



COWICHAN VALLEY REGIONAL DISTRICT

NOTICE OF REGULAR BOARD MEETING

DAY: WEDNESDAY

DATE: JULY 14, 2010

**TIME: → REGULAR SESSION
6:00 P.M.**

PLACE: BOARD ROOM

175 INGRAM STREET



**Joe E. Barry
Corporate Secretary**



REGULAR BOARD MEETING
WEDNESDAY, JULY 14, 2010
6:00 PM - CVRD BOARD ROOM

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18. **ADJOURNMENT:**

The next Regular Board meeting will be held August 11, 2010 at 6:00 p.m., in the Board Room, 175 Ingram Street, Duncan BC.

M1

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, June 9, 2010 at 6:09 pm.

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

ALSO PRESENT: Warren Jones, Administrator
Joe Barry, Corporate Secretary
Rob Conway, Manager, Development Services Division

ABSENT: Director P. Kent

APPROVAL OF AGENDA

10-303

It was moved and seconded that the agenda be amended with the deletion of Agenda Items D2 and SR2, and the addition of New Business items:

- NB1 Island Savings Centre Commission Report and Recommendation of Meeting of May 13, 2010
- NB2 Kinsol Trestle Revitalization Committee Report and Recommendation of Meeting of June 8, 2010
- NB3 "CVRD Bylaw No. 3399 - Kerry Park Recreation Centre Reserve Fund Expenditure Bylaw (Replacement Boiler System), 2010", 1st, 2nd, 3rd reading and adoption.
- CSNB1 Land Acquisition Update {Sub (1) (e)}

and that the agenda, as amended, be approved.

MOTION CARRIED

ADOPTION OF MINUTES

10-304

It was moved and seconded that the minutes of the May 12, 2010 Regular Board meeting be adopted.

MOTION CARRIED

10-305

It was moved and seconded that the minutes of the May 25, 2010 Special Board meeting be adopted.

MOTION CARRIED

**BUSINESS ARISING
FROM MINUTES**

There was no business arising.

DELEGATIONS

D1 LCdr Michael Lawless, Executive Officer, representing the Victoria Naval Reserve Division HMCS MALAHAT recognized the former three vessels named "Cowichan" - HMCS *Cowichan* (1st of the name) (J146), HMCS *Cowichan* (2nd of the name) (147) and HMCS *Cowichan* (3rd of the name) (162); and invited those in attendance to join the HMCS MALAHAT and Canada's Navy in celebrating the Canadian Navy's 100th Anniversary.

CVRD Chair Giles was presented with a framed print depicting the three *Cowichan* vessels with a brief history of each mine sweeper and its service.

D2 Deleted at Adoption of Agenda.

COMMITTEE REPORTS

CR1 The report and recommendations from the Regional Services Committee meeting held May 26, 2010 listing six items, were considered.

10-306 It was moved and seconded:

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.

MOTION CARRIED

CR2 The report and recommendations from the Electoral Area Services Committee meeting held May 18, 2010 listing eight items were considered.

10-307 It was moved and seconded:

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.

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".

MOTION CARRIED

10-308

It was moved and seconded:

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.

MOTION CARRIED

CR2

The report and recommendations from the Electoral Area Services Committee meeting held June 1, 2010 listing eight items were considered.

10-309

It was moved and seconded:

1. That the Cowichan Valley Regional District support the SLAM Street Festival proposed by the Matoto Multicultural Arts Society in Shawnigan Lake Village on September 18, 2010.
2. That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to release Covenant EV117674 in favour of the Cowichan Valley Regional District, concurrent with the registration of the subdivision of District Lot 151, Malahat District (PID 002-019-817).
3. That a grant in aid (Area E) be given to Cowichan Station Area Association in the amount of \$2000 to assist with repair and restoration costs for the Cowichan Station train station.
4. That the application from the MS Society of Canada to hold their 10th annual RONA MS Bike Tour event on August 14th and 15th in the Cowichan Valley, including having a rest stop in West Shawnigan Lake Park and a lunch stop in Hecate Park, be

approved, subject to the following conditions:

1. Proof of a minimum \$2 million liability insurance coverage be provided by the organizers which covers the event and also includes the CVRD as an additional insured;
 2. A Course Marshall Plan is submitted prior to the event for CVRD review and approval;
 3. Confirmation that there will be appropriate flag persons at all road crossings along sections around West Shawnigan Lake Park and Hecate Park in Cowichan Bay.
5. 1. That the request from the Developer of Briarwood Green for installation of a Terasen gas service adjacent to the existing water and sewer utilities previously authorized by the CVRD Board through Hollings Creek Park in Electoral Area A, be approved.
2. That the Board Chair and Corporate Secretary be authorized to execute the necessary legal land registration documents as required in favour of Terasen Gas for a utility gas corridor through Hollings Creek Park for the gas service.

MOTION CARRIED

10-310

It was moved and seconded:

6. That Application No. 1-A-10DVP by David Grisdale and Isabel Grondin for a variance to Section 8.4.A(b)(3) of Zoning Bylaw No. 2000 to decrease the setback to the front parcel line from 7.5 metres to 4.5 metres, and to decrease the setback to the side exterior parcel line from 4.5 metres to 3.18 metres on Lot 1, District Lot 18, Malahat District, Plan 21362 (*PID 002-706-849*), be approved, subject to a legal survey confirming compliance with approved setbacks.
7. 1. That Application No. 5-D-09DP/VAR by Peter Fitzpatrick for a development permit on District Lots 199 and 200, Cowichan District, for the construction of a dwelling be approved, subject to:
 - a) Construction in strict compliance with the attached plans by Pacific West Home Design Ltd., dated May 26, 2010,
 - b) Construction in compliance with the recommendations and mitigation measures specified by the Cowichan Estuary Environmental Management Committee, and the Castor Consultants report, dated October 9, 2009,
 - c) That non-combustible building materials be used for the platform supports, deck and building sides of the proposed structure,
 - d) That the underside of the floor system be constructed at 2.95 metre elevation, and that approval from a geotechnical engineer is required prior to building permit

- to ensure the proposal is safe for the intended use.
2. And that the following variances be granted regarding Application No. 5-D-09DP/VAR:
 - a) Relax Section 12.7 (b)(3) of Zoning Bylaw 1015 to reduce the front parcel line from 7.5 metres to zero, the west and east side parcel lines from 1.5 metres to zero to allow for construction of the deck, and
 - b) Relax Section 4.1 of Off-street Parking Bylaw No. 1001 to reduce the number of required off-street parking spaces for a single family home from two to zero.
 8. 1. That the draft OCP amendment bylaw respecting Application No. 3-A-09RS (Koutougos) be amended by deleting the words "It is recommended that" under #2 of the Duplex Development guidelines; and that the draft amendment bylaws (as amended) be referred to the Regional Board for consideration of 1st and 2nd readings.
 2. That the following be provided prior to a public hearing:
 - Draft Section 219 Covenant which requires the appropriate disposal of invasive plants, roots systems and soil of affected areas, under the direction of a qualified invasive plant species biologist, prior to the development of the land.
 - Draft Section 219 Covenant which requires a 3 metre wide trail dedication along Mill Bay Road.
 3. That a public hearing be scheduled with Directors Harrison, Morrison and Giles appointed as Board delegates.
 4. That application referrals to the Ministry of Transportation and Infrastructure, Malahat First Nation, Mill Bay Waterworks, Mill Bay VFP, School District No. 79, the Vancouver Island Health Authority, the Ministry of Community and Rural Development, the CVRD's Parks, Recreation and Culture Department, and Engineering and Environmental Services Department, be accepted.

MOTION CARRIED

CR3

The report and recommendations from the Engineering & Environmental Services Committee meeting held May 26, 2010 listing seven items, were considered.

10-311

It was moved and seconded:

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 vehicles
- and further that the 2010 Engineering and Environmental Services Control Budget 575 be amended accordingly.

MOTION CARRIED

CR4

The report and recommendations from the Kerry Park Recreation Commission meeting held May 25, 2010 listing two items were considered.

10-312

It was moved and seconded:

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; and
 - 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.

MOTION CARRIED

CR5 The report and recommendation from the Cowichan Lake Recreation Commission meeting held January 28, 2010 listing one item was considered.

10-313 It was moved and seconded 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, 2010 to August 31, 2011, and that the Chair and Corporate Secretary be authorized to execute the contract documents on behalf of the CVRD.

MOTION CARRIED

STAFF REPORTS

6:35 pm Director Iannidinardo declared a conflict of interest as her son is a Manager at TimberWest and left the meeting at 6:35 pm.

SR1 The Staff Report from the Manager, Development Services Division dated June 2, 2010 re: Youbou Lands was considered for information.

6:38 pm Director Iannidinardo returned to the meeting at 6:38 pm.

SR2 Deleted upon Adoption of the Agenda.

PUBLIC HEARINGS

PH1 The 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 were considered.

10-314 It was moved and seconded that the 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 be received.

MOTION CARRIED

BYLAWS

**B1
10-315** It was moved and seconded that "CVRD Bylaw No. 3348 - Brulette Place Sewer System Service Area Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

**B2
10-316** It was moved and seconded that "CVRD Bylaw No. 3381 - Shawnigan Lake North Water System Service Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

**B3
10-317** It was moved and seconded that "CVRD Bylaw No. 3382 - Douglas Hill Water System Service Establishment Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B4
10-318** It was moved and seconded that "CVRD Bylaw No. 3383 - Douglas Hill Water System Service Loan Authorization Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B5
10-319** It was moved and seconded that "CVRD Bylaw No. 3389 - Cowichan Station Area Association Annual Financial Contribution Service Establishment Bylaw, 2010" be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B6
10-320** It was moved and seconded that "CVRD Bylaw No. 3390 - Honeymoon Bay Water System Management Amendment Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B6
10-321** It was moved and seconded that "CVRD Bylaw No. 3390 - Honeymoon Bay Water System Management Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

**B7
10-322** It was moved and seconded that "CVRD Bylaw No. 3391 - CVRD Economic Development Commission Amendment Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B7
10-323** It was moved and seconded that "CVRD Bylaw No. 3391 - CVRD Economic Development Commission Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

B8
10-324 It was moved and seconded that "CVRD Bylaw No. 3394 - Electoral Area F Community Parks Capital Reserve Fund Expenditure (Mesachie Lake Park Ball Field Expansion Upgrade) Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B8
10-325 It was moved and seconded that "CVRD Bylaw No. 3394 - Electoral Area F Community Parks Capital Reserve Fund Expenditure (Mesachie Lake Park Ball Field Expansion Upgrade) Bylaw, 2010", be adopted.

MOTION CARRIED

B9
10-326 It was moved and seconded that "CVRD Bylaw No. 3395 - Bings Creek Solid Waste Management Complex Reserve Fund Expenditure Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B9
10-327 It was moved and seconded that "CVRD Bylaw No. 3395 - Bings Creek Solid Waste Management Complex Reserve Fund Expenditure Bylaw, 2010", be adopted.

MOTION CARRIED

6:42 pm Director Iannidinardo declared a conflict of interest as her son is a Manager at TimberWest and left the meeting at 6:42 pm.

B10
10-328 It was moved and seconded that "CVRD Bylaw No. 3213 - Area I - Youbou/Meade Creek Official Community Plan Amendment Bylaw (Youbou Lands), 2008", be adopted.

MOTION CARRIED

B11
10-329 It was moved and seconded that "CVRD Bylaw No. 3214 - Area I - Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009", be adopted.

MOTION CARRIED

B12
10-330 It was moved and seconded that "CVRD Bylaw No. 3242 Phased Development Agreement Authorization Bylaw (Youbou Lands), 2008", be adopted.

MOTION CARRIED

6:44 pm Director Iannidinardo returned to the meeting at 6:44 pm.

B13
10-331 It was moved and seconded that "CVRD Bylaw No. 3324 - Area D - Cowichan Bay Official Settlement Plan Amendment Bylaw (Parhar), 2010", be adopted.

MOTION CARRIED

**B14
10-332** It was moved and seconded that "CVRD Bylaw No. 3325 - Area D - Cowichan Bay Zoning Amendment Bylaw (Parhar), 2010", be adopted.

MOTION CARRIED

**B15
10-333** It was moved and seconded that "CVRD Bylaw No. 3362 - Area G - Saltair/Gulf Islands Official Community Plan Amendment Bylaw (Parkinson), 2010", be granted 3rd reading.

MOTION CARRIED

**B16
10-334** It was moved and seconded that "CVRD Bylaw No. 3363 - Area G - Saltair/Gulf Islands Zoning Amendment Bylaw (Parkinson), 2010", be granted 3rd reading.

MOTION CARRIED

**B17
10-335** It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3378 - Area A - Mill Bay/Malahat Official Community Plan Amendment Bylaw (Koutougos), 2010", be granted 1st and 2nd reading.

MOTION CARRIED

**B18
10-336** It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3379 - Area A - Mill Bay/Malahat Zoning Amendment Bylaw (Koutougos), 2010", be granted 1st and 2nd reading.

MOTION CARRIED

**UNFINISHED
BUSINESS** No unfinished business

**NOTICES OF
MOTION** No notices of motion

NEW BUSINESS

NB1 The report and recommendation from the Island Savings Centre Commission meeting held May 13, 2010 listing one item was considered.

10-337 It was moved and seconded that a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of a maximum of \$61,600 from Reserve Fund Bylaw No. 755 (Cowichan Community Centre Capital Project Reserve Fund, 1983) for the purpose of funding the purchase of a new Cowichan Theatre sound board and that the bylaw be forwarded to the Board for consideration of three readings and adoption; and further that the Reserve Fund be replenished in 2011.

MOTION CARRIED

NB2 The report and recommendation from the Kinsol Trestle Revitalization Committee meeting held June 8, 2010 listing one item was considered.

10-338 It was moved and seconded that a maximum \$100,000 contract be issued to MacDonal and Lawrence Timber Framing for the advance purchasing of materials and supplies required for the historic Kinsol Trestle timber rehabilitation work, on the condition this contract be included as part of the Guaranteed Maximum Price (GMP) for the Phase II timber rehabilitation work on the project.

MOTION CARRIED

NB3 It was moved and seconded that "CVRD Bylaw No. 3399 - Kerry Park Recreation Centre Reserve Fund Expenditure Bylaw (Replacement Boiler System), 2010, be granted 1st, 2nd and 3rd reading.

10-339

MOTION CARRIED

NB3 It was moved and seconded that "CVRD Bylaw No. 3399 - Kerry Park Recreation Centre Reserve Fund Expenditure Bylaw (Replacement Boiler System), 2010, be adopted.

10-340

MOTION CARRIED

**RESOLVING INTO
CLOSED SESSION**

10-341 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, Subsections (1) (e) Land Acquisition, (c) Employee Relations, and (a) Personal Information.

6:58 pm

MOTION CARRIED

6:58 pm Director Duncan left the Board Room at 6:58 pm.

**RISE FROM
CLOSED SESSION**

10-347 It was moved and seconded that the Board rise without report and return to the Regular portion of the meeting.

8:05 pm

MOTION CARRIED

ADJOURNMENT

**10-348
8:05pm**

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

MOTION CARRIED

The meeting adjourned at 8:05 pm

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____

Minutes of the Special meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, June 23, 2010 at 5:36 pm.

PRESENT: Chair G. Giles,
Directors K. Cossey <5:47 pm>, M. Dorey,
L. Duncan <5:42 pm>, D. Haywood,
R. Hutchins, L. Iannidinardo, K. Kuhn,
M. Marcotte, T. McGonigle, I. Morrison,
G. Seymour, T. Walker,
and Alternate Director R. Burgess

ALSO PRESENT: Warren Jones, Administrator
Joe Barry, Corporate Secretary
Brian Dennison, General Manager
Engineering & Environmental Services

ABSENT: Director B. Harrison

APPROVAL OF AGENDA

10-349

It was moved and seconded that the agenda be amended with the addition of a Chair's Report, a New Business item: UBCM Resolution and shifting Item D1 to later on the agenda, and that the agenda, as amended, be approved.

MOTION CARRIED

DELEGATION D1 Dealt with later in the meeting.

REPORT OF CHAIRPERSON

Chair Giles reported that she had the honour of attending the 35th Anniversary of the Kaatza Historical Society and received, on behalf of the CVRD, a Certificate of Special Merit.

5:42 pm Director Duncan joined the meeting at 5:42 pm.

COMMITTEE REPORTS

C1 The report and recommendations of the Electoral Area Services Committee meeting held June 15, 2010, listing 14 items, were considered:

10-350

It was moved and seconded:

1. That the Community Parks and Trails Master Plan for Electoral Area B – Shawnigan Lake be received for adoption by Bylaw as the basis to define the future direction, policies, priorities, and actions of the Community parks and trails program in Electoral Area B over the next fifteen to twenty years (2010 – 2025).
2. 1. That the Board approve the subdivision and sale, at fair market value through the retention of a realtor working on behalf of the Regional District, of an approximately 0.8 hectare portion of Lot 2, Section 7, Range 9, Plan VIP83485 of that portion of the Sahtlam Land District, as such lands are considered surplus to the needs of the Regional District.
2. That the Board Chair and Corporate Secretary be authorized to execute all necessary documents for the subdivision and sale of the surplus lands, with the proceeds of sale to be used for paying down the debt against the purchase of the subject property and all costs associated with the subdivision and sale of the surplus land portion, with the remaining proceeds of sale, if any, to be applied to the Community Parkland Reserve Fund for Electoral Area E.
3. That the CVRD and Islands Trust forward the newly created “Local Government on Valdes Island” brochure to all registered owners of Valdes Island.
4. 1. That “CVRD Bylaw No. 3392 – Shawnigan Lake Historical Society Annual Contribution Services Amendment Bylaw, 2010” be forwarded to the Board for consideration of three readings and following provincial and voter approval, be considered for adoption.
2. That voter approval for adoption of CVRD Bylaw No. 3392 be obtained through an Alternative Approval Process.
5. That up to six (6) Directors be authorized to attend the Building Sustainable Communities Conference in Kelowna from November 16-18, 2010.
7. That a grant-in-aid (Area D) be given to the Cowichan Valley Seniors Dragon Boat Society in the amount of \$500 to support the new “Huff and Puffs” Dragon Boat group.
8. That a grant-in-aid (Area F) be given to the Honeymoon Bay Volunteer Firefighters Association in the amount of \$2,500 to support the “Bay Days” fireworks display in August.

9. That a grant-in-aid (Area F) be given to the Cowichan Lake District Chamber of Commerce in the amount of \$5000 to support 2010 Info centre initiatives in the Lake Cowichan region.

MOTION CARRIED

5:47 pm

Director Cossey joined the meeting at 5:47 pm.

It was moved and seconded:

6. That an Agreement be prepared for the transfer of up to 90 sewer units from the Eagle Heights Specified Service Area and up to 36 sewer units from the North Cowichan Sewer System to the Cowichan Bay Specified Service Area and assignment of the units to Parcel B (DD 47244I) of Range 6 and Lot 1, Section 5, both of Range 4, Cowichan District (Cowichan Bay Estates).

10-351

It was moved and seconded to refer this matter to the July 14, 2010 Board meeting with a staff report.

Opposed: Directors Duncan and Iannidinardo

MOTION CARRIED

(Amended from original Committee recommendation):

10-352

It was moved and seconded:

10. That the Board Chair send a letter to the Inspector of Municipalities outlining the rationale behind the creation of CVRD Bylaw No. 3384, (Nature and Habitat Fund Establishment, Area I) which is presently before the Ministry for approval, and that a copy of the letter be forwarded to the Town of Lake Cowichan.

Opposed: Directors McGonigle, Morrison, Marcotte and Kent

MOTION CARRIED

10-353

It was moved and seconded:

11. That Application No. 2-G-10DVP by Kevin Lamont for a variance to Section 5.3(4) of Zoning Bylaw No. 2524, decreasing the setback of the rear parcel line from 7.5 metres to 1.5 metres, be approved subject to the applicant providing a survey confirming compliance with approved setbacks.
12. That Application No. 1-E-10DVP by Reinhold Gerz to relax the setback of an accessory building on Lot 1, Section 9, Range 9, Sahtlam District, Plan 19055 except parts in Plan 23851, 24796, 26014 and VIP 54052, from 7.5 metres to 3.7 metres, be approved subject to:

- a survey confirming compliance with the approved setback prior to issuance of building permit,
 - the applicant obtaining a permit from the Ministry of Transportation and Infrastructure for construction within a road setback.
13. That Application No. 5-A-09DP be approved and that the Planning and Development Department be authorized to issue a Development Permit to Brentwood College Association with respect to Lot A, Section 2 and 3, Range 9, Shawnigan District and District Lots 2067 and 2068 Cowichan District Plan EPP10, provided that there is no additional geo-thermal unit encroachment into the Bay and that existing units stay within designated boundaries.

(Amended from original Committee recommendation 14.1 only)

- 14.1. That a zoning amendment bylaw be prepared to amend the Area C – Cobble Hill Zoning Bylaw No. 1405 by rezoning Lot A, Section 13, Range 6, Shawnigan District, Plan VIP51903 and Lot 1, Section 13, Range 6, Shawnigan District, Plan 29581, from Light Industrial I-1 to Light Industrial – Limited I-1C, and that the amendment bylaw be forwarded to the Board for consideration of 1st and 2nd readings; and that staff refer the amendment bylaw to the appropriate agencies.
2. That property owners and owners of lands adjacent to the subject lands be notified of the amendment in accordance with the *Local Government Act*; and that a public hearing be held with Directors Giles, Harrison and Morrison named as delegates of the Board.

MOTION CARRIED

CR2

The report and recommendations from the Kinsol Trestle Revitalization Committee meeting held June 23, 2010, listing three items, were considered:

10-354

It was moved and seconded:

1. That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to renew, for a 5-year period, a non-exclusive trail license agreement with Island Timberlands across Part of Block 439, Helmcken District for a one kilometre section of the Kinsol Trestle Bypass Trail (Jack Fleetwood Trail).
2. That a "Limited Notice to Proceed" for Phase 2 work of the Timber Conservation Specialist Contract be awarded to Macdonald and Lawrence Timber Framing Ltd. in the amount of \$1,106,795.

3. That the Board Chair and Corporate Secretary be authorized to execute the necessary documents for a 1 year non-exclusive trail license agreement with Terasen Gas (Vancouver Island) across Part of Block 439, Helmcken District for a 50 metre section of the Kinsol Trestle Construction Site Bypass Trail that crosses the Terasen Gas statutory right-of-way to address issues pertaining to liability and indemnification, insurance coverage provision and use of the lands for a temporary bypass trail.

MOTION CARRIED

BYLAWS

**B1
10-355**

It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3404 - Electoral Area C - Cobble Hill Zoning Amendment Bylaw (Fisher Road I-1C Industrial Area), 2010" be granted 1st and 2nd reading.

MOTION CARRIED

NEW BUSINESS

NB1

Director Morrison introduced a resolution for submission of consideration at the UBCM Conference regarding additional policing resources in rural recreation areas due to peak seasonal periods.

10-356

It was moved and seconded that the following resolution be forwarded to the UBCM Conference for consideration:

WHEREAS Royal Canadian Mounted Police detachments serving rural communities in British Columbia have limited resources due to small population densities in their service area;

AND WHEREAS many small rural recreational areas experience huge increases in population densities during peak seasonal periods;

THEREFORE BE IT RESOLVED that the Province of British Columbia provide greater financial, equipment and personnel resources to the Royal Canadian Mounted Police to assist with increased seasonal demands in rural recreational areas.

MOTION CARRIED

**ADJOURN AND
RECONVENE
10-357
6:17 pm**

It was moved and seconded that the Special Board meeting be adjourned and reconvene following the Regional Services Committee meeting.

MOTION CARRIED

RECONVENE The Special Board meeting reconvened at 8:55 pm.
7:33 pm

DELEGATIONS **Cowichan Communities Health Network.**
D1

Director Hutchins provided an overview of the Cowichan Communities Health Network

10-358 **It was moved and seconded that the CVRD support the recommendations of the Cowichan Communities Health Network regarding the redevelopment of Cowichan Lodge.**

MOTION CARRIED

10-359 **It was moved and seconded that the Chair, on behalf of the CVRD Board, write to the President of the Cowichan Hospital Foundation welcoming the Foundation's contribution of \$1 Million toward the construction of a new community hospital in the Cowichan Valley and expressing that the CVRD is looking forward to working together in partnership, as early as possible, with the Foundation in support of this critically important goal.**

MOTION CARRIED

ADJOURNMENT

10-360 **It was moved and seconded that the Special Board meeting be adjourned.**
9:37 pm

MOTION CARRIED

The meeting adjourned at 9:37 pm.

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____

C1

Constituency

101-126 Ingram Street
Duncan, B.C.
V9L 1P1
Tel: (250) 746-4896
Fax: (250) 746-2354
Tollfree: 1-866-609-9998



HOUSE OF COMMONS
CHAMBRE DES COMMUNES

RECEIVED
C.V.R.D.

JUN 30 2010

Ottawa

West Block, Room 405
Ottawa, Ontario
K1A 0A6
Tel: (613) 943-2180
Fax: (613) 993-5577
Email: jean@jeancrowder.ca

Jean Crowder

Member of Parliament for Nanaimo – Cowichan
www.jeancrowder.ca

June 22, 2010

Director Gerry Giles, Chair
Cowichan Valley Regional District
175 Ingram St.
Duncan, BC V9L 1N8

Dear Director Giles and Members of the Board,

Re: Federal legislation for transit and other green commuter choices

Declining air quality and the threat of climate change demand creative ideas that encourage alternative commuting choices to the single-occupancy car.

I am writing to ask for your support for Bill C-466, which would facilitate green commuter choices for Canadians by making employer-provided benefits for transit, carpooling and bicycle commuting tax-free at the federal level.

Across Canada, regional and municipal governments like yours are challenged to provide high-quality, accessible and affordable transit service to their residents within ever-tightening budgets. The annual choice between fare hikes, tax increases or operational deficits is not sustainable for the fiscal or social health of our communities.

Bill C-466 is a good first step toward alleviating this dilemma. In addition to increasing transit demand on individual and company-wide levels, it would assist long-term institutional planning for transit authorities by facilitating cost-effective bulk transit purchases by employers. The bill is supported by the Canadian Urban Transit Association, which has advocated for this measure for over two decades.

Further, Bill C-466 incorporates other green commuter choices for the first time in Canadian history, in recognition of the exceptional efforts of Canadian cities to make sustainable transportation a priority in their municipal planning. Traffic congestion is increasingly recognized as a critical urban planning issue in need of cost-effective solutions, and the creation of viable, safe, user-friendly bicycle infrastructure requires increased demand and resources. Bill C-466 rewards green commuters and brings carpooling and bicycle commuting onto the radar of the federal government.

BOARD JULY 14
CORRESPONDENCE

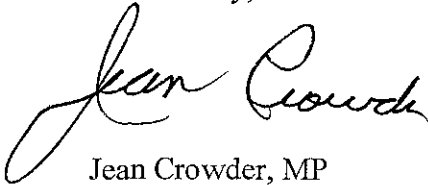
Original: JB	Copies to: Chair
Board:	JW
Committee(s):	
Directed: STZ	Date: July 21/10
File #:	

I recognize the gross fiscal imbalance between the federal government and Canadian cities that dates back to the downloading of social program costs during the 1990s. It is evidenced by today's cumulative \$238-billion municipal infrastructure deficit, and is exacerbated by the continued requirement of cities to pay one third of shared project costs with only eight percent of national tax revenues. For that reason, the federal NDP remains committed to a national transit strategy and an increase in the municipal share of the gas tax.

In the meantime, I respectfully ask for your written support of Bill C-466, addressed to the prime minister and copied to the bill's sponsor, Denise Savoie, MP (Victoria). Any additional advocacy – in the media, to your residents, or in representations to your fellow municipal leaders and other levels of government – would be greatly appreciated.

Thank you for your attention.

In solidarity,

A handwritten signature in cursive script that reads "Jean Crowder". The signature is written in black ink and is positioned to the left of the printed name.

Jean Crowder, MP
Nanaimo-Cowichan



CR1

REGIONAL SERVICES COMMITTEE REPORT
OF MEETING HELD JUNE 23, 2010

DATE: June 30, 2010

To: Chairperson and Directors of the Board

Your Regional Services Committee reports and recommends as follows:

1. That the following seven actions be initiated as the first phase of the establishment of the CVRD's Environmental Lens process:
 1. Implement a sustainability checklist review system for new development applications;
 2. Implement the Cowichan Regional Area Agricultural Plan;
 3. Develop a plan to ensure that the CVRD complies with the BC Climate Action Charter by the year 2012;
 4. Develop and implement a green subdivision servicing bylaw;
 5. Develop a green team corporate employee engagement plan; and
 6. Establish an eco depot in south Cowichan to promote recycling and responsible waste management.
2. That a regional sustainability planning process be initiated as the first phase of the establishment of the CVRD's Environmental Lens process.
3. That four (4) workshops, to be hosted by the CVRD, at a total cost of \$20,000 (Gas Tax funds previously allocated) in support of Cowichan Watershed Board initiatives be approved.
4. That "Cowichan Valley Regional District Bylaw No. 3400 – Security Issuing (Loan Authorization Bylaw No. 2902, Loan Authorization Bylaw No. 2973, Loan Authorization Bylaw No. 3062, Loan Authorization Bylaw No. 3062, and Loan Authorization Bylaw No. 3277) Bylaw, 2010" be considered for first three readings and adoption.

ELECTORAL AREA SERVICES COMMITTEE REPORT

OF MEETING HELD JULY 6, 2010

DATE: July 13, 2010

To: Chairperson and Directors of the Board

Your Electoral Area Services Committee reports and recommends as follows:

1. That a \$100 per diem for CVRD Fire Department volunteers for training/conference purposes be implemented, and that the Vadim payroll system be used for payment of all per diems and stipends.
2. That the Ministry of Transportation and Infrastructure be requested to place the upgrading and paving of Barnjum Road, Electoral Area E, West of Duncan, on their priority list.
3. That the proposal for habitat restoration work in Sh-hwuykweslu (Busy Place Creek) within Polkey Road Park in Electoral Area E be approved, with funding for the works to be provided by the Ministry of Transportation and Infrastructure, Living Rivers, the Pacific Salmon Foundation and in-kind contributions.
4. That a grant in aid (Area F) be given to Cowichan Lake and River Stewardship Committee in the amount of \$250 to assist with start up costs with forming a Society.
5. That a grant in aid (Area I) be given to Cowichan Lake and River Stewardship Committee in the amount of \$250 to assist with start up costs with forming a Society.
6. That the Board Chair write a letter to the Chairperson of other BC Regional Districts expressing interest in a Regional District coordinated approach regarding boat safety, enforcement, and regulations on BC lakes; and further, that submission of a resolution to UBCM be supported.
7. That the Mesachie Lake Tourism Pullout be constructed within Mesachie Lake Park between Bear Lake Road and the Mesachie Lake Skydome ballfield outfield fence, inclusive of flyball warning signage and additional net fencing to address the risk of potential errant flyballs landing within the information pullout area.

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-G-10DP be approved, and that a development permit be issued to Edward and Patricia Hart for Lot 12, District Lot 34, Oyster District, Plan 13071, subject to the following:
 - Compliance with the recommendations for eagle nest noted in the May 4, 2010 report by Sally Leigh-Spencer of Ecologic Consulting;
 - Maintain the existing forested buffer around the nest tree in its natural condition.

9. That Application No. 5-G-10DP be approved, and that a development permit be issued to Saltair Properties for Lot A, District Lot 31, Oyster District, Plan VIP 54245 and Lot 9, District Lot 31, Oyster District, Plan 4039 except part in plan 41287, to permit a boundary adjustment subdivision, subject to the following:
 - development substantially complies with the plan of proposed subdivision;
 - receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 125% of the landscape costs, to be refunded after two years only if the plantings identified on the Landscape Plan are successful and to the satisfaction of the CVRD.

10. That Development Permit Application No. 8-E-09DP be approved and that the Planning and Development Department be authorized to issue a Development Permit to Buckerfield's Ltd. with respect to Lot 3, Section 14, Range 6, Quamichan District, Plan 15507 to allow for an addition to the existing building, subject to;
 - a) The proposed "Buckerfield's" signage on the pergola being replaced with a "B" only;
 - b) The proposed signage on the gable of the new addition being consistent with proposed warehouse signage and installation of a half-moon vent above the sign;
 - c) The LED sign is static and follows design specifications as per attachment A10a;
 - d) Provision of landscape security in the form of an irrevocable letter of credit, equal to 125% of the value of the landscaping;
 - e) Oil interceptor installed for all parking lot drainage;
 - f) Installation of green or black fencing in conjunction with attachment A4;
 - g) Compliance with landscaping plan as per attachment A5;
 - h) Wood fence posts be installed along the property front to mimic the look of the proposed pergola.

11. That Zoning Amendment Bylaw No. 3404 (Fisher Road I-1C Industrial Area), Area C, be referred to Cobble Hill Improvement District, Miller Water Supply, and Braithwaite Improvement District for comment; and that a three week reply period be allowed for.

12. That the request by Brian and Betty Town for a bathtub in addition to a sink and toilet within an accessory building on Lot 3, Shawnigan Lake Suburban Lots, Malahat District, Plan 13231 (2163 Angus Road), be approved, subject to the land owner registering a covenant affirming that the structure will not be used as a dwelling.



CR3

ENGINEERING & ENVIRONMENTAL SERVICES COMMITTEE REPORT

OF MEETING HELD JUNE 23, 2010

DATE: July 5, 2010

To: Chair and Directors of the Board

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

1. .1 That the *Certificates of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Kerry Village Water and Sewer System Service Areas be received.
- .2 That the boundaries of the Kerry Village Water and Sewer System service areas be extended to include "Lot A, Section 2, Range 7, Shawnigan Land District, Plan 45532".
- .3 That "CVRD Bylaw No. 2491 – Kerry Village Water System Service Establishment Bylaw, 2004", be amended to include Lot A, and be forwarded to the Board for consideration of three readings and adoption.
- .4 That "CVRD Bylaw No. 2489 – Kerry Village Sewer System Service Establishment Bylaw, 2004", be amended to include Lot A, and be forwarded to the Board for consideration of three readings and adoption, and further
5. That inclusion be limited to one connection only.

2. .1 That "CVRD Bylaw No. 2138 - Electoral Area B - Shawnigan Lake Critical Location Streetlighting Service Establishment Bylaw, 2010", be amended to increase the maximum requisition limit from \$1,000. to \$3,000.
- .2 That amendment Bylaw No. 3403 be forwarded to the Board for consideration of three readings and, following provincial and voter approval, be considered for adoption.
- .3 That voter approval for adoption of Bylaw No. 3403 be obtained through an Alternative Approval Process.

3. That "CVRD Bylaw No. 3396 – Bings Creek Solid Waste Management Complex Reserve Fund Amendment Bylaw, 2010", be forwarded to the Board for consideration of three readings and adoption.

4. .1 That a working group be formed to review the implementation and enforcement of CVRD Bylaw No. 2020 – *Landclearing Management Regulation Bylaw, 2009*, and to assist in the development of a backyard burning regulation applying to small hand-piled fires not regulated under CVRD Bylaw No. 2020 – *Landclearing Management Regulation Bylaw, 2009*; and further
- .2 That the working group consist of representatives from the following stakeholder groups:
 - Local improvement Districts (3 members);
 - CVRD Electoral Areas (3 members);
 - CVRD Environment Commission (1 member); and
 - Fire commissioner as a technical advisor (1)
 - Community members at large (6 members)
 - CVRD staff be available, but not members of committee



CR4

TRANSIT COMMITTEE REPORT

OF MEETING HELD JUNE 9, 2010

DATE: June 14, 2010

To: Chair and Directors of the Board

Your Transit Committee reports and recommends as follows:

1. That customers reaching 100 years of age be provided a pass to ride free on the CVRD handyDart and conventional bus systems.
2. That current transit tickets be accepted as full fare when the rates are increased on July 1, 2010.
3. That the CVRD Board approve 2-year extensions to the BC Transit Annual Operating Agreements and further that the Board Chair and Corporate Secretary be authorized to sign the extension agreements.
4. That the CVRD accept the BC Transit proposed standardized metal bus shelters, subject to those municipalities or Electoral Areas wishing to being exempted and to submit their own desired designs for approval.
5. That staff write to UBCM requesting that the funding agreement for transit shelters be revised from 32 to 24 shelters, due to the underestimated cost of the necessary infrastructure



CR6

**COWICHAN LAKE RECREATION COMMISSION REPORT
OF MEETING HELD JUNE 24, 2010**

DATE: June 25, 2010

To: Chairperson and Directors of the Board

The Cowichan Lake Recreation Commission reports and recommends as follows:

1. That the resignation of Larry Olson from the Cowichan Lake Recreation Commission be accepted and that a letter of appreciation be forwarded to Mr. Olson.



CR7

SHAWNIGAN LAKE COMMUNITY CENTRE COMMISSION REPORT

OF MEETING HELD JULY 5, 2010

DATE: July 6, 2010

To: Chair and Directors of the Cowichan Valley Regional District

Your Shawnigan Lake Community Centre Commission reports and recommends as follows:

1. That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$20,000 from Reserve Fund Bylaw No. 1704 (Shawnigan Lake Community Centre Capital Reserve Fund Bylaw, 1995) for the purpose of purchasing a bus, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.
2. That up to a maximum of \$30,000 in short term borrowing for the purchase of a bus be approved and that the loan be paid back over five years under the Liability under Agreement Section of 175 of the Community Charter.



STAFF REPORT

**REGULAR BOARD MEETING
OF JULY 14, 2010**

DATE: July 6, 2010 **BYLAW NO:** 3344
FROM: Kathleen Harrison, Legislative Services Coordinator
SUBJECT: Results of Alternative Approval Process - Bylaw No. 3344
– Shawnigan Creek Drainage Service Establishment Bylaw.

Recommendation:

That the *Certificate of Results* confirming that the CVRD Board must not proceed to adopt Bylaw No. 3344, unless it receives the assent of the electors, be received.

Purpose:

To present the results of the Alternative Approval Process for "CVRD Bylaw No. 3344 – Shawnigan Creek Drainage Service Establishment Bylaw, 2010", and seek direction on whether the Board wishes to proceed to referendum.

Financial Implications:

Referendum costs of approximately \$10,000 and estimated cost of public awareness efforts prior to referendum, approximately \$5,000.

Interdepartmental/Agency Implications: N/A

Background:

Bylaw No. 3344 received a certificate of Statutory Approval from the Inspector of Municipalities on April 24, 2010. An alternative approval process was then launched that closed June 28, 2010. A total of One Hundred and Forty-Nine (149) *Elector Response Forms* were submitted indicating opposition to the adoption of Bylaw No. 3344. Twenty-four (24) forms were rejected as follows: seven (7) altered forms; one (1) with no signature; five (5) with more than one form submitted per elector; five (5) with incorrect property information; and six (6) outside of the proposed service area. As outlined in the attached *Certificate of Results*, the One Hundred and Twenty-Five (125) *Elector Response Forms* that were accepted as valid in opposition to the adoption of Bylaw No. 3344 constitute more than 10% of the electors, and therefore the Board must not adopt the bylaw without obtaining the assent of the electors. If the Board wishes to proceed, then a referendum must be held within 80 days of the close of the alternative approval process, pursuant to Section 162(2)(b) of the *Local Government Act*.

.../2

Therefore the following recommendations would apply:

That "CVRD Bylaw No. 3344 – Shawnigan Creek Drainage System Service Establishment Bylaw, 2010", be forwarded for assent of the electors in the service area.

That Joe Barry be appointed as Chief Election Officer and Kathleen Harrison be appointed as Deputy Chief Election Officer for the referendum regarding adoption of "CVRD Bylaw No. 3344 – Shawnigan Creek Drainage System Service Establishment Bylaw, 2010"; and

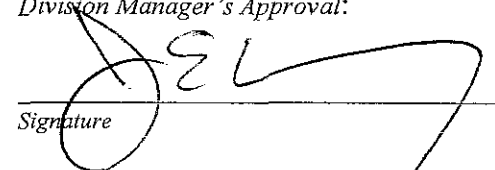
That Saturday, September 11, 2010, be set as "Voting Day" for the referendum regarding adoption of CVRD Bylaw No. 3344.

Submitted by,



Kathleen Harrison
Legislative Services Coordinator

for:

Division Manager's Approval:

Signature



C.V.R.D

**CVRD Bylaw No. 3344
Certificate of Results - Alternative Approval Process**

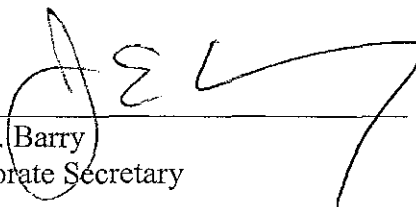
I hereby certify that One Hundred and Twenty-Five (125) valid *Elector Response Forms* were received in opposition to the adoption of "CVRD Bylaw No. 3344 – Shawnigan Creek Drainage System Service Establishment Bylaw, 2010", which would authorize the Regional District to operate and maintain a drainage system service within a portion of Electoral Area B – Shawnigan Lake.

The number of *Elector Response Forms* received represents 16.34% of the electors in the service area.

In accordance with Section 86 (1) of the *Community Charter*, the Cowichan Valley Regional District may not proceed to adopt CVRD Bylaw No. 3344 - Shawnigan Creek Drainage System Service Establishment Bylaw, 2010, unless the bylaw receives the assent of the electors.

DATED at Duncan, British Columbia
this 6th day of July, 2010

)
)
)
)



Joe E. Barry
Corporate Secretary

Number of Electors in the Service Area	10% of the Electors	Elector Response Forms Received
765	77	125
		Bylaw No. 3344 may not proceed unless the bylaw receives the assent of the electors.



STAFF REPORT

**REGULAR BOARD MEETING
OF JULY 14, 2010**

DATE: July 7, 2010 **FILE NO:**
FROM: Rob Conway, MCIP **BYLAW NO:**
Manager, Development Services Division
Planning and Development Department
SUBJECT: Cowichan Bay Estates - Request for Sanitary Sewer Units

Recommendation:

That an agreement be prepared for the transfer of up to 90 sewer units from the Eagle Heights Specified Service Area and up to 36 sewer units from the North Cowichan Sewer System to the Cowichan Bay Specified Service Area and assignment of the units to Parcel B (DD 47244I) of Range 6 and Lot 1, Section 5, both of Range 4, Cowichan District (Cowichan Bay Estates).

Purpose:

To provide information to the Board regarding a request to transfer sewer units to the Cowichan Bay Specified Service Area for the development of the second phase of Cowichan Bay Estates.

Financial Implications: Legal fees

Interdepartmental / Agency Implications: N/A

Background:

At the June 23, 2010 Special Meeting of the CVRD Board, the following recommendation was considered:

That an agreement be prepared for the transfer of up to 90 sewer units from the Eagle Heights Specified Service Area and up to 36 sewer units from the North Cowichan Sewer System to the Cowichan Bay Specified Services Area and assignment of the units to Parcel B (DD 47244I) of Range 6 and Lot 1, Section 5, both of Range 4, Cowichan District (Cowichan Bay Estates).

The following resolution, however, was adopted by the Board:

It was moved and seconded to refer this matter to the July 14, 2010 Board meeting with a staff report.

MOTION CARRIED

Property Context:

The undeveloped lands at Cowichan Bay Estates are located on the west side of Wilmot Road, approximately between Wilmot Road and Wessex Road. The lands are comprised of two blocks that are split by a ravine that extends from Wilmot Road to Cowichan Bay, as shown on Figure 1. The larger block is 13.44 ha. (33.21 ac.) in area and is located on the south side of the ravine with frontage on Wilmot Road. The smaller block on the north side of the ravine is 2.85 ha. (7.05 ac.) in area and is accessed from Wessex Road.

The subject lands are zoned Urban Residential (R-3), which has a minimum lot size of 2,000 square metres (approx. half an acre) for parcels serviced with just community water and 700 square metres (7,535 sq. ft.) for parcels serviced with community sewer and water. Although the subject lands can be serviced by the Cowichan Bay Water District, only the smaller block is presently eligible to connect to the Cowichan Bay sewer system (Cowichan Bay Specified Area). The Cowichan Bay Estates lands and other properties in Cowichan Bay cannot be included in the Specified Area at present because “sewer units”, or the right to discharge additional sewer connections into the Joint Utilities Board sewage treatment facility are presently unavailable. The request brought forward in this report summarizes an offer by the owner of the Cowichan Bay Estates lands that would involve the purchase of sewer units from other systems and the transfer of these units to the Cowichan Bay Specified Area for development of the Cowichan Bay Estates lands. In addition to the offer to purchase the sewer units, the owner has also offered a number of other concessions in the development of the property that are intended to benefit the Cowichan Bay community.

The Proposal:

The proposal from the owner of Cowichan Bay Estates is described in the attached letter from Creative Engineering Services, the agent for the property owner. The main features of the offer are:

- Purchase of 90 sewer units from the Eagle Heights Specified Service Area for \$11,200 per unit with the proceeds going to the Eagle Service Area reserve fund;
- Purchase of 36 sewer units from the District of North Cowichan for \$11,200 per unit and protection of a First Nations burial site located within North Cowichan;
- Dedication of approximately 6.8 hectares (16.8 ac.) of public land for habitat protection, buffers from agricultural land and parks and trails;
- Playground and trail improvements paid for by Cowichan Bay Estates;
- Provision of mixed housing types within the development should the CVRD Board agree to rezone part of the lands (up to 30 multi family units, 2 triplex lots and 3 duplex lots);
- Transfer of two lots to the Area D parks function;
- Incorporation of street trees and other streetscape features such as “dark sky” street lighting;
- Consideration of a district energy system within the development.

In exchange, Cowichan Bay Estates has requested to following:

- The transfer of 6 existing sewer units held by Cowichan Bay Estates from the Wessex road property to the Wilmot Road property;

- The assignment of 126 sewer units purchased from the Eagle Heights and North Cowichan sewer systems to the Wilmot Road property;

Staff Comments:

The proposal by Cowichan Bay Estates is somewhat unusual in that substantial concessions with respect to development of the land are offered even though the land is presently zoned for development. The reasons the concessions are offered is that the properties cannot be developed to the density permitted by zoning without access to a community sewer system. The requested transfer of sewer units essentially allows the property to be developed sooner than if the owner waits until additional sewer units become available through other means. The ability to develop the lands in the near future presumably has economic value to the owner, which justifies the additional public land and other amenities that have been offered.

Heron Habitat Protection

The proposal offers substantial benefits for the Cowichan Bay community. The foremost benefit is the additional protection provided to Heron nesting sites. Since the Habitat Protection Development Permit Area was established in 2008, the Great Blue Herons have moved from their former nesting site near the end of Vee Road to the ravine area adjacent to Wessex Road. Although the Development Permit Area was intended to protect the Heron nest sites, it does not recognize the new nesting location and provides only limited protection. An assessment of the development permit area and Heron nest sites undertaken by Madrone Environmental Services and commissioned by Cowichan Bay Estates in the Spring of 2010 concluded that it is unlikely the Heron colony will reoccupy the abandoned nest site in the near future (<20 years) and that the current location will continue to be potentially viable for nesting in coming years. The report recommends protecting the core area where the Heron nests are presently located as well as protecting the abandoned nesting site. The development plan and public land dedication provides significant buffers to the current nest sites as well as some additional protection for the abandoned colony.

Potential Mixed Housing

The owner has proposed developing part of the site for mixed housing types. A preference for some housing types other than single family has been identified by the APC and the local area director, to promote housing affordability and more housing options for the Cowichan Bay community. In addition to 87 single family lots, the development plan proposes a 30 unit multi-family complex and five duplex and triplex lots on large lots that have sufficient lot frontage for this type of housing. It should be noted that the total number of housing units proposed for the site is 132, which is less than the 149 lots that could be developed based on existing zoning.

As a zoning amendment will be necessary for the proposed mixed housing types and the outcome of the rezoning processes cannot be predicted, the proposed multi-family and attached housing types may not possible. This is acknowledged in the proposal letter and any agreement for the transfer of sewer units could not be conditional on rezoning. Should the lands ultimately not be rezoned, the areas intended for mixed housing could be developed under existing zoning for single family housing. It is estimated that the owner could create approximately 102 single family lots based the current zoning and land available for development after the proposed park land dedication.

District Energy

CVRD staff have met with the owner and agent of Cowichan Bay Estates to initiate discussions about a district energy system for the development, likely using geo-exchange system. The owner has committed to exploring the viability of a district energy system, but it is not known at this stage if a district energy system will prove to be viable. The proposed district energy system is therefore not a firm commitment, but the owner has offered to pursue it in good faith.

Transfer of Sewer Units

Should additional sewer units become available for the Cowichan Bay Specified Service Area, the CVRD Board has discretion as to how these are allocated. The Engineering and Environmental Services Department keeps a list of land owners interested in connecting to the Cowichan Bay sewer system, and Cowichan Bay Estates is presently first on the list (by date). In addition, the subject lands are presently zoned for development, which distinguishes it from some other properties interested in acquiring access to sewer in the Cowichan Bay area. It should be noted that if the Board agrees to the proposal, the developer will still be required to pay sewer system connection fees.

Restrictive Covenant and Density

There is a restrictive covenant registered on the subject lands that relates to development that has occurred on the south side of Wilmot Road and “density averaging” that was used to allow some of the lot sizes in the first phase of Cowichan Bay Estates to be less than the 700 square metre minimum specified in the R-3 zone. The density averaging provisions that were in the Area D Zoning bylaw at the time of subdivision allowed up to half of the created lots to be less than the zoning minimum, provided the average lot size was 700 square metres or more. Because more than 50% of the lots created on the south side of Wilmot Road are less than 700 square metres, a covenant was required to limit how much development could occur on the north side of the road. The covenants included the following restrictions on the undeveloped land:

- No more than 149 new lots can be created
- No more than 50% of the lots can be 700 square metres or less
- An additional 16 lots must be 700 square metres or larger

The proposed density on the undeveloped lands is well under the maximum specified in the covenant, even if the proposed multi-family site and duplex and triplex lots are successfully rezoned. Should the CVRD Board support this proposal, staff suggest that the restrict covenant be amended to recognize the reduced density by limiting the number of single family residential lots to 102 and the total number of dwelling units to 132.

The proposed subdivision layout does not comply with the covenant in that more lots that are less than 700 square metres are proposed than what the covenant permits. This, however, is largely a function of the additional park land that is provided. Staff suggest that a further amendment to the covenant would be appropriate to recognize the additional park land offered above the 5% required by the *Local Government Act* in the lot size calculations. Amendment of the covenant is not mandatory for the proposal, but it would allow for a more diverse mix of lot sizes without increasing density.

Summary:

This proposal is supported by CVRD staff as it appears to offer significant benefits for the Cowichan Bay community. The foremost benefit is the additional protection that can be achieved for the Heron colony. Other benefits include a development plan that integrates the site into the community, on-site park and trail amenities, resources for additional community amenities, and potential housing and environmental features that would distinguish the development from conventional single family subdivisions.

Should the Board not support the requested transfer of sewer units, the likely affect would be that development of the subject lands would be deferred until additional sewer units become available. Under this scenario, eventual development of the subject lands should be expected and it should be recognized that much of the habitat protection measures and other features offered with the current proposal would not be possible.

If the Committee supports the proposal from Cowichan Bay Estates in principle, it will be necessary to prepare an agreement and associated documents that would secure the commitments. Once drafted, the agreement would ultimately need to be approved by the Board. As preparation of an agreement will require staff resources and advice from the CVRD's legal counsel, staff is requesting authorization from the Board to proceed with preparing an agreement that would be reviewed by the Board at a future meeting.

Options:

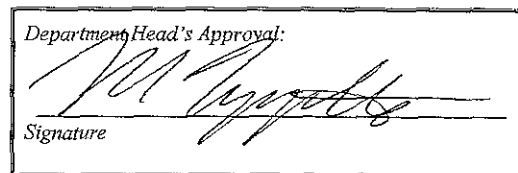
1. That an agreement be prepared for the transfer of up to 90 sewer units from the Eagle Heights Specified Service Area and up to 36 sewer units from the North Cowichan Sewer System to the Cowichan Bay Specified Service Area and assignment of the units to Parcel B (DD 47244I) of Range 6 and Lot 1, Section 5, both of Range 4, Cowichan District (Cowichan Bay Estates).
2. That staff be directed to respond to the June 7, 2010 letter from Creative Engineering Services, advising that the CVRD does not support the requested transfer of sewer units.
3. That staff be directed to respond to the June 7, 2010 letter from Creative Engineering Services, requesting amended terms and conditions for the proposed transfer of sewer units.

Option 1 is recommended.

Submitted by,



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





Creative Engineering Services
Phone (250)737-1440
Fax (250) 737-1551

June 7, 2010

File No:1053-C

Cowichan Valley Regional District
175 Ingram St.
Duncan BC
V9L 1N8

Attn: Lori Iannidinardo

RE: Cowichan Bay Estates – Request for Sanitary Sewer Units

Please accept this letter as the Owners (Cowichan Bay Estates) request for sewer units to be assigned to the property described as:

1. Parcel B (DD 47244I) of Section 6, Range 4, Cowichan District.
2. Lot 1, Section 5, Range 4, Cowichan District.

It is the Owners intention to develop the land generally as shown on the attached land use plan that has been developed in consultation with yourself, Cowichan Valley Regional District staff and our land use consultant "Landeca."

The Owners are prepared to pay for the sewer units at the rate prescribed by the Cowichan Valley Regional District and have considered a price of \$11,200.00 per unit if that becomes your "fee". However, the total number of sewer units required is 132. The Owner is willing to have the 6 units currently assigned to Lot 1, Plan 17353, transferred over, and leaving a net requirement of 126 units.

We have had preliminary discussions with the Area E Director, Loren Duncan, and the Municipality of North Cowichan that have encouraged the Owner to make this request.

Madrone Environmental has prepared a supplemental report regarding the Heron Colony that concludes the development as proposed will not be detrimental to the colony subject to a few recommendations that the Owners are willing to follow. The recommendations of the report could put closure to the Heron Colony issue without compromising the intent to protect the rookery.



Creative Engineering Services

Phone (250)737-1440

Fax (250) 737-1551

We feel this project should be allowed to proceed and represents an asset to the community. The Cowichan Bay Estates project offers many benefits to the Cowichan Bay community including:

1. Purchase of 126 sewer units will benefit local government by \$1,411,200.00 if \$11,200.00 becomes the established fee.
2. The project will include constructed playground and walkway amenities within additional parkland areas.
3. Additional preservation areas surrounding the ravine park and abandoned Heron Colony will be provided.
4. The project is planned and prepared in consultation with the Cowichan Valley Regional District staff, land use planners and environmental consultants. Environmentally sensitive areas are preserved and expanded.
5. A mix of housing choices, including multifamily, duplex and triplex options will be pursued through rezoning.
6. Transfer 2 fee simple lots of average market value to the Cowichan Valley Regional District. One lot would be transferred upon registration of the 21st lot within the project. The other lot would be transferred upon registration of the 76th lot or as otherwise mutually agreed upon. The lot sale proceeds must be stipulated for direct benefit to Area D.
7. Capital expenditure charges levied will enable infrastructure improvements (ie Cowichan Bay Waterworks).
8. Lot 1, Section 6 and 7, Range, Cowichan District, Plan 17353 (Wessex Road) will be transferred to the Cowichan Valley Regional District, (subject to adjustment of taxes) upon the agreement to transfer of sewer units totaling 132, (6 from this property, 36 from the Municipality of North Cowichan¹, and 90 from the Cowichan Valley Regional District) to the subject property. The transferred land (Wessex Road) shall be covenanted for Park or district energy purposes only. This is a separate title and does not require survey. If the May 7, 2010 proposal is approved, the existing application to the province for gifting the Wessex Road property will be pulled.

¹ Municipality of North Cowichan Technical Planning Committee approved the Sale of Transfer of 36 Sewer Units for Cowichan Bay Estates, May 26, 2010.



9. Original parkland dedication agreed to by the Cowichan Valley Regional District, represented 15% of the combined sites including the developed parcel south of Wilmot The planned development provides more than 5.2 hectares of parkland raising this total to 37%, If the Wéssex Road site is considered, 43% of the developers' land will have been set aside as greenspace.
10. The subject property is already zoned for suburban residential; the Cowichan Valley Regional District previously agreed to densities of 149 lots and accepted the original ravine park as enough to satisfy future development parkland dedication. Cowichan Bay Estates reasonably concluded that the subject property could be developed.
11. Over \$2,000,000.00 of private funds will be spent on construction of roads and infrastructure and over \$19,000,000.00 in building construction by conservative estimate. These tend to be local jobs and suppliers.
12. The developer will assess the viability of a "District Energy System" using geothermal as an alternative to existing energy sources. The Developer would appreciate local government's financial assistance to forward the initiative.
13. Streetlighting issues will be reviewed to give consideration to energy conservation and "dark sky" objectives. This will include solar power, timers, reduced lighting levels or alternative standards including no lighting if preferred by the Cowichan Valley Regional District.
14. A comprehensive building scheme will be prepared and can be shared with the Cowichan Valley Regional District planning staff.
15. Cowichan Bay Estates is prepared to enter into a phased development agreement that incorporates the offered and allows development within the current zoning to a maximum of 102 lots. A rezoning application will be made to change the zoning on the select portions of the property for townhouse, duplex and triples housing types. It is understood that the outcome of the rezoning application is uncertain.
16. The development will incorporate street trees within the site and aesthetic improvements along Wilmot Road.



Creative Engineering Services
Phone (250)737-1440
Fax (250) 737-1551

Cowichan Bay Estates is ready to move forward if the subject property is included in the sewer service area and sewer units can be successfully arranged and looks forward to your cooperation.

This is a sincere proposal and we request that it be given due consideration given the history of the project, developer willingness and features described, in part, above.

Please let me know if there is anything more that I can provide during your review.

Yours very truly,
Creative Engineering Services

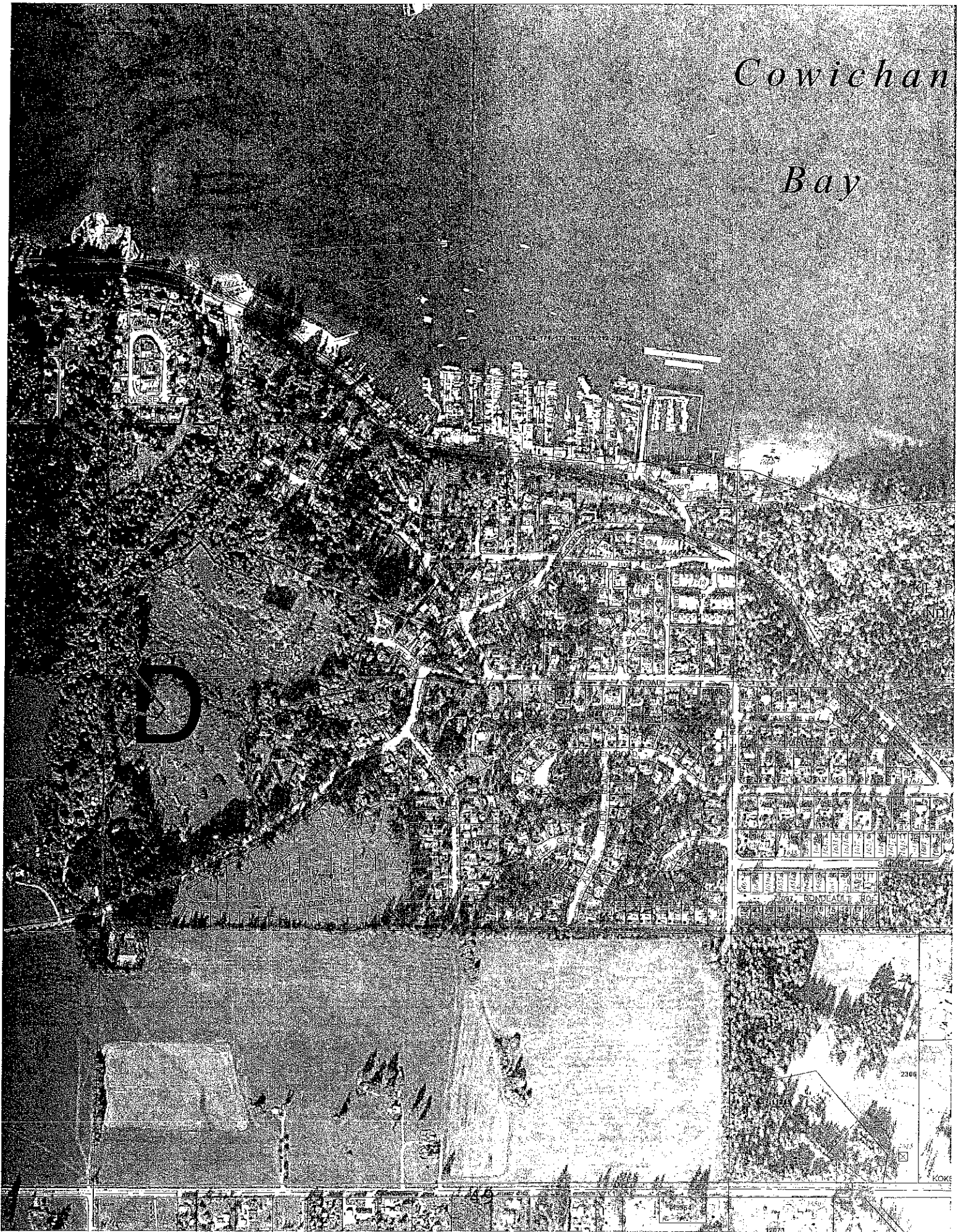
David Conway, P.Eng.

encl.

cc: Cowichan Bay Estates
Cowichan Valley Regional District – R. Conway.

Cowichan

Bay



Bay

W-2

KIL-PAH-LAS
INDIAN RESERVE
No. 3

IR

LOTS 112, 113, 114, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

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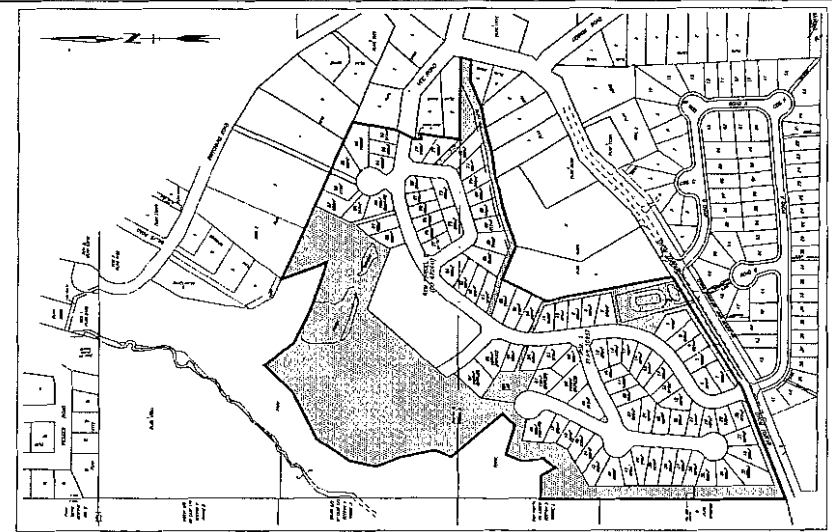
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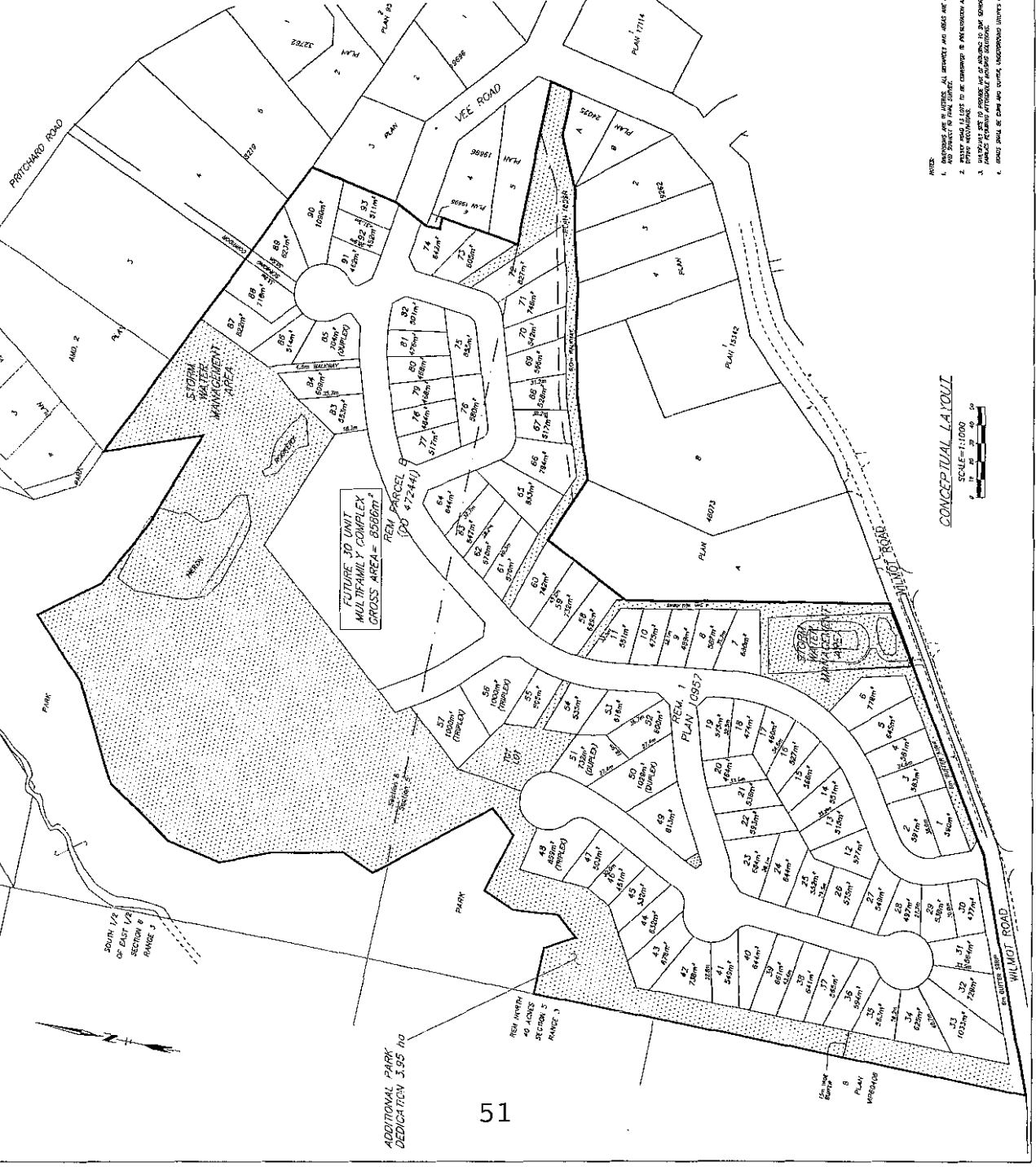


KEY PLAN
SCALE = 1:2000

TYPE	QUANT.	UNITS	TOTAL AREA
SINGLE FAMILY	87	sq. ft.	8,217.00
MULTI-FAMILY	6	sq. ft.	1,035.00
TOTAL	93	sq. ft.	9,252.00
IMPROVED PARK LAND	34	sq. ft.	6,617.00
NON-IMPROVED PARK LAND	1	sq. ft.	0.56
WATER MANAGEMENT AREA	1	sq. ft.	3.95
ROAD DEDICATION	1	sq. ft.	2,021.00
TOTAL AREA OF REM 1, PLAN 10957 AND PARCEL B (DD 47244)		sq. ft.	11.9

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COWICHAN BAY ESTATES LTD.
 COWICHAN BAY SUBDIVISION
 SHEET NO. 10
 PLAN OF PROPOSED SUBDIVISION OF
 REMAINDER LOT 1, PLAN 10957, AND REMAINDER
 PARCEL B (DD 47244), COWICHAN DISTRICT.
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]
 SCALE: 1:1000
 PROJECT NO.: [Number]



CONCEPTUAL LAYOUT
SCALE = 1:1000

- NOTES:
1. ALL DIMENSIONS ARE IN METERS. ALL DIMENSIONS ARE TO BE CONSIDERED AS APPROXIMATE. ANY AND ALL DIMENSIONS TO BE CONSIDERED AS APPROXIMATE.
 2. THESE DIMENSIONS ARE TO BE CONSIDERED AS APPROXIMATE. ANY DIMENSIONS ARE SUBJECT TO THE FINAL RECORD PLAN.
 3. PARCELS ARE TO BE CONSIDERED AS APPROXIMATE. ANY DIMENSIONS ARE SUBJECT TO THE FINAL RECORD PLAN.
 4. DIMENSIONS ARE TO BE CONSIDERED AS APPROXIMATE. ANY DIMENSIONS ARE SUBJECT TO THE FINAL RECORD PLAN.

Municipality of NORTH COWICHAN

RECEIVED
10/6/9
1053-C
030025



7030 Trans Canada Highway, Box 278
Duncan, BC V9L 3X4

Tel 250 746 3100 Fax 250 746 3133
www.northcowichan.bc.ca

File No:5355-70 CALC

June 7, 2010

Dave Conway, P. Eng
Creative Engineering Services
Email: profeng@shaw.ca
715 Canada Avenue
DUNCAN, B.C. V9L 1V1

Dear Mr. Conway

Re: **Sewer Capacity Units**

This is to advise that the North Cowichan Municipal Council passed the following resolution at its June 2, 2010 Regular Council meeting:

"that Council authorize the sale of 36 Joint Utilities Board capacity units at a price of \$11,200.00 each, to Cowichan Bay Estates, subject to the First Nations burial site on Somenos Creek being dedicated for a park as shown on the plan prepared by Creative Engineering Services, dated April 10, 2010."

In accordance with Council's decision, North Cowichan agrees to sell your client these units after the burial site has been dedicated as park.

Please contact John MacKay, Director of Engineering and Operations, at 250-746-3136 or by email at mackay@northcowichan.bc.ca to discuss next steps.

Sincerely



Mark Ruttan, Director of Administration and
Deputy Chief Administrative Officer

MOR/sc

pc: John MacKay, Director of Engineering and Operations
Mark Frame, Director of Finance
Clay Reitsma, Assistant Municipal Engineer
Chief Lydia Hwitsum - Cowichan Tribes

morjun7.2010\sc_Creative Engineering_Sewer Capacity Units.wpd

cowichan



STAFF REPORT

REGULAR BOARD MEETING
OF JULY 14, 2010

DATE: July 8, 2010
FROM: J.E. Barry, Corporate Secretary
SUBJECT: Cowichan Sportsplex – Annual Financial Contribution

Recommendation:

That Resolution #10-129(1) be rescinded.

Purpose:

To provide the results of the poll regarding participation in a new Cowichan Sportsplex service.

Background:

The Board passed resolution #10-129(1) on March 10, 2010:

“That an Annual Financial Contribution Service be created for the Chesterfield Sports Society with a maximum annual requisition limit of \$100,000”.

Discussion regarding which electoral areas and municipalities would be partners in this new service occurred at the June 23, 2010 Regional Services Committee meeting. The Committee subsequently passed the following resolution:

“That a poll be conducted to determine which CVRD member municipalities and electoral areas are interested in participating in a new service to requisition a maximum \$100,000 per annum to assist with funding the Cowichan Sportsplex”.

Each Electoral Area Director and Municipality were asked if they wished to participate. The results the poll were:

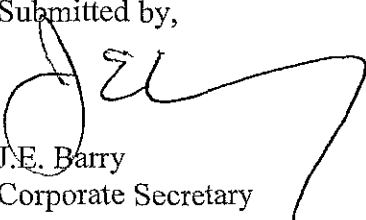
<i>Are you interested in participating in a new service to requisition a maximum \$100,000 per annum to assist with funding the Cowichan Sportsplex?</i>		
Yes	Yes, (conditional on 100% participation)	No
Area C	Area A	Area F
Area D	Area B	Area H
Area E	Area G	Area I
City of Duncan	Town of Ladysmith	Town of Lake Cowichan
District of North Cowichan		

Based on the results of the poll, there is not enough support to move forward with the creation of a new service requisitioning \$100,000 to fund the Cowichan Sportsplex. Therefore, the Board should rescind resolution #10-129(1).

The Board may wish to consider creating a new annual financial contribution service with a smaller dollar amount for the Cowichan Sportsplex based on fewer participants or continue to consider providing a Regional Grant-in-Aid each year.

In addition, the Regional Services Committee has directed staff to update the Regional/Sub-Regional (yellow) Funding Model with 2010 budget figures. A staff report will be prepared for consideration at the August 25, 2010 Regional Services Committee meeting.

Submitted by,

A handwritten signature in black ink, appearing to be 'J.E. Barry', written over a horizontal line.

J.E. Barry
Corporate Secretary



C·V·R·D

PUBLIC HEARING REPORT
Bylaws No. 3387 and 3388

Following is a summary of the proceedings of the Public Hearing for Official Community Plan Amendment Bylaw No. 3387 and Zoning Amendment Bylaw No. 3388 (Baranti Developments), applicable to Electoral Area A – Mill Bay/Malahat, held on Monday, June 14, 2010, at the Kerry Park Recreation Centre (McLean Room), 1035 Shawnigan Mill Bay Road, Mill Bay, BC, at 7:05 p.m.

HEARING DELEGATES Director B. Harrison, Electoral Area A – Mill Bay/Malahat, Chairperson
Director G. Giles, Electoral Area C – Cobble Hill

Absent: Director K. Cossey, Electoral Area B – Shawnigan Lake

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

Members of the Public:
There were approximately 30 members of the public present.

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

PROCEDURES Ms. Leitch explained the requirements under Section 890 of the *Local Government Act*. She advised that notice of the Public Hearing was advertised in two consecutive issues of the *Citizen* (Friday, June 4, 2010 and Wednesday, June 9, 2010) and *Leader Pictorial* (Friday, June 4, 2010 and Wednesday, June 9, 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. 3387 proposes to amend Official Community Plan Bylaw No. 1890, applicable to Electoral Area A – Mill Bay/Malahat by re-designating a portion of Parcel A (DD 36099I) of District Lots 77 and 80, Malahat District (subject property shown on map below) from Forestry to Urban Residential and proposes to include the subject property within the Mill Bay Urban Containment Boundary and the Mill Bay Development Permit Area.

Zoning Amendment Bylaw No. 3388 proposes to amend CVRD Zoning Bylaw No. 2000, applicable to Electoral Area A – Mill Bay/Malahat, by rezoning a portion of Parcel A (DD 36099I) of District Lots 77 and 80, Malahat District, as shown on the map below from Primary Forestry (F-1 Zone) to Urban Residential – Limited Height (R-3A Zone).

The purpose of OCP Amendment Bylaw No. 3387 and Zoning Amendment Bylaw No. 3388 is to allow a bare-land strata subdivision of 40 lots on the

southern portion of the property.

Ms. Leitch stated that one piece of correspondence had been received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the CVRD office today, June 14, 2010, at 4:30 pm. She further advised that copies of the proposed Amendment Bylaws were located on the side table for review.

Correspondence

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

- 1) Letter dated June 11, 2010 from Sheila Paul (EXHIBIT 1);
- 2) Letter dated June 14, 2010, from Balu Tatachari, Chair, Friends of Saanich Inlet (EXHIBIT 2);
- 3) Letter dated June 14, 2010, from Karen and Stephen Davis (EXHIBIT 3);
- 4) Letter dated June 14, 2010, from Karen Davis (EXHIBIT 4);
- 5) Letter dated June 13, 2010, from Mary Desmond, Shawnigan Lake Watershed Watch (EXHIBIT 5);
- 6) Letter dated June 14, 2010, from Lynn Balding (EXHIBIT 6);
- 7) Letter dated June 14, 2010, from Lena and Ron Lee (EXHIBIT 7);
- 8) Letter dated June 14, 2010, from Sheila Paul (EXHIBIT 8);
- 9) Petition (9 pages) with signatures prepared by Friends of Saanich Inlet (EXHIBIT 9);
- 10) Development's Sustainability Statement submitted by Danny Carrier, Agent, dated May 10, 2010 (EXHIBIT 10).

Location of File

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

APPLICANT, Baranti Developments Ltd./J.E. Anderson & Associates

Danny Carrier, J.E. Anderson & Associates, was present acting as Agent on behalf of the property owner Baranti Developments Ltd. and stated the following with regard to Rezoning Application No. 4-A-09RS:

- The rezoning process started early in 2009, they held a public information meeting in June, 2009 and they then submitted the official rezoning application with the CVRD.
- Previously made application for the northerly half of the property which was zoned then they applied for subdivision with the Ministry of Transportation. The first phase of the proposed 40 lot subdivision has begun for the northern portion of the property.
- Southerly half of the property is the subject of rezoning at tonight's Public Hearing.
- Surrounding their land is the Sentinel Ridge development, south the Ocean Terrace development and Mr. Sangha's development also surrounds the subject property.
- On the southerly portion of the subject property they would like to create

smaller lots as compared to the northern section of the parcel where they are creating ¼ acre lots.

- Ocean Terrace development south of the subject property has a commercial component, town homes and smaller sized lots.
- Discussions have taken place with the CVRD Parks Department with regard to the trails systems between the developments which will be contiguous and developed in coordination with each development.
- Subject property is surrounded by single family sites.
- They have already been issued a Development Permit to protect the sensitive areas that currently exist on the site which are identified as the wetlands and creek bottoms. Biologists, Geo-technical Engineers, Arborist have all reviewed the SPEA areas and they have also protected certain forested areas surrounding the streams on site. In total there will be protection of approximately 55 percent of the site.
- Urban Containment Boundary (UCB) now surrounds the site and the southern portion of the subject property is the only parcel still to be included within the UCB.
- Proposal for the site is a 40 smaller sized lot subdivision which they feel will be more affordable.
- Bareland strata title subdivision will have narrower and windy roads which will also help to save the trees located on site.
- They already have sewer and water connections to the site which have both been paid for and there will be no septic tanks within the subdivision.
- One main feature of the site will be the protection of the storm drainage as all the road water will be directed to bio-swales which will not interfere with the existing groundwater hydrology of the site.
- Sustainability Report has also been submitted to the CVRD.
- Family intends to construct houses on the lots and not just sell individual lots; they have a 5-8 year plan for the whole development. First phase is approximately 12 lots and it is their intention is to develop the parcel slowly.
- First phase access to the development will be Rozon Road off Noowick Road and the ultimate access to the site will be down Sangster Road. Ocean Terrace development will be re-constructing the Butterfield Road intersection and will construct Sangster Road down to their south-west corner of their property. Sangster Road from Noowick Road south has been halfway constructed to take care of the water line that will service the Sentinel Ridge subdivision. Kerry Sangha has also committed when his development proceeds to build the other unpaved half of Sangster Road and the Baranti development will be constructing and paving along the other section of Sangster Road as well as the Ocean Terrace developments. Most traffic will likely travel down Sangster Road to the Butterfield intersection.

QUESTION PERIOD

Director Harrison 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.

- Mr. Culberson,
2316 Rozon Road**
- Is he correct in understanding that the Bickford family was financially involved with all of the sewage development in the Sentinel Ridge development and owned 50 percent of it?
- Danny Carrier**
- Not that percentage but originally they did design the system to handle all of the sewage for the 80 lots.
- Mr. Culberson**
- There are continued smells from Sentinel Ridge and his concern is that the increase of lots as that would increase the smells and it would accelerate the workload of the sewage system.
- Danny Carrier**
- He understood from the Engineers that the reason for the odour is that the system is not being used enough and the plant requires more effluent for it to work at 100 percent capacity.
- Mr. Culberson**
- Did J.E. Anderson & Associates design the treatment plant?
- Danny Carrier**
- His firm only worked on the collection system and not on the treatment and disposal plant.
- Mr. Culberson**
- He assumed that his high end home in Sentinel Ridge would include a garburator but the system they have denies him the use of it as he has been told not to use his garburator. He was concerned about the plant's potential increased load.
- Karen Davis,
1225 Royalta Road**
- Why have an OCP in place where people value forestry and rural areas and then developers come in requesting more lots when there are already numerous vacant lots in the area.
 - Why is the public in the rezoning process when many persons already have stated that they are against major development?
- Director Harrison**
- Any person has the right to apply to rezone land and an application has been received at the CVRD office and the CVRD was following the normal rezoning process.
- Paul Carmichael,
2364 Rozon Road**
- Is someone from the Parks Department in attendance at the meeting as he wanted to bring it to their attention that there is an adjacent property to the subject property that has been recently fenced and now access to that pathway cannot be accessed?
 - Sentinel Ridge subdivision was built and did not get sidewalks making it very dangerous along Noowick and Deloume Roads. They were using the pathway but it has been now fenced off.
 - Sentinel Ridge was also supposed to have a park within it but noted that it has not been put in.
- Director Harrison**
- Sidewalks were discussed and approved previously by the Regional Board with regard to that development but the Ministry of Transportation overturned the sidewalk issue.

- Trail concerns are discussed with the Area A Parks Commission and he would like to get that information to them so that they could discuss that pathway at their next meeting.
 - With respect to parks in Sentinel Ridge he was only aware of land designated in the upper corner but noted that he would get the Area A Parks Commission to review the issues within Sentinel Ridge.
- Paul Carmichael**
- How is access going to go through the back of the property as it is steep and there is a stream in the area?
 - What is the timing of all the developers with regard to getting that road completed as there are presently lots of impacts to the other roads in the area?
- Director Harrison**
- The Area A Parks Commission will review his concerns further.
 - There are no guarantees with regard to when the roads would be created and completed.
- Mr. Culberson**
- There should be a guarantee in place with regard to timing of the roads.
- Director Harrison**
- There would be a guarantee if the application is approved as the developer would have to complete that road but noted that what could not be controlled was the date and time of it.
- Mr. Culberson**
- The CVRD should pressure Mr. Bickford to put in the road for the community.
- Paul Carmichael**
- Mr. Bickford started development on the other half of his property and asked if the road is finished to the top of his property?
- Director Harrison**
- Roads fall under the jurisdiction of the Ministry of Transportation.
- Sheila Paul,
1857 Burnham Road**
- She has lived in the area for 18 years and is appalled over the development occurring in the area. She now lives in Shawnigan Lake and her family grew up in Cobble Hill.
 - The Chairman of the Public Hearing should not be answering questions it should be the applicant.
- Director Harrison**
- If the question goes beyond the scope of what the applicant can answer it is up to the Chair or other Directors in attendance at the Hearing to answer questions that are raised.
- Balu Tatachari,
1750 Arbutus
Terrace**
- Chair of the Friends of Saanich Inlet.
 - Was the CVRD aware that Mr. Bickford contributed 50 percent to the sewer in Sentinel Ridge?
- Director Harrison**
- He was aware, and there is nothing secret that he is one of the partners in that enterprise.

- Balu Tatachari**
- Felt that was not public knowledge as the public does not know that there are those partnerships.
 - Public does not know who the developers are and who Baranti Development is.
 - Access to the beach should have been caught by the APC and CVRD.
 - Sidewalks in Sentinel Ridge were promised and they are still not in the development.
 - If the developer had notified the public that they were in partnership with Sentinel Ridge the public might have re-evaluated the Sentinel Ridge or Ocean Terrace applications. Does the developer have partnership with Ocean Terrace?
- Danny Carrier**
- No, there is no connection in the sewer system with Ocean Terrace.
- Balu Tatachari**
- Where is the water coming from?
- Danny Carrier**
- Provision of water has been negotiated with the Mill Bay Water District and it has already been paid for by the developer.
- Ron Parsons,
904 Frayne Road**
- Will there be a registered design scheme that will go to the Province for approval?
- Danny Carrier**
- There will be a statutory building scheme for the development that will outline the sustainability elements and design parameters for the development.
- Ron Parsons**
- Lives in the Mill Springs development and stated that the building scheme is very shabby it has a nice wish list without much detail and there are a lot of weaknesses with no punishment.
- Dana Leitch**
- Covenants are another tool that could be used as they are registered and they are a good method to protect the environment. Covenants are registered on title so when people are purchasing land they are made aware of them.
- Ron Parsons**
- When does a covenant come into place?
- Dana Leitch**
- A covenant usually comes forward at Third Reading of Bylaws and must be registered prior to final Adoption of Bylaws.
- Ron Parsons**
- Sentinel Ridge is a big clear cut and he does not want to see that happen within this proposed development. It would be nice during this part of the hearing process to have a better understanding where the covenant would be going and what trees would not be cut down within the development.
- Danny Carrier**
- They are protecting 55 percent of the trees on the site but noted that trees on the building lots will be harder to protect as they are smaller lots.
 - A Development Permit will also be issued on the subject site.

- Ron Parsons** ➤ Understands the limitations when building on a lot that contains trees but noted that not all the trees have to be removed from an area as trees make it a nice looking neighbourhood.
- Speaker** ➤ What will happen to the wildlife in the area and will they be able to access the streams?
- Danny Carrier** ➤ Stream corridors and large green areas all hook up and they will meet the wildlife needs and also the water stream access.
- Speaker** ➤ In Sentinel Ridge there are concerns over the building schemes and issues that have not yet been addressed and noted that there are areas in Sentinel Ridge that are unsightly with weeds.
- Diana Martin** ➤ Owns property in Sentinel Ridge and noted that there is quite a height variance at the back of her property and the property below and asked how that will be handled?
- Danny Carrier** ➤ No intention to dig out along the property line as they do not want to further disturb the back line.
➤ There will be no destabilization of the slope.
- Diana Martin** ➤ There are trees at the back of the property and they will not be removed?
- Danny Carrier** ➤ Correct.
- Diana Martin** ➤ If the parcels are sold to someone else what will be in place to protect those trees from being taken down by another landowner?
- Danny Carrier** ➤ If the Regional District wants those trees protected a covenant could be registered to that effect and noted that they could also be protected under a building scheme. There will also be a strata corporation in place to oversee the building scheme.
- Diana Martin** ➤ Northern portion of the property is also under strata?
- Danny Carrier** ➤ Yes.
- Diana Martin** ➤ Concerned about the next 5-8 years of build out as the back of her property will have three landowners which she has concerns over development construction over those years.
- Danny Carrier** ➤ Construction of the houses behind her property would likely occur within one year and the next phase of subdivision would likely occur within the next two years.
- Diana Martin** ➤ If there is a conflict between urban development and the Ministry of

- Transportation that puts children in the area at risk why is the CVRD continuing to put more residential lots in that puts more children and people on the highway at risk? Sidewalks should be installed to make it safe for families to walk along the road.
- How is Mill Bay going to benefit from the proposed development and how will the OCP be improved by approving the proposed development?
- Director Harrison** ➤ It is up to the community to comment on the rezoning application at the Public Hearing.
- Speaker** ➤ Suggested that a covenant should be well written and specific and it should be made available and brought forward earlier within the rezoning process to ensure that the level of protection is in place at the Public Hearing stage.
- Director Harrison** ➤ Asked for further questions from the public with regard to the proposed Amendment Bylaws.
- Sheila Paul,
1857 Burnham Road** ➤ How can the developer guarantee the covenants in the proposed development?
- Danny Carrier** ➤ The rezoning is about the land use issues and if zoning is approved the design work will be carried out and individual trees can be covenanted during the subdivision stage.
- Dana Leitch** ➤ If the rezoning application is approved there is a Development Permit process that the applicant will have to be approved and those issues could be addressed at that stage.
- Sheila Paul** ➤ When she lived previously in Calgary they put an addition onto their house that was approved by the City of Calgary, they then were in the process of selling their house but found out during that sale there was a restrictive covenant in place that they were unaware of and that made their addition illegal.
- Speaker** ➤ Submitted a Petition that contains approximately 120 names of persons who do not approve the proposed Bylaws.
➤ There is also a 20 year supply of lots available within the UCB.
- Lois Albury,
2765 Cameron
Taggart** ➤ She is under the impression that Arbutus trees were protected and asked why the Sentinel Ridge subdivision went forward without the CVRD stepping in and protecting the Arbutus trees.
- Dana Leitch** ➤ CVRD does not have a tree cutting bylaw in place and the only way to protect a tree is by way of a covenant.
- Lois Albury** ➤ Understands that Arbutus trees are a protected tree.
- Director Harrison** ➤ Understood that the Dogwood was a protected tree but was unsure about

- the status of the Arbutus tree.
- Speaker** ➤ The only way to save a tree is by way of covenant.
- Speaker** ➤ If Sentinel Ridge has been de-treed and there is a really wet rainy season what happens to the lands below?
- Danny Carrier** ➤ They are not that concerned as Sentinel Ridge does not generally drain toward their development.
- Speaker** ➤ Concerned about land seepage and drainage issues.
- Danny Carrier** ➤ There is a small piece of land that does drain down toward their development but noted that 95 percent of Sentinel Ridge does not drain onto their lands.
➤ A house drain can carry away all the runoff from the upper properties.
- Speaker** ➤ At what point is the proposed pathway decided?
- Dana Leitch** ➤ The CVRD Parks Department is currently in discussions with the applicant in regards to the pathway.
- Speaker** ➤ Presently there is no access to get to that path as there is a stream below it and asked if a bridge will be built?
- Danny Carrier** ➤ The actual trails have not yet been identified.
- Director Giles** ➤ Covenants, park/trail dedication and building schemes are all completed prior to final reading of the bylaws.
➤ Concerns and issues brought forward at a Public Hearing are listened to and will be addressed by the Hearing Committee.
- Speaker** ➤ Were the walking trails that were put in the first phase of the development completed?
- Speaker** ➤ No, a person at Sentinel Ridge has stopped them at their property.
- Speaker** ➤ Who maintains the walking trails?
- Director Harrison** ➤ CVRD Parks Department would likely maintain them.
- Director Giles** ➤ Every Electoral Area has its own community parks function and everyone within their Electoral Area pays into that function to maintain and operate the parks and trails within that community.
➤ Everybody in Electoral Area A looks after the parks only in Area A and not in any other Electoral Area.
- Speaker** ➤ Is the CVRD aware of the fence that has recently been built by that walking

- path?
- Director Harrison** ➤ That fence will be followed up by the CVRD Parks Department.
- Sheila Paul** ➤ Why did this application go forward when the Advisory Planning Commission (APC) said to defer it until after the new Official Community Plan (OCP) process had been completed?
- Director Harrison** ➤ The APC did have issues and it was the recommendation to the Regional Board that the application go before the public for comment.
➤ Traffic down Liggett Road and the value of bareland strata were issues that brought the application to the Public Hearing.
- Balu Tatachari** ➤ How can you do any construction on the property without the rezoning?
- Danny Carrier** ➤ They are not constructing anything on the property that is under rezoning, construction is only being carried out on the lands that have previously been approved for subdivision.
- Speaker** ➤ Has anyone else in the area been notified of the Public Hearing as she is concerned about the possible added traffic in their area?
- Director Harrison** ➤ Notification of the Public Hearing was placed in the local newspapers.
- Speaker** ➤ Asked the basic philosophy of the developer as to what they want to see in the future.
- Danny Carrier** ➤ The Development's Sustainability Statement (EXHIBIT 10) has been submitted to the CVRD office and he read it verbatim to the public present.
- Speaker** ➤ What is an impervious driveway?
- Danny Carrier** ➤ Concrete blocks with grass in the centre of the blocks.
- Balu Tatachari** ➤ Expand on the building green?
- Danny Carrier** ➤ Maximum installation and minimum use of any product that is bad for the environment.
- Sheila Paul** ➤ Who enforces the encourage and the discourage wording within that sustainability statement?
- Danny Carrier** ➤ That usually goes into a building scheme and the developers intend to build most all of the houses with the development.
- Sheila Paul** ➤ Asked why the subject property is an isolated piece of land?
- Danny Carrier** ➤ Rezoning of lands have occurred all around the subject property which

made it an isolated parcel.

- Ron Parsons** ➤ Is the developer going to sub contract?
- Danny Carrier** ➤ Developer will supervise the site and will likely sub contract.
- Ron Parsons** ➤ He has no problems with the proposed development but noted that everything needs to be identified during the rezoning process and put into the covenants.
- Director Harrison** ➤ Asked for further questions from the public present with regard to Amendment Bylaws No. 3387 and 3388.
- Speaker** ➤ When will the access along Sangster Road be completed?
- Danny Carrier** ➤ Development of Sangster Road is under the Ministry of Transportation's jurisdiction and it could possibly take up to 4 years.
- Brent Tilson,
2975 Cool Brook
Place** ➤ He has seen what has happened in the Sentinel Ridge subdivision with the lack of sidewalks and asked if sidewalks would be included and guaranteed within the proposed development?
➤ What needs to be done in order for Mill Bay to get sidewalks?
- Danny Carrier** ➤ Stated that within the proposed development the roads will be private and owned by the Strata Corporation and there will be no sidewalks as the roads are designed to be smaller in size.
- Sheila Paul** ➤ Asked where Director Cossey was as he was delegated to the Public Hearing?
- Director Giles** ➤ Not sure why Director Cossey was not in attendance at the Public Hearing.
- Sheila Paul** ➤ Has heard 40 and 80 lots being proposed and asked if it was only 40 lots?
- Danny Carrier** ➤ 40 lots were previously approved for the northern portion of their land and the proposed rezoning is for another 40 lots on the southern section for a total of 80 lots in the area.
- Speaker** ➤ What does isolated mean?
- Danny Carrier** ➤ The subject property is isolated as it is the only land that was not zoned residential and it is surrounded by residential lands.
- Speaker** ➤ What is wrong with isolating the trees on site and leaving the parcel zoned as forestry?
- Balu Tatachari** ➤ Has the developer built the approved 40 lots in the northern portion of the property?

- Why is the developer requesting another 40 lot subdivision when their first 40 lots have not yet been constructed?
- Danny Carrier** ➤ They have started construction on the first 10 lots of the 40 lot subdivision.
- Director Harrison** ➤ Asked for further questions from the public present.
- Director Giles** ➤ Stated that after the close of the Public Hearing the public could not speak to the CVRD Directors about the proposed rezoning but noted if they had any enquiries they could direct them to the Planning Staff.
- Director Harrison** Asked for further questions from the public present three times regarding Official Community Plan Amendment Bylaw No. 3387 and Zoning Amendment Bylaw No. 3388.
- 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 Harrison reminded the public that the Information Binder was available for review located on the side table, along with copies of the proposed Amendment Bylaws, and that all submissions must be received at the head table prior to the close of the Public Hearing.
- Balu Tatachari** ➤ Submitted two letters (EXHIBIT 2 and EXHIBIT 7).
- Allan Huskisson, Mill Bay Road** ➤ How many lots would be created in total in the Sentinel Ridge and surrounding areas?
- Director Harrison** ➤ During the official comment section of the Public Hearing no questions could be answered.
- Allan Huskisson, Mill Bay Road** ➤ Traffic generated from all the subdivisions in the area is his concern.
- Speaker** ➤ What is the notification process of the Public Hearing?
- Director Harrison** ➤ Legal notification of the Public Hearing was carried out in the *Citizen* and *Leader/Pictorial* newspapers as per the requirements within the *Local Government Act*.
- Dana Leitch** ➤ Notice of the Public Hearing was placed within two consecutive issues of the *Citizen* on June 4th and June 9th and also within the *Leader/Pictorial* on June 4th and June 9th and letters had also been sent to adjacent property owners within 60 m of the subject property.
- Director Harrison** ➤ Asked for further comments from the public present with regard to the proposed Amendment Bylaws.
- Paul Carmichael,** ➤ His concerns are the access to the easement on the north-east corner of the

- Rozon Road** Bickford property and access from Sangster Road off of Rozon Road down to Butterfield Road.
- Speaker,
Rozon Road** ➤ Concerned over what has occurred in the past in the Sentinel Ridge subdivision and does not want to see that occur in any other future subdivisions.
- Sheila Wheelhouse** ➤ Read verbatim a letter on behalf of Lynn Balding (EXHIBIT 6).
- Ron Parsons,
904 Frayne Road** ➤ It seems the CVRD cannot keep up with what is going on and does not know if incorporation would even make a big difference for South Cowichan but noted that he does not like the dictates of the Ministry of Transportation.
➤ It will be quite difficult for the area to maintain its rural spirit.
➤ There is a good future for Mill Bay and it is important for people to attend the meetings and stay involved.
- Sheila Wheelhouse** ➤ People moved to the area for the rural character and with the developments coming forward and the Bamberton lands coming the whole atmosphere is changing and thinks people who chose to move into the area should have some rights as to what is going on with all the developments in the area.
- Sheila Paul** ➤ Read a letter verbatim on behalf of Mary Desmond, Shawnigan Lake Watershed Watch (EXHIBIT 5).
- Karen Davis** ➤ People are very busy and suggested that the CVRD look into purchasing portable changeable marking signs to advertise upcoming meetings and they should be located along the roads.
➤ Notices of CVRD business should be located in certain sections of the local newspapers for people to easily access it.
➤ Pleased to have seen notice of the Public Hearing on the Kerry Park Notice Board.
➤ Notices of the Hearings should also be posted on the Events Calendar on the CVRD Website.
- Diana Barton,
2327 Coopers Hawk
Drive** ➤ Opposed to the proposed rezoning application and she would like to see the area left as a natural buffer between the already approved subdivisions in the area.
- Lois Albury,
2765 Cameron
Taggart Road** ➤ She daily commutes to work in Victoria and leaves her home at 6:15 am to be in Victoria by 7:30 am, the proposed development and the next developments that are coming forward will add to the main traffic thoroughfare making it going from bad to worse.
- April Tilson** ➤ Posting of the meetings is important and stated that she did see the Public Hearing Notice posted on the CVRD's Website and also within the local newspapers.
➤ They bought 35 years ago and knew at that time the area was going to

- grow.
- What she likes about the proposed subdivision is that it is located within an urban setting and it is not located in a farmer's field, along with 55 percent of the land being dedicated to the CVRD as parkland.
 - Good development as compared to some other subdivisions and supports the proposed application.
- John Middleton,
4180 Telegraph
Road**
- Finds the hearing questionable as the APC recommended against the development going forward until the new OCP review was complete.
 - Presently the beginning of a water management inventory study for the whole area.
 - Three south-end Directors were delegated to the Hearing and one of the Directors is not in attendance at the Hearing and asked why another Director from another area was not delegated to the Hearing.
- Balu Tatachari**
- Chair of Friends of Saanich Inlet.
 - Asked how many people have read the existing OCP?
- Director Harrison**
- Asked that Mr. Tatachari not make a question and answer session of his presentation and address the Hearing Committee.
- Balu Tatachari**
- Asked that question as he wanted to see how many people have actually read the OCP and stated the OCP states that care must be taken to preserve our forests.
- Director Giles**
- Asked that Mr. Tatachari address and direct his concerns about the proposed rezoning to the Public Hearing Committee.
- Balu Tatachari**
- Read his submitted letter (EXHIBIT 2) verbatim to the public present.
- Director Harrison**
- What is his main concern with regard to the proposed rezoning?
- Balu Tatachari**
- Comments on the application were only received from the Mill Bay Waterworks and CVRD Public Safety Department and no other external government agencies commented on the application which greatly concerns him.
- Sheila Paul**
- The Area APC stated the application should wait until the new OCP has been reviewed, there is a south end study being carried out and there is a 20-year supply of lots already approved in the area.
 - She spoke to Joe Barry, CVRD Corporate Secretary, on the telephone with regard to process of the Hearing delegation and asked him how the delegation was chosen for a Public Hearing and the response she received was that he did not know.
- Director Harrison**
- Asked that specific comments on the rezoning application be made and not on Mr. Barry's comments as he was not in attendance at the Public Hearing to defend his comments that were made.

- Sheila Paul**
- She went on the CVRD Website to review the past three years of minutes to see if three south-end Directors had been delegated in the past to Public Hearings but noted that there was not three years of Minutes on the Website and to find out that information she would have to fill in a Freedom of Information request.
- Brent Tilson**
- 20-year supply of lots is presently available within the CVRD. He has spoken with the Shawnigan Lake Director and he advised that even in a recession year the CVRD issued more building permits than the building year prior.
 - He is realistic and understands that the climate is heating up rapidly, there is a change coming and that he felt there will be a huge migration northward from the USA into Canada as they cannot take the heat.
- Director Harrison**
- Asked for further comments from the public present with regard to the proposed Amendment Bylaws.
- Paul Devoe,
2550 Seaview Road**
- Opposes the application due to the OCP review that has not yet been completed.
 - The land is presently zoned forestry and by changing it to residential you can never get forestry back.
 - The Sentinel Ridge development will carry on more than 4 years.
- Ray Culberson,
Rozon Road**
- There are presently 8 children under 12 years living on Rozon Road, there are signs posted with regard to that and he was very concerned about the increased traffic issues.
- Speaker**
- If the problem with Rozon Road is as serious as it is will a new development with narrower roads and no sidewalks be more of an impact.
 - Why was the development approved with narrower streets and no sidewalks?
- Sheila Wheelhouse**
- Trees should be saved as opposed to cutting them down and she understood that it is a Provincial law that states an Arbutus tree could not be cut and that law should be upheld.
 - The older trees located on the site should also be saved and not cut down as opposed to smaller seedlings being left on site.
- Lynn Balding,
2951 Wilkinson
Road**
- Extremely saddened by the walk down by the water and stated that area should be designated as parkland by the CVRD.
 - Trees being removed will affect the animals and the wetlands in the area.
 - If the small lots are allowed a huge precedent will be set and she would hate to see that entire area decimated as that would be very sad and said stop the application.
- Balu Tatachari**
- This is the stage where the public can voice their concerns as there is no public comment section during the development permit stage. The

application has to be viewed as to how it would benefit the community of Mill Bay and he does not see a clear reason for that benefit.

- Why has the rezoning application moved to Public Hearing stage?
- CVRD Staff delegated three south-end Directors to the Public Hearing which was approved by the CVRD Board and he sees a conflict of interest with that delegation.

Director Harrison

- What are his specific concerns with regard to the rezoning application?

Balu Tatachari

- Concerned as to how the application got to the Public Hearing stage with the three delegated south-end Directors and why Director Cossey was not in attendance at the Public Hearing which he felt should make it null and void.

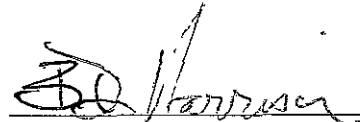
ADJOURNMENT

Chairperson Harrison asked for public comments or submissions three times from the public present regarding Official Community Plan Amendment Bylaw No. 3387 and Zoning Amendment Bylaw No. 3388.

Chairperson Harrison declared the Public Hearing closed at 9:11 pm.

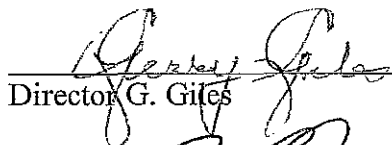
CERTIFICATION:

We attended the Public Hearing on Monday, June 14, 2010, and hereby certify that this is a fair and accurate report of the Public Hearing.



Director B. Harrison

Date July 6, 2010



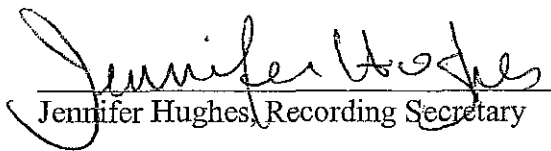
Director G. Giles

Date July 7, 2010



Dana Leitch, Planner

Date June 24, 2010



Jennifer Hughes, Recording Secretary

Date June 24, 2010



C·V·R·D

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

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

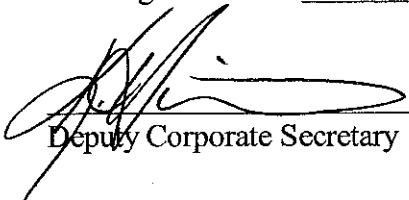
The maximum amount of money that may be requisitioned annually in support of this service shall not exceed Forty One Thousand One Hundred Dollars (\$41,100.00).

READ A FIRST TIME this 9th day of June, 2010.

READ A SECOND TIME this 9th day of June, 2010.

READ A THIRD TIME this 9th day of June, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 3382 as given Third Reading on the 9th day of June, 2010.



 Deputy Corporate Secretary

June 14, 2010

 Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this

25th day of June 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Corporate Secretary



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

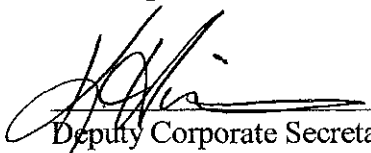
This bylaw relates to the *Douglas Hill Water System Service Area* established pursuant to CVRD Bylaw No. 3382, cited as "CVRD Bylaw No. 3382 - Douglas Hill Water System Service Establishment Bylaw, 2010".

READ A FIRST TIME this 9th day of June, 2010.

READ A SECOND TIME this 9th day of June, 2010.

READ A THIRD TIME this 9th day of June, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 3383 as given Third Reading on the 9th day of June, 2010.


Deputy Corporate Secretary

June 14, 2010
Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 25th day of June, 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Corporate Secretary



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COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3392

**A Bylaw to Amend Shawnigan Lake Historical Society Annual Contribution Service
Establishment Bylaw No. 2950**

WHEREAS the Board of the Cowichan Valley Regional District established the *Shawnigan Lake Historical Society Annual Contribution Service* under the provisions of Bylaw No. 2950, cited as "Shawnigan Lake Historical Society Annual Contribution Service Establishment Bylaw, 2007", for the purpose of providing an financial contribution to the Shawnigan Lake Historical Society to assist with costs associated with the operation and maintenance of the Shawnigan Lake Museum;

AND WHEREAS the Regional District wishes to amend Bylaw No. 2950 by increasing the maximum annual requisition limit from \$8,500.00 to \$17,000.00;

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

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

1. **CITATION**

This bylaw may be cited as "**CVRD Bylaw No. 3392 – Shawnigan Lake Historical Society Annual Contribution Service Amendment Bylaw, 2010**".

AMENDMENT:

2. Bylaw No. 2950, cited as "Shawnigan Lake Historical Society Annual Contribution Service Establishment Bylaw, 2007", is hereby amended as follows:

a) That the Section 6 - Maximum Requisition text be deleted and replaced with the following:

The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$17,000.00 or an amount equal to the amount that could be raised by a property value tax of \$.01131 per \$1,000.00 of net taxable value of land and improvements within the service area.

.../2

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. 3392 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



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3396

A Bylaw to Amend Bings Creek Solid Waste Management Complex Reserve Fund Establishment Bylaw No. 2043

WHEREAS the Board of the Cowichan Valley Regional District established the *Bings Creek Solid Waste Management Complex Reserve Fund* under the provisions of Bylaw No. 2043, cited as "CVRD Bylaw No. 2043 – Bings Creek Solid Waste Management Complex Reserve Fund Establishment Bylaw";

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to change the name of the Reserve Fund from the Bings Creek Solid Waste Management Complex to CVRD Solid Waste Management Facilities;

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

1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3396 – Bings Creek Solid Waste Management Complex Reserve Fund Amendment Bylaw, 2010".

2. AMENDMENTS

That CVRD Bylaw No. 2043 be amended as follows:

- a) That the title of the Bylaw be deleted and replaced with the following:

A Bylaw to Establish a Capital Reserve Fund for CVRD Solid Waste Management Facilities.

- b) That the Section 1 citation text be deleted and replaced with the following:

This bylaw may be cited for all purposes as "CVRD Bylaw No. 2043 – Solid Waste Management Facilities Reserve Fund Establishment Bylaw, 1999".

- c) That wherever the words "Bings Creek Solid Waste Management Complex" appear within the Bylaw they be deleted and replaced with the words "CVRD Solid Waste Management Facilities".

.../2

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



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COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3397

A Bylaw to Amend the Boundaries of the Kerry Village Water System Service Area

WHEREAS the Board of the Cowichan Valley Regional District established the *Kerry Village Water System Service Area* under the provisions of Bylaw No. 2491, cited as "CVRD Bylaw No. 2491 – Kerry Village Water System Service Establishment Bylaw, 2004", as amended;

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

- Lot A, Section 2, Range 7, Shawnigan Land District, Plan 45532, PID 008-301-158;

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

AND WHEREAS the Director of 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, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3397 – Kerry Village Water System Service Amendment Bylaw, 2010".

2. AMENDMENT

That Bylaw No. 2491 be amended by deleting and replacing the existing Schedule A with the Schedule A attached to this bylaw.

READ A FIRST TIME this _____ day of _____, 2010.

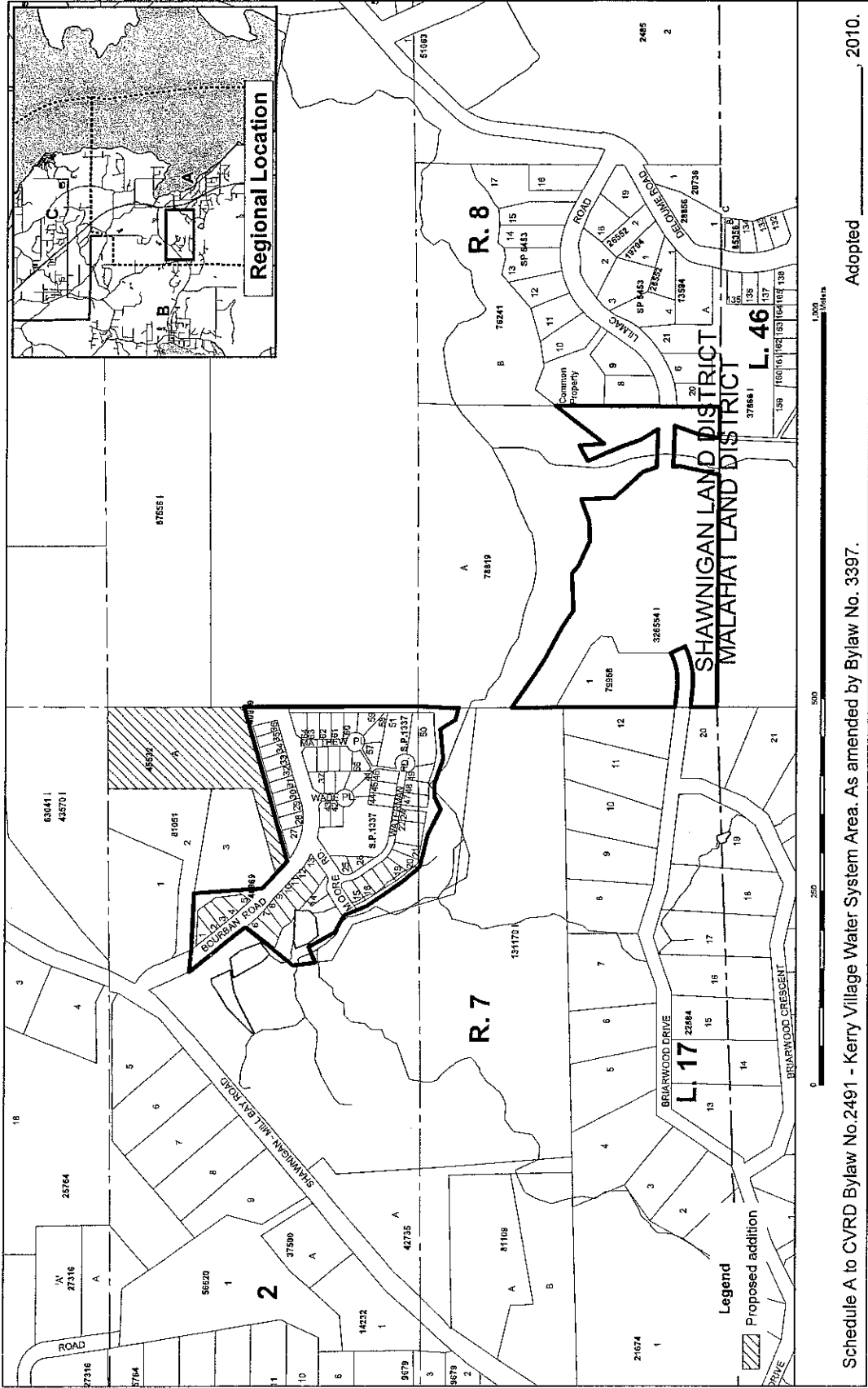
READ A SECOND TIME this _____ day of _____, 2010.

READ A THIRD TIME this _____ day of _____, 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Corporate Secretary



Schedule A to CVRD Bylaw No.2491 - Kerry Village Water System Area. As amended by Bylaw No. 3397. Adopted _____, 2010.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3398

A Bylaw to Amend the Boundaries of the Kerry Village Sewer System Service Area

WHEREAS the Board of the Cowichan Valley Regional District established the *Kerry Village Sewer System Service Area* under the provisions of Bylaw No. 2489, cited as "CVRD Bylaw No. 2489 – Kerry Village Sewer System Service Establishment Bylaw, 2004", as amended;

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

- Lot A, Section 2, Range 7, Shawnigan Land District, Plan 45532, PID 008-301-158;

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

AND WHEREAS the Director of 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, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3398 – Kerry Village Sewer System Service Amendment Bylaw, 2010**".

2. **AMENDMENT**

That Bylaw No. 2489 be amended by deleting and replacing the existing Schedule A with the Schedule A attached to this bylaw.

READ A FIRST TIME this _____ day of _____, 2010.

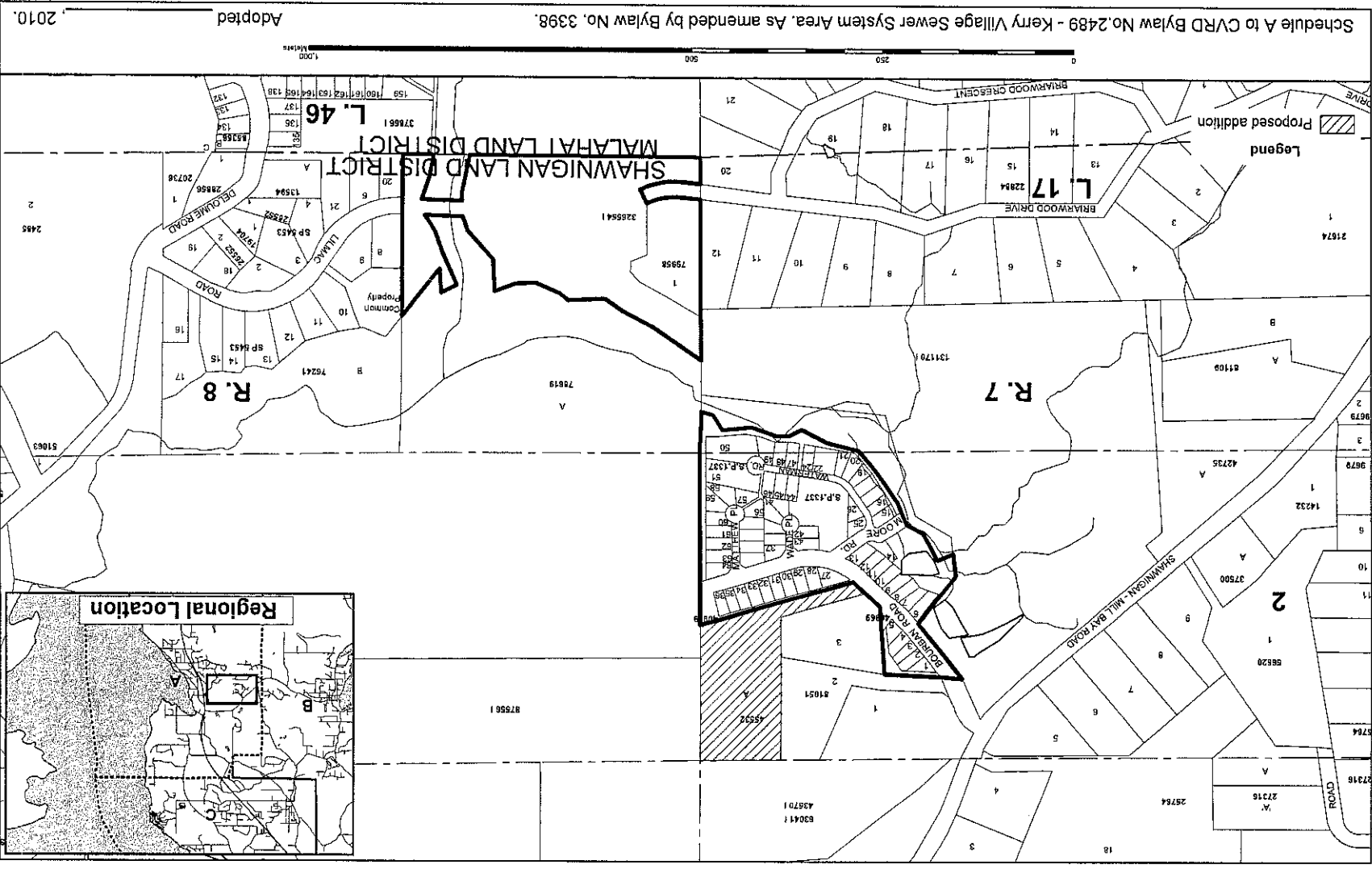
READ A SECOND TIME this _____ day of _____, 2010.

READ A THIRD TIME this _____ day of _____, 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Corporate Secretary





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3400

**A Bylaw to Authorize the Entering into an Agreement Respecting Financing
Between the Cowichan Valley Regional District and the
Municipal Finance Authority of British Columbia**

WHEREAS the Municipal Finance Authority of British Columbia (the “Authority”) may provide financing of capital requirements for regional districts or for their member municipalities by the issue of debentures or other evidence of indebtedness of the Authority and lending the proceeds therefrom to the Regional District on whose request the financing is undertaken;

AND WHEREAS under the provisions of Section 825 of the *Local Government Act*, the amount of borrowing authorized by the following Loan Authorization Bylaw, the amount already borrowed under the authority thereof, the amount of authorization to borrow remaining thereunder and the amount being issued under the authority thereof by this bylaw is as follows:

L/A Bylaw Number	Purpose	Amount of Borrowing Authorized	Amount Already Borrowed	Borrowing Authority Remaining	Term of Issue	Amount of Issue
2902	Construct a Reservoir and Pressure Reducing Pump Station, Youbou Water	\$120,000	Nil	\$120,000	20 Years	\$120,000
2973	Design and Construct Water Works within Honeymoon Bay	\$37,000	Nil	\$37,000	20 Years	\$37,000
3062	Upgrade Lambourn Estates Water System	\$100,000	Nil	\$100,000	20 Years	\$100,000
3063	Upgrade Lambourn Estates Sewer System	\$150,000	Nil	\$150,000	20 Years	\$150,000
3277	Solid Waste Works	\$1,800,000	Nil	\$1,800,000	20 Years	\$720,000
TOTAL		\$2,207,000	Nil	\$2,207,000		\$1,127,000

TOTAL Financing under Section 825 \$1,127,000

AND WHEREAS the Regional Board, by this bylaw, hereby requests such financing shall be undertaken through the Authority;

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

1. **CITATION**

This bylaw may be cited for all purposes as “**Cowichan Valley Regional District Bylaw No. 3400 - Security Issuing (Loan Authorization Bylaw No. 2902, Loan Authorization Bylaw No. 2973, Loan Authorization Bylaw No. 3062, Loan Authorization Bylaw No. 3063, and Loan Authorization Bylaw No. 3277) Bylaw, 2010**”.

2. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Cowichan Valley Regional District up to, but not exceeding One Million, One Hundred and Twenty-Seven Thousand Dollars, (\$1,127,000.) in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in such currency as the Trustees of the Authority shall determine but the aggregate amount in lawful money of Canada and in Canadian Dollar equivalents so borrowed shall not exceed \$1,127,000. in Canadian dollars) at such interest and with such discounts or premiums and expenses as the Authority may deem appropriate in consideration of the market and economic conditions pertaining.
3. Upon completion by the Authority of financing undertaken pursuant hereto, the Chair and Treasurer of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements which said agreement or agreements shall be substantially in the form annexed hereto as Schedule A and made part of the bylaw (such agreement or agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
4. The Agreement in the form of Schedule A shall be dated and payable in the principal amount or amounts of monies and in Canadian dollars or as the Authority shall determine and subject to the *Local Government Act*, in such currency or currencies as shall be borrowed by the Authority under Section 2 of this bylaw and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
5. The obligation incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority, and shall bear interest at a rate to be determined by the Treasurer of the Authority.
6. The Agreement shall be sealed with the seal of the Regional District and shall bear the signatures of the Chair and Treasurer.

.../3

7. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
8. During the currency of the obligations incurred under the said Agreement to secure borrowings in respect of "CVRD Bylaw No. 2902 – Youbou Water System Service Loan Authorization Bylaw, 2006", "CVRD Bylaw No. 2973 – Honeymoon Bay Water System Loan Authorization Bylaw, 2007", "CVRD Bylaw No. 3062 – Lambourn Estates Water System Service Loan Authorization Bylaw, 2008", "CVRD Bylaw No. 3063 – Lambourn Estates Sewer System Service Loan Authorization Bylaw, 2008", and "CVRD Bylaw No. 3277 – Solid Waste Management Loan Authorization (Solid Waste Works) Bylaw, 2009" the anticipated revenues accruing to the Regional District from the operation of the Youbou Water System, Honeymoon Bay Water System, Lambourn Estates Water System, Lambourn Estates Sewer System and Solid Waste Management are at any time insufficient to meet the annual payment of interest and the repayment of principal in any year, there shall be requisitioned an amount sufficient to meet such insufficiency.
9. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided however, that if the sum provided for in the Agreement is not sufficient to meet the obligations of the Authority, any deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional District shall make provision to discharge such liability.
10. At the request of the Treasurer of the Authority and pursuant to Section 15 of the *Municipal Finance Authority Act*, the Regional District shall pay over to the Authority such sums and execute and deliver such promissory notes as are required pursuant to said Section 15 of the *Municipal Finance Authority Act*, to form part of the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.

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



C·V·R·D

SCHEDULE "A"

to CVRD Bylaw No. 3400

C A N A D A

PROVINCE OF BRITISH COLUMBIA

Dollars

A G R E E M E N T

COWICHAN VALLEY REGIONAL DISTRICT

The Cowichan Valley Regional District hereby promises to pay to the Municipal Finance Authority of British Columbia (the "Authority") at its Head Office in Victoria, British Columbia, the sum of _____ (\$ _____) in lawful money of Canada, together with interest thereon from the _____ day of _____ at varying rates of interest calculated semi-annually in each and every year during the currency of this Agreement; and payments shall be as specified in the table appearing on the reverse hereof commencing on the _____ day of _____ provided that in the event of payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority such further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

DATED at _____, British Columbia, this _____ day of _____, 20__.

IN TESTIMONY WHEREOF and under the authority of Bylaw No. 3400 cited as "Cowichan Valley Regional District Bylaw No. 3400 - Security Issuing (Loan Authorization Bylaw 2902, Loan Authorization Bylaw 2973, Loan Authorization Bylaw 3062, Loan Authorization Bylaw 3063, and Loan Authorization Bylaw 3277) Bylaw, 2010." This Agreement is sealed with the Corporate Seal of the Cowichan Valley Regional District and signed by the Chair and Treasurer thereof.

Chair

Treasurer



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3401

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

WHEREAS as of May 31, 2010, there is an unappropriated balance in the *Cowichan Community Centre Capital Project Reserve Fund* of Two Hundred and Eight Thousand Four Hundred Seventy-Four Dollars (\$208,474.) that has been calculated as follows:

BALANCE in Reserve Fund as at December 31, 2009:	\$208,137.
ADD: Additions to the Fund, including interest earned for the current year to date.	\$ 337.
	<u>\$208,474.</u>
DEDUCT: Commitments outstanding under bylaws previously adopted.	NIL
UNCOMMITTED BALANCE in Reserve Fund as at May 31, 2010:	<u>\$208,474.</u>

AND WHEREAS it is deemed desirable and expedient to expend not more than Sixty-One Thousand Six Hundred Dollars (\$61,600.) of the said balance for the purpose of funding the purchase of a new Cowichan Theatre sound board.

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3401 – Cowichan Community Centre Capital Project Reserve Fund Expenditure (Sound Board) Bylaw, 2010**".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Sixty-One Thousand Six Hundred Dollars (\$61,600.) is hereby appropriated from the *Cowichan Community Centre Capital Project Reserve Fund* for the for the purpose of funding the purchase of a new Cowichan Theatre sound board.
- b) The expenditures to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution No. 10-337, adopted June 9, 2010.

3. SUMS REMAINING

Should any of the said sum of Sixty-One Thousand Six Hundred Dollars (\$61,600.) 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. 3402

**A Bylaw Authorizing the Expenditure of Funds from the
Honeymoon Bay Fire Protection Local Service Area Reserve Fund,
Established Pursuant to CVRD Bylaw No. 1897**

WHEREAS as of May 31, 2010, there is an unappropriated balance in the *Honeymoon Bay Fire Protection Local Service Area Reserve Fund* of One Hundred and One Thousand Fifty-Nine Dollars (\$101,059.) that has been calculated as follows:

BALANCE in Reserve Fund as at December 31, 2009:	\$100,903.
ADD: Additions to the Fund, including interest earned for the current year to date.	\$ 156.
	\$101,059.
DEDUCT: Commitments outstanding under bylaws previously adopted.	NIL
UNCOMMITTED BALANCE in Reserve Fund as at May 31, 2010:	<u>\$101,059.</u>

AND WHEREAS it is deemed desirable and expedient to expend not more than Sixty-Four Hundred Dollars (\$6,400.) of the said balance for the purpose of funding the repair of the roof of the Honeymoon Bay Fire Hall.

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3402 – Honeymoon Bay Fire Protection Local Service Area Capital Reserve Fund Expenditure (Roof Repair) Bylaw, 2010**".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Sixty-Four Hundred Dollars (\$6,400.) is hereby appropriated from the *Honeymoon Bay Fire Protection Local Service Area Capital Reserve Fund* for the purpose of funding the repair of the roof of the Honeymoon Bay Fire Hall.
- b) The expenditures to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution No. 10-307.2, adopted June 9, 2010.

3. SUMS REMAINING

Should any of the said sum of Sixty-Four Hundred Dollars (\$6,400.) 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



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3403

A Bylaw to Amend Electoral Area B – Shawnigan Lake Critical Location Streetlighting Service Establishment Bylaw No. 2138

WHEREAS the Board of the Cowichan Valley Regional District established the *Area B - Shawnigan Lake Critical Location Streetlighting Service* under the provisions of Bylaw No. 2138, cited as "CVRD Bylaw No. 2138 – Electoral Area B – Shawnigan Lake Critical Location Streetlighting Service Establishment Bylaw, 2000", for the purpose of providing a critical location streetlighting service for Electoral Area B – Shawnigan Lake;

AND WHEREAS the Regional District wishes to amend Bylaw No. 2138 by increasing the maximum annual requisition limit from One Thousand Dollars (\$1,000.) to Three Thousand Dollars (\$3,000.).

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

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

1. **CITATION**

This bylaw may be cited as "**CVRD Bylaw No. 3403 – Area B - Shawnigan Lake Critical Location Streetlighting Service Amendment Bylaw, 2010**".

2. **AMENDMENTS:**

Bylaw No. 2138, cited as "CVRD Bylaw No. 2138 – Electoral Area B – Shawnigan Lake Critical Location Streetlighting Service Establishment Bylaw, 2000", is hereby amended as follows:

- a) That the word "One" be deleted and replaced with the word "Three" and the number "1" be deleted and replaced with the number "3" in the third Whereas clause of the preamble.

.../2

b) That Section 5 be deleted and replaced with the following:

METHOD OF COST RECOVERY:

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

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

MAXIMUM REQUISITION:

6. The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$3,000. or an amount equal to the amount that could be raised by a property value tax of \$.0018 per \$1,000. of net taxable value of land and improvements within the service area.

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. 3403 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



C.V.R.D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3222

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

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3222 - Area B – Shawnigan Lake Official Community Plan Amendment Bylaw (Living Forest Planning Consultants/Elkington Estates) 2008**".

2. **AMENDMENTS**

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

3. CAPITAL EXPENDITURE PROGRAM

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

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

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

SECOND READING RESCINDED this 25th day of March, 2009.

SECOND READING AS AMENDED this 25th day of March, 2009.

READ A THIRD TIME this 25th day of March, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3222 as given Third Reading on the 25th day of March, 2009.

Corporate Secretary [Signature]

Date APRIL 24, 2009.

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

this 11th day of March, 2009. 2010

ADOPTED this _____ day of _____, 2009. 2010

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3222

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

1. Part Four PLAN POLICIES is amended by adding the following after Section 9:

10. COMPREHENSIVE DESIGNATION POLICIES

a. Community Land Stewardship Designation Policies

Policy 10.1

The Community Land Stewardship Designation affects 411 hectares of land within Block 270 Malahat District; District Lot 201, Malahat District; Block 281, Malahat District; and that part of Block 201, Malahat District including part of amended Parcel A (DD1896741) of said Block, and Lot 26, District Lot 201, Malahat District Plan VIP78459.

Policy 10.2

The Community Land Stewardship Designation aims to provide for the ecological sustainability of the land by requiring conservation and eco-forestry covenants on 85% of the land. The covenants are designed to protect the long term ecological functioning of the land, provide long-term employment (eco-forestry and organic agriculture)), and mitigate climate change impacts. The remaining 15% of the land will incorporate low impact infrastructure, narrow roads, and site designs that limit and contain the ecological footprint of the development.

Policy 10.3

The Community Land Stewardship Designation is intended only for lands at least 400 ha in area, located in close proximity to existing communities or transportation routes between existing communities, with mature forest cover existing on at least 70% of the lands.

Policy 10.4

Within the Community Land Stewardship Designation, a minimum of 85% of the land will be within the Ecological Conservation and Eco-forestry sub-areas. Up to 15% of the land base may be within the Agro-forestry, Hamlet and Low-Density sub-areas. The five sub-areas within the Community Land Stewardship Designation are shown on Figure 2B "Community Land Stewardship Designation Sub-Areas Map".

.../2

Policy 10.5

Buffer areas will be established on either side of watercourses and wetlands, according to the provincial Riparian Areas Regulation, the Forest Stewardship Council requirements, or equivalent, to protect the ecological integrity of these systems from potentially harmful human activities.

Policy 10.6

The 385 hectares of land within Block 270 Malahat District; District Lot 201, Malahat District; Block 281, Malahat District; and that part of Block 201, Malahat District including part of amended Parcel A (DD1896741) of said Block will be limited to not more than 85 dwellings. Furthermore, the 26 hectares within Lot 26, District Lot 201, Malahat District Plan VIP78459 will be limited to 5 dwellings.

Policy 10.7

While primarily a conservation area, the permitted uses within the Ecological Conservation Area will include trails and the management of forests so as to maintain the health of the forest and minimize the risk of wild fire, wind throw or the spread of invasive species.

Policy 10.8

Lands within the Ecological Conservation Area will be subject to a conservation covenant, held by the CVRD and the Land Conservancy of Canada, registered on the title of the lands.

Policy 10.9

Uses permitted within the Eco-forestry Area will include timber harvesting according to a Forest Stewardship Council management plan (or equivalent), silviculture, horticulture, cultivation of non-timber forest products and agro-forestry products. This sub-area will also permit recreational trails and small facilities or structures for ecological education, which may include non-habitable tree top canopy structures. Limited, small-scale timber milling, wood processing and other timber based manufacturing activities will be encouraged.

Policy 10.10

Lands within the Eco-Forestry Area will be subject to a forestry conservation covenant, held by the CVRD and the Land Conservancy of Canada, and registered on the Title of the Parcels. Uses within the Eco-Forestry Area will be subject to the "Small Operations Standards of the Forest Stewardship Council Regional Certification Standards for British Columbia (2005), or equivalent.

Policy 10.11

Uses permitted within the Agro-forestry Area, which is a more intensive agricultural land sub-area than the Eco-Forestry Area, will include eco-forestry based forest management systems, including timber harvesting according to a Forest Stewardship Council management plan (or equivalent), silviculture, horticulture, cultivation of non-timber forest products and agro-forestry products. This sub-zone will also permit recreational trails and small facilities or structures for ecological education, which may include tree top canopy structures. Small scale, value-added agriculture, organic gardening, food production and processing, greenhouses, and horticulture will be encouraged in this area. Limited, small scale, value added timber manufacturing, sawmills, planer mills and other low impact timber based manufacturing activities will be encouraged in this area.

Policy 10.12

Uses permitted within the Low-Density Area will include Single Family residential units to a maximum density of five (5) dwellings in Area A, eight (8) dwellings in Area B, and fourteen (14) dwellings in Area C. All Single Family dwellings may have a home occupation, a secondary suite, and a bed and breakfast accommodation. Other permitted uses include agriculture, recreational trails and the management of forests in order to maintain the health of the forest and minimize the risk of wild fire, wind throw or spread of invasive species.

Policy 10.13

Within the Low Density Area, no dwelling shall be greater than 400 square metres in floor area.

Policy 10.14

Uses permitted within the Hamlet Area will include Single Family and multi-family residential units. Up to 77 dwelling units will be permitted in the Hamlet Area and the Low Density Area C Combined. Therefore, between 63 and 77 dwellings may occur in the Hamlet Area, depending on density within the Low Density Area C area. All Single Family dwellings may have a home occupation, a secondary suite, and/or a bed and breakfast accommodation.

Policy 10.15

Within the Hamlet Area, all intensive residential and multi-family dwellings will be subject to the Community Land Stewardship Development Permit Area.

Policy 10.16

Within the Hamlet Area, no dwelling shall be greater than 370 square metres in floor area (including basements).

Policy 10.17

Within the Hamlet Area, a Guest Lodge for tourist accommodation is permitted with up to 12 suites within the Lodge, and with up to 6 accessory tree top canopy units for tourist accommodation. These tree top canopy units will not exceed 40 m², and may be located in an Eco-forestry, Agro-forestry, Low-Density, or Hamlet Area, provided that they are located within 300 metres of the Guest Lodge.

Policy 10.18

Within the Hamlet Area, a community centre facility is permitted, not to exceed 100 square meters in area. In addition, community structures, gazebos, amphitheatres, community fire response centres or civic buildings are permitted. Not more than one Guest Lodge and one community centre is permitted within the Community Land Stewardship Designation.

Policy 10.19

Within the Hamlet Area, a convenience store, not exceeding 100 square meters in floor area, will be permitted.

Policy 10.20

Within the Hamlet Area, other permitted uses include recreational trails and the management of forests so as to maintain the health of the forest and minimize the risk of wild fire, wind throw or spread of invasive species.

Policy 10.21

Land uses within the Community Land Stewardship Designation will utilize water resources found within the designation area, in order to contain the ecological footprint of the development.

Policy 10.22

An Archeological Overview Assessment was conducted for the Subject property in 2007. Although all developable areas within the Community Land Stewardship Designation have been identified as having low probability of archaeological resources, nevertheless archaeological resources should be considered during all phases of project development.

2. That Figure 2B be added to Section 10.
3. That existing Sections 10 through 12 be renumbered accordingly.
4. That Section 13 (formerly Section 12) be amended by adding the following subsection after 13.8:

13.9 COMMUNITY LAND STEWARDSHIP DEVELOPMENT PERMIT AREA*Category*

The Community Land Stewardship Development Permit Area is designated pursuant to Section 919.1(1)(a), (b), (e), (f), (h), (i) and (j), for

- (a) Protection of the natural environment, its ecosystems and biodiversity;
- (b) Protection of development from hazardous conditions,
- (c) Establishment of objectives for the form and character of intensive residential development;
- (d) Establishment of objectives for the form and character of commercial, industrial and multifamily residential development;
- (e) Establishment of objectives to promote energy conservation;
- (f) Establishment of objectives to promote water conservation; and
- (g) Establishment of objectives to promote the reduction of greenhouse gas emissions.

Justification

The objectives of the Community Land Stewardship Development Permit Area are:

- (a) The Community Land Stewardship Development Permit Area encompasses Devereaux Lake, Stebbings Lake and Stebbings Creek, which come to a confluence on the property to form Shawnigan Creek. The Stebbings Lake and Devereaux Lake watersheds constitute the complete upper watershed for Shawnigan Lake and, as such, have a very significant ecological value for the Shawnigan Lake community. The Board aims to protect the ecological values of this area.

- (b) The Board aims to protect life and property from hazardous conditions, including flooding, mud flows, torrents of debris, erosion, land slip, rock falls, subsidence, avalanche, and wildfire.
- (c) The Board wishes to promote energy conservation, water conservation and a reduction in greenhouse gas emissions.
- (d) The Board wishes to minimize the degree of forest carbon emissions.
- (e) The Board wishes to ensure that the form and character of intensive residential, commercial and industrial development conforms to basic principles of ecological sustainability, and vernacular traditional urban design as set out below.

Area

The Community Land Stewardship Development Permit Area applies to those lands shown outlined in a thick black line on Figure 5F.

Guidelines

Subject to the exemptions listed below, prior to commencement of any development, including subdivision, construction, or land clearing, on lands within the Community Land Stewardship Development Permit Area, the owner shall submit information that demonstrates how the proposed development meets the following guidelines:

Environmental Protection

1. A sustainable rain water management plan, based on Ministry of Environment Best Management Practices, will be required to ensure gradual dispersal of water to constructed wetlands or into natural groundwater infiltration system, in order to prevent channelization, soil erosion, or sedimentation flowing into existing watercourses.
2. A rain water runoff plan will be prepared for every proposed building lot and reviewed for compliance with the sustainable rain water management plan.
3. A Canadian Green Building Council LEED certification system, or its equivalent as agreed upon by the CVRD, is required for the Hamlet sub areas and all commercial and industrial buildings.
4. The latest Best Management Practices for land development of the Ministry of Environment will be used.
5. Proposed sewage treatment and disposal methods will be designed to avoid impacts upon the environment and shall meet the requirements of the South Sector Liquid Waste Management Plan.
6. The South Sector Liquid Waste Management Plan will be respected.
7. Potable water must be provided from underground sources within the subject property.

Hazardous Conditions

8. The CVRD Board may, where it believes that development is proposed near or in an area that may be subject to erosion or ground instability, require the applicant, at the applicant's expense, to hire an engineer, experienced in natural hazards identification and mitigation. The engineer's recommendations will be incorporated into a Development Permit, if one is issued.

.../6

9. Provision of Fire Smart Measures will be implemented, including appropriate fire fighting equipment on site, thinning of fuels around buildings, design of all dwellings with sprinklers and non-combustible roofing materials.

Form and Character of Development within the Hamlet Areas

10. Narrow roads will be encouraged that follow the natural contours of the land and minimize cutting or filling. Where possible, steep slopes shall be avoided.
11. Light pollution shall be avoided. Street and common area lighting design will provide adequate lighting while ensuring that there is no spillover into adjacent areas.
12. Dwellings will have vertical proportions with one, two and two and a half storey construction.
13. The architecture will be predominately simple geometric proportions and massing; square, rectangular, T-shape, cruciform, H shape, etc., with dormers, gables, projecting balconies, recessed decks and doors, covered porches, and bay and box windows, designed with vertical proportions.
14. The main portion of all roofs will be a minimum of 12/12 pitch, in grey, black, copper, and other metal colors.
15. A palette of natural materials will be used, such as exposed timber frame trusses, beams, wood siding or shingles, and small areas of non-combustible rough textured stucco.
16. Dwellings will not exceed 200 m² in footprint, emphasizing efficiency in use of space, high quality design, and practical storage areas. The exception is the Low-Density Areas, which would include some larger, more private and less vertically oriented buildings.
17. Dwellings will front onto a public square or common area, to be accessible and public, while the backs of the homes will be more private.
18. The street frontage will be designed to reflect visual continuity with neighbouring houses, with common but not mimicking features.
19. Deep usable porches, windows overlooking the street, and clearly visible entrances are encouraged. Except for "curb-cuts" for driveways, there should be a continuity of the street wall incorporating the face of the dwellings, frontage walls, trellises, and vegetation.
20. Carports, garages, and parking areas are to be hidden on the side or rear of houses, or tucked into basement areas.
21. Fencing and walls to be restricted to portions of yards and gardens immediately adjacent to the dwelling, and to areas that are intensively cultivated, farmed, or used for agro-forestry uses (deer fencing is permitted).
22. All public use areas will be landscaped in accordance with an overall landscape plan. The landscape plan may be reviewed in accordance with the British Columbia Society of Landscape Architects (BCSLA) and the British Columbia Nursery Trades Association (BCNTA).
23. Crime Prevention through Environmental Design (CPTED) will be considered in landscaping plans and building designs.
24. Vehicle access points, pedestrian pathways, and parking and circulation patterns within the Hamlet Areas will be physically linked and, where feasible, shared in order to encourage as safety and avoid unnecessary duplication.

.../7

25. Safe pedestrian routes across, within, and between sites shall be clearly delineated by means of separate walkways, sidewalks, or raised paths where they cross parking areas.
26. Signs will be designed to reflect the architecture of the site and be in harmony with the landscaping plans for the site, but shall be limited in height and area commensurate with the site characteristics.
27. Where possible, underground wiring is encouraged rather than overhead wiring.

Energy Conservation, Water Conservation and Reduction of Greenhouse Gas Emissions

28. The use of rainwater catchment tanks and cisterns for re-use in irrigation is required.
29. The use of alternative and renewable sources of energy is required.
30. A Canadian Green Building Council LEED Rating system, or its equivalent, is required.
31. Site planning for buildings and land uses will incorporate studies, submitted to the CVRD, to facilitate utilization of energy and water conservation measures, including solar orientation, prevailing wind direction, elevation contours, existence of significant vegetation and means to retain mature vegetation.

Exemptions

The terms of the Community Land Stewardship Development Permit Area shall not apply to:

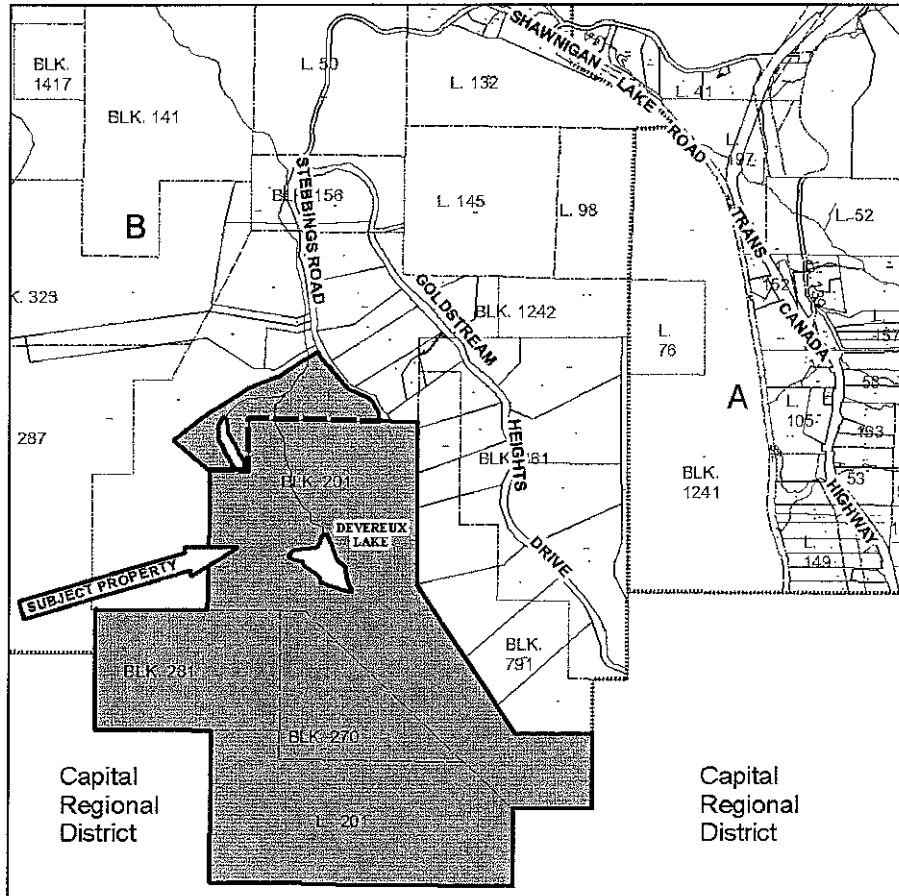
1. Lot consolidations and minor boundary realignments;
2. Interior renovations and minor exterior renovations of existing structures;
3. Forest Management that does not require the use of buildings or structures;
4. Recreational trails and small facilities or structures for ecological education.

Requirements

- (a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Community Land Stewardship Development Permit Area**, the applicant must submit a development permit application, which at a minimum includes:
 1. a written description of the proposed project;
 2. reports or information as listed in the relevant Development Permit Guidelines;
 3. information in the form of one or more maps at a scale of 1:2000, as follows:
 - a. Location and extent of proposed work;
 - b. Site plan showing existing and proposed parcel lines, existing and proposed buildings and structures, vehicular access points, roads, driveways and parking areas;
 - c. Location of all natural watercourses/waterbodies, including springs;
 - d. Setback distances from watercourses/waterbodies, including springs;
 - e. Existing tree cover, areas of sensitive native plant communities, proposed areas to be cleared;
 - f. Locations and size of treed buffers;
 - g. Topographical contours (1 metre), location of slopes exceeding 25 percent grade.

- h. location of lands subject to periodic flooding;
 - i. percentage of existing and proposed impervious surfaces;
 - j. existing and proposed trails;
 - k. existing and proposed stormwater management works, including retention areas and drainage pipes or ditches;
 - l. existing and proposed erosion mitigation and bank alterations;
 - m. existing and proposed sewage works, treatment systems and fields;
 - n. existing and proposed water lines and well sites;
- (b) In addition to the requirements listed above, the CVRD may require the applicant to furnish, at the applicant's expense, any of the following studies (the recommendations of which may be included in the development permit):
- a. a hydrogeological report, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition;
 - b. a report on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the use intended; and/or
 - c. a rainwater management plan, which includes an assessment of the potential impact of the development on the groundwater resource.
 - d. an environmental impact assessment, certified by a registered professional biologist, assessing any impacts of the project on watercourses and lands in the area.
 - e. The ecological baseline study, which was prepared in 2007 as a component of the development process to allow for the Community Land Stewardship Designation, and any current updates, to be made available to all homeowners, residents or users of the land, to ensure awareness of the biological functioning of the eco-system communities and awareness of the dangers of invasive species.
2. That Schedule B (OCP Map) to Electoral Area B – Shawnigan Lake Official Community Plan Bylaw No. 1010 be amended by redesignating Block 270 Malahat District; District Lot 201, Malahat District; Block 281, Malahat District; and that part of Block 201, Malahat District including part of amended Parcel A (DD1896741) of said Block, and Lot 26, District Lot 201, Malahat District Plan VIP78459, as shown outlined in a solid black line on Schedule B attached hereto and forming part of this bylaw, numbered Z-3222, from Forestry to Community Land Stewardship.

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



THE AREA OUTLINED IN A SOLID BLACK LINE AND SHADED IS REDESIGNATED FROM

Forestry **TO**

Community Land Stewardship **APPLICABLE**

TO ELECTORAL AREA B

Figure 2B
Community Land Stewardship
Designation Sub-Areas

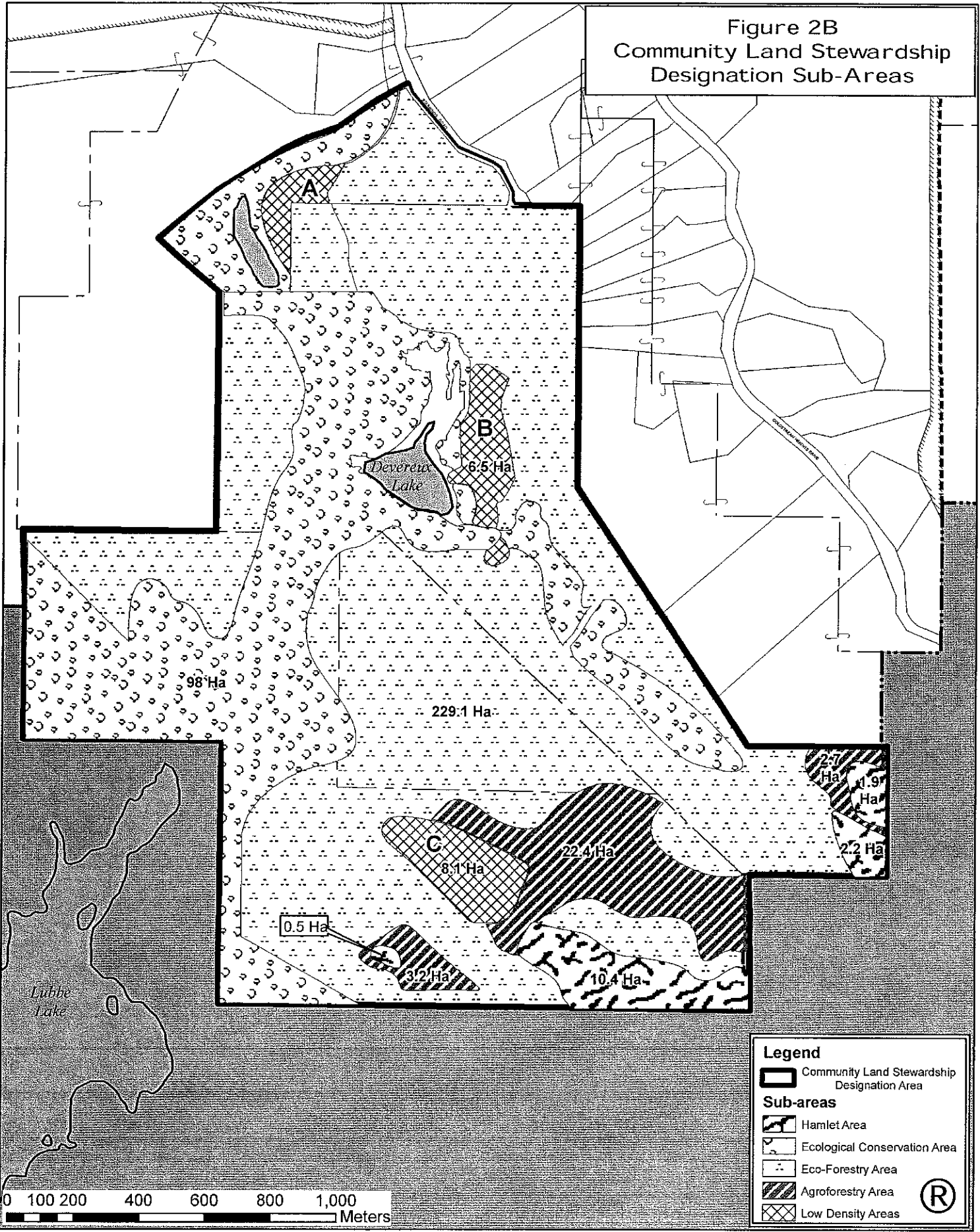
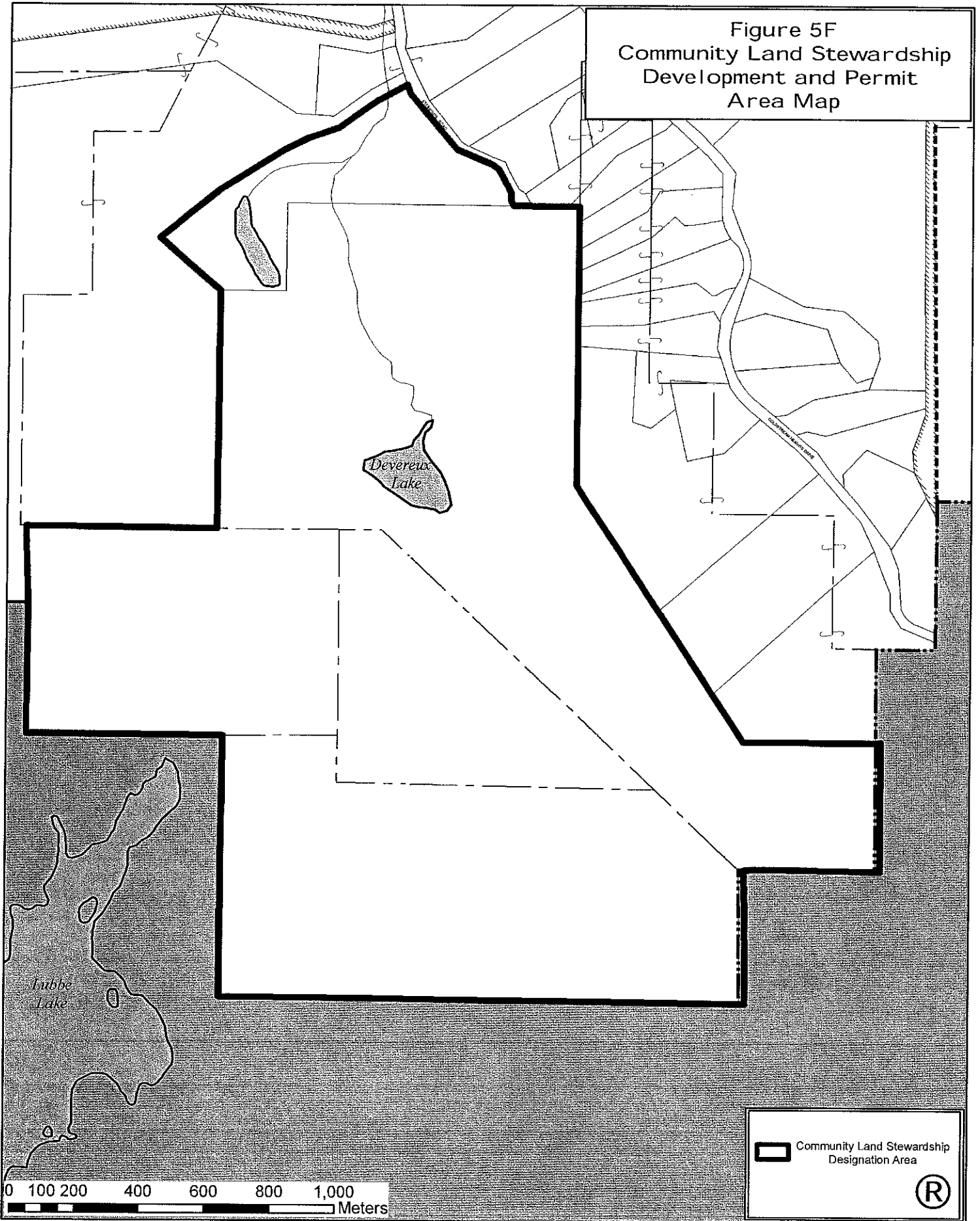


Figure 5F
Community Land Stewardship
Development and Permit
Area Map





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3223

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

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3223 - Area B – Shawnigan Lake Zoning Amendment Bylaw (Living Forest Planning Consultants/Elkington Estates), 2008**".

2. **AMENDMENTS**

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

a) That following Part 11, a new Section be added as follows:

“PART TWELVE COMPREHENSIVE ZONES

12.0 Comprehensive Zones

Community Land Stewardship Zone

.../2

General Regulations

1. The following general regulations apply in the Community Land Stewardship Zone:
 - a) Within the CLS Zone, there are five distinct sub-zones as identified on the CLS-1 Sub-Zone Map. The five sub-zones are: Ecological Conservation Sub-Zone, Eco-Forestry Sub-Zone, Agro-Forestry Sub-Zone, Low Density Sub-Zone(A,B and C), and Hamlet Sub-Zone.
 - b) Forestry industrial uses, including timber processing, sawmill, planer mill and secondary wood processing and manufacturing, and accessory uses, shall not exceed 2 hectares for the entire Community Land Stewardship Zone;
 - c) Agro-forestry processing, greenhouses and accessory buildings shall not exceed 1500 m² for the entire Community Land Stewardship Zone;
 - d) Not more than one community centre facility is permitted within the entire Community Land Stewardship Zone.
 - e) Not more than one retail commercial area shall be permitted within the entire Community Land Stewardship Zone.
 - f) Not more than one Guest Lodge shall be permitted within the entire Community Land Stewardship Zone.
 - g) No more than six guest lodge tree top canopy units are permitted within the entire Community Land Stewardship Zone, and no Guest Lodge tree top canopy unit is to be located more than 300 metres from the Guest Lodge, the main building of which is permitted within the Hamlet Sub-Zone.
 - h) Kitchen facilities are prohibited in the guest lodge tree top canopy units.
 - i) Ecological education and interpretive structures shall not exceed 160 sq metres in total floor area for the entire Community Land Stewardship Zone.
 - j) Excavation and extraction of gravel, soil, fill and rock, shall be used only within the Community Land Stewardship Zone and shall not exceed 2 hectares in total land area;
 - k) A fire hall is permitted in any sub-zone within the Community Land Stewardship Zone.

Ecological Conservation Sub-Zone

1. The following uses and no others are permitted in the Ecological Conservation Sub-Zone:
 - a) Trails for use by pedestrians, bicyclists and emergency and security vehicles;
 - b) Management of forests for the purpose of maintaining the health of the forest, and minimizing the risk of wild fire, wind throw, or spread of invasive species.
2. Conditions on Use for Ecological Conservation Sub-Zone
 - a) Setbacks from watercourses and natural features shall be a minimum of 30 meters or as otherwise determined by the Riparian Areas Regulation.

Eco-forestry Sub-Zone

- 1 The following uses and no others are permitted in the Eco-forestry Sub-Zone:
 - a) Silviculture;
 - b) Horticulture;
 - c) Management, harvesting and cultivation of non-timber forest products and agro-forestry products;
 - d) Trails for use by pedestrians, bicyclists and emergency and security vehicles;
 - e) Timber processing, including sawmill, planer mill and secondary wood processing and manufacturing;
 - f) Excavation and extraction of gravel, soil, fill and rock, for use only within the Community Land Stewardship Zone;
 - g) Guest Lodge tree top canopy units;
 - h) Non-habitable ecological education structures.

- 2 Conditions on Use for Eco-forestry Sub-Zone
 - a) Buildings and structures shall be set back a minimum of 15.0 metres from parcel lines, where the abutting parcel is not zoned as CLS-1 (Community Land Stewardship 1 Zone);
 - b) Buildings and structures shall be set back a minimum of 15.0 metres from lands outside of the Eco-forestry Sub-Zone;
 - c) The buildings and structures associated with permitted wood processing, sawmills, timber manufacturing, agro-forestry, greenhouses, and educational and recreational facilities shall be limited to a maximum height of 10.0 m, and a building footprint of 2000 m² in area, within the entire Community Land Stewardship Designation;
 - d) Setbacks from watercourses and natural features shall be a minimum of 30 meters or as otherwise determined by the Riparian Areas Regulation;
 - e) No ecological education structure shall exceed 40 m² in floor area;
 - f) Soil, fill and rock excavated and extracted on site shall only be used within the Community Land Stewardship Zone and shall not exceed 2 hectares in total land area;

Agro-forestry Sub-Zone

1. The following uses and no others are permitted in the Agro-forestry Sub-Zone;
 - a) Silviculture;
 - b) Horticulture;
 - c) Management, harvesting and cultivation of non-timber forest products and agro-forestry products, including horticulture;
 - d) Agro-forestry processing, greenhouses and accessory buildings;

.../4

- e) Trails for use by pedestrians, bicyclists and emergency and security vehicles;
- f) Timber processing, including sawmill, planer mill and secondary wood processing and manufacturing;
- g) Excavation and extraction of gravel, soil, fill and rock, for use only within the Community Land Stewardship Zone;
- h) Guest lodge tree top canopy units.

2. Conditions on Use for Agro-forestry Sub-Zone

- a) Buildings and structures shall be set back a minimum of 10 metres from parcel lines, where the abutting parcel is not zoned as CLS-1 (Community Land Stewardship 1 Zone);
- b) Buildings and structures shall be set back a minimum of 10 metres from lands outside of the Agro-forestry Sub-Zone;
- c) The non-habitable buildings and structures associated with permitted wood processing, sawmills, timber manufacturing, agro-forestry, greenhouses, and educational and recreational facilities shall be limited to a maximum height of 10.0 m, and a building footprint of 2000 m² in area;
- d) Agro-forestry processing, greenhouses and accessory buildings, shall not exceed 1500 m² for the entire Community Land Stewardship Zone;
- e) Setbacks from watercourses and natural features shall be a minimum of 30 meters or as otherwise determined by the Riparian Areas Regulation.
- f) Soil, fill and rock excavated and extracted on site shall only be used within the Community Land Stewardship Zone and shall not exceed 2 hectares in total land area.

Low Density Sub-Zone (A, B, and C)

- 1. The following uses and no others are permitted in the Low-Density Sub-Zone;
 - a) Management of forests for the purpose of ensuring the practice of eco-system based forestry and maintaining the health of the forest, and minimizing the risk of wild fire, wind throw, or spread of invasive species;
 - b) Trails for use by pedestrians, bicyclists and emergency and security vehicles;
 - c) A maximum of five (5) single family dwellings within Low-Density Sub-Zone A, a maximum of eight (8) single family dwellings in Low-Density Sub-Zone B, and a maximum of 14 dwellings in Low-Density Sub-Zone C. For the purposes of this section, a dwelling does not include a secondary suite;
 - d) Home Occupation;
 - e) Secondary Suites;
 - f) Bed and Breakfast (B & B) accommodation;
 - g) Guest lodge tree top canopy suites.

.../5

2. Conditions on Use for Low-Density Sub-Zone

- a) The minimum parcel size within the Low-Density Subzone is 1 ha, where the parcel not serviced by a community water system or a community sewer system, and 0.4 ha where a community water system and a community sewer system are provided.
- b) The maximum height of all dwellings shall be 12 meters;
- c) Setbacks for structures or buildings shall be a minimum of 5 m from parcel boundaries, not including strata property lines;
- d) Dwellings shall be no greater than 400 sq. metres in floor area;
- e) Secondary suites shall be located within the footprint of the principal dwelling;
- f) Not more than one secondary suite shall be permitted within a dwelling;
- g) Setbacks from watercourses and natural features shall be a minimum of 30 meters or as otherwise determined by the Riparian Areas Regulation;
- h) Kitchen facilities are prohibited in guest house tree top canopy units.

Hamlet Sub-Zone

1. The following uses and no others are permitted in the Hamlet Sub-Zone;

- a) Management of forests for the purpose of ensuring the practice of eco-system based forestry and maintaining the health of the forest, and minimizing the risk of wild fire, wind throw, or spread of invasive species;
- b) Trails for use by pedestrians, bicyclists and emergency and security vehicles;
- c) Single Family and multi-family dwellings, to a maximum density of one dwelling per 4.5 ha land total land area, and where no more than a total of 77 dwellings are permitted in the combined Hamlet Sub-Zone and the Low-Density C Sub-Zone, and no more than 90 dwellings are permitted within the entire Community Land Stewardship Zone. For the purposes of this section, a dwelling does not include a secondary suite;
- d) Home Occupation;
- e) Secondary Suite;
- f) Bed and Breakfast (B & B) accommodation;
- g) Community centre building or structure;
- h) Convenience store;
- i) Guest Lodge, including tree top canopy units;
- j) Ecological education and interpretive recreational facilities, including tree top and ground based structures;

2. Conditions on Use for Hamlet Sub-Zone

- a) The maximum height of all dwellings shall be 12 meters;
- b) The maximum floor area of a dwelling shall not exceed 370 m²;

.../6

- c) Setbacks for structures or buildings shall be a minimum of 1.5 m from side and rear parcel boundaries, not including strata property lines;
 - d) Setbacks from watercourses and natural features shall be a minimum of 30 meters or as otherwise determined by the Riparian Areas Regulation.
 - e) The total number of dwellings permitted in the in the combined Low-Density and Hamlet Sub-Zones, is limited to a maximum of 90 dwelling units, not including secondary suites. The average overall density will not be greater than one dwelling unit per 4.5 hectares of land, based on a land area of 411 hectares as shown in the Community Land Stewardship Sub-zone Map;
 - f) Secondary suites shall be located within the footprint of the principal dwelling;
 - g) Not more than one secondary suite shall be permitted within a dwelling;
 - h) Dwellings will not exceed 200 m² in footprint.
 - i) The community centre facility shall not to exceed 100 square meters in floor area.
 - j) The Guest House shall have a maximum floor area of 2000 sq metres, including the treetop canopy suites and the spa and wellness facility;
 - k) The Guest house is intended solely for the temporary accommodation of tourists, and shall consist of:
 - i. not more than 12 Guest Lodge accommodation suites within the main Eco-Tourism Guest Lodge;
 - ii. a Spa and wellness facility accessory to the Guest Lodge, to a maximum of 400 sq m in floor area;
 - iii. a maximum of 6 treetop canopy suites (for the entire Community Land Stewardship Zone, where each treetop canopy suite shall not exceed a total floor area of 40 sq m, and shall not be located more than 300 m from the main Guest Lodge;
 - l) Kitchen facilities are prohibited in guest house tree top canopy units.
 - m) The convenience store shall not exceed 100 square meters in floor area.
- b) That the Community Land Stewardship Sub-zone Map be attached to Section 12.1 CSL-1 -Community Land Stewardship Zone;
- c) That existing Section 12 be renumbered accordingly.
- d) That Schedule A (Zoning Map) to Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985 be amended by rezoning Block 270 Malahat District; District Lot 201, Malahat District; Block 281, Malahat District; and that part of Block 201, Malahat District including part of amended Parcel A (DD1896741) of said Block, and within Lot 26, District Lot 201, Malahat District Plan VIP78459 outlined in red on Plan 1522R; as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3223, from F-1 (Primary Forestry) to CLS-1 (Community Land Stewardship 1).
- e) That CLS-1 (Community Lands Stewardship 1 Zone) be added to map legend.

.../7

3. **FORCE AND EFFECT**

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

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

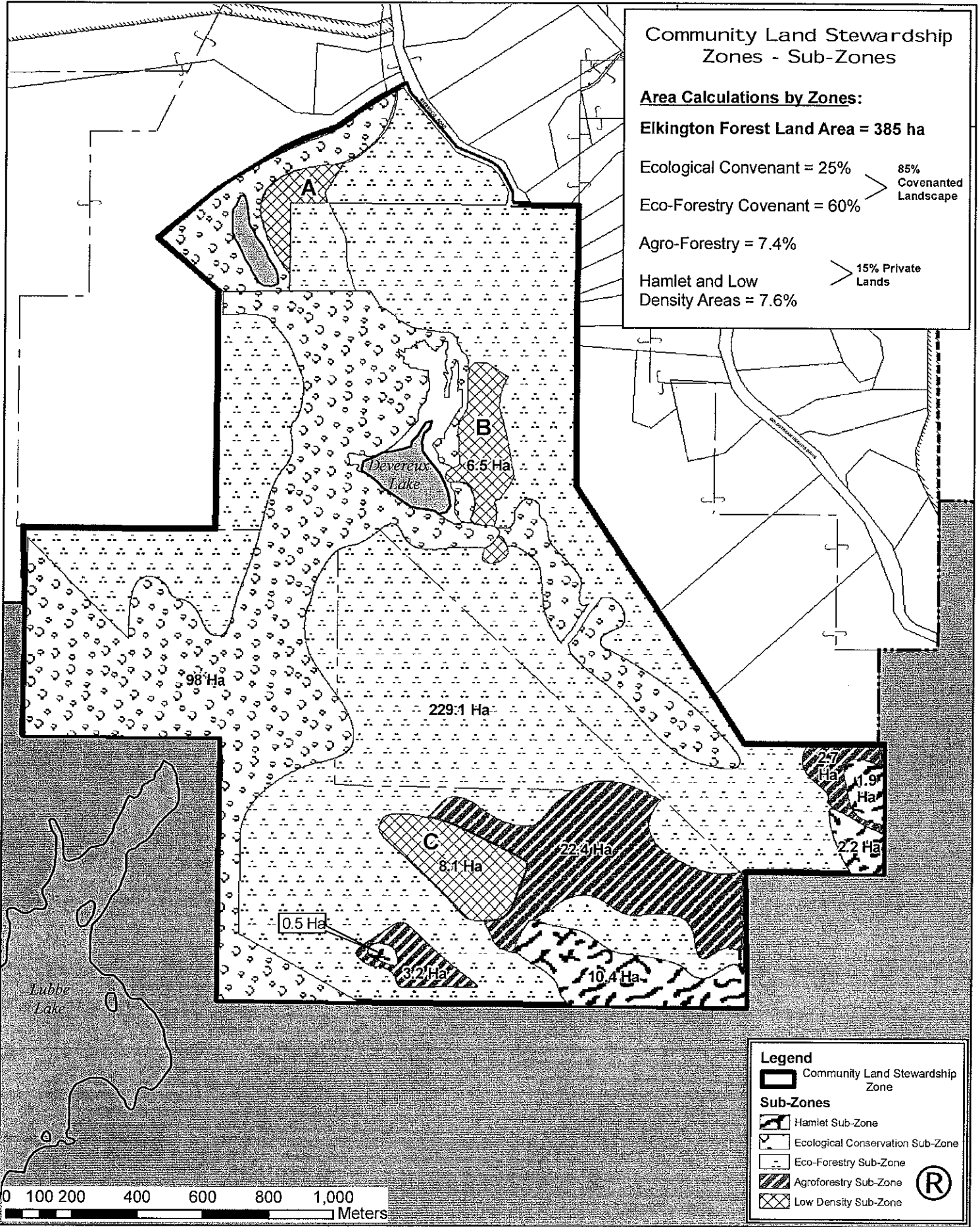
READ A SECOND TIME this 12th day of November, 2008.

READ A THIRD TIME this 25th day of March, 2009.

ADOPTED this _____ day of _____, 2010.

Chairperson

Corporate Secretary





C·V·R·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 10th day of March, 2010.

READ A SECOND TIME this 10th day of March, 2010.

READ A THIRD TIME this 9th day of June, 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3362

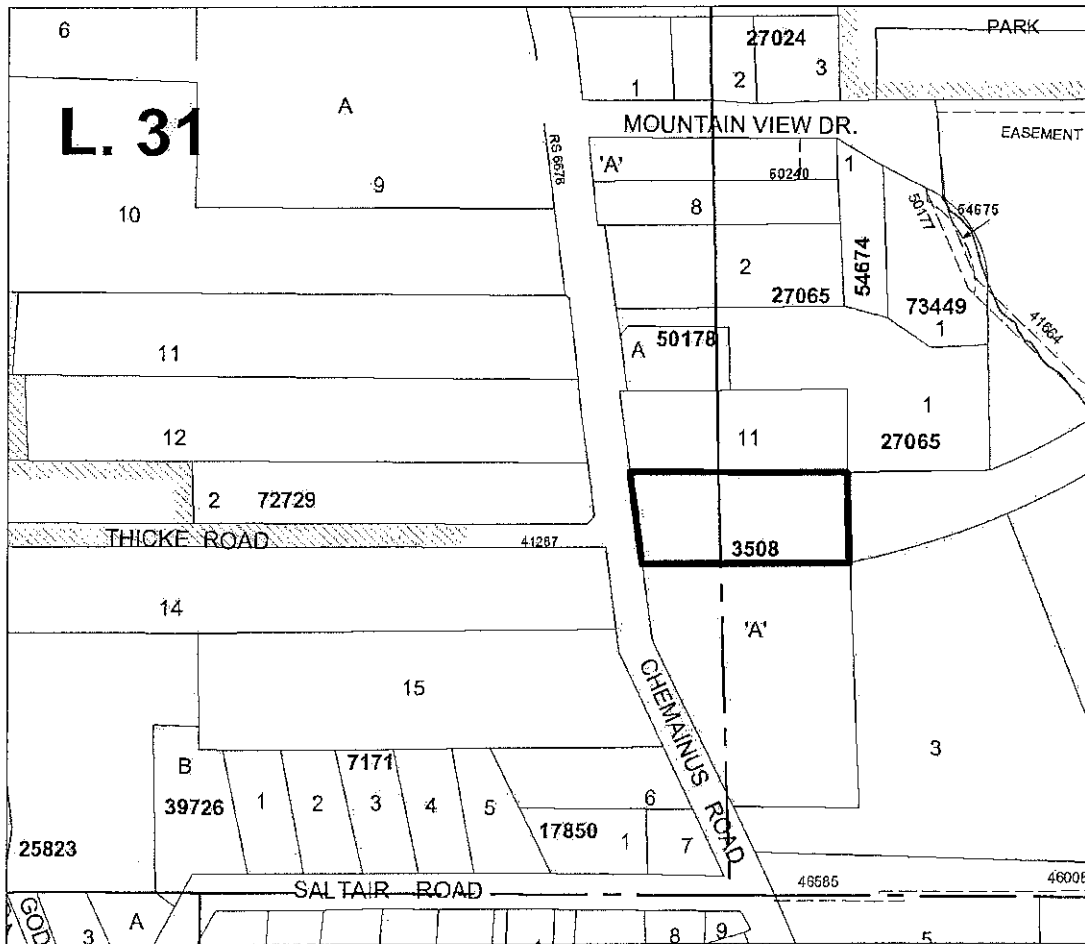
Schedule A to Official Community Plan Bylaw No. 2500, is hereby amended as follows:

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.

PLAN NO. Z-3362

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

3362



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**

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).

.../2

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this 10th day of March, 2010.

READ A SECOND TIME this 10th day of March, 2010.

READ A THIRD TIME this 9th day of June, 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3387

**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 Official 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. 3387 - Area A – Mill Bay/Malahat Official Community Plan Amendment Bylaw (Baranti Developments), 2010**".

2. **AMENDMENTS**

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.



C·V·R·D

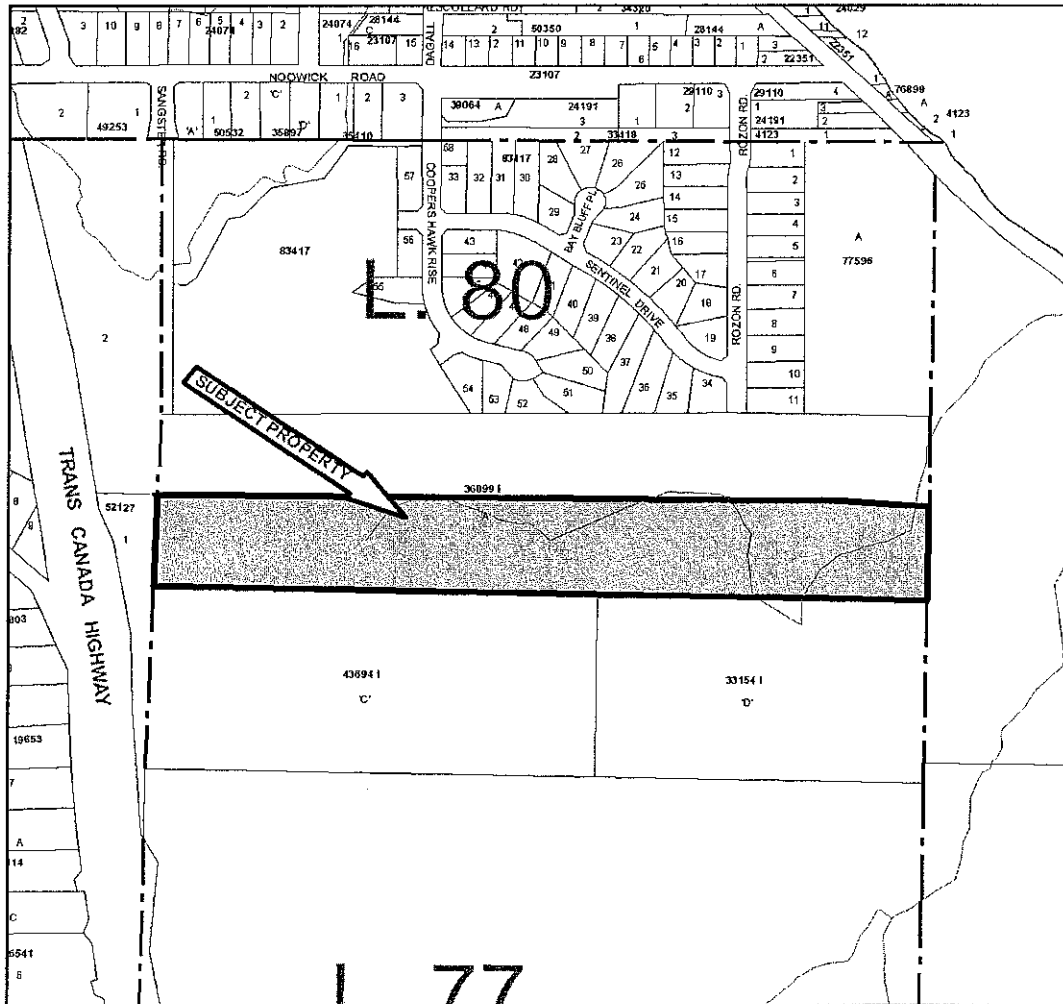
SCHEDULE "A"

To CVRD Bylaw No. 3387

That Official Community Plan Bylaw No. 1890, is hereby amended as follows:

1. That a part of Parcel A (DD 36099¹) of District Lots Lot 77 and 80, Malahat District, as shown outlined in a solid black line on Plan number Z-3387 attached hereto and forming Schedule B of this bylaw, be redesignated from Forestry to Urban Residential; and that Schedule B to Official Community Plan Bylaw No. 1890 be amended accordingly.
2. That a part of Parcel A (DD 36099¹) of District Lots Lot 77 and 80, Malahat District, as shown outlined in a solid black line on Plan number Z-3387 attached hereto and forming Schedule B of this bylaw, be added to the Urban Containment Boundary as shown in Figure 3 of Official Community Plan Bylaw No. 1890.
3. That a part of Parcel A (DD 36099¹) of District Lots Lot 77 and 80, Malahat District, as shown outlined in a solid black line on Plan number Z-3387 attached hereto and forming Schedule B of this bylaw, be added to the Mill Bay Development Permit Area as shown in Figure 7 of Official Community Plan Bylaw No. 1890.

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



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Forestry

TO

Urban Residential

APPLICABLE

TO ELECTORAL AREA A



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3388

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

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3388 - Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Baranti Developments), 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 Schedule B (Zoning Map) to Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 be amended by rezoning a part of Parcel A (DD 36099^b) of District Lots Lot 77 and 80, Malahat District as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3388, from F-1 (Primary Forestry) to R-3A (Urban Residential – Limited Height).

.../2

3. FORCE AND EFFECT

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

READ A FIRST TIME this 12th day of May , 2010.

READ A SECOND TIME this 12th day of May , 2010.

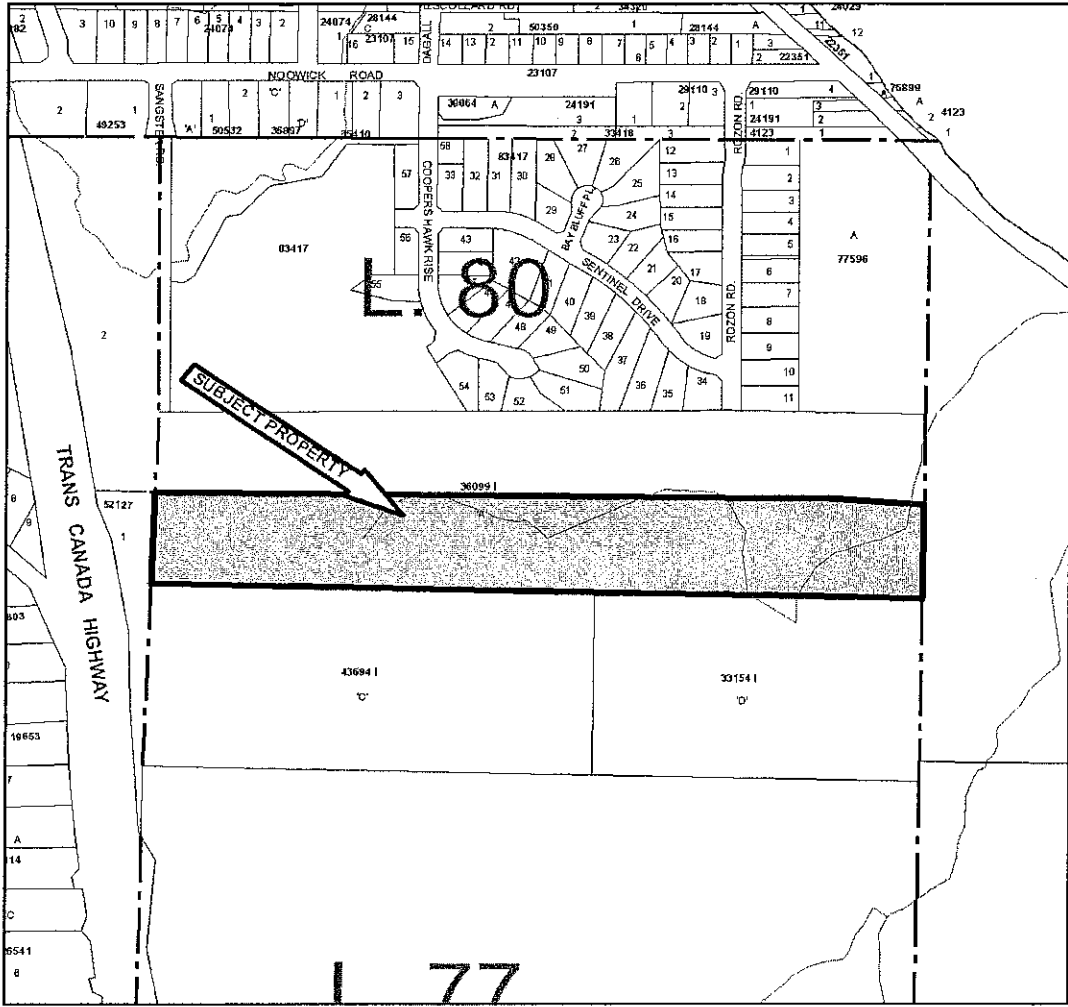
READ A THIRD TIME this day of , 2010.

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

F-1 (Primary Forestry) TO

R-3A (Urban Residential – Limited Height) APPLICABLE

TO ELECTORAL AREA A



RES1

COMMISSION APPOINTMENTS

**BOARD MEETING
OF July 14, 2010**

DATE: July 7, 2010
FROM: Director Iannidinardo
SUBJECT: **Electoral Area D - Cowichan Bay Advisory Planning Commission**

Recommendation:

That the following appointments to the Electoral Area D - Cowichan Bay Advisory Planning Commission be approved:

Linden Collette
Dave Paras

Term to expire November 30, 2011