section 5.14(a) of Zoning Bylaw No. 985, to decrease the setback from Shawnigan Lake from 15 metres (49.2 feet) to 9.8 metres (32.1 feet) at 2024 Cullin Road, Lot A, Shawnigan Lake Suburban Lots, Plan 22742, (*PID 000-105-759*), **be approved**, subject to
  - Approval from the Department of Fisheries and Oceans,
  - Compliance with RAR Report by QEP Adam Compton,
  - Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 125% of the landscape costs, to be refunded if the plantings are successful and to the satisfaction of a Qualified Environmental Professional,
  - Survey confirming compliance with the approved setback of 9.8 metres.



CR3

## ENGINEERING & ENVIRONMENTAL SERVICES COMMITTEE REPORT

OF MEETING HELD MAY 26, 2010

DATE: May 31, 2010

To: Chair and Directors of the Cowichan Valley Regional District

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

1. That a *critical location* streetlight be installed on the hydro pole adjacent to the Malahat Fire Hall, 935 Whittaker Road in Electoral Area A – Mill Bay/Malahat, as requested in a petition from local residents.
2. That "CVRD Bylaw No. 3390 – Honeymoon Bay Water System Management Amendment Bylaw, 2010" be forwarded to the Board for three readings and adoption.
3. .1 That "CVRD Bylaw No. 3382 – Douglas Hill Water System Service Establishment Bylaw, 2010", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.  
.2 That "CVRD Bylaw No. 3383 - Douglas Hill Water System Loan Authorization Bylaw, 2010", be forwarded to the Board for consideration of three readings and, following provincial approval, be adopted.  
.3 That it be recommended to the Board that, in order to provide service area residents with the option of paying their portion of borrowing costs up front, the necessary Parcel Tax Roll Bylaw include terms and conditions for waiving or reducing the parcel tax charge.
4. That the CVRD request that the Ministry of Environment have the Koksilah River at Cowichan Station (08HA003) hydrometric gauge converted from an "active, archival" gauge to an "active, real-time telemetry" gauge.
5. That the CVRD Board approve 100% funding to carry out an engineering assessment of the Shellwood Improvement District Water System, to a maximum cost of \$15,000 with the funding coming from the CVRD Electoral Area Feasibility Study Function, and that, if a new water service area function is created, these funds be paid back to the study function by the newly created service area.
6. That the Board authorize staff time to continue with the process of investigating takeover of the Sylvania Improvement District Water System, located in Electoral Area A, as requested by Sylvania Improvement Trustees, subject to the following conditions and with the understanding that nothing is intended by this approval to fetter future CVRD Board decisions on required bylaws:

- All lands on which infrastructure works are located will be placed within registered Statutory Rights-of-way, using the CVRD's standard charge terms;
- A utility transfer agreement be executed between the CVRD and the owners;
- A CVRD review of the system be undertaken in order to address deficiencies in the water system.
- The owner of utility be willing to sell and/or transfer the system to the CVRD;
- A public consultation process regarding CVRD takeover be undertaken;
- A petition process be carried out and completed by at least 50% of the owners of parcels within the proposed service area with the total value of the parcels representing at least 50% of the net taxable value of all land and improvements in the service area.
- This list is not exhaustive and items may be added, deleted or altered prior to a formal agreement being executed

and further that an assessment of the system be carried out, funded to a maximum cost of \$15,000, with \$5,000 from the CVRD Feasibility Study Function and \$10,000 through a Provincial Feasibility Study Grant; and that, upon completion of a successful petition process, bylaws be prepared to create a service area for this utility.

7. That the CVRD Board approve short term borrowing, to be paid back over 5-years under the Liabilities Agreement, Section 175 of the Community Charter, for the following items:
  - 1) Up to \$75,000.00 for the purchase of a mini Excavator
  - 2) Up to \$76,000.00 for the purchase of two Hybrid vehiclesand further that the 2010 Engineering and Environmental Services Control Budget 575 be amended accordingly.



CR4

## KERRY PARK RECREATION CENTRE COMMISSION REPORT

OF MEETING HELD MAY 25, 2010

**DATE:** May 26, 2010

**To:** Chair and Directors of the Cowichan Valley Regional District Board

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Your Kerry Park Recreation Centre Commission reports and recommends as follows:

1. 1. That the Board request that the Liquor Control and Licensing Branch (LCLB) approve the temporary change to the Primary Liquor License for the July 3, 2010 Annual Summer Bonspiel;
2. That, as required by the Liquor Control and Licensing Board, the Board of the Cowichan Valley Regional District has considered the following items:
  - a. The potential for noise: The event, with 30 years previous experience without complaint, is held inside the facility. The license change is from the Curling Lounge and McLean Room to the Arena floor area;
  - b. Impact on the Community: Historically, the event has been well received and supported by the community with community participation.
  - c. Purpose: The amendment is consistent with the purpose of the original license with the change being a temporary relocation to facilitate the event; an
  - d. Impact on Residents: No visible impact as the change is contained within the Kerry Park Recreation Centre Building.
2. That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of a maximum of \$100,000 from Reserve Fund Bylaw No. 351 (Mill Bay Recreation Centre Capital Project Reserve Fund Bylaw, 1978) for the purpose of funding the replacement of the boiler system within the Kerry Park Recreation Centre, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.



**CR5**

**COWICHAN LAKE RECREATION COMMISSION REPORT  
OF MEETING HELD ON MAY 27, 2010**

**DATE:** June 1, 2010

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

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Your Cowichan Lake Recreation Commission reports and recommends as follows:

1. That the Board approve entering into the year two contract, of the three-year option, with Pepsi Bottling Group for the provision of soft drinks for Cowichan Lake Recreation for the period of September 2, 1010 to August 31, 2011, and that the Chair and Corporate Secretary be authorized to execute the contract documents on behalf of the CVRD.



SR1

STAFF REPORT

REGULAR BOARD MEETING  
OF JUNE 9, 2010

DATE: June 2, 2010 FILE NO: 2-I-07RS  
FROM: Rob Conway, MCIP BYLAW 3213, 3214 and 3242  
Manager, Development Services Division NO:  
Planning and Development Department  
SUBJECT: Youbou Lands – Possible Bylaw Adoption

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**Action:**

For information purposes.

**Purpose:**

To provide an opportunity for the Board to consider how issues previously identified for adoption of the Youbou Lands bylaws have been addressed.

**Financial Implications:**

None apparent

**Interdepartmental/Agency Implications:**

None apparent

**Background:**

At the Regular Board meeting of June 10, 2009, the CVRD Board granted third reading to OCP Amendment Bylaw No. 3213, Zoning Amendment Bylaw No. 3214 and Phased Development Agreement Adoption Bylaw No. 3242. Prior to granting third reading, the Board identified the following three issues it wanted resolved prior to adoption of the bylaws:

- a) *That a publicly accessible boat launch be constructed prior to commencement of the Phase 2 development and that public access to the boat launch be protected by means of a statutory right-of-way in favour of the Cowichan Valley Regional District.*
- b) *That an amendment be made to the Phased Development Agreement to establish a process and criteria for the construction of waterfront lot docks.*
- c) *That the developer confirms commitments made at the public hearing regarding establishment of a fish hatchery.*

At the April 14, 2010 Regular Board meeting, the Board modified the first two issues as follows:

- a) *That a Section 219 Covenant be prepared and registered on the subject property in favour of the Cowichan Valley Regional District with conditions that both a Statutory Right of Way and Restrictive Covenant be registered in favour of the Regional District on the lands to be subdivided to create the proposed boat launch prior to commencement of Phase II of the proposed PDA, with such conditions including but not limited to:*
- *the boat launch site to be created as a separately titled parcel*
  - *the lands are to be limited to boat launch purposes only*
  - *the CVRD and public will have unrestricted access to use the SRW area to launch and retrieve boats*
  - *the CVRD retains the right to enter the lands to construct or maintain or expand the works at its costs in the event any facilities previously constructed are not in good repair, etc.*
  - *prohibiting the owner from physically obstructing lake access, etc.*
  - *That the terms and conditions of the Statutory Right of Way and Restrictive Covenant be agreeable to the CVRD*
- b) *That a Land Title Act Section 219 Covenant be registered against the Youbou Lands to establish a process and criteria for the construction of waterfront lot docks.*

This report is intended to summarize how the three issues have been addressed and to confirm the status of other prerequisites for adoption of Bylaws 3213, 3214 and 3242.

#### ***Issue #1 – Boat Launch Covenant***

The Board has expressed an interest in ensuring a publicly accessible boat launch will be available prior to commencement of Phase 2 of the Youbou Lands development and that public use of the boat launch be secured. The Board provided direction to address this issue through the preparation of a Section 219 covenant at the April 14, 2010 Board meeting. The covenant has now been drafted and Area Directors were given an opportunity to review the draft covenant at the June 1, 2010 Electoral Area Services Committee meeting. The covenant document has been executed and we are awaiting confirmation that it has been registered at the Land Titles Office.

#### ***Issue #2 – Process and Criteria for Waterfront Docks***

At the April 14 Board meeting, direction was given to prepare a Section 219 covenant that would establish a process and criteria for the construction of waterfront lot docks. This covenant has been drafted and it was reviewed by the Area Directors at the June 1, 2010 EASC meeting. Like the boat launch covenant, the document has been sent to the Land Titles Office for registration. Registration will be confirmed prior to the June 9<sup>th</sup> Board meeting.

#### ***Issue #3 – Confirmation of Fish Hatchery Commitments***

At the June 10, 2009 Board meeting, the Board requested clarification regarding commitments the developer made at the public hearing regarding a possible fish hatchery. The developer has provided a written submission regarding statements made at the public hearing and commitments for fish habitat enhancement. Please note that the developer does not propose to directly fund a fish hatchery. However, there are expected to be substantial fish habitat improvements made



along the lake shore and funds provided from the development to the Lake Protection Fund could be used to fund a fish hatchery or other fish enhancement projects at Cowichan Lake.

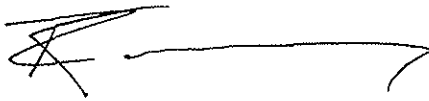
***Other Considerations for Bylaw Adoption:***

Approval from the Minister of Community and Rural Development for Official Community Plan Amendment Bylaw No. 3213 was obtained on April 19, 2010. Approval for the extension of the Phased Development Agreement from 10 to 20 years was granted by the Provincial Inspector of Municipalities on April 28, 2010. No further Provincial approvals are necessary for adoption of the subject bylaws.

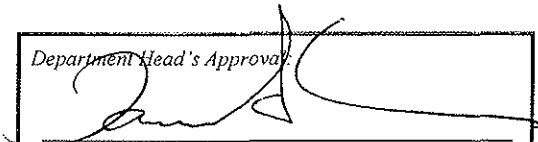
The Phased Development Agreement contained within Bylaw Number No. 3242 will need to be signed by the Developer and Timberwest prior to adoption of the subject bylaws by the Board. The Developer has assured staff that signed copies of the agreement will be provided prior to the June 9<sup>th</sup> Board meeting. Staff will confirm this prior to consideration of bylaw adoption by the Board.

The two covenants referred to previously in this report (for the boat launch and waterfront docks) are expected to be registered at the Land Titles Office prior to the June 9<sup>th</sup> Board meeting. Staff will verify that the covenants have been registered or that an appropriate undertaking confirming that registration will take place prior to the Board meeting on June 9<sup>th</sup>.

Submitted by,



Rob Conway, MCIP  
Manager,  
Development Services Division  
Planning and Development Department

Department Head's Approval: 
Signature

RC/ca

12. Nov. 2009

To  
Cowichan Valley Regional District (Development Services)  
175 Ingram Street  
Duncan, B.C.  
V9L 1N8

## Improving Fish Habitat on Cottonwood Creek

Clarification of Mr. Thomas Kreilein's comment at the public hearing May 14, 2009 regarding the building of a hatchery and education facility on Youbou Lands.

In response to a question posed by Gerald Thom, Thomas Kreilein's reply was "they are in favour of a hatchery on site and noted it may be possible that the Lake Fund monies be used for that".

### Background

Discussions with the developer regarding improving fish habitat at Youbou Lands property and contribution to the Lake fund had been discussed throughout 2008.

The developer commissioned Ted Burns to investigate ways of improving the fish habitat. Burns carried on site tests of water flows, groundwater levels with a view to augment streams flows to rehabilitate relic streams and thereby enhancing spawning channels. The report was shared with the CVRD and the DFO. The DFO did not favor this proposal and in the reply stated the many risk factors they considered to determine this as a poor option.

Knowing that the DFO did not support the development of expanded spawning channels on Cottonwood creek the developer worked with staff and the Area director the set about establishing the contribution level for the Lake Protection Fund. Various methods and formulas of voluntary contribution were discussed. The developer brought forward a proposal on \$ 200.00 per single family property and \$ 100.00 per multi-family dwelling. (item 22 in the PDA) Over the estimated time frame of construction this would result in a total contribution of approximately \$ 375,000.00 to the Lake Protection Fund.

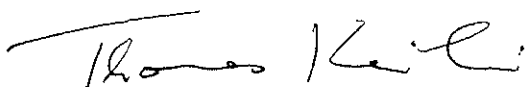
In addition to this the developer has committed to carry out the work described in Ted Burns report titled " A FISH HABITAT IMPROVEMENT AND SHORE ZONE RESTORATION PLAN FOR THE CORE AREA OF THE YOUBOU MILLLSITE" dated September 8, 2008. The DFO has indicated they support this proposal.

Ted Burns estimates capital costs to built a hatchery at \$ 40,000.00 to \$ 100,000.00.

Ted Burns estimates the shoreline enhancements described in his report are substantially more.

sincerely

Thomas Kreilein  
Youbou Lands



52



STAFF REPORT

COWICHAN VALLEY REGIONAL DISTRICT BOARD  
OF JUNE 9, 2010

DATE: May 18, 2010 FILE NO:  
FROM: Kate Miller, Manager, Regional Environmental Policy Division  
SUBJECT: 2010 State of the Environment Report

**Recommendation:** That the CVRD Board receive the 2010 State of the Environment Report.

**Purpose:** To introduce the CVRD Environment Commission members who have worked on the preparation of the CVRD 2010 State of the Environment Report and to provide a verbal presentation of the key findings of the report.

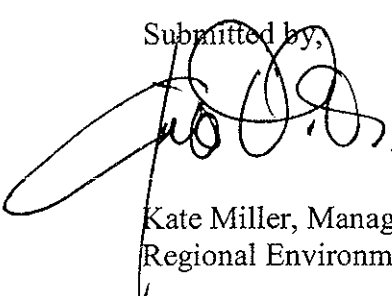
**Financial Implications:** No change to the approved budget.

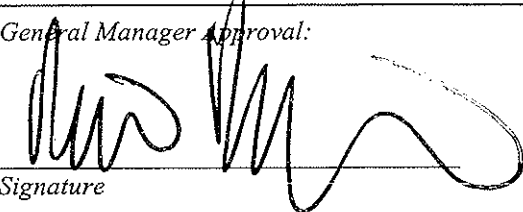
**Interdepartmental/Agency Implications:** The 2010 State of the Environment Report provides key background information for a variety of programs currently proposed for many of the CVRD departments, notably the development of a Regional Sustainability Plan.

**Environmental Implications:** The report provides key environmental data at a regional scale that will assist with future strategic planning.

**Background:** The Environmental Policy Division and the CVRD Environment Commission have worked collaboratively with a team of consulting experts and community members over the past nine months to develop the region's first comprehensive State of the Environment report. The report includes over 60 key environmental indicators and provides a base line from which to develop policy and future action plans. The rationale for the report development was based on the metric of if you don't measure, you can't manage. The report provides that first measure for the region. Please find attached the opening introduction by the Commission Chair and a copy of the executive summary. The full report will be tabled at the Board Meeting.

Submitted by,

  
Kate Miller, Manager  
Regional Environmental Policy Division

General Manager Approval:  
  
Signature



*A letter from Gerry Giles, Chair of the CVRD Board of Directors*

In 2007, the CVRD Board established an Environment Commission to provide it with advice for addressing environmental issues that fall within the Board's jurisdiction.

In a previous major report, the Commission worked with the CVRD to put forward "12 Big Ideas" to indicate where our communities should focus their efforts to have a positive influence on the condition of our regional environment.

During the past year a significant focus of the Commission has been on developing a means to measure the progress that is being made within the regional district to ensure that our environmental assets are healthy and sustainable. This inaugural State of Environment Report – developed in collaboration with the CVRD – establishes a scientific baseline and a process for measuring and reporting the status of our important environmental values into the future.

The Commission contracted an experienced scientific team to develop sets of measurable indicators for a variety of environmental values. The team then searched for existing information that could be used to tell us where things currently stand. Their task was to use both historic and current data to analyze current conditions and emergent trends, and to suggest what would be needed in the future to fill information gaps that they discovered.

Their report is a sobering one. The team examined the status of water, air, fish, agricultural land, biodiversity, population and growth, the implications of climate change and the management of waste. The story that emerges is that the wonderful environment that has attracted so many of us to the Cowichan region is under stress and most trends are negative. Although we are addressing some of the critical issues, we continue to degrade many of our most precious assets and we need to pay attention.

The Commission believes that we need to re-double our environmental stewardship efforts, both to arrest the negative trends that have been measured and to restore values that are in danger of dipping below recovery thresholds. Fortunately, while the message is extremely cautionary, it is being delivered to a region that is already alive to the issues and organizing to address them. The Commission is aware of many initiatives from federal, provincial, regional district and municipal



levels that are leading in the right direction. It is also aware of a host of civic organizations that are actively pursuing programs of conservation, water management, food security, energy efficiency, greenhouse gas reduction, lakeshore management, recycling and estuary health among many others. None of these organizations can solve environmental issues alone. We have in front of us a major task that requires collaboration, cooperation and coordination.

In our collective best interest, the job we have to do is to turn each of the troublesome indicator measurements from negative to positive. Good water, abundant local food, efficient use of energy sources, sustained natural ecosystems, effectively reduced waste, revived salmon populations, well-designed settlements, healthy air quality and strong resilience to climate change are goals worthy of our concentrated effort. This State of the Environment Report starts us on a path of measuring how well we are doing and pointing toward areas that most need our attention.

The Commission intends to use the State of the Environment Report to organize its annual work plan and structure its advisory functions to the CVRD Board. The Commission's 2010/11 work plan will focus on priority environmental values, establish teams to develop suitable public education and other initiatives, and develop recommendations for the CVRD Board where our contribution is relevant and our leadership is required. The Commission will also engage with and support existing community organizations in each relevant sector, and to work with federal, provincial, regional and community governments on their programs of managed development, sustainability, conservation and restoration.

On behalf of the Board of Directors, I want to congratulate the Environment Commission on producing this vital and important report.

Gerry Giles, Chair

CVRD Board of Directors

# Executive Summary

## State of Environment Report Executive Summary

The Cowichan Valley Regional District (CVRD) Environment Commission prepared this inaugural State of Environment Report to assess the status of a variety of environmental indicators and issues that signal the health of the environment within the regional district. Using the principle "if you don't measure, you can't manage," this ground-breaking report identifies numerous reliable and repeatable measures of how the environment is doing.

The Report strives to answer questions such as:

- > Are our ecosystems and species adequately protected?
- > Are we living within natural ecological thresholds?<sup>1</sup>
- > Do the biodiversity and related ecological services that sustain the region have the resilience to respond to climate change and population growth?
- > Are water resources adequately protected to safely provide for people, plants and animals?
- > Is the air quality good?
- > Are we making good use of available land and creating smart, flexible, and resilient communities?
- > Are we producing enough local food?
- > Are we proactively addressing the challenges of climate change?

Overall, this report identifies a number of areas where we face major challenges. We have dramatically changed the natural landscape, and in so doing have compromised natural ecosystems including native plants and animals. Many native species and ecosystems are at risk, and there are too many invasive species. Coho and chinook salmon stocks have crashed. Water is polluted and scarce in some places and at some times of the year. While the region's air quality seems to be good, high hospital admission rates for children with respiratory problems may signal a problem. Climate change already creates challenges with floods and drought, and further stress on native species and ecosystems is imminent.

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<sup>1</sup> Example of an ecosystem threshold: species diversity of a landscape may decline steadily with increasing habitat degradation to a certain point, and then fall sharply after a critical threshold of degradation is reached.

Low-density development (sprawl) has fragmented ecosystems, negatively impacted watersheds and created car-dependent communities that contribute to climate change through use of fossil fuels. Continued population growth in the region will place further stress on the natural environment and human use of its resources.

Much is unknown. Many residents rely on wells for water—but there are few data on how much water is being withdrawn and whether withdrawal rates are sustainable for the long term. While data for sensitive ecosystems exist for the eastern part of the region (i.e., the Coastal Douglas-fir forest), there are few studies of the ecology of the equally sensitive Coastal Western Hemlock forests to the west. There is no water quality information for many lakes and streams. Furthermore, data on populations of iconic species such as Roosevelt elk are limited, and data for less well-known species—including “species-at-risk”—are frequently sparse.

But the news is not all bad. Agriculture is a thriving industry in the Cowichan Region, providing the opportunity for the region to move towards self-sufficiency in food production. Chum salmon returns are the highest in 60 years. Rates of recycling are soaring. And although data are somewhat lacking, there appears to be reasonably good quality water within most of the region most of the time.

Simply by starting to report out on the State of Environment, the CVRD, associated municipalities, non-government organizations, businesses and individuals have an opportunity to better understand the natural environment and human impacts, and gain a competitive advantage over areas that have not had to foresight to take this initial step. Indeed, this report is an important first step in “measuring so we can manage”.

As well, it is clear that many steps are being taken to address some of the problems. Reports such as the Cowichan Basin Water Management Plan have identified steps to address some of the water issues in the area, and a Cowichan Watershed Board has now been established to undertake this work. The municipalities of Ladysmith, Duncan and Lake Cowichan have installed (or plan to install) meters so that they can track drinking water consumption. The CVRD is bringing small sewage treatment plants up to standard to avoid water quality issues. The Regional District and several municipalities have undertaken energy and emissions assessments and have begun work to reduce their carbon footprints. Regional residents are knowledgeable and passionate about environmental issues, and are working in many ways to make and keep this region a healthy and desirable place to live.

Regular updates to this State of Environment Report can help residents of the region stay informed and aware, and help governments and others set priorities for action.

A summary of the key findings from the report are listed below.

### **The Landbase**

- > The human footprint (including development and logging) now covers over 75% of the total landbase and affects its ability to supply and maintain ecological values and services.
- > On the east coast, 50% of the landbase is no longer forested and little or no older forests remain. Despite being regarded as unique and sensitive, very few areas of Coastal Douglas-fir ecosystems have protected area status. Less than 20% of the historic Garry oak ecosystems remain, and less than 5% of those are in a "natural" condition.
- > At higher elevations, and towards the west coast, there are more forested lands. However, the total amount protected (<8%) within the CVRD is well below standards (~50%) set for maintaining ecological values into the future.
- > On-going development along shorelines is resulting in continued loss and degradation of those habitats.

### **Biodiversity**

- > The proportion of animals, plants and ecological communities at risk in the CVRD is high compared to many other areas of the province. Ecological communities at risk, such as the massive riparian Sitka-spruce forests in the western part of the region, are not legally protected from harvesting.
- > The CVRD has a large and growing number of invasive plant and animal species, especially in the drier east-side areas of the region. The negative impacts of invasive species are particularly evident in Garry oak ecosystems, riparian areas and wetlands.
- > In the last five years, the number of returning salmon spawners for two of the Cowichan River's primary salmon runs—fall coho and chinook—have been reduced to roughly 10% of numbers documented during the last 80 years. At the same time, chum salmon returns are at some of the highest levels seen in the last 60 years. Chinook salmon in particular are often considered to be indicators of broader ecosystem health, since their survival and reproductive success are affected by a wide range of factors.

### **Water**

- > Measuring, monitoring and understanding patterns and trends for water are complex and difficult. However, there is a general sense that water is abundant and water quality is reasonably good throughout most of the CVRD, most of the time.



- > Some of the key aquifers in the Cowichan Region are naturally vulnerable and are increasingly becoming heavily developed.
- > At critical periods and particularly in dry years, the conflict for water can become acute—leading to the potential for significant impacts to crucial aquatic resources such as fish spawning, or to industrial processes. Climate change is expected to exacerbate this situation.
- > Pollutant levels are typically low, but waters of major rivers are no longer fit to drink, and cumulative downstream impacts have led to closure of shellfish fisheries since the 1970s.
- > Naturally vulnerable lakes—such as Quamichan—already show significant impacts of pollution from a variety of sources. Cowichan Lake is buffered by its large size and depth. Unfortunately, cumulative effects can be difficult to detect and may not be observed until significant events such as “fish kills” occur.
- > Most areas lack the ability to track volumes of drinking water consumption. However, the Town of Ladysmith has introduced water meters to homes, and has seen a significant reduction in water consumption as a result. North Cowichan has also been quite progressive and the municipalities of Duncan and Lake Cowichan are in the process of introducing water meters.

### **Air Quality**

- > Air quality in the Cowichan Region is generally good, and pollution levels are well within provincial standards. However, hospital admission rates for children with respiratory problems in the region are consistently more than 20% higher than the provincial average, and at times twice the average.
- > Air quality diminishes significantly in the fall and winter months, due to increases in seasonal combustion (open burning and woodstove use). Sources of low-level air pollution throughout the year include vehicle exhaust and commercial/industrial emissions.

### **Population and Growth**

- > The Cowichan Valley Regional District has a population of about 77,000, and its population continues to grow. While some of the population is concentrated in higher density areas (such as Duncan), there are fewer than 200 people/km<sup>2</sup> in most parts of the region. This makes ‘smart growth’ development very hard to achieve.
- > About three-quarters of the population live in communities where they are dependent on cars for most daily needs and errands. About 90% of commuters travel to work by personal vehicle—the vast majority as single occupant drivers.

- > If maximum build-out under current zoning were to occur, two-thirds of the region's watersheds would have 10–30% impervious surface coverage, with consequent significant ecological impacts on local waterways.

### **Agriculture**

- > Agriculture is a thriving and valuable industry in the Cowichan Region, and achievement of regional food security objectives is possible. However, current rates of reported productivity fall short of food security targets.
- > Key barriers to achieving these targets include access to irrigation water (and natural constraints on available water volumes), lack of skilled labour, an absence of processing and distribution facilities, high land prices, and restrictive production quotas.

### **Climate Change Mitigation and Adaptation**

- > The CVRD and its member municipalities, together with many groups and individual citizens, have recognized climate change as an issue that needs to be addressed. Major region-wide strategic and sectoral approaches have yet to occur.

### **Waste Management**

- > The CVRD has set a long-term goal of Zero Waste, with a more immediate goal to achieve a 50% per capita reduction in the disposal of solid waste (over 1990 levels), and has an extensive recycling program to support this.
- > The volume of recyclables has risen significantly in the past ten years, both in terms of total volume and per capita volumes. At the same time, however, total and per capita volumes of solid waste (garbage) have also increased, indicating that while people are recycling more, they are also buying (and disposing of) more 'stuff'.
- > The CVRD is taking over and bringing up to standard many smaller liquid or sewage treatment plants, thus addressing some of the issues related to leaking septic fields. However, many septic fields remain and continue to contribute to water quality issues in the region.



**PUBLIC HEARING REPORT**  
**Bylaws No. 3362 and 3363**

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Following is a summary of the proceedings of the Public Hearing for Official Community Plan Amendment Bylaw No. 3362 and Zoning Amendment Bylaw No. 3363 (Parkinson), applicable to Electoral Area G – Saltair/Gulf Islands, held on Tuesday, April 27, 2010, at the Chemainus Seniors Centre, 9824 Willow Street, Chemainus, BC, at 7:00 p.m.

**HEARING DELEGATES** Director M. Dorey, Electoral Area G – Saltair/Gulf Islands, Chairperson  
Director M. Marcotte, Electoral Area H – North Oyster/Diamond  
Director L. Iannidinardo, Electoral Area D – Cowichan Bay

**CVRD STAFF PRESENT** Mr. R. Conway, Manager, Planning & Development Department  
Ms. C. Allen, Recording Secretary, Planning & Development Department

Members of the Public:  
There were 17 members of the public present.

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

**PROCEDURES** Mr. Conway explained the requirements under Section 890 of the *Local Government Act*. He advised that notice of the Public Hearing was advertised in two consecutive issues of *The Chronicle* (Tuesday, April 13, 2010 and Tuesday, April 20, 2010) and *Leader Pictorial* (Wednesday, April 21, 2010 and Friday, April 23, 2010) and letters had also been sent to adjacent owners and occupiers of the property as required by the *Local Government Act*.

**Official Community Plan Amendment Bylaw No. 3362** proposes to amend Official Community Plan Bylaw No. 2500, applicable to Electoral Area G – Saltair/Gulf Islands by re-designating part of Lot A (DD82676N), DL 12 & 31, Oyster District, Plan 3508, from Suburban Residential to General Residential.

**Zoning Amendment Bylaw No. 3363** proposes to amend CVRD Zoning Bylaw No. 2524, applicable to Electoral Area G – Saltair/Gulf Islands, by re-zoning part of Lot A (DD82676N), DL 12 & 31, Oyster District, Plan 3508, from Suburban Residential 2 (R-2) to General Residential 3 (R-3).

The purpose of OCP Amendment Bylaw No. 3362 and Zoning Amendment Bylaw No. 3363 is to allow the northern portion of the outlined area, to be subdivided from the larger parcel.

Mr. Conway stated that three letters of response had been received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the CVRD office today, April 27, 2010, at 4:30 pm. He further advised that copies of the proposed Amendment Bylaws were located on the side table for review.

Mr. Conway provided a more descriptive explanation of the rezoning application and the amendment bylaws as follows:

- The property in question is located at 10755 Chemainus Road. This property is on the east side of Chemainus Road and is just a little south of Byron's Store.
- The property is 1.72 hectares in area, or a bit over 4 acres, and presently has a single family dwelling and some accessory buildings on the south side of the lot.
- The Property is presently zoned R-2 (Suburban Residential) and is designated Suburban Residential in the Area G OCP.
- The R-2 zone has a minimum parcel size of 1.0 hectare for lots that are not serviced with community sewer, so it is not possible to subdivide the property under the existing zoning. The proposed OCP and Zoning amendment would permit the owner to create a half hectare (1.2 ac.) lot on the north side of the property with a remainder lot on the south side of 1.3 ha (or about 3 acres).
- The following history is associated with this application that is relevant to the requested zoning change.
  - The owners had originally applied to subdivide the property in August of 2005. At that time the applicable Zoning Bylaw allowed the subdivision because the R-2 zone had a minimum lot size of 0.4 ha (1 acre).
  - In November 2005 a new Zoning Bylaw was adopted which increased the minimum lot size for the R-2 zone from 0.4 ha to 1.0 ha. where sewer service is not available. Although the zoning had changed, there is a provision in the Local Government Act that protects land owners from zoning changes for a one year period, so the owner had a one year window to complete the subdivision after the new zoning bylaw was adopted.
  - It is believed that the owner actively pursued the subdivision approval during this period, but because of complications associated with the approval for on-site sewage disposal, he was not able to obtain approval from VIHA until October, 2007. By this time the one year window for completing the

subdivision had expired and the only option left for pursuing the subdivision was to pursue a rezoning. The owner subsequently applied for rezoning.

- The Saltair OCP identifies a possible trail connection over the subject property that could provide a trail connection between Stocking Creek Park and the Clifcoe Road unconstructed road right of way to the east of the subject property. This could eventually be part of a trail route from Stocking Park to the waterfront .
- The owner has agreed to provide a three metre wide dedication for a future trail along the northern border of the property if the OCP and zoning amendment is approved. The dedication would be secured by a restrictive covenant that would require dedication of a three metre strip at the time of subdivision.

Mr. Conway stated that he will try to address any questions about the bylaws or the requested OCP and zoning change during the question period.

#### **Correspondence**

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

1. Email dated April 25, 2010 from Ken & Diana MacTavish (EXHIBIT 1);
2. Email dated April 23, 2010 from Lynne Smith (EXHIBIT 2);
3. Letter dated April 26, 2010 from Ann Mayhrer (EXHIBIT 3);
4. Email dated April 26, 2010 from Ken & Diana MacTavish (EXHIBIT 4).

#### **Location of File**

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

#### **APPLICANT, Keith Parkinson**

Keith Parkinson, applicant, was present with regard to Rezoning Application No. 2-G-08RS. Mr. Parkinson stated that they simply want to subdivide to provide a building lot for their son and daughter in law. They have no intention to further develop at this time. The applicant confirmed that the application has had bureaucratic difficulties and it has taken a long time to get to this point.

- QUESTION PERIOD** Director Dorey opened the public question period of the Public Hearing. He stated that the Public Hearing Delegates and Staff members could answer questions at this time, and that after the close of the Question Period and the opening of the official Public Hearing there could be no questions taken.
- Speaker/neighbour**
- Why choose to subdivide where bylaw requirements are not met?
- Mr. Parkinson**
- Property is slightly shy of what is needed to subdivide under the current zoning.
- Rob Conway**
- Property is 1.72 hectares, needs 2 hectares to subdivide under existing zoning.
- Mrs. Parkinson**
- Would like to remain zoned R-2 but need to rezone in order to subdivide.
- Dan Montgomery**
- 3931 Saltair Road.
  - Feels is a reasonable request; asked what the problem is.
- Rob Conway**
- OCP review was done in 2004-2005 and decision at that time was to keep smaller lot sizes in the existing R-3 part of the community.
  - Chemainus Road corridor was intended for larger lot sizes.
  - Proper process is being followed and community is getting an opportunity to provide input.
- Neal Smith**
- 10860 Olsen Road.
  - Concerned OCP will be changed.
  - Concerned others seek same rezoning.
  - Process in 2005 stated this is not what the area wanted and there are no plans to review the entire OCP at this time.
  - Sets a precedent for others to change the guidelines.
  - Are there enough reasons to rezone?
  - No guarantee that the lot won't be sold afterwards.
- Director Dorey**
- The OCP would only be amended for this one parcel.
  - Many obstacles have delayed the rezoning process.
  - This application is a special case, is located next to small lots already zoned R-3, is across from commercial property that will be a high density area.
  - This public hearing is to receive input from residents.
- Neal Smith**
- Feels others will request same consideration.
  - Asked if this would be a one time exception?
- Director Dorey**
- Yes, a onetime exception as it does not appear other owners have the same circumstances.

- Sherry Dunford**
- 4211 Solmie Road.
  - Relayed concerns from three separate people who were unable to attend the hearing. All were concerned about a precedent being set that others will request the same rezoning and whether or not those requests would be granted as well.
- Director Dorey**
- It is an individual's right to make an application, which is an open process.
  - Believes this is a one time deal.
- Rob Conway**
- Confirmed that the policies in the OCP are clear, although anyone can make an application to amend it.
- Sherry Dunford**
- Referred to a property in Saltair that contains two homes on one lot and noted that the owners were ordered to demolish one. Asked if those owners could apply to rezone?
- Rob Conway**
- Residential zones in Saltair do not allow two dwellings on one lot but noted there may be some legal non-conforming cases.
  - Rezoning would be required to permit two dwellings on one lot.
- Glenda Parkinson**
- 619 Forrest Place, Ladysmith.
  - Applicant's daughter in law.
  - Confirmed that the lot will not be sold off. The lot is to allow them to live close to their parents.
  - The lengthy process has caused a lot of stress for their family.
  - Confirmed have lived in the area all their life.
  - Creating the new lot is not for personal gain or to sell and simply want their children to be able to live close to grandpa and grandma's house.
- Sam Casler**
- 3805 Gardner Road.
  - Believes the applicants had started the application prior to the OCP review and should not be penalized for a faulty process.
  - Feels application should be allowed to proceed.
- Ray Labourn**
- Wilcox Road.
  - Asked if the proposal would have been permitted under the original OCP?
- Director Dorey**
- Yes it would have been permitted under the previous OCP.
  - Noted that several other government agencies were also responsible for the delay not simply the CVRD.
- Director Dorey**
- Asked for further questions from the public present three times regarding Official Community Plan Amendment Bylaw No. 3362 and Zoning Amendment Bylaw No. 3363.

**PUBLIC  
COMMENTS**

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

**Ann Silins**

- 10470 Victoria Road.
- Believes the applicants have been given the run around and that the application should be approved.

**Sherry Dunford**

- Due to circumstances feels the application should be approved but should not set precedent for similar applications.

**Rob Craig**

- 3192 Henry Road, Chemainus.
- Advised he has known the applicants and their son for a long time.
- Noted the subject property is a large piece of property.
- Stated that the applicants are not moving and that they simply want their children to live closer to them.
- Feels the application should be approved

**speaker**

- Branksome Road.
- Feels the proposal is in keeping with the rural character of the area.
- Feels it makes sense to raise families close to each other.

**John Silins**

- Believes the CVRD should fix an error that was made and approve the application.

**Ray Labourn**

- Supports the application because it was started prior to the OCP review in 2005.

**ADJOURNMENT**

Chairperson Dorey asked for public comments or submissions three times from the public present regarding Official Community Plan Amendment Bylaw No. 3362 and Zoning Amendment Bylaw No. 3363.

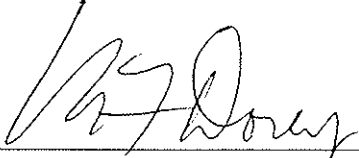
There were no further comments or submissions.

Chairperson Dorey declared the Public Hearing closed at 7:45 pm.




CERTIFICATION:

We attended the Public Hearing on Tuesday, April 27, 2010, and hereby certify that this is a fair and accurate report of the Public Hearing.

  
\_\_\_\_\_  
Director M. Dorey

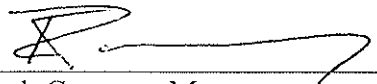
Date May 26, 2010

  
\_\_\_\_\_  
Director M. Marcotte

Date June 1, 2010

  
\_\_\_\_\_  
Director L. Iannidinardo

Date June 2, 2010.

  
\_\_\_\_\_  
Rob Conway, Manager

Date May 19, 2010

  
\_\_\_\_\_  
Cathy Allen, Recording Secretary

Date May 31, 2010



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3348

A Bylaw to Amend the Boundaries of the Brulette Place Sewer System Service Area

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**WHEREAS** the Board of the Cowichan Valley Regional District established the *Brulette Place Sewer System Service Area* under the provisions of Bylaw No. 3296, cited as "CVRD Bylaw No. 3296 – Brulette Place Sewer System Service Establishment Bylaw, 2009";

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

- PID 025-382-667, Lot 1, Section 4, Range 8, Shawnigan Land District, Plan VIP73512;

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

**AND WHEREAS** the Director for Electoral Area A – Mill Bay/Malahat 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. 3348 – Brulette Place Sewer System Service Area Amendment Bylaw, 2010**".

2. AMENDMENT

That Bylaw No. 3296 be amended as follows:

That Schedule A to Bylaw No. 3296 be deleted and replaced with the Schedule A attached to this bylaw.

READ A FIRST TIME this 12<sup>th</sup> day of May, 2010.

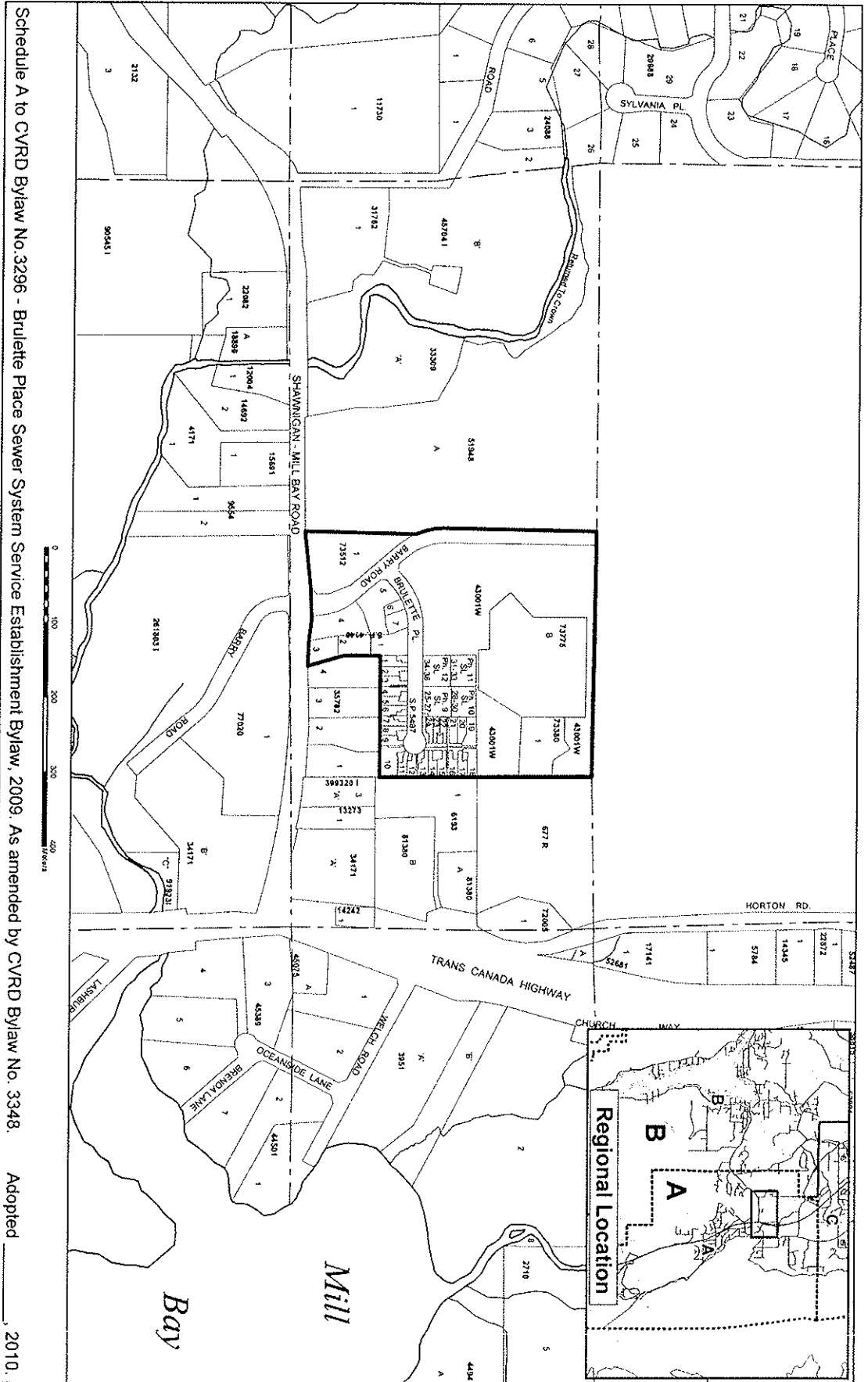
READ A SECOND TIME this 12<sup>th</sup> day of May, 2010

READ A THIRD TIME this 12<sup>th</sup> day of May, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

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



Schedule A to CVRD Bylaw No. 3296 - Brullette Place Sewer System Service Establishment Bylaw, 2009. As amended by CVRD Bylaw No. 3348. Adopted \_\_\_\_\_, 2010.



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3381**

**A Bylaw to Amend the Boundaries of the Shawnigan Lake North Water System Service Area**

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**WHEREAS** the Board of the Cowichan Valley Regional District established the *Shawnigan Lake North Water System Service Area* under the provisions of Bylaw No. 1911, cited as "CVRD Bylaw No. 1911 – Shawnigan Lake North Water 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:

- PID 009-480-901, District Lot 12, Shawnigan District, Except That Part in Plans 10129, 24926, 32212 and 37171;

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

**AND WHEREAS** the Director of Electoral Area 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. 3381 – Shawnigan Lake North Water System Service Amendment Bylaw, 2010".

2. **AMENDMENT**

That Bylaw No. 1911 be amended by deleting and replacing the existing Schedule A with the Schedule A attached to this bylaw.

READ A FIRST TIME this 12<sup>th</sup> day of May, 2010.

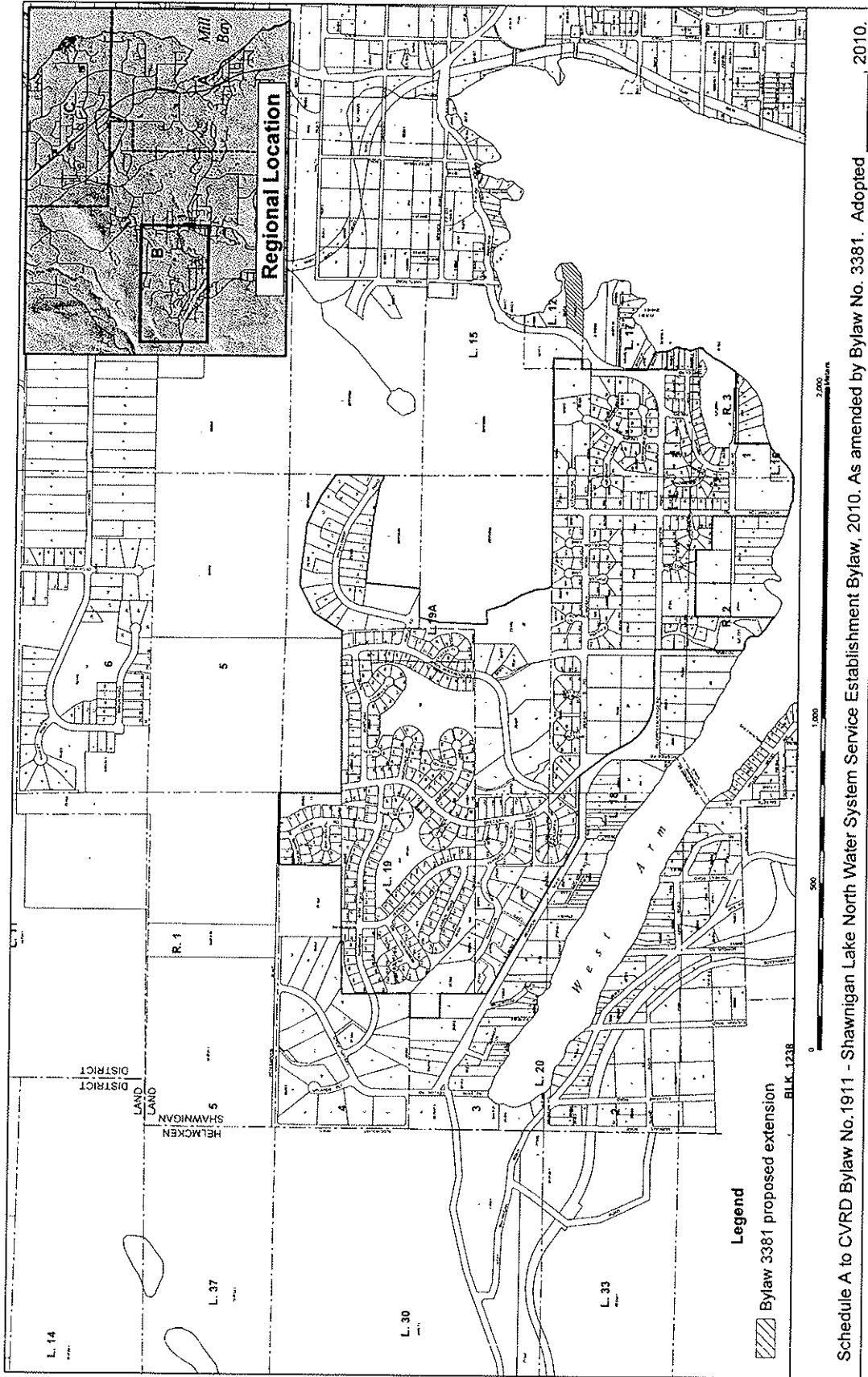
READ A SECOND TIME this 12<sup>th</sup> day of May, 2010.

READ A THIRD TIME this 12<sup>th</sup> day of May, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

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





**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3382**

**A Bylaw to Establish a Water Service in a Portion of  
Electoral Areas C – Cobble Hill and D – Cowichan Bay**

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**WHEREAS** pursuant to Sections 796(1) and 800(1) of the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the Regional District;

**AND WHEREAS** the Board of the Cowichan Valley Regional District wishes to establish a water service in a portion of Electoral Areas C – Cobble Hill and D – Cowichan Bay;

**AND WHEREAS** pursuant to Section 801.6 of the *Local Government Act*, if money is to be borrowed for the start of a service, the establishing bylaw and the loan authorization bylaw must, for the purpose of obtaining participating area approval, be dealt with as if they were one bylaw;

**AND WHEREAS** pursuant to Section 797.4 of the *Local Government Act* the Board of the Cowichan Valley Regional District has received a sufficient "*petition for services*";

**AND WHEREAS** the Directors of Electoral Areas C – Cobble Hill and D – Cowichan Bay have consented, in writing, to the adoption of this bylaw and Bylaw No. 3383;

**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. 3382 – Douglas Hill Water System Service Establishment Bylaw, 2010**".

2. **SERVICE BEING ESTABLISHED**

The service being established under the authority of this bylaw is the service of the provision, distribution and treatment of water.

3. **SERVICE AREA BOUNDARIES**

The boundaries of the service area are that portion of Electoral Areas C – Cobble Hill and D – Cowichan Bay shown outlined in Schedule A of this bylaw. The service area shall be known as the "Douglas Hill Water System Service Area".

.../2



4. PARTICIPATING AREA

Electoral Areas C – Cobble Hill and D – Cowichan Bay are the only participating areas for this service.

5. METHOD OF COST RECOVERY

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

- (a) parcel taxes, to be requisitioned and collected by imposing the tax on the appropriate parcels within the participating area, on the basis of the parcel tax roll;
- (b) the imposition of fees and other charges that may be fixed by separate bylaw; and
- (c) parcel taxes referred to in section 5(a) may be commuted for payment in cash under the terms and conditions set by bylaw.

6. MAXIMUM REQUISITION

The maximum amount of money that may be requisitioned annually in support of this service shall not exceed Forty One Thousand One Hundred Dollars (\$41,100.00).

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 3382 as given Third Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

\_\_\_\_\_  
Date

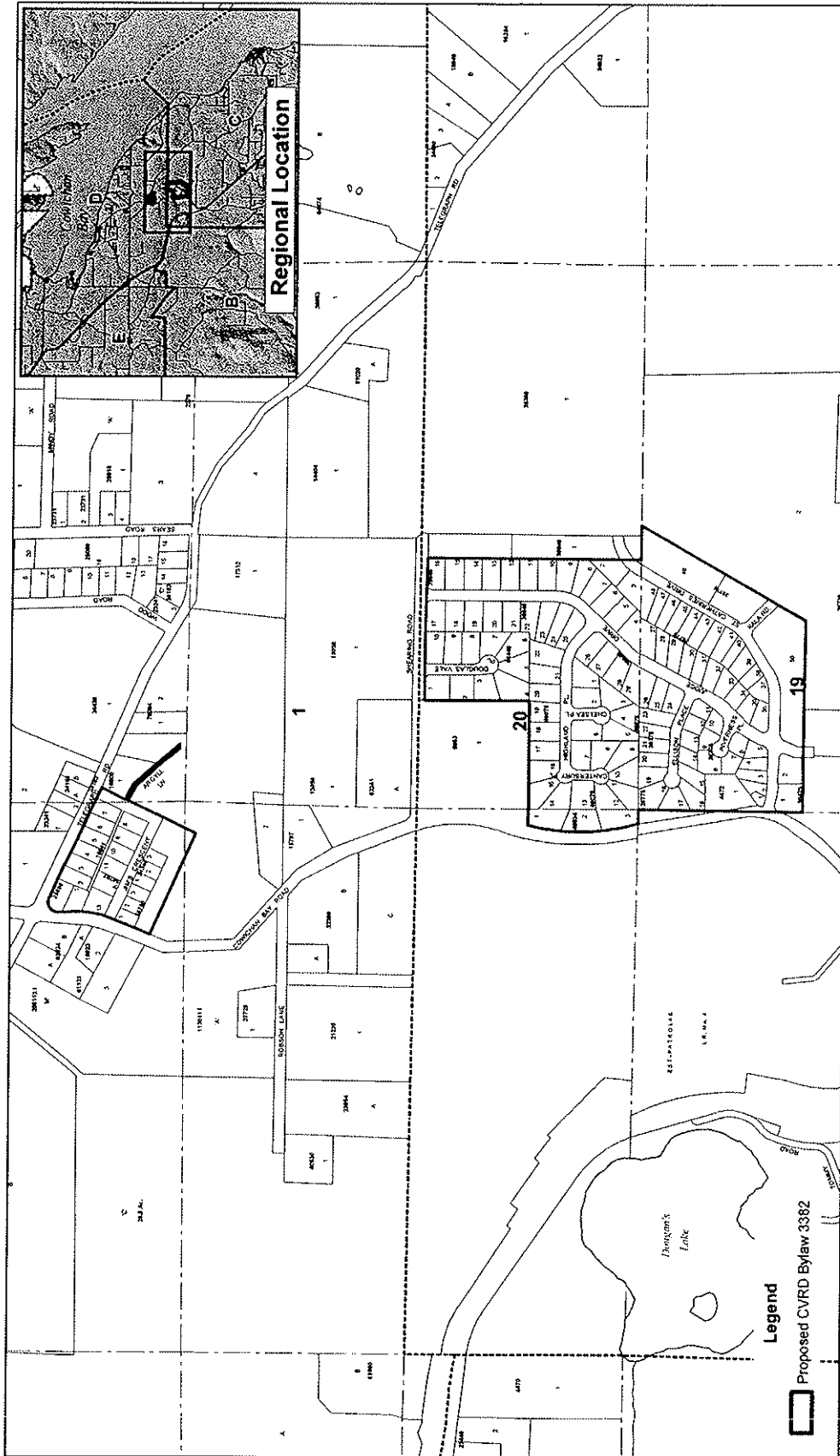
APPROVED BY THE INSPECTOR OF MUNICIPALITIES this

\_\_\_\_\_ day of \_\_\_\_\_ 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

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



Schedule A to CVRD Bylaw No.3382 - Douglas Hill Water System Service Establishment Bylaw, 2010. Adopted \_\_\_\_\_, 2010.



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3383**

**A Bylaw to Authorize the Borrowing of Funds to Upgrade the Works of the Douglas Hill Water System to Municipal Standards**

---

**WHEREAS** pursuant to Section 801.6 of the *Local Government Act*, if money is to be borrowed for the start of a service, the establishing bylaw and the loan authorization bylaw must, for the purpose of obtaining participating area approval, be dealt with as if they were one bylaw;

**AND WHEREAS** the Board of the Cowichan Valley Regional District established a *Water Service Area* pursuant to CVRD Bylaw No. 3382 cited as "CVRD Bylaw No. 3382 – Douglas Hill Water System Service Establishment Bylaw, 2010" for the provision, distribution and treatment of water within a portion of Electoral Areas C – Cobble Hill and D – Cowichan Bay;

**AND WHEREAS** the Board of the Cowichan Valley Regional District wishes to borrow money to complete the capital work necessary to upgrade the Douglas Hill Water System to a municipal standard;

**AND WHEREAS** the estimated total cost of upgrading the works of the Douglas Hill Water System is Two Hundred Fifty Thousand Dollars (\$250,000.00);

**AND WHEREAS** the sum to be borrowed is not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00), which is the amount of debt to be created by this bylaw;

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

**AND WHEREAS** the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors for this bylaw and Bylaw No. 3382 in accordance with the *Local Government Act* and *Community Charter*;

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3383 – Douglas Hill Water System Service Loan Authorization Bylaw, 2010**".

2. LOAN AUTHORIZATION

The Cowichan Valley Regional District is hereby empowered and authorized to complete the capital work necessary to upgrade the Douglas Hill Water System in general accordance with the plans on file in the Regional District office, and to do all things necessary in connection therewith and, without limiting the generality of the foregoing:

- a) to borrow upon the credit of the Regional District a sum not exceeding One Hundred Fifty Thousand Dollars (\$150,000.00);
- b) to acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the designing and constructing of the water works.

3. TERM OF DEBENTURES

The maximum term for which debentures may be issued to secure the debt created by this bylaw is 20 years.

4. SERVICE TO WHICH THE LOAN AUTHORIZATION RELATES

This bylaw relates to the *Douglas Hill Water System Service Area* established pursuant to CVRD Bylaw No. 3382, cited as "CVRD Bylaw No. 3382 - Douglas Hill Water System Service Establishment Bylaw, 2010".

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 3383 as given Third Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

\_\_\_\_\_  
Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

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



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3389**

**A Bylaw to Establish a Service to Provide an Annual Financial Contribution to  
the Cowichan Station Area Association  
Within Electoral Area E – Cowichan Station/Sahtlam/Glenora**

---

**WHEREAS** pursuant to Sections 796 and 800 of the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of a regional district;

**AND WHEREAS** the Board of the Cowichan Valley Regional District wishes to establish a service for the purpose of assisting with costs associated with the operation and maintenance of buildings and lands located at 2375 Koksilah Road and the delivery of community based programs and services, heritage projects, and community events by the Cowichan Station Area Association, within Electoral Area E – Cowichan Station/Sahtlam/Glenora;

**AND WHEREAS** the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors in accordance with Section 801.3 of the *Local Government Act* and Section 86 of the *Community Charter*;

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

**1. CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3389 – Cowichan Station Area Association Annual Financial Contribution Service Establishment Bylaw, 2010**".

**2. SERVICE BEING ESTABLISHED**

The service being established under the authority of this bylaw is a service for the purpose of providing an annual financial contribution to assist with costs associated with the operation and maintenance of buildings and lands located at 2375 Koksilah Road and the delivery of community based programs and services, heritage projects, and community events by the Cowichan Station Area Association, within Electoral Area E – Cowichan Station/Sahtlam/Glenora. The service shall be known as the "Cowichan Station Area Association Annual Financial Contribution Service".





**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3390**

**A Bylaw to Amend the Honeymoon Bay Water System  
Management Bylaw No. 1607**

**WHEREAS** the Board of the Cowichan Valley Regional District established the management of the *Honeymoon Bay Water System* pursuant to Bylaw No. 1607, cited as "CVRD Bylaw No. 1607 – Honeymoon Bay Water System Management Bylaw, 1994;

**AND WHEREAS** the Board of the Cowichan Valley Regional District deems it desirable to expand Schedule C – Unmetered Water 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. 3390 - Honeymoon Bay Water System Management Amendment Bylaw, 2010**".

2. **AMENDMENT**

a) That Schedule C of Bylaw No. 1607 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 \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

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



**SCHEDULE C**  
**TO BYLAW NO. 1607**  
**UNMETERED WATER CHARGES**

Attached to and forming part of the Honeymoon Bay Water System Management Bylaw

**Water Rates**

(a) The *Consumer of District Water* supplied through non-metered *Water Service Connection*, shall pay the minimum charge set out in subsection (b) below.

(b) *Minimum Water Charges*

	Charge	10% Discount	Discounted Amount
<b><i>Residential "A" or "B":</i></b>			
Minimum charge per dwelling unit per <u>six (6) month billing period.</u>	\$80.00	\$8.00	\$72.00
<b><i>Residential "C"</i></b>			
Minimum charge per dwelling unit per <u>three (3) month billing period.</u>	\$66.66	\$6.66	\$60.00
<b><i>Commercial:</i></b>			
Minimum charge per commercial unit per <u>three (3) month period.</u>	\$80.00	\$8.00	\$72.00
<b><i>School:</i></b>			
Minimum charge per classroom per <u>three (3) month billing period.</u>	\$40.00	\$4.00	\$36.00
<b><i>Co-operative Campground:</i></b>			
Minimum charge per campsite per <u>six (6) month billing period.</u>	\$83.33	\$8.33	\$75.00
<b><i>Recreational Vehicle Park Connected to Sewer System:</i></b>			
Minimum charge per trailer pad per <u>six (6) month period.</u>	\$83.33	\$8.33	\$75.00



**Recreational Vehicle Park NOT**

**Connected to a Sewer System:**

Minimum charge per trailer pad per <u>six (6) month period.</u>	\$41.67	\$4.17	\$37.50
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**Other:**

Minimum charge as per **Residential "A"**.

**NOTE:** When an existing *Water Service Connection* is turned "on" or "off", the water charge levied shall be prorated in accordance with appropriate charges set out in Schedule "C" and shall be computed from the month following the month in which the *Water Service Connection* was turned "on" or "off".

DEFINITIONS

- (a) **Residential "A"** applies to any connection serving a residence accommodating one family. Residential "A" also applies to Strata Titled Units whereby a separate connection and meter will service each unit.
- (b) **Residential "B"** applies to any single connection servicing a complex such as a multiplex, apartment, hotel, motel, boarding house, or other multiple occupancy residential building or buildings. Each occupancy unit, or potential occupancy unit, will attract the minimum charge.
- (c) **Residential "C"** applies to any connection servicing a residence on a farm when the said farm is so classified as a farm by the Provincial Assessor's office.
- (d) **Commercial** applies to any connection servicing any premises used for business or commercial purposes, whether or not water for domestic purposes is taken from the same connection, providing water used for personal hygiene and toilet facilities for staff or the public or for both; for the maintenance or commercial operation; upkeep or maintenance of the premises as distinct from the use of water directly connected with the business or commercial operation for which the premises are used. Notwithstanding the foregoing, the appropriate *Residential* classification shall apply to any unit not for business or commercial purposes.
- (e) **School** applies to any connection servicing property or premises owned or used by any school agency.
- (f) **Co-operative Campground** applies to any individual camp site within a campground that has access to District water within the boundaries of the campground.
- (g) **Recreational Vehicle Park** applies to any individual trailer pad or site that has access to District water within the boundaries of the park.
- (h) **Other** applies to any connection serving any property or building not specified above.

.../3

Water Charges

(a) The *Consumer* of *District Water* supplied through a non-metered *Water Service Connection*, shall pay the minimum charge set out in subsection (b) below.

(b) Minimum Water Charges Based on Water Service Connection Size

Water Service Connection Size	Minimum Bill (dollars/month)	10% Discount	Discounted Amount
19 mm (3/4") or smaller	\$17.78	\$1.78	\$16.00
25 mm	\$17.78	\$1.78	\$16.00
38 mm	\$22.21	\$2.21	\$20.00
50 mm	\$26.67	\$2.67	\$24.00

Any *Water Service Connection* larger than 50 mm shall be metered.

*Co-operative Campground:*

Minimum charge per individual camp site.

\$18.52	\$1.85	\$16.67
---------	--------	---------

*Recreational Vehicle Park:*

Minimum charge per individual trailer pad or site.

\$18.52	\$1.85	\$16.67
---------	--------	---------

*Other:*

Minimum charge as per 19 mm *Water Service Connection*.

- (c) All new *Water Service Connections* shall be metered.
- (d) *Co-operative Campground* applies to any individual camp site within a campground that has access to *District* water within the boundaries of the campground.
- (e) *Recreational Vehicle Park* applies to any individual trailer pad or site that has access to *District* water within the boundaries of the park.
- (f) *Other* applies to any connection serving any property or building not specified above.



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3391**

**A Bylaw to Amend  
Economic Development Commission Establishment Bylaw No. 2497**

**WHEREAS** the Regional Board wishes to amend Economic Development Commission Establishment Bylaw No. 2497 to increase the number of Commission members;

**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. 3391 – CVRD Economic Development Commission Amendment Bylaw, 2010**".

2. **AMENDMENT**

Section 3 of Bylaw 2497 is hereby deleted and replaced with the following:

"3. **MEMBERSHIP**

The Commission shall consist of thirteen members, as follows:

- a) Two Commission members shall be Directors of the Cowichan Valley Regional District.
- b) Eleven members shall be drawn from community groups, organizations, or sectors concerned with economic development and growth within the Cowichan Valley Regional District with one member representing regional First Nations communities and one member representing the Environment Commission.
- c) All members shall be appointed by Board resolution."

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

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



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3394**

A Bylaw Authorizing the Expenditure of Funds from the *Electoral Area F Community Parks Capital Reserve Fund* Established Pursuant to CVRD Bylaw No. 2740

**WHEREAS** as of April 30, 2010, there is an unappropriated balance in the *Electoral Area F Community Parks Capital Reserve Fund* of Twenty-Four Thousand Seven Hundred Ninety-Two Dollars (\$24,792.) that has been calculated as follows:

<b>BALANCE</b> in Reserve fund as at December 31, 2009:		\$54,725.
<b>ADD:</b>	Additions to the Fund, Including interest earned for the current year to date.	\$ <u>67.</u>
		\$54,792.
<b>DEDUCT:</b>	Commitments outstanding under bylaws previously adopted.	\$30,000
<b>UNCOMMITTED BALANCE</b> In Reserve Fund as at April 30, 2010:		<u>\$24,792.</u>

**AND WHERAS** it is deemed desirable and expedient to expend not more than Twenty Thousand Dollars (\$20,000.) of the said balance for the purpose of completing the Mesachie Lake Park ball field expansion upgrade;

**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. 3394 - Electoral Area F Community Parks Capital Reserve Fund Expenditure (Mesachie Lake Park Ball Field Expansion Upgrade) Bylaw, 2010**".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Twenty Thousand Dollars (\$20,000.), is hereby appropriated from the *Electoral Area F Community Parks Capital Reserve Fund* for the purpose of completing the Mesachie Lake Park ball field expansion upgrade.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution No. 10-249.7 adopted May 12, 2010.

3. SUMS REMAINING

Should any of the said sum of Twenty Thousand Dollars (\$20,000.) remain unexpended after the expenditures hereby authorized have been made, the unexpended balance shall be returned to the credit of the said Reserve Fund.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chair

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



**B9**

**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3395**

**A Bylaw Authorizing the Expenditure of Funds from the  
*Bings Creek Solid Waste Management Complex Reserve Fund,*  
Established Pursuant to CVRD Bylaw No. 2043**

---

**WHEREAS** as of April 30, 2010, there is an unappropriated balance in the *Bings Creek Solid Waste Management Complex Reserve Fund* of Four Hundred Thirty Thousand Nine Hundred Sixty-Five Dollars (\$430,965.) that has been calculated as follows:

<b>BALANCE</b> in Reserve Fund as at December 31, 2009:	\$430,438.
<b>ADD:</b> Additions to the Fund, including interest earned for the current year to date.	\$ <u>527.</u>
	\$430,965.
<b>DEDUCT:</b> Commitments outstanding under bylaws previously adopted.	NIL
<b>UNCOMMITTED BALANCE</b> in Reserve Fund as at April 30, 2010:	<u>\$430,965.</u>

**AND WHEREAS** it is deemed desirable and expedient to expend not more than Three Hundred Fifty Thousand Dollars (\$350,000.) of the said balance for the purpose of purchasing The E. 12.5 Chains of Section 8, Range 5, Shawnigan, PID: 009-461-841;

**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. 3395 – Bings Creek Solid Waste Management Complex Reserve Fund Expenditure Bylaw, 2010".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Three Hundred Fifty Thousand Dollars (\$350,000.) is hereby appropriated from the *Bings Creek Solid Waste Management Complex Reserve Fund* for the purpose of purchasing The E. 12.5 Chains of Section 8, Range 5, Shawnigan, PID: 009-461-841.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution adopted May 25, 2010.

3. SUMS REMAINING

Should any of the said sum of Three Hundred Fifty Thousand Dollars (\$350,000.) 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 \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chair

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



**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. **AMENDMENT**

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.



READ A FIRST TIME this 26<sup>th</sup> day of November, 2008

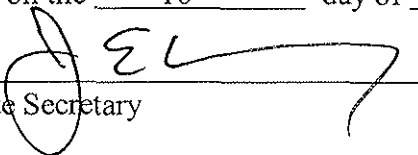
READ A SECOND TIME this 26<sup>th</sup> day of November, 2008.

SECOND READING RESCINDED this 8<sup>th</sup> day of April, 2009.

SECOND READING AS AMENDED this 8<sup>th</sup> day of April, 2009.

READ A THIRD TIME this 10<sup>th</sup> day of June, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3213 as given Third Reading on the 10<sup>th</sup> day of June, 2009.

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

NOVEMBER 12, 2009  
Date

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

this 19<sup>th</sup> day of April, ~~2009~~ 2010.

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, education 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.

.../4

**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.

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**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.

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**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 viewscapes 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 m<sup>2</sup>.

**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 m<sup>2</sup>.

**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.

.../8



**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 m<sup>2</sup>.

**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 m<sup>2</sup>.

**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 m<sup>2</sup>.

**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 m<sup>2</sup>.

**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 m<sup>2</sup>.

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

.../9

**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 m<sup>2</sup>.

**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;

- 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, erosion 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.

#### **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.

**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.

- (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 m<sup>2</sup>;
- (b) Interior renovations to existing buildings;
- (c) Changes to the text or message on an existing sign allowed by a previous development permit.

.../17

**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. Those Parts of District Lot 35, Cowichan Lake District lying south of said Plan 172 RW;
  9. 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;
  10. 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;
  11. Parcel A, Plan (DD 163332I), of Lot 31 Cowichan Lake District;
  12. 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;

.../19

13. 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;
14. 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;
15. Part of the surface of the water over the bed of Cowichan Lake, Cowichan Lake District;
16. 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;
17. 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;

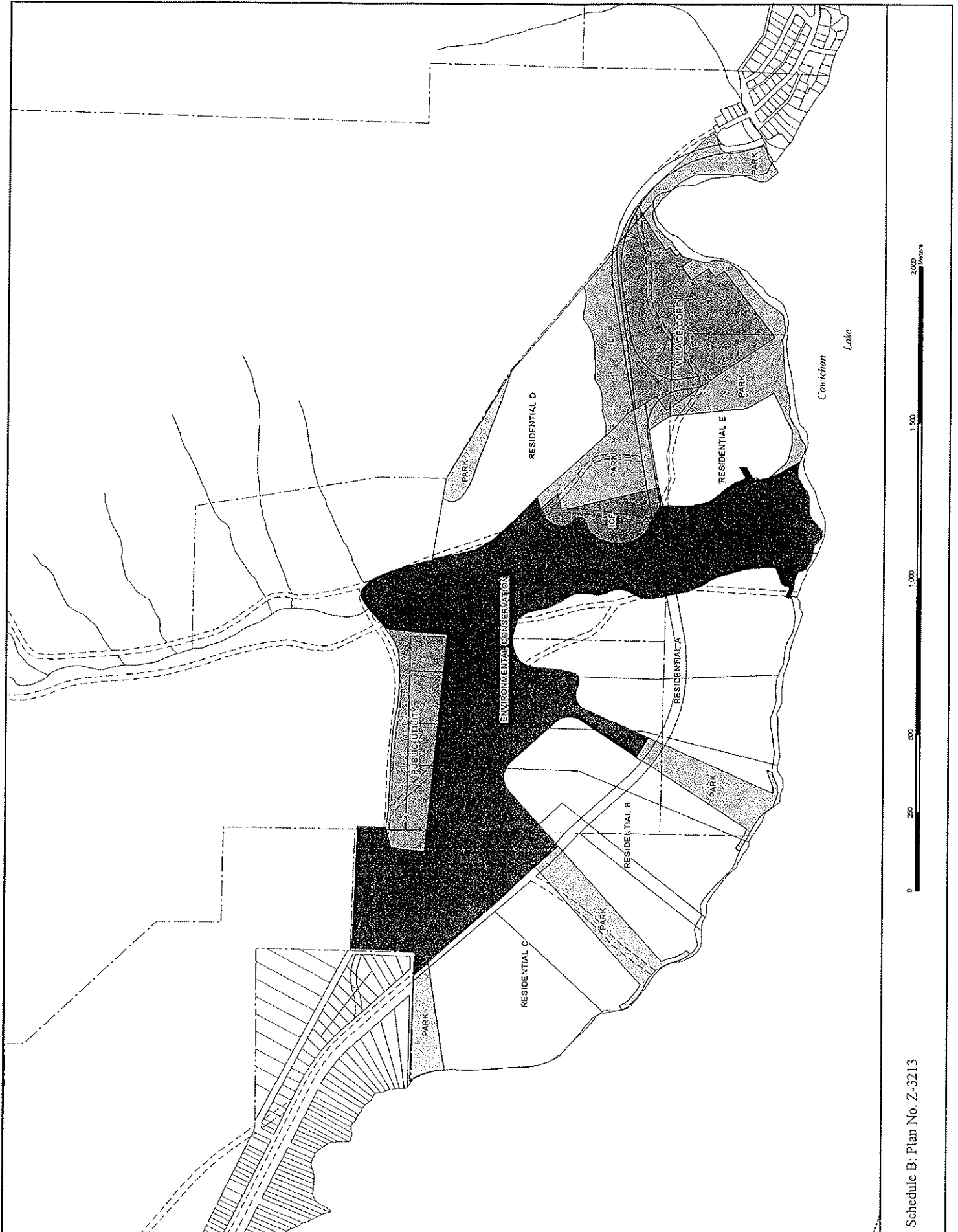
4. That:

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);
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. Those Parts of District Lot 35, Cowichan Lake District lying south of said Plan 172 RW;

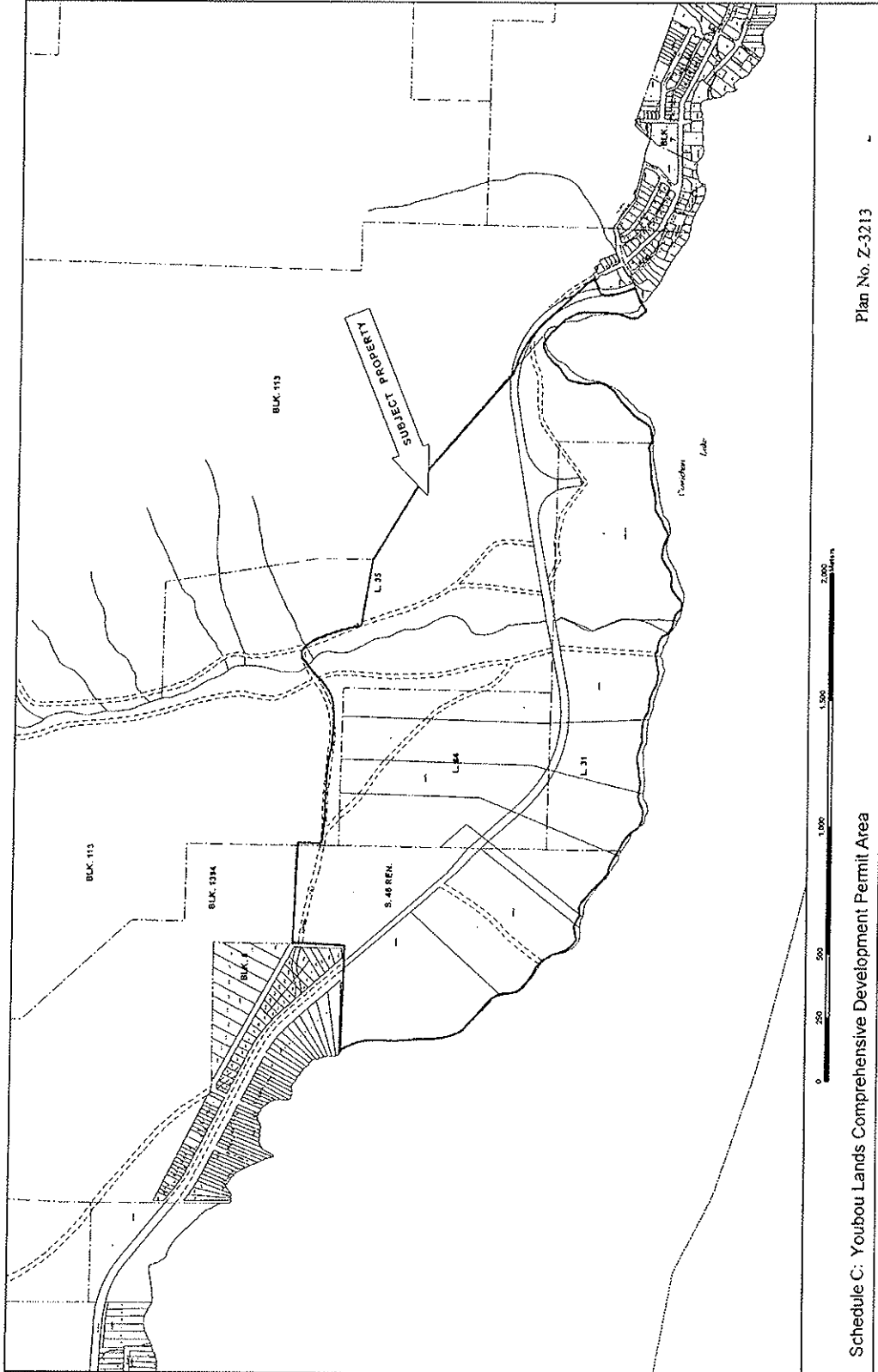
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9. That Part of District Lot 35, Cowichan Lake District, outlined in red on Plan 172 RW lying to the west of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
10. 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;
11. Parcel A, Plan (DD 163332I), of Lot 31 Cowichan Lake District;
12. 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;
13. 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;
14. 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;
15. Part of the surface of the water over the bed of Cowichan Lake, Cowichan Lake District;
16. 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;
17. 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 C of this bylaw, be designated as Youbou Lands Comprehensive Development Permit Area.



Schedule B, Plan No. Z-3213





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;



“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 m<sup>2</sup>.

**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 m<sup>2</sup> and the largest not more than 2200 m<sup>2</sup> 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 of Cowichan Lake)	15 metres, or any line that is identified as a streamside protection and enhancement area in a development permit, whichever is greater
Supplementary lakefront setback (measured from the Basic lakefront setback)	An additional 7.5 metres or 12.5% of the average parcel depth, measured between the basic lakefront setback line and the front parcel line, whichever is greater

**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 3.13 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 m<sup>2</sup>.

**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 m<sup>2</sup> and the largest not more than 750 m<sup>2</sup> 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.

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**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 3.13 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 m<sup>2</sup>.

**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 m<sup>2</sup> and the largest not more than 1100 m<sup>2</sup> 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 3.13 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 m<sup>2</sup>.

**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 of Cowichan Lake)	15 metres, or any line that is identified as a streamside protection and enhancement area in a development permit, whichever is greater
Supplementary lakefront setback (measured from the Basic lakefront setback)	An additional 7.5 metres or 12.5% of the average parcel depth, measured between the basic lakefront setback line and the front parcel line, whichever is greater
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 3.13 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 m<sup>2</sup> in area;
- b. Single family dwelling on a parcel at least 450 m<sup>2</sup> in area;
- c. Two family residence on a parcel at least 600 m<sup>2</sup> in area;
- d. Community Care Facility and Assisted Living Residence on parcels at least 2000 m<sup>2</sup> 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 m<sup>2</sup> 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	
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 of Cowichan Lake)	15 metres, or any line that is identified as a streamside protection and enhancement area in a development permit, whichever is greater	
Supplementary lakefront setback (measured from the Basic lakefront setback)	An additional 7.5 metres or 12.5% of the average parcel depth, measured between the basic lakefront setback line and the front parcel line, whichever is greater	
Rear Parcel Line (non-waterfront only)	5 m	



**7. 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.

**8. 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.

**9. Parking**

Off-street parking shall be provided in accordance with Section 3.13 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;

.../11

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 of Cowichan Lake)	15 metres, or any line that is identified as a streamside protection and enhancement area in a development permit, whichever is greater	
Supplementary lakefront setback (measured from the Basic lakefront setback)	An additional 7.5 metres or 12.5% of the average parcel depth, measured between the basic lakefront setback line and the front parcel line, whichever is greater	

**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 3.13 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. Artisan's and artist's workshop;
- b. Automotive repair and maintenance shop and parts sales;
- c. Automotive rental;
- d. Building supply sales;
- e. Café, restaurant, catering;
- f. Car and truck wash;
- g. Construction, repair, sales, service, storage and rental of boats, watercraft and related equipment, including fuel sales;
- h. Food products manufacturing;
- i. Laboratory;
- j. Manufacturing and sales of modular, log and pre-fabricated homes, components and structures;
- k. Manufacturing within a wholly enclosed building;
- l. Plant nursery, garden centre and related uses;
- m. Printing and publishing establishment;
- n. Secondary wood products manufacturing and sales;
- o. Soil and aggregate sales;
- p. Warehousing, mini-warehousing and storage;
- q. Wood product manufacturing, including cabinet and furniture manufacturing and sawmilling;

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

- r. One single family dwelling per parcel, accessory to a principal permitted use;
- s. Buildings and structures accessory to a principal permitted use.

**2. Minimum Parcel Area**

The minimum parcel area in the I-3 zone is 2500 m<sup>2</sup>.

**3. Residential Density**

Not more than one accessory dwelling unit is permitted per building on a parcel that is zoned I-3.

**4. Floor Area Ratio**

The maximum floor area ratio (FAR) in the I-3 Zone is 0.75 for all buildings and structures.

**5. Servicing**

All buildings with plumbing in the I-3 Zone shall be connected to both a community water system and a community sewer system.

**6. 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 3.13 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 m<sup>2</sup>.

**3. Density**

Not more than 30 dwelling units per hectare of parcel area are permitted on a parcel that is zoned ICF-4.

**4. Floor Area Ratio**

The maximum floor area ratio (FAR) in the ICF-4 Zone is 0.8 for all buildings and structures.

**5. Servicing**

All buildings with plumbing in the ICF-4 Zone shall be connected to both a community water system and a community sewer system.

**6. 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.

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**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 3.13 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:

.../16

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. Those Parts of District Lot 35, Cowichan Lake District lying south of said Plan 172 RW;
9. 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;
10. 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;
11. Parcel A, Plan (DD 163332I), of Lot 31 Cowichan Lake District;
12. 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;
13. 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;
14. 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;
15. Part of the surface of the water over the bed of Cowichan Lake, Cowichan Lake District;
16. 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;
17. 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.

.../17

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:

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 26<sup>th</sup> day of November, 2008

READ A SECOND TIME this 26<sup>th</sup> day of November, 2008.

SECOND READING RESCINDED this 8<sup>th</sup> day of April, 2009.

SECOND READING AS AMENDED this 8<sup>th</sup> day of April, 2009.

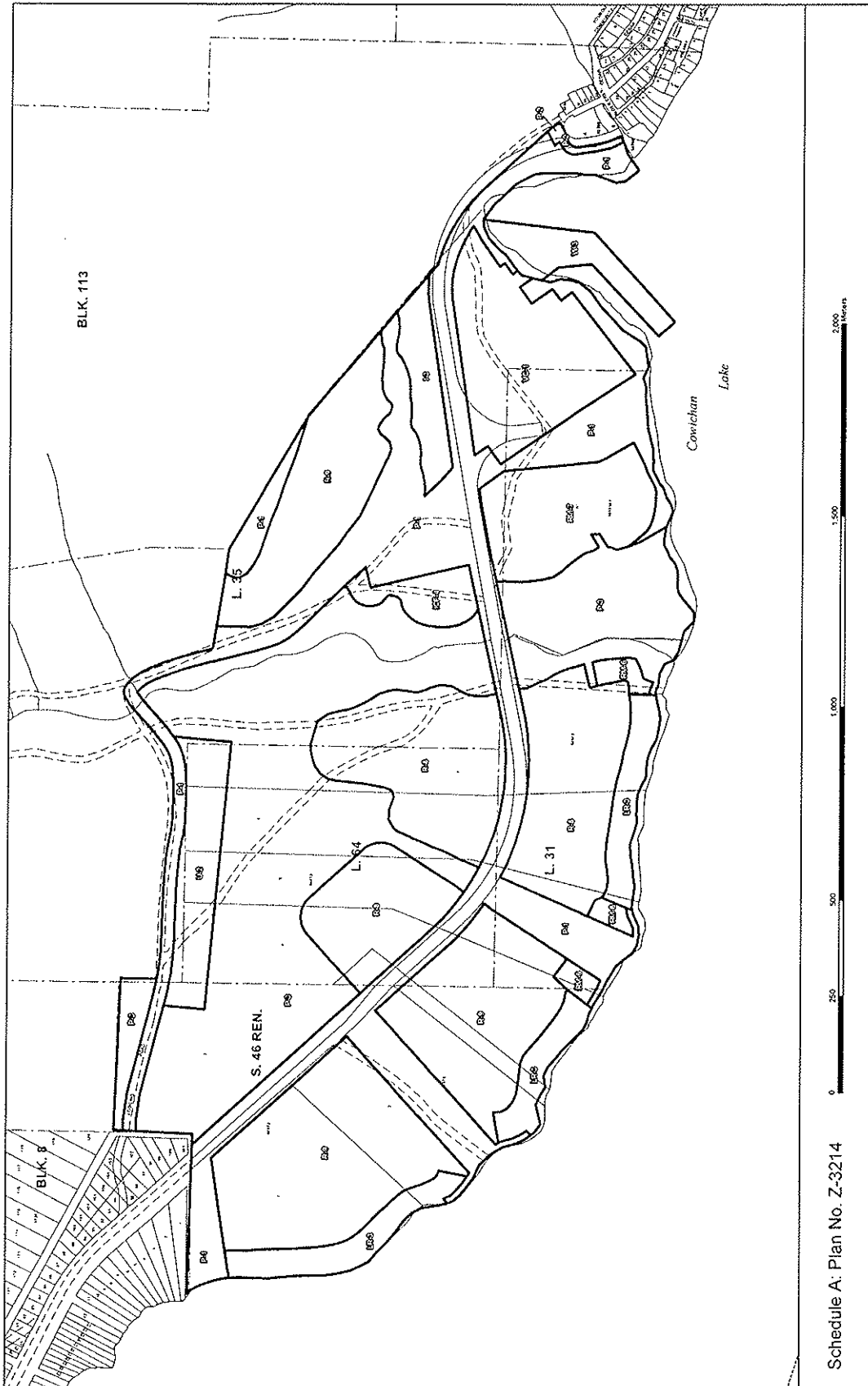
READ A THIRD TIME this 10<sup>th</sup> day of June, 2009.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

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







C·V·R·D

B12

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3242

A Bylaw to Authorize a Phased Development Agreement

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**WHEREAS** the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to enter into Agreements;

**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 enter into the Agreement;

**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. 3242 Phased Development Agreement Authorization Bylaw (Youbou Lands), 2008**".

2. **AUTHORIZATION**

The Cowichan Valley Regional District may enter into and the Chair and Corporate Secretary may execute and deliver an agreement with 0741817 BC Ltd. and Timberwest Forest II Limited in the form attached as Schedule A to this bylaw.

3. **FORCE AND EFFECT**

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

.../2

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

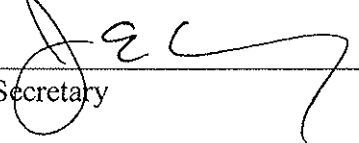
READ A SECOND TIME this 10<sup>th</sup> day of December, 2008.

SECOND READING RESCINDED this 8<sup>th</sup> day of April, 2009.

SECOND READING AS AMENDED this 8<sup>th</sup> day of April, 2009.

READ A THIRD TIME this 10<sup>th</sup> day of June, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3242 as given Third Reading on the 10<sup>th</sup> day of June, 2009.

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

\_\_\_\_\_  
Date JULY 24, 2009

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

this 28<sup>th</sup> day of April, ~~2009~~ 2010

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

\_\_\_\_\_  
Chairperson

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



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3242

PHASED DEVELOPMENT AGREEMENT

This Agreement dated for reference the \_\_ day of \_\_\_\_\_, 2009 is

AMONG:

**COWICHAN VALLEY REGIONAL DISTRICT**, a regional district incorporated under the *Local Government Act* having an office at 175 Ingram Street, Duncan, B.C. V9L 1N8

(the "District")

AND: **0741817 B.C. LTD.** (Incorporation No. 0741817), a corporation having an office at \_\_\_\_\_

(the "Developer")

AND: **TIMBERWEST FOREST II LIMITED** (Incorporation No. 459438), a corporation having an office at 7<sup>th</sup> Floor, 700 West Georgia Street, Vancouver, B.C. V7Y 1A1

("Timberwest")

(the Developer and Timberwest are referred to collectively as the "Owner")

WHEREAS:

- A. The Developer is the registered owner of land legally described in Schedule A (the "Developer's Land");
- B. Timberwest is the registered owner of 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' (DD 408831); Except part shown outlined in red on plan 283R; and except parts in plan 20033, 31184 and VIP63536 and 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 172 RW, portions of which (the "Timberwest Development Lands") are shown in Schedule A1;
- C. Timberwest intends to subdivide and sell and the Developer intends to purchase the Timberwest Development Lands;

.../2

- D. The Developer has applied to the District for an amendment to CVRD Zoning Bylaw No. 2465 by way of CVRD Bylaw No. 3214 – Area I – Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009 (the “Zoning Amendment Bylaw”) to permit the development on the Developer’s Land and the Timberwest Development Lands (referred to collectively as the “Land”) of a range of residential and non-residential uses;
- E. The Owner wishes to provide certain amenities and features in the development of the Land, and the parties wish to ensure that the provisions of the District’s zoning bylaw as amended by the Zoning Amendment Bylaw continue to apply to the Land for the period more particularly set out in this Agreement; and
- F. The Board of the District has given notice and held a public hearing and has, by bylaw, authorized the execution of this Agreement;

NOW THEREFORE in consideration of the mutual promises set out in this Agreement, the parties agree pursuant to section 905.1 of the *Local Government Act* as follows:

**APPLICATION OF AGREEMENT**

- 1. This Agreement applies to the Land, including any parcels of land into which the Land may be subdivided. This Agreement applies to the Land and to no other land.

**BYLAW AMENDMENTS NOT TO APPLY**

- 2. For the term of this Agreement, any amendment or repeal of the following sections of Cowichan Valley Regional District Zoning Bylaw No. 2465 as amended by the Zoning Amendment Bylaw shall not apply to the Land, except:
  - (a) as provided in section 905.1(6) of the *Local Government Act*; or
  - (b) to the extent that the Owner of any parcel comprising the Land agrees in writing that the amendment or repeal shall apply to that Land:
    - Lakefront Residential 3 (LR-3) Zone
    - Residential 8 (R-8) Zone
    - Residential 9 (R-9) Zone
    - Multiple Family Residential 6 (RM-6) Zone
    - Single and Multiple Family Residential 7 (RM-7) Zone
    - Village Core 1 (VC-1) Zone
    - Business Park / Light Industrial 3 (I-3) Zone
    - Institutional and Community Facilities 4 (ICF-4) Zone
- 3. For certainty, and without limiting section 2, the District agrees that any development permit or building permit that would be issuable in respect of the Land on the date of adoption of the Zoning Amendment Bylaw will be issued throughout the term of this Agreement in accordance with CVRD Official Community Plan Bylaw No. 2650, 2005, Electoral Area 1 – Youbou/Meade Creek and Building Bylaw No. 143 respectively and the provisions and terms of this Agreement, despite any amendment or repeal of the bylaw provisions specified in section 2 that would otherwise prevent the issuance of the permit.

.../3

**TERM OF AGREEMENT**

4. The term of this Agreement is twenty years from the date of adoption of the Zoning Amendment Bylaw.
5. The parties may terminate this Agreement at any time by written agreement.
6. If the amenities and features of the development are not provided to the standards and at the times set out in Schedule B, on which question the opinion of the District shall be determinative provided that the District may not act unreasonably, the District may at its option terminate this Agreement by providing notice in writing to the Owner, provided that the District has at least two (2) months prior to giving such notice advised the Owner in writing of any alleged failure (the "Default Notice") to provide such amenities and features in accordance with this Agreement and the Owner has not corrected the deficiency to the reasonable satisfaction of the District, or if such default reasonably requires longer than two (2) months to remedy, the Owner has failed to substantially commence remedying such default within two (2) months after receipt of the Default Notice to the reasonable satisfaction of the District, or has failed to substantially complete remedying the default within six (6) months after receipt of the Default Notice to the reasonable satisfaction of the District. The Owner acknowledges that, in the event that this Agreement is terminated under this Section, the District may further amend its zoning bylaw to reverse or modify the effect of the Zoning Amendment Bylaw, without compensation to the Owner.

**AMENITIES AND FEATURES OF THE DEVELOPMENT**

7. The Owner shall provide the amenities listed in Schedule B at the times specified in Schedule B.
8. The Owner acknowledges that the amenities described in Schedule B are not "excess or extended services" as defined in section 939 of the *Local Government Act*, and are not works or services included in the calculations used to determine the amount of any development cost charge.

**PUBLIC LAND USE DESIGNATIONS**

9. The Owner acknowledges that the Zoning Amendment Bylaw designates certain portions of the Lands for public uses only, in contemplation of those portions being transferred to other parties pursuant to this Agreement, and agrees that such designations do not, considered together with the provisions of the Zoning Amendment Bylaw in respect of other portions of the Lands, effect any reduction in the value of the Owner's interest in the Lands. The Owner agrees that such designations accordingly do not entitle the Owner to compensation under s. 312 of the *Local Government Act* or otherwise, and irrevocably waives any entitlement to such compensation.

**VILLAGE CORE NEIGHBOURHOOD PLAN**

10. Prior to any development permit, building permit or subdivision approval being granted for development or subdivision of portions of the Land within the Village Core zone designated in the Zoning Amendment Bylaw, the Owner shall prepare a Village Core neighbourhood plan defining the layout of the Village Core area, including the location of roads, plazas, pedestrian walkways, building footprints and massing and view corridors. The neighbourhood plan must consider waterfront and mountain views and solar access and promote a human-scale, pedestrian oriented site layout and built form.

.../4

The plan should be conceptual in nature and need not exhibit the level of detail necessary for subsequent site-specific development permit applications. Development standards such as building setbacks and height and design guidelines may be established through the neighbourhood planning process and land uses and densities may be

assigned to particular locations within the area. The Village Core neighbourhood plan must be adopted as an amendment to the Official Community Plan and Zoning Bylaw prior to the issuance of development permits, building permits or subdivision approval within the Village Core area.

**DENSITY OF DEVELOPMENT**

- 11. Residential and hotel density on the Land shall not exceed that specified on Schedules C and C1.
- 12. The Land shall not be subdivided unless, concurrently with the subdivision,
  - (a) the Owner grants to the District a covenant under section 219 of the *Land Title Act* restricting the residential and hotel density of the parcels being created by the subdivision such that the restrictions in Schedule C and C1 are made applicable to the parcels in a manner satisfactory to the District, acting reasonably; or
  - (b) prior to the approval of the subdivision, the District has amended Zoning Bylaw No. 2465 to establish density limits in respect of the parcels being created,

unless the District determines, in its sole discretion, that such additional density regulation is not required in view of the nature and effect of the proposed subdivision.

**PHASING OF DEVELOPMENT**

- 13. The phases of development shown on Schedule B1 must be developed in numerical order, except that at least 1000 square metres of gross commercial floor area must be developed in Phase 2a, at least 1000 additional square metres of gross commercial floor area must be developed in Phase 3b prior to the subdivision or development of any portion of Phase 3a, and the balance of the permitted commercial floor area in Phase 3b may be developed at any time subject to the remainder of this Agreement.
- 14. No portion of the Land shall be subdivided or development permit application made for a residential use until the Ministry of Environment has issued a certificate of compliance in respect of the Land under the *Environmental Management Act*, unless the Ministry of Environment has expressly authorized the subdivision or development in advance of the issuance of the certificate of compliance.

**ASSIGNMENT OF AGREEMENT**

- 15. Any Owner may assign this Agreement in whole or in relation to any parcel into which the Land of that Owner may be subdivided, if the District, acting reasonably, consents in writing to the assignment and the assignee has executed and delivered to the District a notice of assumption and has entered into an assignment agreement with the Owner assigning the Agreement. In consenting to such assignment, the District may require the Owner and the assignee to enter into further agreements with the District concerning the performance of the obligations contained in this Agreement in relation to the parcel of which the assignee is or will become the owner.

**AMENDMENT OF AGREEMENT**

16. The parties may in writing agree to minor amendments to this Agreement, and for that purpose a “minor amendment” is an amendment to Schedule B or to Schedule B1 except that areas of land to be transferred or dedicated to the District for public use as park, trail, or walkway or for conservation or environmental protection purposes may not vary in area from the areas specified in Schedule B by more than 10% and such amendments may not reduce the total area of such areas to less than 121.4 ha (300 acres). For certainty, an amendment to Schedule B1 undertaken to reflect adjustment of the boundaries of the zones established by the Zoning Amendment Bylaw by further zoning bylaw amendment is a “minor amendment”.
17. The District may, prior to agreeing to such an amendment, convene a public hearing or other proceeding for the purpose of determining the opinion of members of the public to such amendment, notwithstanding that such a hearing or other proceeding is not required by the *Local Government Act*, and the Owner agrees to participate in such proceeding for the purpose of providing information to the public on the proposed amendment.

**SPECIFIC PERFORMANCE**

18. The Owner agrees that the trails, walkways, riparian and elk habitat areas, Arbutus Park expansion, and other park areas described in Schedule B are uniquely located properties and if the Owner fails to dedicate such lands to the District, as described in Schedule B, the Owner agrees that the District shall be entitled to an order of specific performance for the dedication, but the District is not precluded from claiming an award of damages for the Owner’s breach.

**GENERAL TERMS AND CONDITIONS**

19. The obligations of the parties comprising the Owner shall be joint and several. The parties acknowledge and agree that as between the District and the parties comprising the Owner, the Developer may carry out all responsibilities, obligations and covenants under this Agreement on behalf of the Owner and any decision, agreement, or act by the Developer with respect to the terms and conditions of this Agreement shall bind each of the parties comprising the Owner. The Developer and Timberwest may make agreements between themselves as to their obligations under this Agreement.
20. Any notice permitted or required by this Agreement to be given to either party must be given to that party at the address set out above, or to any other address of which the party has given the other party notice in writing expressly for the purposes of this Agreement.
21. Except as expressly set out in this Agreement, nothing in this Agreement shall prejudice or affect the rights and powers of the District in the exercise of its functions under the *Community Charter* or the *Local Government Act* or any of its bylaws, or those of the approving officer of the Ministry of Transportation and Infrastructure or the District, as the case may be, under the *Land Title Act*, *Strata Property Act* or Bare Land Strata Regulations.
22. Any opinion, decision, act or expression of satisfaction or acceptance provided for in this Agreement may be taken or made by the District’s General Manager of Planning and Development, unless expressly provided to be taken or made by another official of the District.



23. No provision of this Agreement is to be considered to have been waived by the District unless the waiver is expressed in writing by the District. The waiver by the District of any breach by any of the other parties of any provision is not to be construed as or constitute a waiver of any further or other breach.
24. Whenever in this Agreement the District is required or entitled to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the District may do so in accordance with the contractual provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise, shall have any application in the interpretation or implementation of this Agreement except to the extent that such duty arises as a matter of public law.
25. The Owner shall indemnify and save harmless the District, its officers, employees, Council members, agents and others (the "District Representatives") from and against any and all actions, causes of action, liabilities, demands, losses (but not loss of profits), damages, costs, expenses (including actual fees of professional advisors), remediation of contamination costs, fines, penalties and other harm of any kind whatsoever, whether related to death, bodily injury, property loss, property damage, property contamination or consequential loss or damage, suffered or incurred by the District or any of the District Representatives, directly or indirectly, arising from, resulting from, connected with or related to:
  - (a) death, bodily injury, damage to or loss of any property or other incident or occurrence during the construction or provision of the amenities and other development contemplated by this Agreement;
  - (b) any default or breach of this Agreement by the Owner; and
  - (c) any wrongful act, omission or negligence of the Owner or its directors, officers, employees, agents, contractors, subcontractors, licensees, or others for whom they are responsible in law with respect to the covenants and obligations of the Owner pursuant to this Agreement.
26. This indemnity shall survive any conclusion or other termination of this Agreement, in relation to any matter arising prior to it.
27. If any Owner is delayed or prevented from the performance of any covenant or agreement required hereunder by reason of any unavoidable cause, then performance of such covenant or agreement shall be excused for the period during which such performance is delayed or prevented and the time for the performance thereof shall be extended accordingly. For the purposes of this section, "unavoidable cause" means any event or contingency beyond the reasonable control of the Owner, including without limitation a delay caused by weather conditions, power failure, fire or other casualty, governmental laws, regulations or controls, civil commotion, insurrection, sabotage, invasion, rebellion, military or usurped power, war or war-like operations and acts of God, but excluding a delay caused by lack of funds.
28. Time is of the essence of this Agreement and will remain of the essence notwithstanding the extension of any dates.
29. The Owner acknowledges and agrees that the District, acting reasonably, may, despite any public law limitations on the withholding of development permits, building permits and occupancy permits, withhold such permits for the purpose of ensuring compliance with and administering the terms of this Agreement.

30. The District may, during the construction of any amenity required by this Agreement, appoint from time to time an employee or official to represent the interests of the District under this Agreement and advise the Owner in writing of such appointment, and the Owner shall for that purpose provide to the District's representative reasonable access to all documents related to the construction including but not limited to plans, permits, specifications, Building Code analyses, receipts, waybills, shipping documents and contracts, and reasonable access to the site of construction and all construction facilities. The Owner agrees that the viewing of this documentation by the District's representative does not create any legal obligation, in tort or otherwise, on the part of the District or its representative whether or not comments are given to the Owner and whether or not the Owner chooses to act on comments that are given.

31. This Agreement may be executed in counterparts.

**COWICHAN VALLEY REGIONAL DISTRICT**

**By its authorized signatories:**

\_\_\_\_\_  
\_\_\_\_\_

**TIMBERWEST FOREST II LIMITED**

**By its authorized signatories:**

\_\_\_\_\_  
\_\_\_\_\_

**0741817 B.C. LTD.**

**By its authorized signatories:**

\_\_\_\_\_  
\_\_\_\_\_

## SCHEDULE A

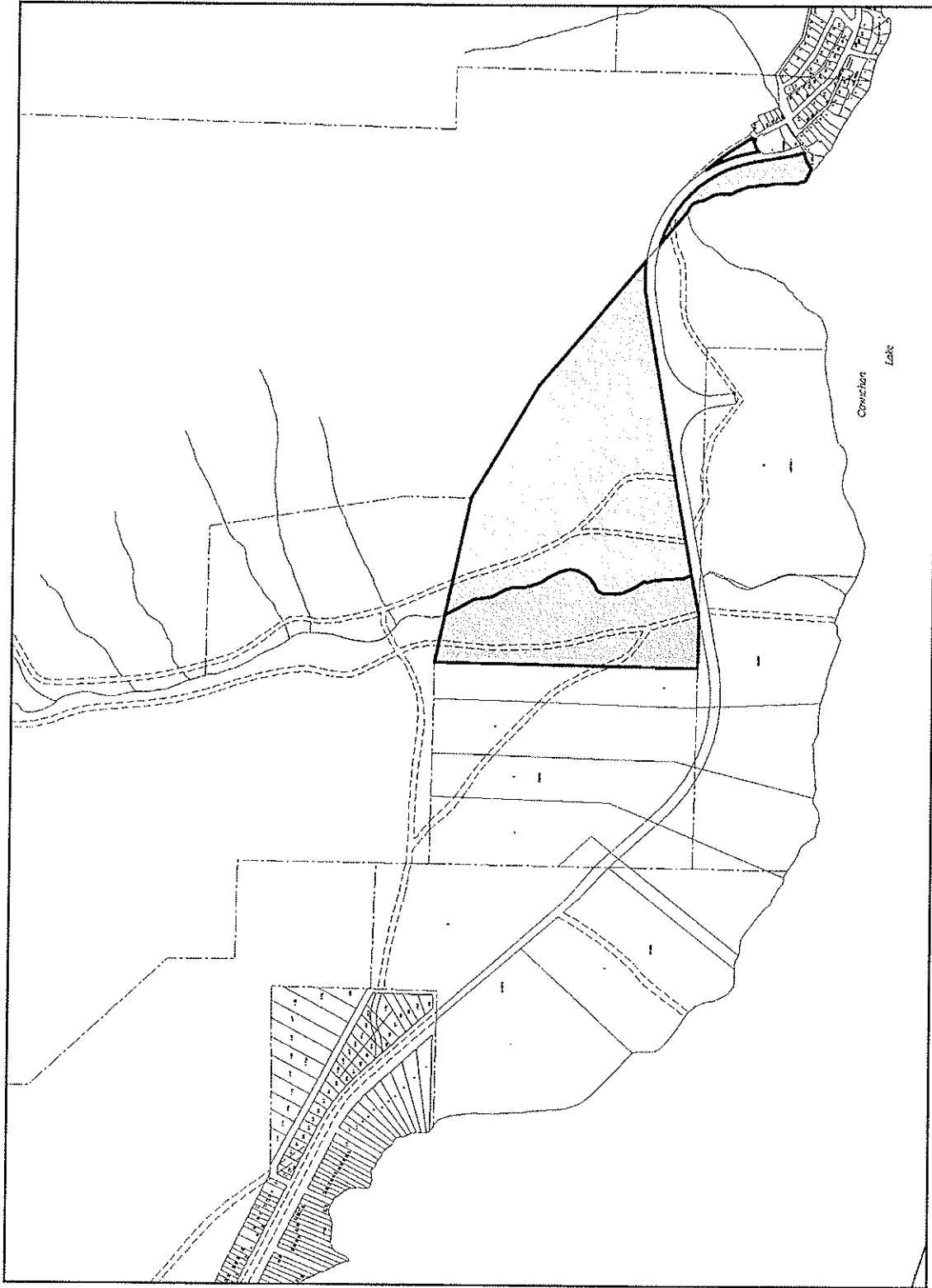
## To CVRD Bylaw No. 3242

1. Lot 1, Section 46, Renfrew District (situate in Cowichan Lake District), Plan VIP84672
2. Lot 2, Section 46, Renfrew District (situate in Cowichan Lake District), Plan VIP84672;
3. Lot 3, Section 46, Renfrew District (situated in Cowichan Lake District) and District Lot 64, Cowichan Lake District, Plan VIP84672;
4. Lot 4, District Lots 31 and 64, Cowichan District and Section 46, Renfrew District (situated in Cowichan Lake District), Plan VIP84672;
5. Lot 5, District Lots 31 and 64, Cowichan Lake District, Plan VIP84672;
6. Lot 6, Section District Lots 31 and 64, Cowichan Lake District, Plan VIP84672;
7. Lot 7, District Lots 31 and 64, Cowichan Lake District, Plan VIP84672;
8. Those Parts of District Lot 35, Cowichan Lake District lying south of said Plan 172 RW;
9. 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;
10. 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;
11. Parcel A, Plan (DD 163332I), of Lot 31 Cowichan Lake District;
12. 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;
13. 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;
14. 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;

SCHEDULE A1

To CVRD Bylaw No. 3242

[MAP OF PORTIONS OF TIMBERWEST LANDS]



## SCHEDULE B

### To CVRD Bylaw No. 3242

#### AMENITIES AND FEATURES OF THE DEVELOPMENT

(References to Phases are references to phases described on Schedule B1.)

#### **PARKS AND TRAILS**

##### **Youbou Beach Parkway and trail**

1. In developing the major east-west extension of Youbou Road through the Lands, the Owner must provide a parallel multi-use trail of between 3 and 4 metres in width for pedestrians, cyclists and other non-motorized traffic, to the south of vehicle traffic lanes and physically separated from such lanes by a landscaped buffer, constructed to District standards. The multi-use trail must be linked at its westerly limit to the waterfront trail described in Section 3 and at its easterly limit to the Village core area. The Owner must also provide, to the north of vehicle traffic lanes and physically separated by another landscaped buffer, a stormwater bio-swale and elk corridor adjacent to the elk habitat described in Section 19. The aggregate width of the highway right of way, multi-use trail right of way and habitat corridor must be at least 60 metres. The trail must be constructed from the Village core area to the westerly edge of Phase 1a prior to the deposit of a subdivision plan of that phase; to the westerly edge of Phase 2a prior to the deposit of a subdivision plan of that phase; and to the westerly edge of Phase 3a prior to the deposit of a subdivision plan of that phase. In addition, the portions of the multi-use trail right of way on which the trail is constructed, and the portions of the stormwater bio-swale and elk corridor immediately adjacent to such constructed portions of the trail, must be transferred to the District in fee simple prior to or concurrently with the deposit of such subdivision plans. Landscaping must comprise native, drought-tolerant species and the Owner must maintain the landscaping for at least one year following completion of the works, replacing any plant specimens that do not survive transplant during that period. Prior to dedication or transfer to the District of the trail areas, buffer areas and elk corridor, the Owner must restore the land to the standard reasonably required by the District, including any reforestation and removal of invasive species specified by the District.

##### **Lakefront walkway east of Cottonwood**

2. The Owner must construct in the area described in Section 12 and 17 a hard-surfaced multi-use trail 3 to 4 metres in width, between the easterly boundary of Arbutus Park and Cottonwood Creek, complete with low level lighting, seating, landscaping, interpretive signage, and three viewing platforms, all as approved in writing by the General Manager of Parks, Recreation and Culture of the District. The portion of the walkway from Arbutus Park west to the boat launch facility must be constructed not later than the date of transfer to a purchaser by the Owner of the 101<sup>st</sup> building lot in Phase 1a, and the remaining portion prior to the date of registration of the last subdivision in Phase 1a. For the purpose of this Section, the Owner must notify the District of the transfer to purchasers of the 26<sup>th</sup>, 51<sup>st</sup>, 76<sup>th</sup>, and 101<sup>st</sup> building lots in Phase 1a within five business days of the deposit of the transfer in the Land Title Office, and upon any failure of the Owner to do so, the Owner shall be obliged upon receiving notice from the District to such effect, to forthwith construct such portions of the trail required by this Section as the District may specify in the notice. The Owner acknowledges that the District may, in giving such notice, require the construction of all portions of the trail remaining to be constructed at the time the notice is given.

.../2

**Lakefront walkway west of Cottonwood**

3. The Owner must provide in the area west of Cottonwood Creek to the western boundary of Phase 3a and extending along the western boundary of Phase 3a to connect with the Youbou Beach Parkway trail described in Section 1, a hard-surfaced mixed-use trail 3 metres in width, complete with low level lighting, landscaping including street trees, and irrigation works, all as approved in writing by the District. The portion of the walkway adjacent to each phase or sub-phase of the development must be constructed no later than the date of deposit of the subdivision plan creating the lots in that phase or sub-phase, and all walkway areas must be dedicated as highways where the Ministry of Transportation approves the walkway within the road allowance, and otherwise transferred to the District in fee simple. Driveway crossings over the walkway shall not be permitted and the District may require restrictive covenants at the time of subdivision prohibiting driveway crossings.
4. The alignment of the walkway may be landward of any single-family dwelling lots abutting Cowichan Lake, but must be between the Lake and any multi-family dwellings in Phase 1a or Phase 2a. Where the walkway does not abut Cowichan Lake, it must be located on the north side of the most southerly road in the subdivision approximately paralleling the natural boundary of the Lake.

**Public parks west of Cottonwood Creek**

5. The Owner must transfer to the District in fee simple, park areas south of Youbou Beach Parkway between Phases 1a and 2a and Phases 2a and 3a having an aggregate area of at least 10.1 ha, and prior to transfer must improve the park areas by reforestation and similar restoration of natural areas; the development of washroom facilities in each park area; the development of picnic areas, grassed areas, picnic tables and benches, barbecue pits, District Parks signage, information kiosks, parks access controls and irrigation works, integrating into the design the lakefront walkway described in Section 3, all as approved by the District in writing prior to construction.
6. The first such park area must be transferred prior to the registration of any subdivision plan of Phase 2b and must be developed with at least twelve motor vehicle parking spaces, and the second park area must be transferred prior to the registration of any subdivision plan of Phase 3a and must be developed with at least six motor vehicle parking spaces to a design and standard approved by the District in writing prior to construction.

**Local neighbourhood parks**

7. The Owner must transfer to the District five local neighbourhood parks having an aggregate area of at least 1.6 ha, at the time of subdividing the portion of the Lands in which the park is located, and must not subdivide any parcel comprising the Lands until the District has approved in writing the approximate location of each of the five parks. Prior to transferring each park, the Owner must undertake basic site preparation work including grading, irrigation and basic landscaping, and must construct on the park such improvements as may be approved in writing by the District.
8. The Owner is not obliged to expend more than \$425,000 on park improvements under Section 7, apart from basic site preparation work and subject to Section 28.

.../3

**Youbou Road multi-use trail**

9. The Owner must, subject to Section 28, provide to the District the sum of \$1,000,000.00 to be used for the development of a multi-use trail for non-vehicular traffic on Youbou Road to the east of the Lands, including design and acquisition of additional highway right-of-way as deemed necessary by the District. The Owner must provide to the District a completed design of the works approved by the District prior to the deposit of a subdivision plan of Phase 2a; must pay to the District 1/3 of the funds not expended on the design prior to deposit of a subdivision plan of Phase 2a; must pay 1/2 of the remaining funds prior to deposit of a subdivision plan of Phase 3a; and must pay the balance prior to deposit of a subdivision plan so as to create more than 50% of the lots proposed in Phase 3a.
10. The construction of the trail contemplated by this Section is subject to the approval of the Ministry of Transportation and Infrastructure and timing of construction shall be at the discretion of that agency and the District.

**Cottonwood Creek pedestrian crossing**

11. The Owner must, prior to the deposit of a subdivision plan of Phase 2a, construct a pedestrian crossing over Cottonwood Creek to the south of the Youbou Beach Parkway highway crossing, to connect the trails described in Sections 2 and 3. Design of the crossing including specification of materials shall be subject to the approval of the District, which in granting approval may take into consideration the recommendations of the Ministry of Environment and Department of Fisheries and Oceans. In the event that the District determines that the Owner cannot comply with this requirement because either the Ministry of Environment, the Department of Fisheries and Oceans or any other authority having jurisdiction will not issue required approvals for construction of the crossing, the Owner must provide alternative pedestrian network improvements for a creek crossing approved by the District prior to the deposit of a subdivision plan of Phase 2a.

**Expansion of Arbutus Park**

12. The Owner must, prior to the deposit of the subdivision plan creating the 101<sup>st</sup> parcel from the Lands, transfer to the District an area of land having a minimum area of 2.8 hectares to the northwest of and abutting Arbutus Park, shown as Phase 1c on Schedule B1, for park expansion and fire department facilities.

**Youbou Village beach and green**

13. The Owner must transfer to the District in fee simple prior to the deposit of any subdivision plan for Phase 3a, a park area south of Youbou Beach Parkway between Phases 2b and 3b, and having an area of at least 4.45 hectares and a waterfront frontage of at least 200 metres. Prior to transfer the Owner must improve the park area by the development of a water park feature and children's playground; the development of picnic areas, grassed areas, picnic tables and benches, barbecue pits, basic washrooms and irrigation works, integrating into the design the lakefront walkway described in Section 2, all as approved by the District in writing prior to site preparation and construction. The improvements shall, subject to Section 28, have a value of \$400,000.00 inclusive of the cost of site preparation work.

**COMMUNITY USES AND AFFORDABLE HOUSING****Community use/affordable housing site**

14. Prior to or concurrently with the deposit of any subdivision plan of Phase 2, the Owner must transfer to the District in fee simple, free and clear of all encumbrances other than those approved by the District, for community park, affordable housing, seniors' housing, school or other public use, a portion of the Lands adjacent to Youbou Beach Parkway shown as Phase 1c on Schedule B1, having a minimum area of 6.5 hectares.
15. The transfer may be made subject to a right of first refusal in favour of the Owner exercisable in the event of any proposed sale of the site to any party for purposes other than a purpose mentioned in the foregoing paragraph, such right of first refusal to expire within 25 years of the transfer.

**ENVIRONMENTAL PROTECTION****Lakeshore riparian area**

16. Concurrently with the deposit of any subdivision plan of any portion of the Lands abutting Cowichan Lake west of Cottonwood Creek, the Owner must grant to the District and any third party conservation organization nominated by the District a covenant under s. 219 of the *Land Title Act* providing for the conservation of the riparian area whose width at each point is the greater of 15 m measured from the 164 metre contour around Cowichan Lake, measured from mean geodetic sea level, and the width of the Streamside Protection and Enhancement Area as determined in accordance with the Riparian Areas Regulation. The terms of the covenant shall provide a high level of protection to the area and may differ in accordance with whether the lands charged by the covenant are private building lots or lands dedicated to the public.

**Riparian area Arbutus Park to Cottonwood Creek**

17. Concurrently with the deposit of any subdivision plan of any portion of the Lands abutting Cowichan Lake east of Cottonwood Creek, the Owner must transfer to the District in fee simple, subject to a covenant under s. 219 of the *Land Title Act* in favour of any third party conservation organization nominated by the District providing for the conservation of the area, an area upland of Cowichan Lake whose width is the width of the Streamside and Protection Enhancement Area as determined in accordance with the Riparian Areas Regulation. In addition, an uninterrupted 7.0 metre corridor on the upland side of such area, for the walkway corridor described in Section 2, shall be transferred in fee simple to the District.
18. Notwithstanding Section 17, the Owner may maintain ownership of the lakefront at two locations to accommodate access to a boat launch and marina. Each access may have a width of up to 20 metres and shall be in a location approved by the District. The Owner shall grant the District a statutory right of way with a minimum width of 7 metres over the access to accommodate the lakefront walkway described in Section 2, and the location of the right of way shall be suitable, in the opinion of the District, to provide safe public access across any ramp or other boat launch facility by all users of the walkway, including those with reduced mobility.

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**Environmental Conservation Area**

19. Prior to or concurrently with the deposit of a subdivision plan creating Phase 2a north of Youbou Beach Parkway, the Owner must transfer to the District in fee simple, an area of the Lands comprising at least 48.6 hectares, generally to the north of Phases 3a, 2a and 1a, connecting Cowichan Lake at the northwest boundary of the Lands and the Cottonwood Creek riparian corridor. Prior to dedication of the area the Owner must restore the area to the standard reasonably required by the District, including any reforestation and removal of invasive species that may be consistent with the management of the area as an environmental conservation area. The area must be free and clear of all utility easements, corridors, statutory rights of way and other encumbrances other than those approved in writing by the District and those in existence on the date of this Agreement. The parties acknowledge that up to 6.5 ha of the area may, concurrently with or prior to the transfer of the area to the District as an environmental conservation area, be transferred to the District in fee simple as a site for a wastewater treatment plant and disposal area.
20. The Owner must provide to the District, concurrently with the transfer or dedication of the environmental conservation area and subject to Section 28, the sum of \$10,000 to be used for elk habitat stewardship programs which may include access control, community education, interpretive signage, and wildlife viewing platforms.

**Cottonwood Creek riparian corridor**

21. Prior to or concurrently with the deposit of a subdivision plan creating Phase 1a, the Owner must transfer to the District in fee simple or otherwise dedicate to the public a riparian corridor comprising an area on each side of Cottonwood Creek at least 30 metres wide measured from top of bank of Cottonwood Creek within the Lands, and comprising at least 34.4 hectares in total area. Prior to dedication of the area the Owner must restore the area to the standard required by the District, including any reforestation that may be consistent with the function of the area as fish habitat and any removal of invasive species and industrial debris required by the District.

**Cowichan Lake environmental protection**

22. The Owner must provide to the District the sum of \$200 per single-family dwelling lot and \$100 per multi-family dwelling unit permitted by the Zoning Amendment Bylaw on a lot, subject to Section 28, for deposit to the reserve fund established by the District's Bylaw No. 2805 for the protection of waters and riparian areas on Cowichan Lake. Prior to or concurrently with the deposit of a subdivision plan creating any lot in Phase 2a, the Owner must provide contributions in respect of Phase 1 development, and prior to or concurrently with the deposit of a subdivision plan creating any lot in Phase 3a, the Owner must provide contributions in respect of all Phase 2 development and Phase 3 development.

**SERVICING AND INFRASTRUCTURE****Sewage treatment for existing development**

23. The Owner must make available to the District, in providing sewage treatment facilities for the Lands to be owned and operated by the District, sufficient sewage disposal capacity (land only) to accommodate up to 300 single-family dwellings not located on the Lands. The determination as to the capacity of the works shall be in the discretion of the District, acting reasonably in accordance with generally accepted civil engineering standards.

**Youbou Road safety improvements**

24. The Owner must carry out the Youbou Road safety improvements that are recommended in the Boulevard Transportation Group's May 25, 2008 Traffic Impact Study and required by the Ministry of Transportation and Infrastructure. Such improvements must be carried out prior to the deposit of a subdivision plan creating Phase 1, except that improvements recommended in the study or required by the Ministry may be deferred to future phases where agreed to in writing by the Ministry.

**EMERGENCY SERVICES****Fire protection review**

25. The Owner must, prior to the deposit of a subdivision plan creating any part of Phase 1, prepare and provide to the District at the Owner's cost a fire protection review of the Land and the Youbou Fire Protection Area, prepared by an accredited professional approved by the District, to identify the level of increased fire protection services and fire protection infrastructure required as a result of the Owner's development of the Land. Before undertaking the review, the Owner must submit proposed terms of reference for the District's approval.
26. The Owner must not subdivide any portion of the Land or construct any building or structure on the Land unless the Owner has provided, at the Owner's cost, all fire protection infrastructure and improvements recommended in the fire protection review and approved by the District's General Manager of Public Safety in respect of the particular phase of development of which that subdivision or portion of the Land forms a part. The Owner acknowledges that required fire protection infrastructure and improvements may include the dedication of land referred to in Section 12 of this Schedule; construction of an addition to the Youbou fire hall to the District's specifications; and the procurement of one or more fire trucks or other fire fighting apparatus and equipment and communications equipment complying with the specifications of the General Manager of Public Safety.

**Secondary access**

27. The Owner must provide, prior to the subdivision of land to the west of Phase 1a, a secondary access to the Land for emergency purposes only, connecting the east-west extension of Youbou Beach Parkway to a publicly accessible forestry road northwest of the westerly boundary of the Land. The secondary access must be constructed to a standard appropriate for the year-round travel of emergency vehicles, as determined by the General Manager of Public Safety of the District.

**GENERAL PROVISIONS**

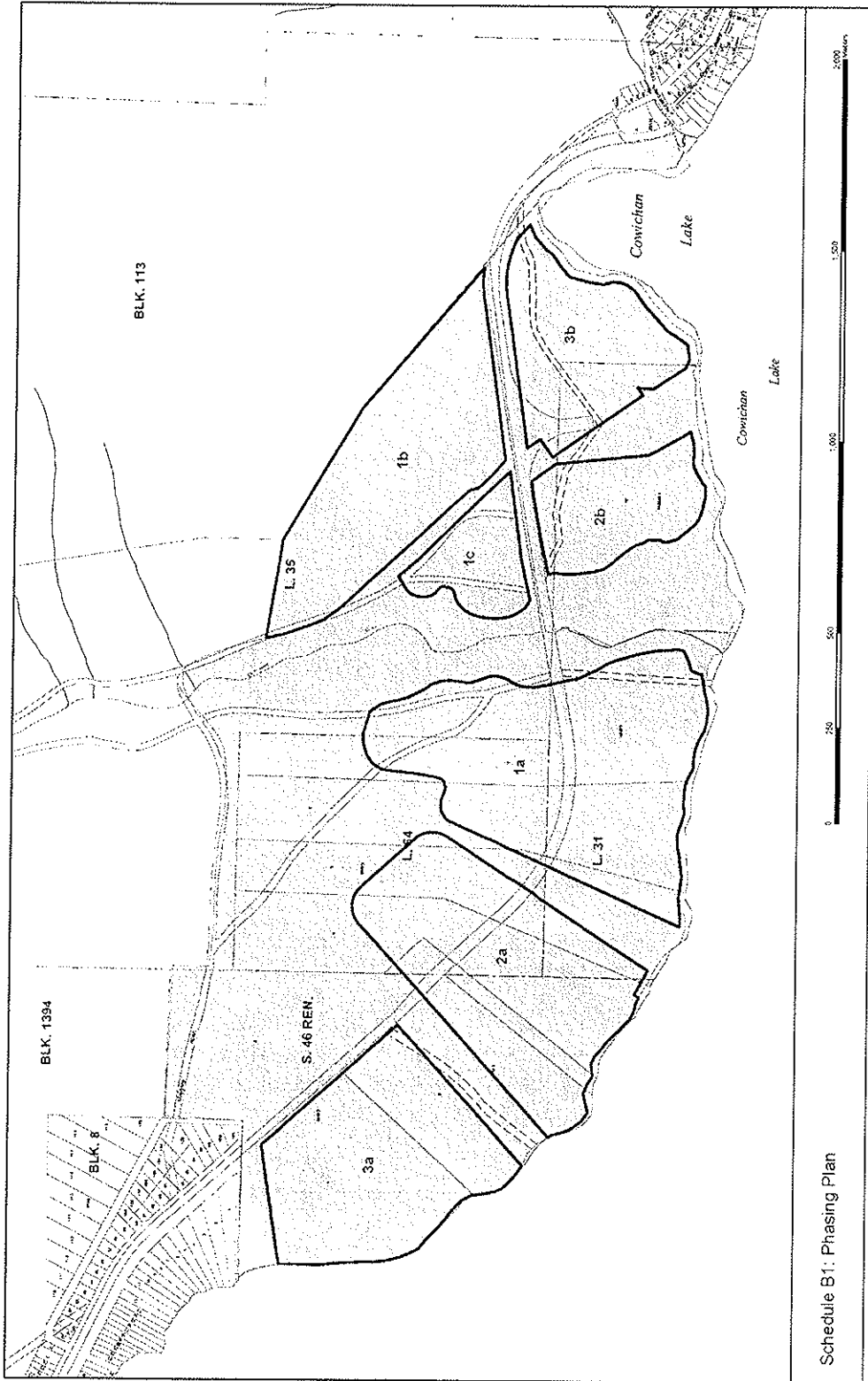
28. Where in this Schedule the Owner is obliged to provide a sum of money to the District, the sum shall be the sum specified plus, commencing in December 2010, an additional amount in respect of construction cost increase calculated on the basis of the Non-Residential Building Construction Price Index compiled by Statistics Canada for Metropolitan Vancouver for the quarter immediately preceding the date on which the sum is to be provided to the District.
29. Where this Agreement provides for the transfer of land to the District for park, environmental conservation, riparian area protection, or trail corridor purposes, the following procedure shall apply:  
.../7

- (a) the Owner must, prior to the transfer and the undertaking of any work required by this Agreement, submit to the District for review and approval plans and drawings of the proposed areas and improvements prepared by a member of the B.C. Society of Landscape Architects;
  - (b) the plans and drawings shall be in sufficient detail to demonstrate compliance of the areas and any proposed alterations and improvements with this Agreement, the standards and guidelines of the BCSLA and the District, and where the planning or design of proposed alterations or improvements require, in the District's opinion, the services of an engineer or other professional, the Owner must engage such person at the Owner's cost to provide such services;
  - (c) all park improvements must be constructed at the Owner's cost in accordance with the approved plans and any alterations that are approved in writing by the District during the construction process, as well as any applicable federal, provincial or local government regulations; and
  - (d) the Owner must notify the District on completion of construction, and must not transfer the land to the District until the District has inspected the works and accepted them in writing.
30. Where this Agreement requires the Owner to undertake works for the benefit of or to be transferred to the District, the parties may enter into further agreements obliging the Owner to provide the works by a specified date, which agreement the District may require to be registered in the form of a covenant under s. 219 of the *Land Title Act*, if the Owner provides security in a form and amount acceptable to the District to secure the Owner's performance of such obligations in accordance with the agreement. Such further agreements must enable the District to draw on the security to undertake the works if the Owner fails to do so by the date specified in the agreement.
31. In lieu of paying to the District the amounts specified in Section 9, the Owner may propose to undertake the works described in that Section by submitting to the District a plan of the works in sufficient detail that the District may have the plan reviewed by a quantity surveyor or similar consultant in order to advise the District on the fair market value of the work. The District may approve the plan if the works are satisfactory to the District and have a fair market value of at least \$1,000,000, and upon such approval being given in writing the Owner shall construct the works to the satisfaction of the District. Any costs incurred by the District in reviewing and approving the Owner's proposal for the works or inspecting the construction of the works shall be paid by the Owner, and may form part of the cost of the works.
32. Prior to the deposit of any subdivision plan of the Lands, the Owner shall prepare and provide for review and approval by the District an overall plan identifying the location and areas of all land to be transferred or dedicated to the District under this Agreement for public use as park, trail or walkway corridors, or conservation or environmental protection purposes, the total area of such areas to be not less than 121.4 hectares (300 acres), and the District shall approve the plan provided that it complies in all respects with this Agreement. Thereafter, upon the deposit in the Land Title Office of any subdivision plan or other instrument transferring or dedicating land to the District under this Agreement, the Owner shall provide a further copy of the approved plan indicating the amount of land that has been, is being, and remains under this Agreement to be, transferred or dedicated to the District.

SCHEDULE B1

To CVRD Bylaw No. 3242

PHASING PLAN



## SCHEDULE C

### To CVRD Bylaw No. 3242

#### DENSITY RESTRICTIONS

(References to zones and sub areas described on Schedule C1)

1. The total number of residential lots that may be created within the LR-3 Zone and LR-3 sub areas are as follows:
  - a. LR-3A: 26 lots
  - b. LR-3B: 16 lots
  - c. LR-3 C: 21 lots

**Total Lots: 63**
  
2. The total number of residential lots that that may be created in the R-8 Zone and R-8 sub areas are as follows:
  - a. R-8 A: 95 lots
  - b. R-8 B: 163 lots
  - c. R-8 C: 158 lots

**Total Lots: 416**
  
3. The total number of residential lots that may be created in the R-9 Zone and R-9 sub areas are as follows:
  - a. R-9 A : 159 lots
  - b. R-9 B: 118 lots
  - c. R-9 C: 50 lots

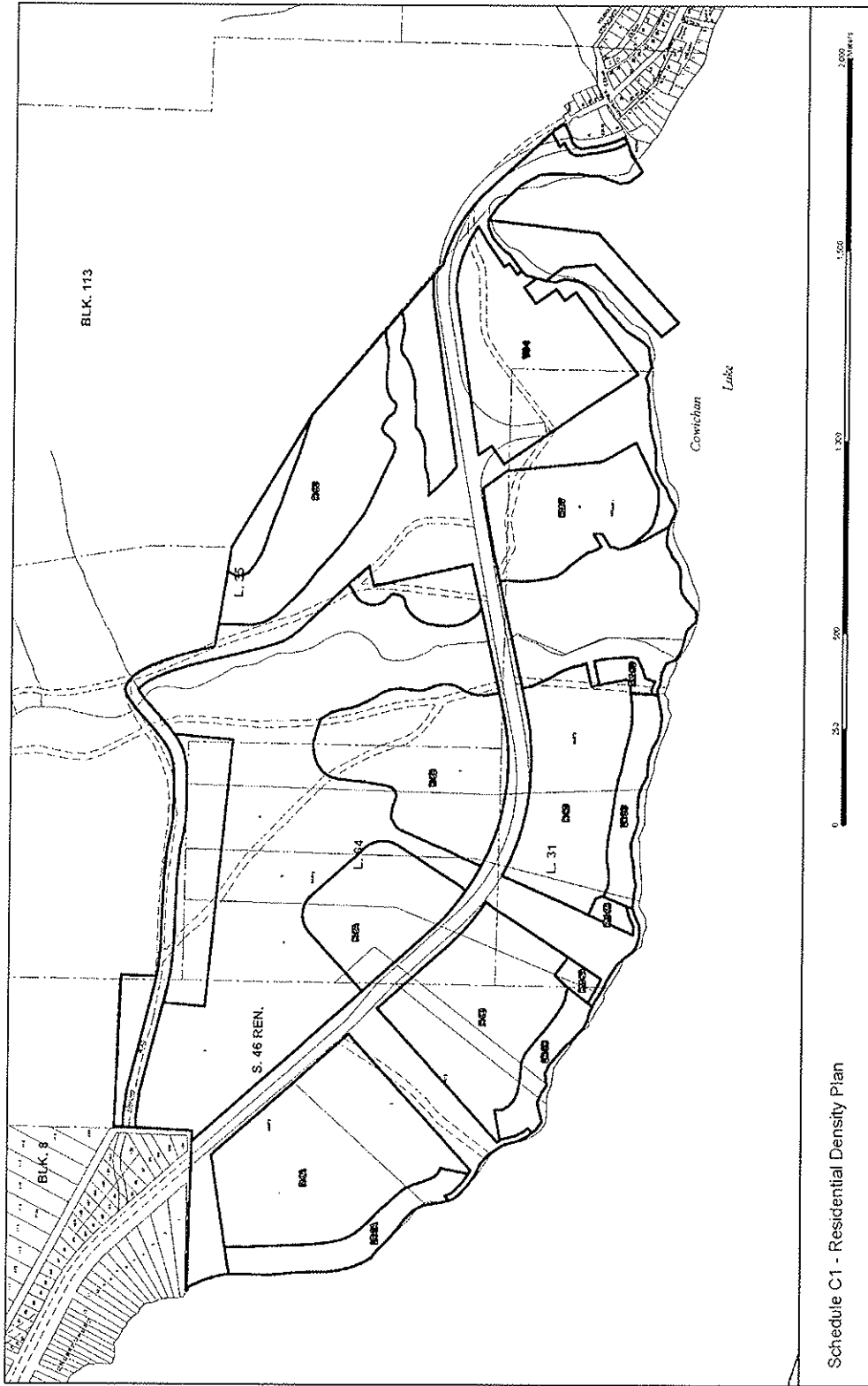
**Total Lots: 327**
  
4. The total number of residential dwelling units that may be created in the RM-6 Zone and sub areas are as follows:
  - a. RM-6 A: 21 units
  - b. RM-6B: 21 units
  - c. RM-6 C: 22 units

**Total Units: 64**
  
5. The total number of residential dwelling units that may be created in the RM-7 Zone is 330.
  
6. The total number of residential dwelling units that may be created in the VC-1 Zone is 750.
  
7. The total number of hotel rooms that may be created in the VC-1 zone is 225.

SCHEDULE C1

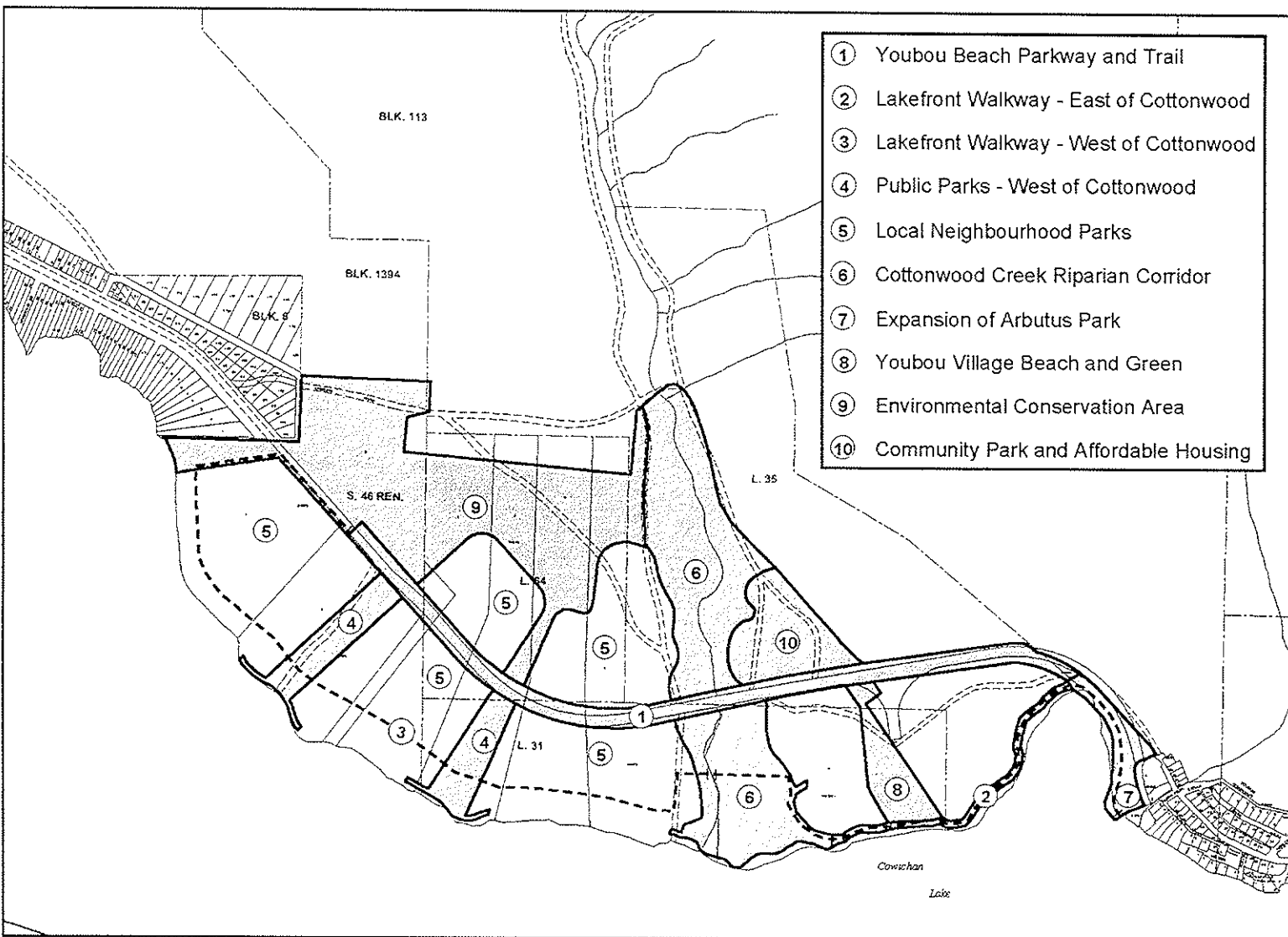
To CVRD Bylaw No. 3242

DENSITY PLAN



**SCHEDULE D**

To CVRD Bylaw No. 3242





**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3324**

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

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**WHEREAS** the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt and amend official settlement 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 Official 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. 3324 - Area D – Cowichan Bay Official Settlement Plan Amendment Bylaw (Parhar), 2010**".

2. **AMENDMENT**

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 10<sup>th</sup> day of February, 2010.

READ A SECOND TIME this 10<sup>th</sup> day of February, 2010.

THIRD READING AS AMENDED this 14<sup>th</sup> day of April, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

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



## C·V·R·D

### SCHEDULE "A"

#### To CVRD Bylaw No 3324

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Schedule A to Official Settlement Plan Bylaw No. 3324, is hereby amended as follows:

1. That Policies 8.12 to 8.14 under the TOURIST-RECREATION COMMERCIAL heading be re-numbered as Policies 8.15 to 8.17.
2. That Policies 8.15 to 8.18 under the NEIGHBOURHOOD PUB COMMERCIAL heading be re-numbered Policies 8.18 to 8.21.
3. That the following be added to Section 8, Commercial – General Policies, after Policy 8.13:

Policy 8.14

The Board may consider rezoning land for “Business Park” development in those areas designated Commercial in this Plan without a Plan Amendment, provided the proposed use is consistent with the Business Park Commercial Policies specified in this Plan.

3. That the following heading be added after Policy 8.21:

c) BUSINESS PARK COMMERCIAL

4. That the following policies be added under the BUSINESS PARK COMMERCIAL heading:

Policy 8.22

The Board may consider designating lands for Business Park Commercial uses subject to appropriate environmental analysis, traffic impact and site servicing requirements. Sites considered suitable for Business Park Commercial use shall comply with the following criteria:

- a) The site must be located between the north end of the Koksilah Frontage Road and the Chaster Road/Trans Canada Highway intersection;
- b) The site must have a minimum area of 2.5 hectares;
- c) The site must be outside of the Agricultural Land Reserve.

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## Policy 8.23

The Business Park Commercial designation is intended to accommodate low intensity light industrial uses and service oriented commercial uses. It is also intended to promote economic development by providing a location for commercial and light industrial businesses. Uses considered suitable for the designation include research and development, business and medical office, personal service establishment, manufacturing contained within a building, food processing, and warehousing.

## Policy 8.24

Business Park Commercial sites shall be designed and developed to comply with the following objectives:

- a) minimize impacts on adjacent residential and agricultural uses;
- b) provide a safe, comfortable and attractive environment for employees, customers and others;
- c) achieve a consistent and unified theme for site, building, landscape and signage design;
- d) Utilize sustainable development practices such as on-site storm water management, energy efficient building design and water consumption reduction measures.

## Policy 8.25

Lands designated Business Park Commercial shall be designed and constructed so as to allow uses and occupants to change over time.

## Policy 8.26

All lands designated Business Park Commercial shall be included within a development permit area.

## Policy 8.27

Accessory residential use may be permitted above a permitted principal use to improve on-site security, promote economic development and to encourage housing affordability. Residential density shall not exceed 5 units per hectare.

## Policy 8.28

Accessory residential dwellings shall not be subdivided as individual strata units, unless attached to a permitted principal use.

5. That the TABLE OF CONTENTS be amended by adding "Business Park Commercial" after Part Four, 8. b).

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6. That the following development permit area be added after Section 13.7.

### **13.8 Business Park Commercial Development Permit Area**

#### 13.8.1 CATEGORY

This development permit area is designated pursuant to Sections 919.1 (a) and (e) of the *Local Government Act* for the protection of the natural environment and establishment of objectives for the form and character of commercial and industrial development.

#### 13.8.2 JUSTIFICATION

Lands within the Business Park Commercial Development Permit Area are within the Cowichan River – Koksilah flood plain. Commercial and industrial activity on the lands could potentially impact ground and surface water quality. The lands are also adjacent to non industrial/commercial uses and are at a prominent location at the south entrance to Duncan. Thoughtful site planning and building and landscape design are necessary reduce potential impacts on the environment, to encourage compatibility between commercial and industrial uses and to achieve a high quality, attractive form of development.

#### 13.8.3 APPLICATION

Lands within the Business Park Commercial Development Permit Area are identified on Figure 7.

#### 13.8.4 EXEMPTIONS

A development permit shall not be required for the following:

- interior renovations;
- repair to an existing structure that was previously authorized by development permit;
- the subdivision of land;
- changes to the text or message of a sign previously authorized by development permit.

#### 13.8.5 GUIDELINES

Unless specifically exempted under Section 13.8.4 of this Bylaw, within the Business Park Commercial Development Permit Area, no person shall:

- alter land, including the removal of trees or vegetation and remove, deposit or excavate soil;
  - utilize the land for a commercial or industrial purpose;
  - construct a building or structure or undertake site works;
- prior to the owner of land obtaining a development permit that is deemed by the Regional District to be in substantial compliance with the following guidelines:.

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*Site Design:*

- 1.1 Exterior storage areas will be contained and screened from public view with a combination of landscaping and fencing;
- 1.2 Internal roadways will be designed to accommodate heavy truck and emergency vehicles.
- 1.3 Parking areas will be designed to encourage safe pedestrian travel between parking lots and building entrances;
- 1.4 Exterior lighting shall be designed with the objective of providing security for persons and property while also minimizing glare and light trespass on adjacent properties;
- 1.5 Refuse and recycling shall be screened and contained within a fenced and gated compound;

*Building Design:*

- 2.1 Where the building promotes public activity adjacent to agriculturally zoned land, buildings shall be setback a minimum of 15 metres from the agricultural boundary;
- 2.2 Buildings facing public roadways will be articulated so as to create visual interest and an attractive building façade facing the street;
- 2.3 Roof lines and exterior walls exceeding 15 metres in length will be articulated with architectural treatment;
- 2.4 Buildings shall be designed with a consistent architectural theme;
- 2.5 Low maintenance, durable finishes such as coloured split-faced concrete block, cement composite siding or metal cladding is encouraged;
- 2.6 Smooth concrete block and vinyl siding will not be permitted as exterior finishes;
- 2.7 Building materials indigenous to the west coast are to be incorporated into the building design;
- 2.8 Roof top equipment shall be screened from public view;
- 2.9 The perceived height and mass of buildings facing residential land should be minimized through the use of setback variations, building orientation, the choice of exterior finishes and landscaping adjacent to exterior walls;

*Landscaping and Buffers:*

- 3.1 A public pathway shall be constructed across the primary public road frontage. Where approved by the Ministry of Transportation and Infrastructure, the pathway may be located within the road allowance. Where the trail is not authorized in the road allowance it shall be provided on the subject property;

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- 3.2 A fenced, landscaped buffer shall be provided along all residential and Agricultural Land Reserve boundaries. The buffer shall be designed and constructed to the “Level 2D” standard specified in the *Guide to Edge Planning*<sup>1</sup>;
- 3.3 No parking, outdoor storage or other intrusion into required landscaped buffers shall be permitted. Required buffers may be protected by covenants, fencing, or a combination thereof;
- 3.3 Street trees shall be provided along public road ways and within parking areas;
- 3.4 Native and drought tolerant plant species shall be utilized;
- 3.5 All landscaped areas shall be serviced with an automatic irrigation system designed to minimize water consumption;
- 3.6 All landscaping shall be designed and supervised by a member of the BC Society of Landscape Architects or BC Nursery Trades Association.

*Environmental Protection:*

- 4.1 A storm water management plan that achieves zero discharge from the subject property will be required, utilizing detention and infiltration methods. Preliminary design for the entire site will be required at the development permit stage, with detailed design required prior to issuance of building permit;
- 4.2 Storm drainage works will be designed to include water quality protection measures such as oil-water separators. Uses that could potentially threaten ground water or surface water will require additional spill containment measures;
- 4.3 Energy efficient building design, including all exterior lighting, shall be designed and constructed to reduce energy consumption;
- 4.4 Low water consumption fixtures and appliances shall be incorporated into the building design;

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<sup>1</sup> Ministry of Environment and Lands, June, 2009.

*Signage:*

- 5.1 Free standing signage shall be consolidated into multi-tenant sign located at main driveway entrances. The sign should be low and not exceed 5 metres in height. No more than two freestanding signs will be permitted.
- 5.2 No signs, other than the multi-tenant signs, may directly face the public road way.
- 5.3 Facia or canopy signs are permitted over the main public entrance to individual businesses, provided they are designed to complement building architecture. Signage attached to the building shall only be placed on locations designated in the approved development permit.
- 5.4 All exterior signage must be consistent throughout the development.

## 13.8.6 VARIANCES

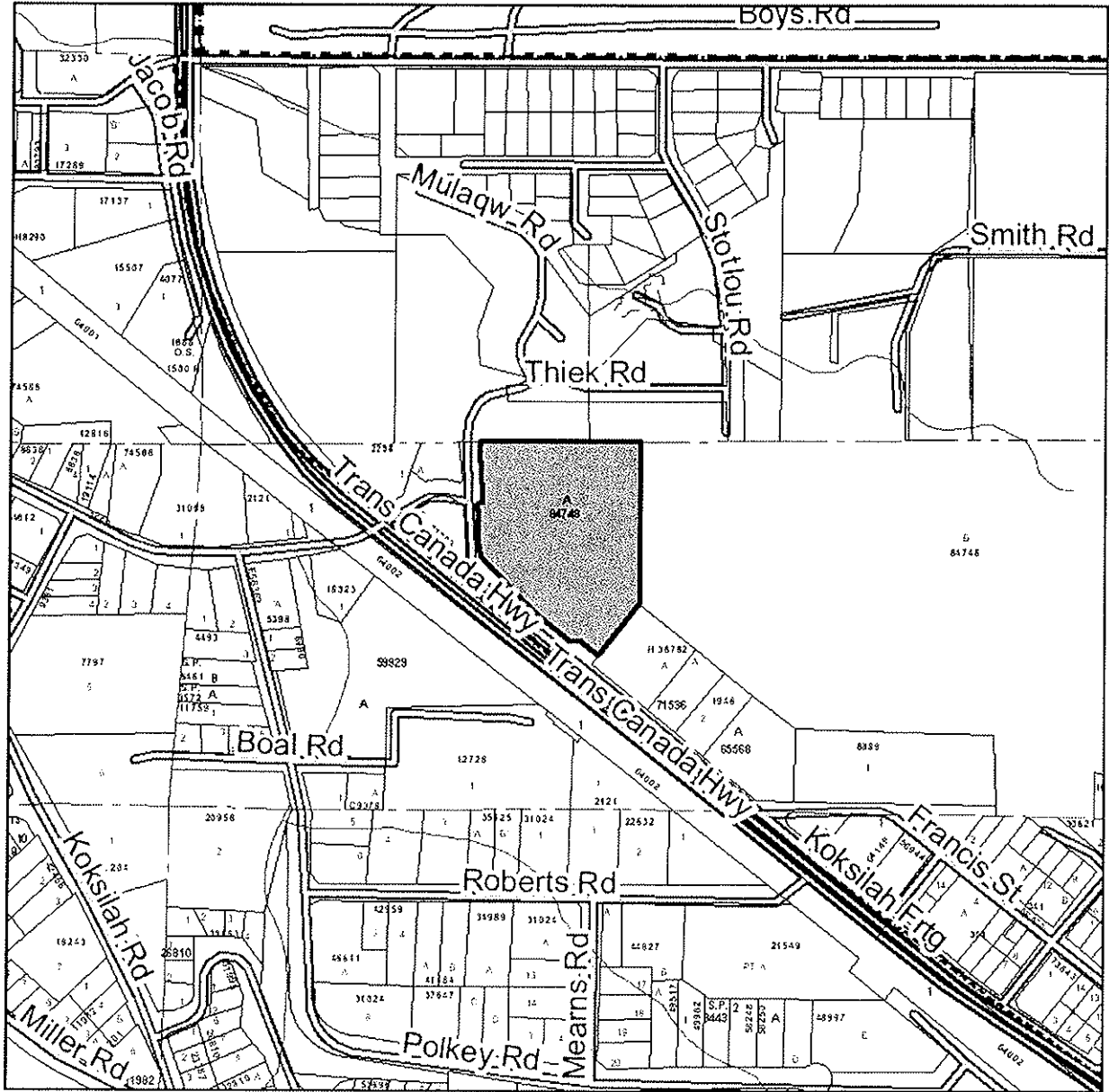
Where a proposed development plan adheres to the guidelines of this Development Permit Area, the Regional Board may give favourable consideration to variances to zoning, sign, and parking bylaws, where such variances are deemed by the Regional Board to enhance the aesthetics of the site or otherwise achieve compliance with the applicable guidelines.

## 13.8.7 APPLICATION REQUIREMENTS

Before the CVRD Board considers authorization of a development permit for land within the Business Park Commercial 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 project, including a design rationale;
  - b) A current certificate of title and copies of all easements, statutory rights of way, covenants and other relevant charges;
  - c) Three sets of conceptual design drawings, including a site plan, floor plans, building elevations prepared by a professional engineer or designer;
  - d) Development data, including site area, site coverage, gross floor area, number of units and parking calculations;
  - e) A conceptual landscape plan showing all proposed hard and soft landscaping, and the locations, quantities, sizes and species of proposed plantings;
  - f) A storm management plan prepared by a professional engineer;
  - g) Conceptual servicing information.
7. That Section 13.1 – Highway Development Permit Area and Section 13.6 - Commercial/Light Industrial Development Permit Area be amended to remove Lot A, Section 13, Range 7, Quamichan District, Plan VIP84748.

# FIGURE 7



**BUSINESS PARK COMMERCIAL  
DEVELOPMENT PERMIT AREA**





**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. 3325**

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

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

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area 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 enacts as follows:

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3325 - Area D – Cowichan Bay Zoning Amendment Bylaw (Parhar), 2010**".

2. **AMENDMENTS**

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

- a) Section 6.1 is amended by deleting "C-2(A) Local Commercial" and by adding "C-7 Business Park Commercial" following "C-6 Country Village Commercial".
- b) Section 9.2.1 C-2A ZONE- LOCAL COMMERCIAL is deleted.

- c) That the following definition be added to Section 3.1 after “secondary suite”:

“service industry” means the processing, manufacturing, testing, assembling, cleaning, distribution, servicing, printing, repair and maintenance of goods and materials;

- d) The following is added after Section 9.6:

#### 9.7 C-7 ZONE - BUSINESS PARK COMMERCIAL

(a) Permitted Uses

The following principal uses and no others are permitted in the C-2A Zone:

- (1) Auction sales, excluding livestock auction;
- (2) Automotive repair and painting;
- (3) Automobile part sales, excluding auto wrecking;
- (4) Boat building and repair;
- (5) Building component manufacturing;
- (6) Building supply sales;
- (7) Convenience store;
- (8) Dry cleaning;
- (9) Eating and drinking establishment, excluding bars, public houses and drive-thru restaurants;
- (10) Equipment repair, sales, storage and rental;
- (11) Financial institution;
- (12) Food processing, storage and packaging, excluding fish processing and slaughterhouse;
- (13) Garden supply sales;
- (14) Laboratory;
- (15) Laundromat;
- (16) Medical and dental clinic;
- (17) Office, including medical office;
- (18) Publishing;
- (19) Personal services establishment;
- (20) Retail store;
- (21) Recreational vehicle repair
- (22) Sale of feed, seed and agricultural supplies;
- (23) Service industry;
- (24) Veterinary clinic;
- (25) Warehousing, mini-warehousing, wholesaling, freight storage and distribution;
- (26) Single family residential dwelling accessory to a principal use permitted use listed in subsections (1) through (25) above.

(b) Conditions of Use

For any parcel in the C-7 Zone:

- (1) the parcel coverage shall not exceed 45% for all buildings and structures
- (2) the height of all buildings and structures shall not exceed 10 metres;
- (3) the minimum setbacks for the type of parcel lines in Column I of this section are specified in Column II:

COLUMN I Type of Parcel Line	COLUMN II Building and Structures
Front	4.0 metres
Side (Interior)	0 metres
Side (Exterior)	7.5 metres
Rear	6.0 metres
Any parcel line adjacent to a Residential or Agricultural Zone	9.0 metres

- 4) Outdoor storage area shall not exceed 10% of the total gross non-residential floor area;
- 5) All permitted uses must take place within a building;
- 6) Accessory residential dwellings shall not exceed a density of 5 units per hectare and shall not have a maximum permitted gross floor area greater than 100 m<sup>2</sup>;
- 7) Notwithstanding CVRD Off-Street Parking Bylaw No. 1001, or other CVRD Bylaws that specifying required parking spaces, the minimum number of off-street parking spaces in the C-7 zone shall be 1 space per 48 m<sup>2</sup> of gross floor area (plus one space per residential dwelling).

d) Section 13.1 is amended by deleting “C-2(A) Local Commercial” and by adding the following after “C-5 Neighbourhood Pub Commercial”:

Zone Classification Under Zoning Bylaw	Parcel Serviced by Community Water and Sewer	Parcel Serviced by Community Water System Only	Parcels Neither Serviced by Community Water or Sewer
C-7 Business Park Commercial	0.2 ha.	0.4 ha.	0.8 ha.

e) Schedule B (Zoning Map) to Electoral Area D – Cowichan Bay Zoning Bylaw No. 1015 is amend by rezoning Lot A, Section 13, Range 7, Quamichan District, Plan VIP84748, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3325, from C-2A (Local Commercial) to C-7 (Business Park Commercial).

- f) Schedule B (Zoning Map) is amended by deleting Local Commercial (C-2(A)) and adding Business Park Commercial (C-7) to the legend.

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this     10<sup>th</sup>     day of     February     , 2010.

READ A SECOND TIME this     10<sup>th</sup>     day of     February     , 2010.

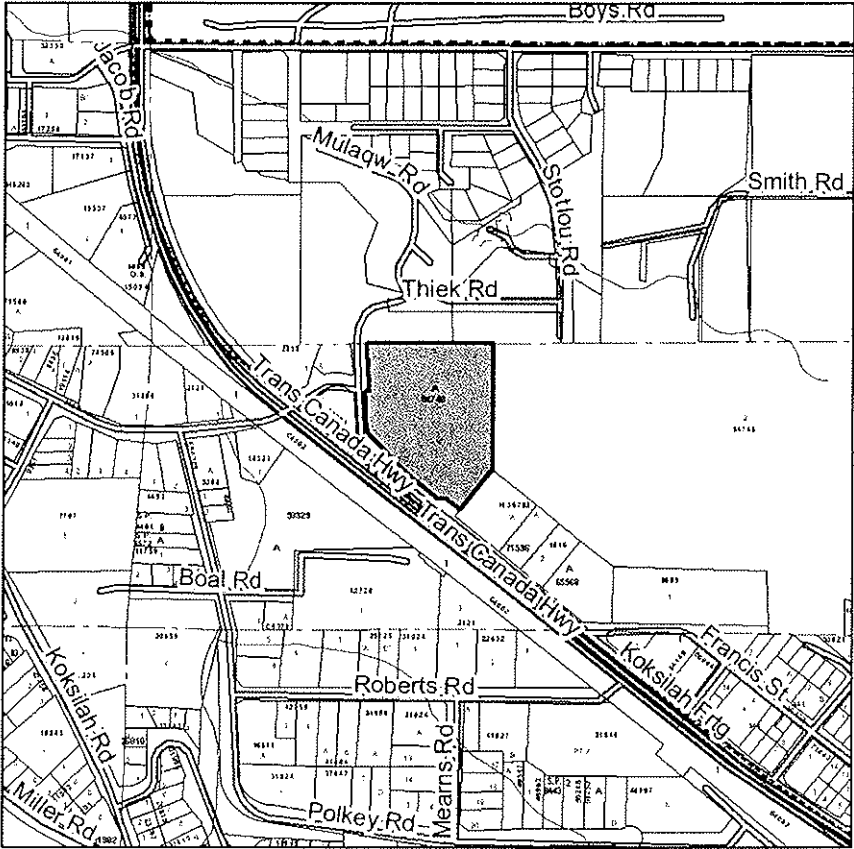
READ A THIRD TIME this     14<sup>th</sup>     day of     April     , 2010.

ADOPTED this                                    day of                    , 2010.

\_\_\_\_\_  
Chairperson

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

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



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

C-2A (Local Commercial) **TO**

C-7 (Business Park Commercial) **APPLICABLE**

**TO ELECTORAL AREA D**



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3362

A Bylaw for the Purpose of Amending Official Community Plan Bylaw No. 2500, Applicable to Electoral Area G – Saltair/Gulf Islands

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 G – Saltair/Gulf Islands, that being Official Community Plan Bylaw No. 2500;

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. 2500;

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. 3362 – Area G – Saltair/Gulf Islands Official Community Plan Amendment Bylaw (Parkinson), 2010".

2. AMENDMENT

Cowichan Valley Regional District Official Community Plan Bylaw No. 2500, 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 10<sup>th</sup> day of March, 2010.

READ A SECOND TIME this 10<sup>th</sup> day of March, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

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



C·V·R·D

**SCHEDULE "A"**

**To CVRD Bylaw No. 3362**

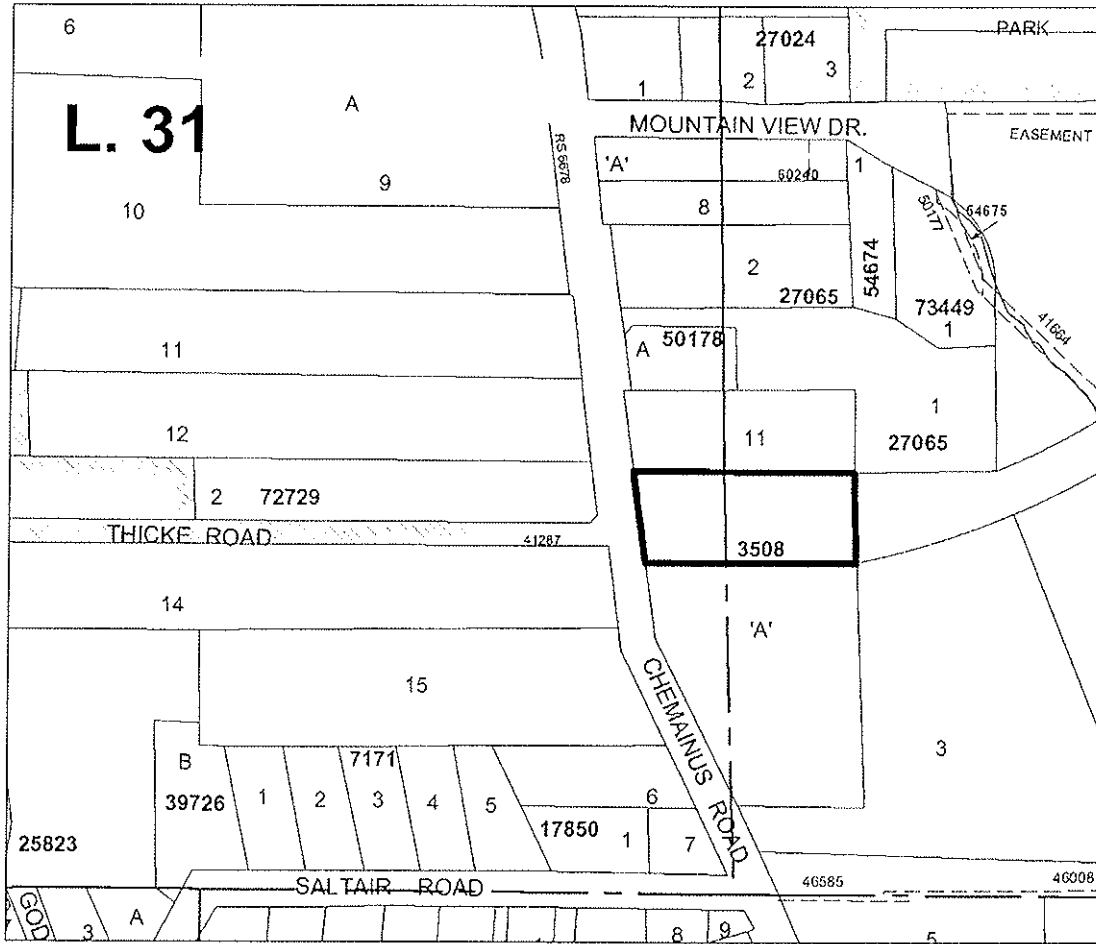
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Schedule A to Official Community Plan Bylaw No. 2500, is hereby amended as follows:

1. That Part of Lot A (DD82676N), DL 12 & 31, Oyster District, Plan 3508, as shown in a solid black line on Plan number Z-3362 attached hereto and forming Schedule A of this bylaw, be re-designated from Suburban Residential to General Residential and that Schedule B to Official Community Plan Bylaw No. 2500 be amended accordingly.



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



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Suburban Residential TO  
General Residential APPLICABLE  
TO ELECTORAL AREA G



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3363**

**A Bylaw for the Purpose of Amending Zoning Bylaw No. 2524  
Applicable to Electoral Area G – Saltair/Gulf Islands**

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

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area G – Saltair/Gulf Islands, that being Zoning Bylaw No. 2524;

**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. 2524;

**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. 3363 – Area G – Saltair/Gulf Islands Zoning Amendment Bylaw (Parkinson), 2010**".

2. **AMENDMENT**

Cowichan Valley Regional District Zoning Bylaw No. 2524, as amended from time to time, is hereby amended in the following manner:

- a) That Schedule B (Zoning Map) to Electoral Area G – Saltair/Gulf Islands Zoning Bylaw No. 2524 is amended by rezoning Part of Lot A (DD82676N), DL 12 & 31, Oyster District, Plan 3508, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3363, from Suburban Residential 2 (R-2) to General Residential 3 (R-3).

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this 10<sup>th</sup> day of March, 2010.

READ A SECOND TIME this 10<sup>th</sup> day of March, 2010.

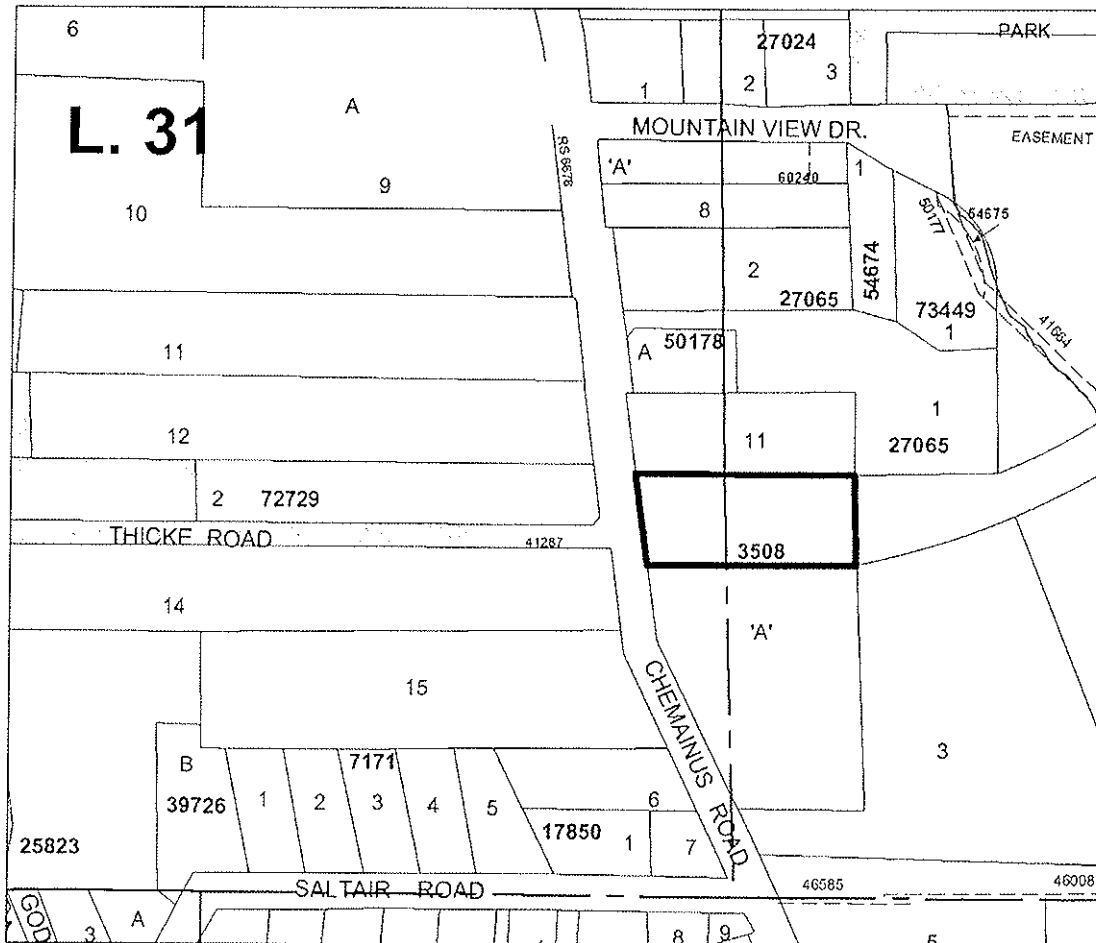
READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

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

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



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

R-2 (Suburban Residential 2) TO

R-3 (General Residential 3) APPLICABLE

TO ELECTORAL AREA G



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3378**

**A Bylaw for the Purpose of Amending Official Community Plan Bylaw  
No. 1890, Applicable to Electoral Area A – Mill Bay/Malahat**

---

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

**AND WHEREAS** the Regional District has adopted an official community plan bylaw for Electoral Area A – Mill Bay/Malahat, that being Official Community Plan Bylaw No. 1890;

**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. 1890;

**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 "**Cowichan Valley Regional District Bylaw No. 3378 - Area A – Mill Bay/Malahat Official Community Plan Amendment Bylaw (Koutougos), 2010**".

2. **AMENDMENT**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1890, 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 \_\_\_\_\_ day of \_\_\_\_\_ , 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_ , 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_ , 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ , 2010.

\_\_\_\_\_  
Chairperson

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



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3378

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Schedule A to Official Community Plan Bylaw No. 1890, is hereby amended as follows:

1. Policy 7.6.9 is added to the Urban Residential Policies:

Policy 7.6.9

Notwithstanding Section 7.6.1, the Regional Board may, through the zoning bylaw, initiate residential duplex zones within the Urban Residential designation to encourage infilling in the Urban Containment Boundary. The following will be considered in evaluating proposals for residential duplex zoning:

- a) The development is located within the Urban Containment Boundary;
- b) Vehicle and pedestrian safety measures are implemented, and vehicle access from Mill Bay Road is strongly discouraged;
- c) The proposed use is compatible with adjacent land uses;
- d) If feasible, the development will connect to community water and sewer systems. If not feasible, onsite sewage disposal shall be in accordance with the Vancouver Island Health Authority regulations;
- e) Residential duplex development will be subject to the Mill Bay Development Permit Area.

2. The following is inserted in to the Mill Bay Development Permit Area Guidelines, Section 14.5.5 as (m), and the subsequent guidelines are reordered as (n) accordingly:

(m) Duplex Development

1. Duplex residences shall be designed to maintain and preserve important view corridors, such as the Saanich Inlet and Mill Bay, from the perspective of roadways, community places and nearby residences.
2. The units shall occupy no more than 60% of the frontage along Mill Bay Road or other major roads.
3. Duplexes that appear as mirror images are prohibited. Variation in building design features such as height, roof lines, building materials and building massing are encouraged.
4. Duplex residences shall be designed to maintain the character of a single family home.
5. The units shall be connected by a common shared wall, and not by a trellis, deck, breezeway or like structure.
6. Vehicle access from Mill Bay Road will be strongly discouraged, and Ministry of Transportation and Infrastructure approval for access will be required.
7. Parking areas shall be discrete, and shall be located in the rear or side yards. Turnaround areas shall be available on site.
8. Any home occupation shall not generate any traffic or require additional parking.



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3379**

**A Bylaw for the Purpose of Amending Zoning Bylaw No. 2000  
Applicable to Electoral Area A – Mill Bay/Malahat**

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3379 - Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Koutougos), 2010**".

2. **AMENDMENTS**

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

- a) That Part 8 be amended by adding the following after Section 8.4A, and that existing Sections 8.5 to 8.9 be renumbered accordingly.

.../2



8.5 R-4 ZONE – URBAN RESIDENTIAL DUPLEX

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

(a) Permitted Uses

The following uses and no others are permitted in an R-4 Zone:

- (1) Single family dwelling;
- (2) Duplex;
- (3) Home occupation;
- (4) Secondary suite accessory to a single family dwelling

(b) Conditions of Use

For any parcel in an R-4 Zone:

- (1) Not more than one duplex or one single family dwelling is permitted on a parcel;
- (2) The parcel coverage shall not exceed 25 percent for all buildings and structures;
- (3) The height of all buildings and structures shall not exceed 7.5 m, except accessory buildings, which shall not exceed a height of 6 m;
- (4) The following minimum setbacks apply:

<i>COLUMN I</i> <i>Type of Parcel Line</i>	<b>COLUMN II</b> <b>Residential Buildings &amp; Structures</b>	<i>COLUMN III</i> <b>Buildings and Structures Accessory to Residential Use</b>
Front	7.5 metres	7.5 metres
Interior Side	3.0 metres	3.0 metres
Exterior Side	4.5 metres	4.5 metres
Rear	4.5 metres	3.0 metres

- (5) Where a parcel adjoins a CVRD trail, the minimum setback of all buildings and structures is 4.5 metres.

(c) Minimum Parcel Size

Subject to Part 13, the minimum parcel size in the R-4 Zone is:

- (1) 0.1675 ha for parcels served by community water and community sewer systems;
- (2) 0.2 ha for parcels served by a community water system only;
- (3) 1.0 ha for parcels served by neither a community water system nor community sewer system.

- b) That Part 6 Creation and Definition of Zones, Section 6.1 be amended by adding the following to the Zones Table:

**“R-4 Urban Residential Duplex”**

- c) That Part 3 Definitions be amended by adding the following:  
**“duplex” means two residential dwellings placed side by side or one above the other in a principal building on a single lot.**
- d) That Schedule B (Zoning Map) to Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 is further amended by rezoning those parts (Lot 1, Section 1 and 2, Range 9, Shawnigan District, Plan 30142), as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3379, from R-3A (Urban Residential Limited Height) to R-4 (Urban Residential Duplex).

**3. FORCE AND EFFECT**

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

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

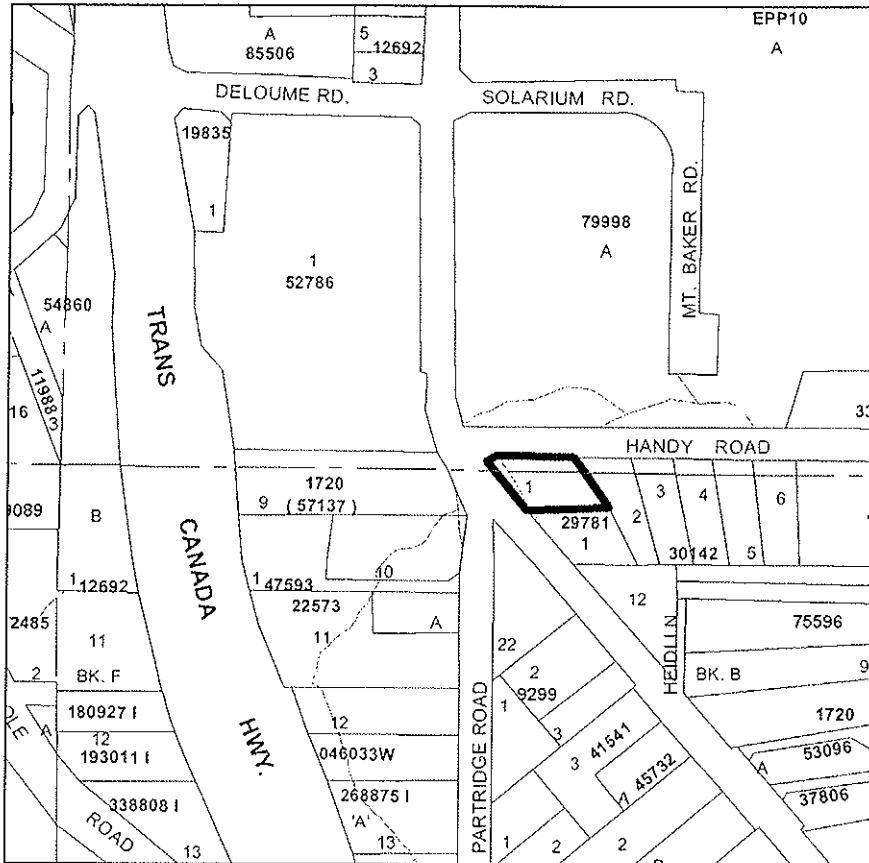
READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

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

SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. 3379  
OF THE COWICHAN VALLEY REGIONAL DISTRICT



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

R-3A (Urban Residential Limited Height) TO

R-4 (Urban Residential Duplex) APPLICABLE

TO ELECTORAL AREA A