



COWICHAN VALLEY REGIONAL DISTRICT

NOTICE OF REGULAR BOARD MEETING

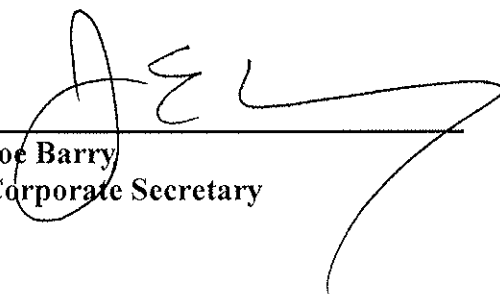
DAY: WEDNESDAY

DATE: DECEMBER 10, 2008

TIME: → 6:00 pm

PLACE: BOARD ROOM

175 INGRAM STREET



Joe Barry
Corporate Secretary



C·V·R·D

REGULAR BOARD MEETING

WEDNESDAY, DECEMBER 10, 2008

6:00 PM - CVRD BOARD ROOM

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2.	<u>ADOPTION OF MINUTES:</u>	
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3.	<u>BUSINESS ARISING FROM THE MINUTES:</u>	
4.	<u>REPORT OF THE CHAIRPERSON:</u>	
	RC1 Standing Committee Appointments	To Be Distributed
5.	<u>CORRESPONDENCE:</u>	
	C1 Rosemary Bonanno, Executive Director, Vancouver Island Regional Library Re: Request for Appointment to the 2009 Vancouver Island Regional Library Board	36-38
6.	<u>INFORMATION:</u>	
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8. STAFF REPORTS:

SR1	Staff Report from Parks Operations Superintendant, Development Services Re: Park Maintenance Services Contracts for Electoral Areas A – E & H	43
SR2	Staff Report from Planning Technician, Development Services Re: Water Treatment Covenant	44-45
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9. PUBLIC HEARINGS:

PHI	Public Hearing Report and Minutes Re: Official Community Plan Amendment Bylaw No. 3216 and Zoning Amendment Bylaw No. 3217 (Juch and Ferguson)	50-54
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10. BYLAWS:

B1	“CVRD Bylaw No. 3163 – Regional Parkland Acquisition Fund Service Establishment Bylaw” be adopted.	55-56
B2	“CVRD Bylaw No. 3197 – Cowichan Lake Sports Arena Renovation Loan Authorization Bylaw, 2008” be adopted.	57-58
B3	“CVRD Bylaw No. 3205 – Shawnigan Lake North Water System Service Amendment Bylaw, 2008” be adopted.	59
B4	“CVRD Bylaw No. 3225 – Shawnigan Beach Estates Sewer System Service Amendment Bylaw, 2008” be adopted.	60-61

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

B5	“CVRD Bylaw No. 3216 – Area E – Cowichan Station/Sahtlam/Glenora and Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (Juch and Ferguson)” be granted 3 rd reading.	62-65
B5	“CVRD Bylaw No. 3216 – Area E – Cowichan Station/Sahtlam/Glenora and Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (Juch and Ferguson)” be adopted.	
B6	“CVRD Bylaw No. 3217 – Area F – Cowichan Lake South / Skutz Falls Zoning Amendment Bylaw (Juch and Ferguson), 2008” be granted 3 rd reading.	66-68

- B6 "CVRD Bylaw No. 3217 – Area F – Cowichan Lake South / Skutz Falls Zoning Amendment Bylaw (Juch and Ferguson), 2008" be adopted.
- B7 "CVRD Bylaw No. 3241 – Are B – Shawnigan Lake Zoning Amendment Bylaw (Cottyn Developments Ltd.), 2008" be granted 1st and 2nd reading. 69-71
- B8 "CVRD Bylaw No. 3242 Phased Development Agreement Authorization Bylaw (Youbou Lands), 2008" be granted 1st and 2nd reading. 72-94
11. **RESOLUTIONS:**
- Summary** 95
- RES1 Appointments to the Kerry Park Recreation Commission
- RES2 Appointments to the Area C – Cobble Hill Advisory Planning Commission
- RES3 Appointments to the Area C – Cobble Hill Parks and Recreation Commission
12. **UNFINISHED BUSINESS:**
13. **NOTICE OF MOTION:**
14. **NEW BUSINESS:**
15. **QUESTION PERIOD:**
- a) Public
- b) Press
16. **ADJOURNMENT:**

The next Regular Board meeting will be held January 14, 2009 at 6:00 p.m., in the Board Room, 175 Ingram Street, Duncan BC.

Minutes of the Regular meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, November 12, 2008 at 3:38 p.m.

PRESENT: Chair W.J. (Jack) Peake
Directors J. Allan <6:05 pm>, M. Dorey, L. Duncan,
B. Hodson, R. Hartmann, R. Hutchins <6:39 pm>,
P. Kent <4:59 pm>, J. Lefebure, G. Seymour <6:05 pm>,
M. Tansley, M. Walker and
Alternate Directors J. McKenzie <until 5:12 pm>
and R. Waters

ALSO Warren Jones, Administrator
PRESENT: Joe Barry, Corporate Secretary
Kate Miller, Environment Manager <6:05 pm>
Brian Farquhar, Parks Manager <6:05 pm>
Tom Anderson, Development Services Manager <6:05 pm>
Mike Tippett, Deputy Manager <6:05 pm>
Dave Leitch, Manager Utilities <6:05 pm>

ABSENT: Director M. Marcotte

**APPROVAL OF
AGENDA
08-710**

It was moved and seconded that the agenda be amended by deleting Agenda Item B14 and that the agenda as amended be approved.

MOTION CARRIED

**RESOLVING
INTO
CLOSED
SESSION
3:40 pm
08-711**

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) (c) and (k).

MOTION CARRIED

**RISE FROM
CLOSED
SESSION
5:12 pm
08-714**

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

MOTION CARRIED

08-715

It was moved and seconded that the meeting be adjourned until 6:00 pm.

MOTION CARRIED

6:05 pm

The CVRD Board meeting reconvened at 6:05 pm.

08-716 It was moved and seconded that the Agenda order be changed to have SR8 follow D1 – Delegations and SR7, B17 and B18 be dealt with prior to Committee Reports.

MOTION CARRIED

ADOPTION OF MINUTES
08-717 It was moved and seconded that the minutes of the October 8, 2008 Regular Board meeting be adopted.

MOTION CARRIED

DELEGATIONS

D1 Hal Kalman, Commonwealth Historic Resource Management Limited
Re: Kinsol Trestle - PowerPoint Update

6:39 pm Director Hutchins joined the Board meeting at 6:39 pm.

Hal Kalman, on behalf of Commonwealth Historic Resource Management, Limited presented an update of the Kinsol Trestle Phase II Restoration Feasibility Study Final Report.

SR7 Staff Report from the Parks Manager dated November 12, 2008 re: Kinsol Trestle Phase II Restoration Feasibility Study Final Report was considered.

08-718 It was moved and seconded that the Board endorse the eight-bent underslung walkway truss rehabilitation design approach proposed by Commonwealth Historic Resource Management/Delcan Engineering as the basis for rehabilitating the Kinsol Trestle to retain the heritage character and provide for use of the structure by non-motorized trail users on the Cowichan Valley Trail to cross over the Koksilah River; and further that formal application be made to the Ministry of Transportation for release of their \$1.5 Million commitment towards the Kinsol Trestle rehabilitation project upon the Ministry's review of the Phase II Kinsol Trestle Restoration Feasibility Final Report, with a request that a portion of the \$1.5 Million be available for preparation of detailed engineering design drawings and specifications as necessary for proceeding with rehabilitation of the structure, including construction of the underslung walkway truss for access by users of the Cowichan Valley Trail.

MOTION CARRIED

REPORT OF CHAIRPERSON At the call of the Chair, there will be a Special CVRD Board meeting on November 26, 2008 with the time to be determined.

SR7 Staff Report from the Development Services Planner III dated October 31, 2008 re: OCP and Zoning Amendment Bylaws 2912 and 2913 (Village at Paldi/Cherokee Land Investments) was considered.

08-719 **It was moved and seconded that the Staff Report from the Development Services Planner III dated October 31, 2008 re: OCP and Zoning Amendment Bylaws 2912 and 2913 (Village at Paldi/Cherokee Land Investments) be received and filed.**

MOTION CARRIED

B17 It was moved and seconded that “CVRD Bylaw No. 2912 – Area E – Cowichan Koksilah Official Community Plan Amendment Bylaw (The Village At Paldi; Cherokee Land Investments), 2007” be adopted.

08-720 **It was moved and seconded that the issue of Bylaw No. 2912 be referred back to staff to seek clarity from the Integrated Land Management Bureau regarding water and sewer services.**
NULL AND VOID
See Special Board minutes November 26, 2008; Item B19

Opposed: Directors Tansley, Allan, Hodson, Walker, Peake and Alternate Director Waters

MOTION CARRIED

B18 Director Giles noted that there appeared to be an error in the Bylaw No. 2913 – section 5.13 subsection 5 f (i) and (ii) on Page 5 since both subsections refer to different heights for single family dwellings on parcels over 1000 m².

08-721 **It was moved and seconded that Bylaw No. 2913 be referred back to staff for correction.**

Opposed: Directors Tansley, Allan, Hodson, Walker, Peake and Alternate Director Waters

MOTION CARRIED

7:47 pm The Board meeting was recessed for a brief break.

7:47 pm Director Allan left the Board room at 7:47 pm.

7:59 pm The meeting reconvened at 7:59 pm.

**COMMITTEE
REPORTS**

CR1 Report and recommendations of the Regional Services Committee meeting of October 22, 2008 listing four items were considered:

08-722 It was moved and seconded:

1. That the Board approve the following Policies, effective January 1, 2009, and as attached to the Treasurer's August 15, 2008 Staff Report:

1. Capital Asset Policy, Cheque Signing Policy, and Regional Grant in Aid Guidelines; and

2. Purchasing Policy as amended with the following changes:

- Under the heading '1. Best Buy', the following words be added after the first paragraph: "*(in no particular order)*";and

- Under the heading '1) Petty Cash', the figure "\$50" be deleted and replaced with "\$100".

2. 1. That the Audit Findings Report dated August 12, 2008 be received and filed.

2. That the Independence Letter dated May 15, 2008 be received and filed.

3. That the Cowichan Valley Regional Hospital District's 2007 Financial Statements be accepted.

4. That the CVRD Board approve the "Framework Agreement – Reciprocal Parking Cowichan Place", and that the Chair and Corporate Secretary be authorized to execute the Agreement on behalf of the CVRD.

MOTION CARRIED

CR2 Report and recommendations of the Electoral Area Services Committee meeting of October 14, 2008 listing nine items, were considered:

8:02 pm Directors Hartmann and Lefebure left the Board room at 8:02 pm.

08-723

It was moved and seconded:

1. That Application #J-38529 (CRC Canadian Retirement Corporation) for Transportation, Utility and Recreational Trail Uses in the ALR (Phase 20) be forwarded to the Agricultural Land Commission with a recommendation to approve.
2. That a grant-in-aid (Electoral Area F – Cowichan Lake South/Skutz Falls) in the amount of \$500 be given to Judy Brayden to assist with costs to erect a sign for Sahtlam, subject to confirmation of final signage details.
3. That a grant-in-aid (Electoral Area D – Cowichan Bay) in the amount of \$500 be given to Cowichan Bay Improvement Association to assist with costs to participate in the Spring and Garden Homeshow.
4. That a grant-in-aid (Electoral Area D – Cowichan Bay) in the amount of \$500 be given to Cowichan Family Caregivers Support Society to assist with costs associated with funding the Society.
5. That a grant-in-aid (Electoral Area D – Cowichan Bay) in the amount of \$500 be given to Koksilah School Historical Society to assist with maintenance costs for the Old Koksilah School.
6. That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$1,500 be given to O.U.R. EcoVillage to assist with costs associated with the 2008 Youth Convergence Program.
7. That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to renew a five year License of Occupation Agreement (100255-1) with the Ministry of Transportation commencing October 1, 2008, for the undeveloped road portions on Skinner Road (Skinner Road beach access) and South Oyster School Road (Boulder Point beach access) in Saltair.
8. That a Reserve Fund Expenditure Bylaw be prepared authorizing no more than \$30,000 from the Electoral Area I Community Parks General Reserve Fund for the purpose of completing capital projects in Youbou Little League Park (Phase I ballfield upgrade), Nantree Park (fence installation) and swimming float repairs in Arbutus Park, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.
9. That separate Request for Proposals for the provision of parks maintenance services contracts be issued for Electoral Area A – E Community Parks, Electoral Area F Community Parks, Electoral Area H Community Parks and Electoral Area I Community Parks.

MOTION CARRIED

Report and recommendations of the Electoral Area Services Committee meeting of November 4, 2008 listing fourteen items, were considered:

08-724

It was moved and seconded:

1. **That a Building Inspection Reserve Fund Bylaw be prepared for the purchase of a replacement vehicle for the Building Inspection Division for an amount not to exceed \$25,000 including all applicable taxes.**
2. **That the Cowichan Valley Regional District award the Dog Control Contract to the BCSPCA Cowichan and District Branch for a term of three (3) years starting January 1, 2009; that the contract price for 2009 be \$76,841, including GST, which is to be paid out on a monthly basis; and, that the Canadian Consumer Price Index be used to award monetary increases in 2010 and 2011.**
3. **That the CVRD Board accepts the highest bid of \$3,201 from Paul Dale of Shawnigan Lake, BC for the 2001 GMC Sonoma pick-up truck as advertised in both local newspapers.**
4. **That a grant-in-aid (Electoral Area B – Shawnigan Lake) in the amount of \$500 be given to Cowichan Foundation to assist with their bursaries program.**
5. **That the transfer of 2008 yearend surplus amounts be approved for an amount not to exceed the following from Electoral Area Community Parks Budgets 231 (Area A), 234 (Area D), 235 (Area E), 236 (Area F) and 237 (Area G) :**
 - **Area A Community Parks Capital Reserve Fund - \$60,000**
 - **Area D Community Parks Capital Reserve Fund - \$40,000**
 - **Area E Community Parks Capital Reserve Fund - \$50,000**
 - **Area F Community Parks Capital Reserve Fund - \$28,000**
 - **Area G Community Parks Capital Reserve Fund - \$30,000**
6. **That any interested Electoral Area Director be permitted to attend the upcoming BC First Nations & The United Nations Declaration on the Rights of Indigenous Peoples conference to be held on November 29 2008, in Victoria, and that costs associated with attending the conference be approved.**

MOTION CARRIED

8:08 pm

Directors Hutchins and Kent left the Board room at 8:08 pm.

8:09 pm

Director Seymour left the Board room at 8:09 pm.

08-725

It was moved and seconded:

7. That Development Permit with Variance Application No. 6-E-08DP/RAR by Linda Emrick for a development permit and variance to Section 5.18 of Electoral Area E Zoning Bylaw No. 1840 to decrease the minimum setback from a watercourse from 20 metres down to 10 metres for placement of a new dwelling and 6.7 metres for the existing deck on Lot A, Section 10, Range 9, Sahtlam District, Plan 49420, be approved.
8.
 1. That Rezoning Application No. 15-B-07RS(Loken) be approved;
 2. That a zoning amendment bylaw to rezone Lot 1, District Lot 132, Malahat District, Plan VIP75146 from I-1B (Sawmill) to I-1A (Light Industrial) be prepared and forwarded to the Regional Board for consideration of first and second reading;
 3. That an Official Community Plan Amendment Bylaw to designate Lot 1, District Lot 132, Malahat District, Plan VIP 75146 as an Industrial Development Permit Area for form and character and the protection of the natural environment be prepared and forwarded to the Regional Board for consideration of first and second reading;
 4. That a public hearing be scheduled and that the Directors for Electoral Areas B, C and D be delegated to the hearing.
10. That *Revised* Application No. 6-A-08DVP (revised site plan), by Lynne and Clyde Ogilvie, to vary Section 8.4.A(b)(3) of Zoning Bylaw No. 2000, by decreasing the setback of a residential building to a front parcel line from 7.5 metres (24.6 ft) to 5.17 metres (16.9 ft), on Lot 7, District Lot 101, Malahat District, Plan 47155, be approved.
11. That Application No. 3-E-08ALR (Beverly Stewart) for a second dwelling in the A-1 Zone be forwarded to the Agricultural Land Commission with a recommendation to approve.
12.
 1. That Rezoning Application No. 2-B-05RS (Cottyn Development Ltd) to amend Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985 to rezone Lot 3, District Lot 96, Malahat District, Plan 32725 from Primary Agricultural (A-1) to Secondary Agricultural (A-2), be approved, subject to receipt of the following information prior to a public hearing:
 - A survey plan illustrating the 25 metre wide vegetated buffers along the northern, western, and southern property boundaries of the subject property and the 30 metre wide vegetated buffer along the eastern boundary of the property, and

- A draft vegetation protection covenant for allocated buffered areas to ensure all trees and vegetation are retained within the buffered areas.
2. That a Zoning Amendment Bylaw be prepared that would amend the Shawnigan Lake Zoning Bylaw No. 985 by rezoning Lot 3, District Lot 96, Malahat District, Plan 32725 from Primary Agricultural (A-1) to Secondary Agricultural (A-2), and that the Zoning Amendment Bylaw be forwarded to the Regional Board for consideration of 1st and 2nd readings.
 3. That Application No. 2-B-05RS be referred to the Electoral Area B Parks and Recreation Commission for comment.
 4. That the application referrals to the Vancouver Island Health Authority; the Ministry of Transportation; the Shawnigan Lake Volunteer Fire Department, the School District No. 79, and the Agricultural Land Commission be accepted.
 5. That a public hearing be arranged and that the Directors for Electoral Areas B, C and D be delegated to the hearing.
13. That Application No. 1-I-08DP be approved, and the Planning Division be authorized to issue a development permit to Colin Mann for the purposes of a 5-lot subdivision of Lot 2, Block 180, Cowichan Lake District, Plan VIP78710, subject to the following conditions:
1. Strict compliance with the measures described in Riparian Areas Report #646 by Thomas Roy, RP Bio, including:
 - *Protection of the Streamside Protection and Enhancement Area (SPEA) on lots 1 to 5, identified as 30 metres from the 164 metre high water mark of the lake and 10 metres from the unnamed stream.*
 - *Fencing to be installed at SPEA boundary to protect SPEA from encroachment, and to be constructed in accordance with RAR Report # 646 to allow for wildlife movement.*
 - *Installation of sediment fencing outside the SPEA boundary prior to the initiation of works on all lots.*
 2. Residential development or construction within 30 metres of a watercourse following the subdivision of the subject property will be subject to the Riparian Areas Regulations
14. 1. That the Community Parks and Trails Master Plan for Electoral Area A - Mill Bay/Malahat 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 A over the next ten to twenty years (2008 – 2028).

2. That the Community Parks and Trails Master Plan for Electoral Area D – Cowichan Bay 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 D over the next ten to twenty years (2008-2028).

MOTION CARRIED

8:14 pm Director Giles declared a potential conflict of interest due to a campaign contribution received from the proponent and left the meeting at 8:14 pm.

08-726 It was moved and seconded:

9. 1. That Rezoning Application No. 1-F-07RS (Polaris/Nicholson) be approved;
2. That a zoning amendment bylaw to rezone Lot 3, Block 29, Cowichan Lake District, plan 47390 from F-1 (Forestry Resource 1) to F-2 (Secondary Forestry Resource 2) be prepared and forwarded to the Regional Board for consideration of first and second reading;
3. That a public hearing be scheduled and that the Directors for Electoral Areas E, F and I be delegated to the hearing.

MOTION CARRIED

8:15 pm Directors Hartmann, Hutchins, Giles, Lefebure and Allan returned to the Board room at 8:15 pm.
Director Duncan left the Board room at 8:15 pm.

8:16 pm Directors Kent and Seymour returned to the Board room at 8:16 pm.

CR3 Report and recommendations of the Engineering Services Committee meeting of November 12, 2008 listing seven items, were considered:

08-727 It was moved and seconded:

1. That "CVRD Bylaw No. 3229 – Solid Waste Management Charges and Regulations Amendment Bylaw, 2008" be forwarded to the Board for consideration of three readings and adoption.
2. That "CVRD Bylaw No. 3228 – Lambourn Estates Water System Management Amendment Bylaw, 2008" be forwarded to the Board for consideration of three readings and adoption.
3. That:
 1. "CVRD Bylaw No. 3173 – Sentinel Ridge Sewer System Management Amendment Bylaw" be forwarded to the Board for three readings and adoption.

2. "CVRD Bylaw No. 3168 – Eagle Heights Sewer System Management Amendment Bylaw" be forwarded to the Board for three readings and adoption.
 3. "CVRD Bylaw No. 3167 – Youbou Sewer System Management Amendment Bylaw" be forwarded to the Board for three readings and adoption.
 4. CVRD Bylaw No. 3166 – Cowichan Bay Sewer System Management Amendment Bylaw" be forwarded to the Board for three readings and adoption.
 5. CVRD Bylaw No. 3227 – Lambourn Estates Sewer System Management Amendment Bylaw" be forwarded to the Board for three readings and adoption.
4. 1. That the petition to extend the boundaries of the Shawnigan Beach Estates Sewer Service Area to include one additional property described as Lot A, Section 3, Range 2, Shawnigan District, VIP 82395, PID 026-945-614, be received.
 2. That "CVRD Bylaw No. 3225 – Shawnigan Beach Estates Sewer System Service Amendment Bylaw, 2008", be forwarded to the Board for consideration of three readings and adoption.
5. That the CVRD Board approve Steel Pacific's request to amend Contract ES 013-05 Scrap Metal Recovery, allowing Steel Pacific to postpone payment for materials received under the contract on a temporary basis until March 31, 2009, or earlier if markets recover, and further that the Board Chair and Corporate Secretary be authorized to sign the amended contract.
6. That:
 1. "CVRD Bylaw No. 3226 - Shawnigan Lake East Drainage System Capital Reserve Fund Establishment Bylaw, 2008" be forwarded to the Board for consideration of three readings and adoption.
 2. "CVRD Bylaw No. 3230 - Shawnigan Lake East Drainage System Management Bylaw, 2008" be forwarded to the Board for consideration of three readings and adoption.
7. That funding in the amount of \$3,000 be provided through the CVRD Electoral Feasibility Studies Function to extend the scope of the Mesachie Lake Sewer Upgrade Assessment to include "green initiatives".

MOTION CARRIED

8:17 pm

Director Duncan returned to the Board room at 8:17 pm.

CR4 Report and recommendations of the Parks Committee meeting of October 22, 2008 listing two items were considered:

08-728 It was moved and seconded:

1. That the Board of the Cowichan Valley Regional District send a letter to the Minister of Environment endorsing the Koksilah River Vision Plan and support for acquisition of these lands by the Province to create an expanded Koksilah River Provincial Park from the Koksilah River Ancient Forest to the area just upstream of the historic Kinsol Trestle.
2. That the application from Lifesport Coaching requesting the use of the Cowichan Valley Trail between Sooke Lake Road and the Kinsol Trestle for the 2009 Shawnigan Lake Half Marathon Event on May 24th, 2009, be approved, subject to the following conditions being adhered to:
 1. A copy of a \$5,000,000 liability and indemnification insurance be provided by the company and event organizers which covers the event and which also identifies the Cowichan Valley Regional District as a named insured.
 2. Confirmation that event participants have signed a waiver indemnifying the CVRD for the portions of the race that are within lands under the management of the Regional District.
 3. Confirmation that written approvals have been received by the organizers from the Ministry of Transportation Finance Authority and Terasen Gas for use of the former railway corridor, including approvals to have the access gates along the corridor open for the duration of the event.
 4. A Course Marshall Plan is submitted prior to the event for CVRD review and approval, which shall ensure any gates along the Cowichan Valley Trail that are temporarily opened are appropriately manned during the entire event to prevent unauthorized access to the trail corridor.
 5. Confirmation that there will be appropriate flag persons at all road crossings along the trail corridor.

MOTION CARRIED

CR5 Report and recommendation of the Kerry Park Recreation Commission meeting of October 28, 2008 listing four items considered:

08-728 It was moved and seconded:

1. 1. That the CVRD extend the current 5 year land lease with same terms and conditions, for a 2 year term from the December 31, 2008 expiry date, for the vacant space directly north of the Kerry Park recreation complex (Arena and Curling) to allow the future recreation redevelopment project to continue. The lease is with Mill Bay Community League and the yearly fee is \$14,000, which is funded in the yearly operating budget.
2. That the Board Chair and Corporate Secretary be authorized to sign the lease extension.
2. 1. That the CVRD proceed to obtain a letter of understanding with Mill Bay Community League for a possible long-term lease extension of the above land lease, to accommodate the construction for the future recreation redevelopment project. The letter of understanding will include that the length of the new lease parallel the remainder (65 years) of the long term 99 year lease that the current facility operates on, and that the lease extension is subject to a successful referendum and government approval. The yearly lease fee will be negotiated in good faith in the best interests of both the Mill Bay Community League and the residents of the Mill Bay area.
2. That the Board Chair and Corporate Secretary be authorized to sign the letter of understanding.
3. That the CVRD Board approve submission of the Kerry Park grant application for \$7,500 to the Union of British Columbia Municipalities for the Healthy Food and Beverage Sales Program; and further, that the Chair and Corporate Secretary be authorized to sign the agreement if the grant application is approved.

MOTION CARRIED

STAFF REPORTS

SRI Staff Report from the Deputy Corporate Secretary dated October 31, 2008 re: South Cowichan Water Plan Study Service - Notice of Alternative Approval Process and Elector Response Form was considered.

It was moved and seconded that the *Notice of Alternative Approval Process* and the *Elector Response Form* for the CVRD Bylaw No. 3138, be approved.

08-729 It was moved and seconded that this matter be referred back to staff.

MOTION CARRIED

SR2 Staff Report from the Deputy Corporate Secretary dated October 31, 2008 re: Safer Futures Program Annual Financial Contribution Service - Notice of Alternative Approval Process and Elector Response Form was considered.

08-730 It was moved and seconded that the *Notice of Alternative Approval Process* and the *Elector Response Form* for CVRD Bylaw No. 3160, be approved.

MOTION CARRIED

SR3 Staff Report from the Corporate Secretary, dated November 5, 2008 re: CVRD Bylaw No. 3235 - Social Planning Cowichan Annual Financial Contribution Service Establishment Bylaw, 2009 was considered for information.

SR4 Staff Report from the Corporate Secretary dated November 5, 2008 re: Funding Agreements Authorization was considered.

08-731 It was moved and seconded that the Chair and Corporate Secretary be authorized to sign the “Regionally Significant Project, Tier 1 and 2 Strategic Priorities Fund and/or Innovations Fund Funding Agreement Under the Agreement on the Transfer of Federal Gas Tax Revenues” for the Bings Creek Transfer Station and Recycling Depot Upgrades; Peerless Road Recycling Drop-Off Depot Upgrades projects; and the South-End Recycling Drop Off Depot - Phase One Development project.

MOTION CARRIED

SR5 Staff Report from the Deputy Manager, Development Services dated October 15, 2008 re: Proposed coordination of hearing delegates for Kaelble and Fulton public hearings was considered.

08-732 It was moved and seconded:

1. That Resolution 08-540.11.1 (August 13, 2008) respecting the selection of hearing delegates for Bylaws No. 3210 – 3212 be rescinded.
2. That Directors Duncan, Cossey and Giles be named as delegates to the public hearings for CVRD Amendment Bylaws No. 3139, 3140, 3210, 3211 and 3212.

MOTION CARRIED

SR6 Staff Report from the Assistant Manager, Development Services dated November 4, 2008 re: Third Reading and Adoption of Zoning Amendment Bylaw No. 3208 (Dix) was considered for information.

SR7 Dealt with previously in the meeting.

SR8 Dealt with previously in the meeting.

PUBLIC HEARINGS

PHI Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3119 and Zoning Amendment Bylaw No. 3120 (Craig Little), applicable to Electoral Area C - Cobble Hill were considered:

08-733 **It was moved and seconded that the Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3119 and Zoning Amendment Bylaw No. 3120 (Craig Little) be received.**

MOTION CARRIED

PH2 Public Hearing Report and Minutes re: Official Settlement Plan Amendment Bylaw No. 3128 and Zoning Amendment Bylaw No. 3129 (Partridge), applicable to Electoral Area D - Cowichan Bay were considered:

08-734 **It was moved and seconded that the Public Hearing Report and Minutes re: Official Settlement Plan Amendment Bylaw No. 3128 and Zoning Amendment Bylaw No. 3129 (Partridge), applicable to Electoral Area D - Cowichan Bay be received.**

MOTION CARRIED

PH3 Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3191 and Zoning Amendment Bylaw No. 3194 (Victoria Truss) were considered.

08-735 **It was moved and seconded that the Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3191 and Zoning Amendment Bylaw No. 3194 (Victoria Truss) be received.**

MOTION CARRIED

**B7
08-744** It was moved and seconded that “CVRD Bylaw No. 3189 - Bald Mountain Water System Capital Reserve Fund Establishment Bylaw, 2008” be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B7
08-745** It was moved and seconded that “CVRD Bylaw No. 3189 - Bald Mountain Water System Capital Reserve Fund Establishment Bylaw, 2008” be adopted.

MOTION CARRIED

**B8
08-746** It was moved and seconded that “CVRD Bylaw No. 3190 - Bald Mountain Water System Parcel Tax Roll Bylaw, 2008” be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B8
08-747** It was moved and seconded that “CVRD Bylaw No. 3190 - Bald Mountain Water System Parcel Tax Roll Bylaw, 2008” be adopted.

MOTION CARRIED

**B9
08-748** It was moved and seconded that “CVRD Bylaw No. 3206 - Solid Waste Management Charges and Regulations Amendment Bylaw, 2008” be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B9
08-749** It was moved and seconded that “CVRD Bylaw No. 3206 - Solid Waste Management Charges and Regulations Amendment Bylaw, 2008” be adopted.

MOTION CARRIED

**B10
08-750** It was moved and seconded that “CVRD Bylaw No. 3218 - Cobble Hill Sewer System Management Amendment Bylaw, 2008” be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B10
08-751** It was moved and seconded that “CVRD Bylaw No. 3218 - Cobble Hill Sewer System Management Amendment Bylaw, 2008” be adopted.

MOTION CARRIED

**B11
08-752** It was moved and seconded that “CVRD Bylaw No. 3219 - Lambourn Estates Sewer System Management Amendment Bylaw, 2008” be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B11
08-753** It was moved and seconded that “CVRD Bylaw No. 3219 - Lambourn Estates Sewer System Management Amendment Bylaw, 2008” be adopted.

MOTION CARRIED

**B12
08-754** It was moved and seconded that “CVRD Bylaw No. 3220 - Lambourn Estates Water System Management Amendment Bylaw, 2008” be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B12
08-755** It was moved and seconded that “CVRD Bylaw No. 3220 - Lambourn Estates Water System Management Amendment Bylaw, 2008” be adopted.

MOTION CARRIED

B13 Deleted upon Approval of Agenda.

B14 Deleted upon Approval of Agenda.

**B15
08-756** “CVRD Bylaw No. 3235 - Social Planning Cowichan Annual Financial Contribution Service Establishment Bylaw, 2008” be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B16
08-757** It was moved and seconded that “CVRD Bylaw No. 3237 - Machinery and Equipment (Building Inspection) Reserve Fund Expenditure Bylaw, 2008” be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B16
08-758** It was moved and seconded that “CVRD Bylaw No. 3237 - Machinery and Equipment (Building Inspection) Reserve Fund Expenditure Bylaw, 2008” be adopted.

MOTION CARRIED

B17 Dealt with earlier in the agenda following SR7.

B18 Dealt with earlier in the agenda following SR7.

**B19
08-759** It was moved and seconded that “CVRD Bylaw No. 3119 - Area C - Cobble Hill Official Community Plan amendment Bylaw (C. Little/TCH Screening Guidelines), 2008” be granted 3rd reading.

MOTION CARRIED

**B20
08-760** It was moved and seconded that “CVRD Bylaw No. 3120 - Area C - Cobble Hill Zoning Amendment Bylaw (C. Little), 2008” be granted 3rd reading.

MOTION CARRIED

B21 Deleted upon Approval of Agenda.

8:45 pm Director Duncan left the Board room at 8:45 pm.

**B22
08-761** It was moved and seconded that “CVRD Bylaw No. 3128 - Area D - Cowichan Bay Official Settlement Plan Amendment Bylaw (Partridge), 2008” be granted 3rd reading.

Opposed: Directors Walker, Cossey, Giles and Dorey

MOTION DEFEATED

RECONSIDERED LATER

08-762 It was moved and seconded that the Administrator provide the Board with information regarding Director Duncan’s admission to visiting the applicant (Partridge) after the public hearing.

MOTION CARRIED

9:04 pm Director Allan left the meeting at 9:04 pm.

**B24
08-763** It was moved and seconded that “CVRD Bylaw No. 3191 - Area C - Cobble Hill Official Community Plan Amendment Bylaw (Victoria Truss), 2008” be granted 3rd reading.

MOTION CARRIED

**B24
08-764** It was moved and seconded that “CVRD Bylaw No. 3191 - Area C - Cobble Hill Official Community Plan Amendment Bylaw (Victoria Truss), 2008” be adopted.

MOTION CARRIED

**B25
08-765** It was moved and seconded that “CVRD Bylaw No. 3194 - Area C - Cobble Hill - Zoning Amendment Bylaw (Victoria Truss), 2008” be granted 3rd reading.

MOTION CARRIED

**B25
08-766** It was moved and seconded that “CVRD Bylaw No. 3194 - Area C - Cobble Hill - Zoning Amendment Bylaw (Victoria Truss), 2008” be adopted.

MOTION CARRIED

**Reconsideration of
Board Resolution
08-767** It was moved and seconded that the Board reconsider Resolution 08-761 regarding Bylaw No. 3128, that was defeated earlier.

MOTION CARRIED

B22 It was moved and seconded that “CVRD Bylaw No. 3128 - Area D - Cowichan Bay Official Settlement Plan Amendment Bylaw (Partridge), 2008” be granted 3rd reading.

08-768 It was moved and seconded that Bylaw No. 3128 be amended by changing the 10 m maximum height designation to 7.5 m maximum height.

MOTION CARRIED

**B22
08-767** It was moved and seconded that “CVRD Bylaw No. 3128 – Area D – Cowichan Bay Official Settlement Plan Amendment Bylaw (Partridge), 2008” be granted 3rd reading as amended.

MOTION CARRIED

B23 It was moved and seconded that “CVRD Bylaw No. 3129 - Area D - Cowichan Bay Zoning Amendment Bylaw (Partridge), 2008” be granted 3rd reading.

08-768 It was moved and seconded that Bylaw No. 3129 be amended by changing the 10 m maximum height designation to 7.5 m maximum height.

MOTION CARRIED

**B23
08-769** It was moved and seconded that “CVRD Bylaw No. 3129 - Area D - Cowichan Bay Zoning Amendment Bylaw (Partridge), 2008” be granted 3rd reading as amended.

MOTION CARRIED

9:10 pm Director Giles returned to the Board room at 9:10 pm.

UNFINISHED BUSINESS The Board recognized Director Tansley since today he is celebrating his 75th birthday and regaled him with a resounding rendition of Happy Birthday.

ADJOURNMENT

9:11 pm **It was moved and seconded that the Regular Board meeting adjourn.**
08-777

MOTION CARRIED

The meeting adjourned at 9:11 p.m.

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, November 26, 2008 at 6:26 pm.

PRESENT: Chair W.J. (Jack) Peake,
Directors J. Allan, K. Cossey, M. Dorey,
L. Duncan, G. Giles, B. Hodson, R. Hartmann,
P. Kent, J. Lefebure, M. Marcotte,
G. Seymour, M. Tansley and M. Walker

ALSO Warren Jones, Administrator

PRESENT: Joe Barry, Corporate Secretary
Tom Anderson, Manager Development Services
Brian Dennison, Manager Engineering Services
Kate Miller, Environment Manager
Brian Farquhar, Parks Manager
Mike Tippett, Deputy Manager Development Services
Rob Conway, Assistant Manager Development Services

ABSENT: Director R. Hutchins

**APPROVAL OF
AGENDA
08-778**

It was moved and seconded that the agenda be approved.

Opposed: Directors Giles, Kent, Cossey and Duncan

MOTION CARRIED

**COMMITTEE
REPORTS
CR1**

Report and recommendations of the Electoral Area Services Committee meeting of November 18, 2008, listing four items, were considered:

08-779

It was moved and seconded:

1. **That the CVRD release Covenant CA606862 (5882 Kapoor Road - Luke) which has a Letter of Credit value amount of \$5000.**

MOTION CARRIED

08-780

It was moved and seconded:

2. **That Application No. 2-G-08DP be approved, and the Planning Division be authorized to issue a development permit to Art Kendall for a 2-lot strata subdivision on part of Lot F, Section 3, Oyster District, Plan 2512, except part in plan 5496, (PID: 000-007-145).**

3. 1. That Application No. 3-A-08RS (Limona Group/Johnston) be approved as follows:
 - the eastern two-thirds of Lot 1, Section 3, Range 8, Shawnigan District, Plan VIP77020 and adjacent C-2 Lot B and Part of Lot C, Section 3, Range 8, Shawnigan District, Plan 34171, to be put into a special C-2A zone that allows multiple family residences along with the other C-2 uses;
 - the western one-third of Lot 1 to be given P-1 zoning;
 - the addition of development permit area guidelines to include the provision of public space in a central area of the site, rather than on the fringes of the site;
 - a requirement that the façades of any buildings facing the west side of Barry Road be open, with windows and doors facing Barry Road and no blank building walls being permitted in that direction, no loading spaces or waste/recycling facilities would be permitted adjacent to Barry Road.
2. That the application referral to the Ministries of Community Development, Transportation, Environment (Contaminated Sites Branch), Malahat First Nation, VIHA, Mill Bay VFD, Mill Bay Waterworks District and CVRD Protective Services, be accepted.
3. That draft OCP and Zoning Amendment bylaws be prepared and that the application be forwarded to a Public Meeting.

MOTION CARRIED

6:28 pm

Director Cossey declared a conflict of interest as his employer is involved in this process and left the Board room at 6:28 pm.

08-781

It was moved and seconded:

4. 1. That Rezoning Application 4-A-08RS (Bamberton - Ecotourism) be approved.
2. That a Zoning Amendment Bylaw to rezone part of District Lot 127, Malahat District, Except Parts in Plans 591RW, 1062RW and 1065RW, and part of District Lot 95, Malahat District, Except Part in Plan 951RW from F-1 to F-3, and to amend the I-2 zone to include Outdoor Recreation as a permitted use, be prepared and forwarded to the Regional Board for consideration of first and second reading.
3. That a public hearing be scheduled and that the Directors from Electoral Areas A, C, and D be delegated to the hearing.

MOTION CARRIED

6:30 pm Director Cossey returned to the Board room at 6:30 pm.

STAFF REPORTS

6:30 pm Director Duncan declared a conflict of interest as he had received significant information after the Public Hearing process and left the Board Room at 6:30 pm.

SR1 Staff Report from the Deputy Manager Development Services dated November 14, 2008 re: OSP Amendment Bylaw No. 3128 and Zoning Amendment Bylaw No. 3129 (Partridge - Botwood Lane, Cowichan Bay) was considered for information.

SR2 Staff Report from the Assistant Manager Development Services dated November 19, 2008 re: Youbou Lands - OCP and Zoning Amendment Bylaws and Phased Development Agreement was considered for information.

6:31 pm Director Duncan returned to the Board room at 6:31 pm.

SR3 Staff Report from the Development Services Planner III dated October 31, 2008 re: OCP and Zoning Amendment Bylaws 2912 and 2913 (Village at Paldi/Cherokee Land Investments) was considered for information.

SR4 Staff Report from the Deputy Manager Development Services dated November 26, 2008 re: Explanation of amendments made to Youbou Lands OCP Amendment Bylaw No. 3213 and Youbou Lands Zoning Amendment bylaw No. 3214 was considered for information.

BYLAWS

B1 It was moved and seconded that "CVRD Bylaw No. 3166 - Cowichan
08-782 Bay Sewer System Management Amendment Bylaw, 2008", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B1 It was moved and seconded that "CVRD Bylaw No. 3166 - Cowichan
08-783 Bay Sewer System Management Amendment Bylaw, be adopted.

MOTION CARRIED

B2 It was moved and seconded that "CVRD Bylaw No. 3167 - Youbou
08-783 Sewer System Management Amendment Bylaw, 2008", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B2
08-784 It was moved and seconded that "CVRD Bylaw No. 3167 - Youbou Sewer System Management Amendment Bylaw, 2008", be adopted.

MOTION CARRIED

B3
08-785 It was moved and seconded that "CVRD Bylaw No. 3168 - Eagle Heights Sewer System Management Amendment Bylaw, 2008", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B3
08-786 It was moved and seconded that "CVRD Bylaw No. 3168 - Eagle Heights Sewer System Management Amendment Bylaw, 2008", be adopted.

MOTION CARRIED

B4
08-787 It was moved and seconded that "CVRD Bylaw No. 3173 - Sentinel Ridge Sewer System Management Amendment Bylaw, 2008", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B4
08-788 It was moved and seconded that "CVRD Bylaw No. 3173 - Sentinel Ridge Sewer System Management Amendment Bylaw, 2008", be adopted.

MOTION CARRIED

B5
08-789 It was moved and seconded that "CVRD Bylaw No. 3225 - Shawnigan Beach Estates Sewer System Service Amendment Bylaw, 2008", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B6
08-790 It was moved and seconded that "CVRD Bylaw No. 3226 - Shawnigan Lake East Drainage System Capital Reserve Fund Establishment Bylaw, 2008", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B6
08-791 It was moved and seconded that "CVRD Bylaw No. 3226 - Shawnigan Lake East Drainage System Capital Reserve Fund Establishment Bylaw, 2008", be adopted.

MOTION CARRIED

6:36 pm Directors Hodson and Duncan left the Board room at 6:36 pm.

B7
08-792 It was moved and seconded that "CVRD Bylaw No. 3227 - Lambourn Estates Sewer System Management Amendment Bylaw, 2008", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B7
08-793 It was moved and seconded that "CVRD Bylaw No. 3227 - Lambourn Estates Sewer System Management Amendment Bylaw, 2008", be adopted.

MOTION CARRIED

6:38 pm Directors Hodson and Duncan returned to the Board room at 6:38 pm.

B8
08-794 It was moved and seconded that "CVRD Bylaw No. 3228 - Lambourn Estates Water System Management Amendment Bylaw, 2008", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B8
08-795 It was moved and seconded that "CVRD Bylaw No. 3228 - Lambourn Estates Water System Management Amendment Bylaw, 2008", be adopted.

MOTION CARRIED

B9
08-796 It was moved and seconded that "CVRD Bylaw No. 3229 - Solid Waste Management Charges and Regulations Amendment Bylaw, 2008", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B9
08-797 It was moved and seconded that "CVRD Bylaw No. 3229 - Solid Waste Management Charges and Regulations Amendment Bylaw, 2008", be adopted.

MOTION CARRIED

B10
08-798 It was moved and seconded that "CVRD Bylaw No. 3230 - Shawnigan Lake East Drainage System Management Bylaw, 2008", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B10
08-799** It was moved and seconded that “CVRD Bylaw No. 3230 - Shawnigan Lake East Drainage System Management Bylaw, 2008”, be adopted.

MOTION CARRIED

**B11
08-800** It was moved and seconded that “CVRD Bylaw No. 3236 - Community Parks Reserve Fund (Area I - Youbou/Meade Creek) Expenditure Bylaw, 2008”, be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B11
08-801** It was moved and seconded that “CVRD Bylaw No. 3236 - Community Parks Reserve Fund (Area I - Youbou/Meade Creek) Expenditure Bylaw, 2008”, be adopted.

MOTION CARRIED

**B12
08-812** It was moved and seconded that “CVRD Bylaw No. 3121 - Area B - Shawnigan Lake - Zoning Amendment Bylaw (Perrett), 2008”, be adopted.

MOTION CARRIED

6:40 pm Director Duncan declared a conflict of interest as he had received significant information after the Public Hearing process and left the Board Room at 6:40 pm.

**B13
08-813** It was moved and seconded that “CVRD Bylaw No. 3128 - Area D - Cowichan Bay Official Settlement Plan Amendment Bylaw (Partridge), 2008”, be adopted.

MOTION CARRIED

**B14
08-814** It was moved and seconded that “CVRD Bylaw No. 3129 - Area D - Cowichan Bay Zoning Amendment Bylaw (Partridge), 2008”, be adopted.

MOTION CARRIED

6:41 pm Director Duncan returned to the Board room at 6:41 pm.

**B15
08-815** It was moved and seconded that “CVRD Bylaw No. 3213 - Area I - Youbou/Meade Creek Official Community Plan Amendment Bylaw (Youbou Lands), 2008”, be granted 1st and 2nd reading.

MOTION CARRIED

**B16
08-816** It was moved and seconded that “CVRD Bylaw No. 3214 - Area I - Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009”, be granted 1st and 2nd reading.

MOTION CARRIED

**B17/B18
08-817** It was moved and seconded that “CVRD Bylaw No. 3238 - Area B - Shawnigan Lake Official Community Plan Amendment Bylaw (Malahat Joint Ventures/Lintaman), 2008” and “CVRD Bylaw No. 3239 - Area B - Shawnigan Lake Zoning Amendment Bylaw (Malahat Joint Ventures/Lintaman), 2008”, be referred back to staff.

MOTION CARRIED

B19 The Corporate Secretary advised the Paldi bylaws are back on the agenda due to a procedural error that occurred on November 12. It was moved and seconded that Bylaw 2912 be adopted. A referral motion was then put forward. All Directors (electoral and municipal) voted on the referral motion. The referral motion passed by a 9 to 6 vote.

The error was allowing the municipal directors to vote on the referral motion. Advice has been obtained that only the electoral area directors were eligible to vote on the referral motion since it pertained to a land use matter. This means that only 9 electoral directors should have voted. The resulting vote would have been 4 in favour and 5 against. The referral motion would have been defeated instead of being carried. Therefore, the matter would NOT have been referred to the ILMB.

As a result, it is necessary to place the bylaws back in front of the Board since the procedural error has to be corrected. The Board (with only 9 voting electoral area Directors) can then consider any motions that are put forward.

It was moved and seconded that “CVRD Bylaw No. 2912 - Area E - Cowichan Koksilah Official Community Plan Amendment Bylaw (The Village At Paldi; Cherokee Land Investments), 2007”, be adopted.

**B19
08-818** It was moved and seconded that “CVRD Bylaw No. 2912 - Area E - Cowichan Koksilah Official Community Plan Amendment Bylaw (The Village At Paldi; Cherokee Land Investment), 2007” be referred back to staff for clarity with the Integrated Land Management Bureau on water and sewer leases.

Opposed: Directors Allan, Marcotte, Tansley, Hodson and Walker

MOTION DEFEATED

B19
08-819

VOTING RESUMED ON THE ORIGINAL MOTION

Motion restated for clarification:

It was moved and seconded that “CVRD Bylaw No. 2912 - Area E - Cowichan Koksilah Official Community Plan Amendment Bylaw (The Village At Paldi; Cherokee Land Investments), 2007”, be adopted.

Opposed: Directors Giles, Cossey, Duncan and Dorey

MOTION CARRIED

B20
08-820

It was moved and seconded that 3rd reading of “CVRD Bylaw No. 2913 - Area F - Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (The Village At Paldi; Cherokee Land Investments), 2007”, be rescinded.

Opposed: Directors Giles, Cossey and Duncan

MOTION CARRIED

B20
08-821

It was moved and seconded that “CVRD Bylaw No. 2913 - Area F - Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (The Village At Paldi; Cherokee Land Investments), 2007”, be granted 3rd reading as amended by changing section 5 f.ii. to “...parcels up to and including 1000 m²” from “...on parcels over 1000 m²;”.

Opposed: Directors Giles, Cossey, Duncan and Dorey

MOTION CARRIED

B20
08-822

It was moved and seconded that “CVRD Bylaw No. 2913 - Area F - Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (The Village At Paldi; Cherokee Land Investments), 2007”, be adopted.

Opposed: Directors Giles, Cossey, Duncan and Dorey

MOTION CARRIED

B21
08-823

It was moved and seconded that “CVRD Bylaw No. 3205 - Shawnigan Lake North Water System Service Amendment Bylaw, 2008”, be adopted.

MOTION CARRIED

ADJOURNMENT

08-824
7:19 pm

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

MOTION CARRIED

The meeting adjourned at 7:19 pm

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____

Minutes of the Inaugural meeting of the Board of the Cowichan Valley Regional District and Cowichan Valley Regional Hospital District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, December 3, 2008 at 7:02 p.m.

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

ALSO

PRESENT: Warren Jones, Administrator
Joe Barry, Corporate Secretary
Mark Kueber, Treasurer
Brian Dennison, Manager, Engineering Services
Tom Anderson, Manager, Development Services
Mike Tippett, Deputy Manager, Development Services
Kathleen Harrison, Deputy Corporate Secretary
Dominique Beesley, Recording Secretary

CALL TO ORDER

The Corporate Secretary called the meeting to order, provided a review of this evening’s agenda and explained the procedure for taking the Oath of Office.

ELECTION RESULTS REPORT

The Corporate Secretary announced the results of the 2008 General Local Election and confirmed the names of the Directors elected for each Electoral Area.

OATH OF OFFICE— ELECTORAL AREA DIRECTORS

The following Oaths of Office were administered by the Corporate Secretary:

Electoral Area A – Mill Bay/Malahat..... Director Brian Harrison
Electoral Area B – Shawnigan Lake.....Director Ken Cossey
Electoral Area C – Cobble Hill..... Director Gerry Giles
Electoral Area D – Cowichan BayDirector Lori Iannidardo
Electoral Area E – Cowichan Station/Sahtlam/Glenora..... Director Loren Duncan
Electoral Area F – Cowichan Lake South/Skutz Falls Director Ian Morrison
Electoral Area G – Saltair/Gulf IslandsDirector Mel Dorey
Electoral Area H – North Oyster/DiamondDirector Mary Marcotte
Electoral Area I – Youbou/Meade CreekDirector Klaus Kuhn

OATH OF OFFICE— MUNICIPAL

The Corporate Secretary introduced the recently appointed Directors from the four CVRD member municipalities and administered the following Oaths of Office:

DIRECTORS

District of North Cowichan Mayor Tom Walker
 District of North Cowichan Councillor Dave Haywood
 District of North Cowichan Councillor George Seymour
 Town of Lake Cowichan Councillor Tim McGonigle
 Town of Ladysmith Mayor Robert Hutchins
 City of Duncan..... Mayor Phil Kent

OATH OF OFFICE— APPOINTED ALTERNATE ELECTORAL AREA DIRECTORS

Electoral Area A – Mill Bay/Malahat..... Alternate Director Roger Burgess
 Electoral Area C – Cobble Hill..... Alternate Director John Krug
 Electoral Area D – Cowichan Bay.....Alternate Director Lesley Heinio
 Electoral Area E – Cowichan
 Station/Sahtlam/Glenora..... Alternate Director Darin George
 Electoral Area F – Cowichan
 Lake South/Skutz Falls Alternate Director Dick Orman
 Electoral Area G – Saltair/Gulf IslandsAlternate Director Mike Dietrich
 Electoral Area H –
 North Oyster/Diamond..... Alternate Director Rob Waters

OATH OF OFFICE— APPOINTED MUNICIPAL ALTERNATE DIRECTORS

District of North Cowichan Councillor Ruth Hartmann
 Town of Lake Cowichan Councillor Bob Day
 Town of Ladysmith Councillor Steve Arnett
 City of Duncan..... Councillor Ray Cadorette

NOMINATIONS FOR CHAIR

The Corporate Secretary called for nominations for Chair. Mr. Barry noted that, by previous resolution of the Board, the Hospital Board Chair and Regional Board Chair are held by one Director, elected by majority vote from among the members of the Board.

Director Giles was duly nominated.

DECLARATION OF CHAIR FOR 2009

There being no further nominations, nominations were declared closed and Director Giles was declared elected by acclamation as the Chair of the Cowichan Valley Regional District and Cowichan Valley Regional Hospital District Boards for the year 2009.

NOMINATIONS FOR VICE-CHAIR

The Corporate Secretary called for nominations for Vice-Chair.
 Director Kent was duly nominated.

DECLARATION OF VICE-CHAIR

There being no further nominations, nominations were declared closed and Director Kent was declared elected by acclamation as the Vice-Chair of the Cowichan Valley Regional District and Cowichan Valley Regional Hospital District Boards for the year 2009.

**ASSUMPTION
OF CHAIR**

Chair Giles assumed the Chair and gave an address of acceptance.

ADJOURNMENT

7:23 p.m.
08-825

It was moved and seconded that the Inaugural Board meeting adjourn.

MOTION CARRIED

The meeting adjourned at 7:23 p.m.

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____



C·V·R·D

2009 COMMITTEE MEMBERSHIP

STANDING COMMITTEES:

REGIONAL SERVICES:

Director P. Kent, Chair	Director R. Hutchins
Director T. Walker, Vice - Chair	Director L. Iannidinardo
Director K. Cossey	Director K. Kuhn
Director M. Dorey	Director M. Marcotte
Director L. Duncan	Director T. McGonigle
Director G. Giles	Director I. Morrison
Director B. Harrison	Director G. Seymour
Director D. Haywood	

ELECTORAL AREA SERVICES:

Director B. Harrison, Chair	Director G. Giles
Director M. Marcotte, Vice - Chair	Director L. Iannidinardo
Director K. Cossey	Director K. Kuhn
Director M. Dorey	Director I. Morrison
Director L. Duncan	

ENGINEERING SERVICES:

Director K. Cossey, Chair	Director G. Giles
Director D. Haywood, Vice - Chair	Director B. Harrison
Director M. Dorey	Director K. Kuhn
Director L. Duncan	

PARKS:

Director M. Dorey, Chair	Director D. Haywood
Director L. Iannidinardo, Vice - Chair	Director P. Kent
Director L. Duncan	Director K. Kuhn
Director G. Giles	

HEALTH AUTHORITY ADVISORY:

Director G. Seymour, Chair	Director R. Hutchins
Director M. Marcotte, Vice - Chair	

TRANSIT COMMITTEE:

Director G. Seymour, Chair	Director L. Iannidinardo
Director G. Giles, Vice - Chair	Director P. Kent
Director K. Cossey	Director K. Kuhn
Director L. Duncan	Director T. McGonigle
Director B. Harrison	Director I. Morrison

COMMUNITY SAFETY ADVISORY COMMITTEE:

Director L. Iannidinardo, Chair	Director P. Kent, Vice - Chair
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REGIONAL POLICING ADVISORY COMMITTEE:

Director T. Walker, Chair	Director R. Hutchins
Director G. Giles, Vice - Chair	Director K. Kuhn
Director K. Cossey	Director M. Marcotte
Director B. Harrison	Director T. McGonigle

ECONOMIC DEVELOPMENT COMMISSION:

Director P. Kent	Director K. Cossey
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KINSOL TRESTLE REVITALIZATION COMMITTEE:

Director G. Giles, Chair	Director D. Haywood
Director P. Kent, Vice - Chair	Director K. Cossey

NON – CVRD COMMITTEES / AUTHORITIES (REQUIRES BOARD RESOLUTION):

MAYOR’S ADVISORY COMMITTEE FOR PEOPLE WITH DISABILITIES:

Director G. Seymour

MUNICIPAL FINANCE AUTHORITY:

Director T. Walker

MUNICIPAL INSURANCE AUTHORITY OF BC (MIABC):

Director T. Walker

ISLAND COAST ECONOMIC TRUST (ICET):

Director G. Giles

ISLAND CORRIDOR FOUNDATION (ICF):

Jack Peake

TREATY ADVISORY COMMITTEE:

Director L. Duncan

Director R. Hutchins

Director T. Walker, Alternate

LIBRARY BOARD:

Director M. Dorey

Director L. Duncan, Alternate



CENTRAL SERVICES

Box 3333, 6250 Hammond Bay Rd., Nanaimo BC, Canada V9R 5N3

Phone: (250) 758-4697 Fax: (250) 758-2482

Email: info@virl.bc.ca Web: www.virl.bc.ca

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RECEIVED
C.V.R.L.D.

NOV 18 2008

November 17, 2008

W.J. (Jack) Peake, Chair
Cowichan Valley Regional District
175 Ingram Street
Duncan, British Columbia, V9L 1N8

Chairperson Peake and Directors:

Re: Appointment to the 2009 Vancouver Island Regional Library Board

As cornerstones of their communities, our libraries connect people to each other, to their community and to their hopes and dreams. Libraries promote and enrich the democratic, cultural, educational and economic life of your residents.

With the new year not too far off, it is time to consider your appointment or reappointment to the Vancouver Island Regional Library Board. The position is one of great importance, as the Vancouver Island Regional Library is the ninth largest library system in Canada, and serves in excess of 420,000 island residents.

As per provincial legislation (Library Act [RSBC 1996] Chapter 264), certified resolutions must be submitted to the Vancouver Island Regional Library by December 15, 2008, along with specific information pertaining to the appointment or reappointment.

For your convenience we have included Board Member and Alternate Appointment Forms.

Please send the completed forms and certified copy of the appropriate resolution to the attention of Rosemary Bonanno, Executive Director, in the enclosed self-addressed envelope or by fax 250-758-2482, or email (rcooper@virl.bc.ca).

Thank you for your continuing support!

Sincerely,

Rosemary Bonanno, BA, MLS
Executive Director

Enclosure...

c.c. – Warren Jones, Chief Administrative Officer

FILE	SEARCHED
INDEXED	SERIALIZED
DATE	NOV 24 2008
BY	WJ

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BOARD MEMBER APPOINTMENT FORM REPRESENTATIVE OF A REGIONAL DISTRICT

The Board of the Regional District (name) _____
has appointed (name) _____ as
the representative on the Vancouver Island Regional Library Board for the year 2009.

TERM OF APPOINTMENT

The term of the appointment is for January 1, 2009 to December 31, 2009.

This is a new appointment approved by the Board on: _____ (date)

This is a reappointment of the Board appointment made on: _____ (date)

This appointment will continue until a successor is appointed, as provided under Section 18(3) of the Library Act, or unless the member is removed for cause as provided under Section 18(4) of the Library Act.

REPRESENTATIVE'S INFORMATION

Home address: _____

Phone Numbers: Home: _____

Cell Phone: _____ Business: _____

Municipal Fax: _____ Other: _____

Email Addresses: Home: _____

Council: _____ Other (optional): _____

Birthdate: Over 70 years of age _____ Yes _____ No
(Required for insurance purposes)

STAFF CONTACT

Contact Name: _____ Position: _____

Signature: _____ Date: _____

PLEASE ATTACH CERTIFIED COPY OF THE RESOLUTION.



**BOARD MEMBER APPOINTMENT FORM
ALTERNATE REPRESENTATIVE OF A REGIONAL DISTRICT**

The Board of the Regional District (name) _____
has appointed (name) _____ as the
alternate representative on the Vancouver Island Regional Library Board for the year
2009.

TERM OF APPOINTMENT

The term of the appointment is for January 1, 2009 to December 31, 2009.

This is a new appointment approved by the Board on: _____ (date)

This is a reappointment of the Board appointment made on: _____ (date)

This appointment will continue until a successor is appointed, as provided under
Section 18(3) of the Library Act, or unless the member is removed for cause as
provided under Section 18(4) of the Library Act.

ALTERNATE'S INFORMATION

Home address: _____

Phone Numbers: Home: _____

Cell Phone: _____ Business: _____

Municipal Fax: _____ Other: _____

Email Addresses: Home: _____

Council: _____ Other (optional): _____

Birthdate: Over 70 years of age _____ Yes _____ No

(Required for insurance purposes)

STAFF CONTACT

Contact Name: _____ Position: _____

Signature: _____ Date: _____

PLEASE ATTACH CERTIFIED COPY OF THE RESOLUTION.



**REGIONAL SERVICES
COMMITTEE REPORT**

OF MEETING HELD NOVEMBER 26, 2008

DATE: December 3, 2008

To: Chairperson and Directors of the Board

Your Regional Services Committee reports and recommends as follows:

1. 1. That the Board Adopt the draft environmental strategy and its “12 big ideas” framework, and that staff be directed to develop an implementation plan that identifies priorities and action plans consistent with those priorities.
2. That the CVRD embed an environmental lens into all decision making immediately.
3. That the Board re-affirm the role of the Environment Commission and enable it to play an active role in mobilizing this effort and supporting local government to lead the way.
4. That the CVRD eliminate the artificial separation between the environment and the economy in decision making.
5. The CVRD provide resources to the Commission to continue the community conversation process to building a strong, resilient, sustainable Cowichan.



**COWICHAN LAKE RECREATION
COMMISSION REPORT**

OF MEETING HELD NOVEMBER 20, 2008

DATE: November 21, 2008

To: Cowichan Valley Regional District Board

Your Cowichan Lake Recreation Commission reports and recommends as follows:

1. That the Chair and Corporate Secretary be authorized to execute the Community Access Program site funding agreement with the Victoria Free-net Association of funding and operation of the Industry Canada Community Access (CAP) Program at the Youbou Community Hall operated under the function of Cowichan Lake Recreation.



**KERRY PARK RECREATION
COMMISSION REPORT**

OF MEETING HELD NOVEMBER 25, 2008

DATE: November 26, 2008

To: Chair and members of the CVRD board

Your Kerry Park Recreation Commission reports and recommends as follows:

1. That the CVRD Board approves the extension of 1 (one) hour to the Kerry Park primary liquor license #037821 on Saturday February 14, 2009 from 1:00 am 2:00 am to accommodate the Kerry Park Men's Curling bonspiel. Board approval is required to be submitted with the application to the Liquor Control Licensing Board.



ENVIRONMENT COMMISSION REPORT

OF MEETING HELD NOVEMBER 20, 2008

DATE: December 3, 2008

To: Chair and Directors of the Cowichan Valley Regional Board

-
1. Your Environment Commission reports and recommends that staff be directed to prepare an amendment to Bylaw 2943 as follows:

Membership

- (Change from 11 to 10) Ten Commission members shall be drawn from applicants in response to advertising and shall represent citizens, environmental professionals, community groups, organizations and/or sectors concerned with environmental sustainability within the Cowichan Valley Regional District.
- (Add) One commission member shall represent the CVRD Economic Development Commission (with one member of the Environment Commission sitting on the Economic Development Commission)

Term of Office

- (Change) The term of office for Commission members shall be (from one to) two years, (add) with a one year staggering of terms for half the commission members.

Responsibilities

- (Add) Monitor and advance implementation of the CVRD Environmental Strategic Plan and report annually, or as required, to the CVRD Board.
- (Delete) Report to the Board within one year after the inaugural meeting of the Commission on the appropriateness of the Commission mandate, structure and administration.

General

- (Add) That the CAO be accountable for implementation of the CVRD Environmental Strategic Plan as approved by the Board.



STAFF REPORT
REGULAR BOARD MEETING
OF DECEMBER 10, 2008

DATE: December 3, 2008 **FILE NO:**
FROM: Ryan Dias, Parks Operations Superintendant **BYLAW NO:**
SUBJECT: Park Maintenance Services Contracts for Electoral Areas A-E, and H

Recommendation:

That the Board authorize a one month extension of the current Park Maintenance Services Contract for Electoral Areas A-E and H to January 31, 2009.

Purpose:

To allow staff time to complete the RFP tender process for the 2009-2010 Parks Maintenance Services Contract.

Financial Implications: N/A

Interdepartmental/Agency Implications: N/A

Background:

The 2006-08 Parks Maintenance Services Contract for Electoral Areas A-E and H is set to expire on December 31, 2008. The RFP tender process for the 2009-2010 Parks Maintenance Services Contract is currently being advertised with a set closing date of December 15, 2008. Staff anticipate this process to be complete by the end of December 2008. In order to ensure current park facilities continue to be maintained through the contract transition period, staff are requesting a one month extension of the current Parks Maintenance Contract, expiring on January 31, 2009. The extension of the contracts will be funded through the Electoral Area A-E, and Area H Community Parks function covered under the 2009 budget.

Submitted by,

Ryan Dias,
Parks Operations Superintendant
Development Services Department

RD/ca

**STAFF REPORT****REGULAR BOARD MEETING
OF DECEMBER 10, 2008**

DATE: December 5, 2008 **FILE NO:** 5-H-07SA
FROM: Leslie Clarke, Planning Technician **BYLAW NO:** 1215
SUBJECT: Water Treatment Covenant

Recommendation:

That the Cowichan Valley Regional District enter into a Restrictive Covenant for Parcel B, District Lot 93, Oyster District, PID 009-472-924 (5-H-07SA/Wiggens), respecting potability of water.

Purpose:

To consider acceptance of a Land Title Act, Section 219 Water Treatment Covenant as a tool to assure potable water during subdivision process.

Financial Implications:

Financial responsibility of completing and registering the proposed covenant would be borne by the applicant.

Interdepartmental/Agency Implications:

None foreseen. Covenant has been reviewed and accepted by the Cowichan Valley Regional District solicitor.

Background:

The Cowichan Valley Regional District responds to subdivision referrals from the Ministry of Transportation and Infrastructure confirming that proposed subdivisions comply with lot sizes as defined within the Electoral Area Zoning Bylaws, and with requirements within the Cowichan Valley Regional District Subdivision Bylaw No. 1215. The Bylaw defines "potable water" as "means water which is approved for drinking purposes in accordance with the Health Act". Section 8.3 of Bylaw 1215 states that "each parcel in the proposed subdivision has a proven source of potable water and that the water quality consistently meets the conditions of the British Columbia Drinking Water Quality Standards."

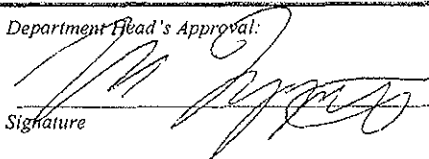
On occasion a well produces water that may be brought to these standards by installation in the home of a standard household filtration device. In this instance a well was drilled and tested. The water quality test shows a small amount of bacteria and states that water would be treatable at point of use, i.e. a filtration system would be installed at the time of construction of a residence (after completion of the subdivision).

The purpose of the covenant is to allow completion of the subdivision on the condition that the property owners, and all future owners, are aware of and responsible for, treatment of water to bring it up to British Columbia Drinking Water Quality Standards as outlined in CVRD Bylaw No. 1215.

Submitted by,



Leslie Clarke,
Planning Technician
Development Services Department

Department Head's Approval:  Signature
--

LC/ca

**STAFF REPORT****BOARD MEETING
OF DECEMBER 10, 2008****DATE:** November 28, 2008**FILE NO:****FROM:** Kate McIntosh on behalf of the Workplace
Wellness Committee**BYLAW NO:****SUBJECT:** UBCM Community Health Promotion Fund
Application**Recommendation:**

That the Board approve the UBCM Community Health Promotion Fund application as presented for up to \$25,000.

Purpose:

1. To support the CVRD Workplace Wellness Committee in implementing and facilitating their goal of educating and motivating all CVRD employees to lead healthy and active lifestyles. A healthy and active lifestyle goes beyond healthy eating and active living. It includes initiatives that impact an individual's mental, physical, emotional, social and spiritual well-being.
2. To support a goal of the organization to become the "Employer of Choice on Vancouver Island."

Financial Implications:

Dollars to be allocated to facilitation, programs, administration, incentives, marketing and promotion.

Interdepartmental/Agency Implications:

This program is for all CVRD employees.

Background:

The CVRD Workplace Wellness Committee was formed in the fall of 2008 with a vision of implementing a Workplace Wellness program in 2009. The Committee's first task was to develop and administer an Employee Wellness survey to determine what programs/initiatives staff would like to see offered. The Committee is in the process of analyzing the survey results and developing the 2009 program. Funding from the UBCM Community Health Promotion Fund would significantly impact what could be offered.

The UBCM Community Health Promotion Fund (CHPF) was started in 2005 through a \$5 million contribution from the BC Ministry of Health. It was created to support health promotion programs and activities in communities through a focus on healthy living and chronic disease. The CHPF supports the goals of ActNow BC of BC leading the way in North America in healthy living and physical fitness and building community capacity to create healthier, more sustainable and economically viable communities.

The objectives of the CHPF are to:

- Assist communities to build skills and abilities they need to address their own health promotion priorities
- Strengthen the collaboration of local government, health authorities, and non-governmental health related organizations in protecting and promoting the health of their citizens
- Support innovation, best practice development, information sharing, and networking with regards to health promotion

To date, more than 120 pilot projects have helped to shape and refine the grant program and contribute to promising practices and innovation. UBCM is now accepting a fourth and final round (under the current funding) of applications from local governments. In addition, they are offering the assistance of a BC Healthy Communities facilitator to assist some successful applicants to plan for and undertake their pilot projects at no cost to the applicant.

On October 9, 2008 an Expression of Interest was submitted by two members of the Workplace Wellness Committee to apply for the CHPF funding and it was approved.

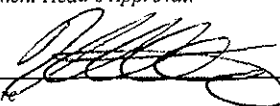
Proposed programs under the CHPF application are as follows:

1. Brown Bag Lunch Series - collaborate with proposed partners to provide instructors with information that is timely and of interest to employees. Suggested topics at this time are nutrition, smoking cessation, stress busters, cold & flu prevention and work station ergonomics. Healthy snacks, handouts and incentives provided.
2. Health & Wellness Week - Provide a staff activity for each day of the designated week to increase awareness of the importance and benefits of personal health and wellness. Activities may include a nutritional breakfast hosted by a nutritionist, lunch time fitness activity, brown bag lunch educational session, chair massage and meditation.
3. Move for Health Day - kick off day to reinforce motto: "The secret to getting ahead is getting started".
4. Lunch time fitness classes/group activities - Project Facilitator to research and propose options. May include combination of group walking, instructed yoga, stretch & strength, pilates or spinning classes.
5. Employee Mentorship - encourage awareness of employee led fitness groups that are already in existence. Share wealth of knowledge and motivate each other.
6. Fitness Discount - offer benefit to employees for participating in fitness classes.

7. Health & Fitness Awareness Days - Community outreach initiatives to engage residents, in benefits of a healthy lifestyle. Location rotated throughout the communities.
8. Health & Wellness Survey - final survey to be completed at the end of the pilot project to measure outcomes.
9. Website & Intranet – develop and maintain communication that is accessible to all.

Submitted by,



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

Local Government Program Services

...programs to address provincial-local government shared priorities

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November 27, 2008

Lynda Lee, Secretary
Workplace Wellness Committee
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC, V9L 1N8

Re: Community Health Promotion Fund – Approval Pending Resolution

Dear Ms. Lee,

I am pleased to advise you that the Evaluation Committee for the 2009 Community Health Promotion Fund has approved funding for the CVRD *Employee Health and Wellness* pilot project in the amount of \$25,000.

Upon receipt of a Council resolution that indicates support for this project, a cheque in the amount of \$17,500 will be issued. This amount represents 70 percent of the total approved grant. The remaining 30 percent will be sent once we have received a final report and financial summary for the project.

I would like to encourage you to submit this outstanding item as soon as possible. If you have any questions, please feel free to contact me at UBCM's Victoria office at (250) 356-5134 or by email at dwelch@civicnet.bc.ca.

Sincerely,

Danyta Welch
Policy & Programs Officer

cc: Judy Mills, Secretary, Cowichan Valley Regional District

UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES

Administration provided
by UBCM

Funding provided by
Province of B.C.



ActNowBC

For program
information, visit
www.civicnet.bc.ca
under
Programs & Services

Local Government
Program Services

LGPS Secretariat

Municipal House
545 Superior St
Victoria, BC, V8V 1T7

Phone: (250) 356-5134
Fax: (250) 356-5119



**REPORT OF THE CHIEF ELECTION OFFICER TO THE
COWICHAN VALLEY REGIONAL DISTRICT BOARD MEETING
OF DECEMBER 10, 2008**

DATE: December 10, 2008
FROM: Joe Barry, Chief Election Officer
SUBJECT: Report of the Chief Election Officer for the 2008
General Local Election and Referendums

The 2008 Local Government Elections were held on Saturday November 15. The following Directors were elected by acclamation:

- | | |
|---|-------------------|
| Area B – Shawnigan Lake | Ken Cossey |
| Area C – Cobble Hill | Gerry Giles |
| Area D - Cowichan Bay | Lori Iannidinardo |
| Area E - Cowichan Station/Sahtlam/Glenora | Loren Duncan |

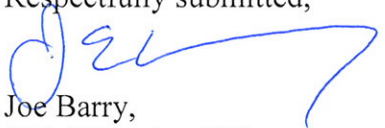
Elections were held in five Electoral Areas with the following Directors elected by voting:

- | | |
|--|----------------|
| Area A - Mill Bay/Malahat | Brian Harrison |
| Area F - Cowichan Lake South/Skutz Falls | Ian Morrison |
| Area G - Saltair/Gulf Islands | Mel Dorey |
| Area H - North Oyster/Diamond | Mary Marcotte |
| Area I - Youbou/Meade Creek | Klaus Kuhn |

The Regional Parkland Acquisition Fund Referendum was held in all 13 CVRD jurisdictions. 71% of the electorate voted in favour of the Board adopting CVRD Bylaw No. 3163 – Regional Parkland Acquisition Fund Service Establishment Bylaw, 2008.

The Cowichan Lake Sports Arena Renovation Referendum was held in 3 jurisdictions. 52.2% of the electorate voted in favour of the Board adopting CVRD Bylaw No. 3197 – Cowichan Lake Sports Arena Renovation Loan Authorization Bylaw, 2008.

Attached are the reports of the Chief Election Officer for the five elections and the two referendums. Voter turnout information, as compared with the last six full elections, is also attached.

Respectfully submitted,

Joe Barry,
Chief Election Officer



Election November 15, 2008 for: Electoral Area A – Mill Bay/Malahat

Total Number of Voters: 692

BALLOT ACCOUNT:

Ballots Printed: 3000

Ballots Used:

Ballots Counted as Valid: 684

Ballots Rejected: 7

Ballots Spoiled and replaced: 0

Ballots Unused: 2308

Total Ballots Accounted For: 2999

Total Ballots Not Accounted For: 1

Ballots Rejected as Invalid to
which Objection Has Been Made: Ø

Ballots Counted as Valid to
which Objection Has Been Made: Ø

STATEMENT OF VOTE:

<u>CANDIDATE:</u>	<u>VOTE:</u>
Brian Harrison	518
Ken Waldron	87
Balu Tatachari	79

Dated this 19th day of November, 2008

49.2 
CHIEF ELECTION OFFICER

F-14.9/a



Election November 15, 2008 for: Electoral Area F – Cowichan Lake South/Skutz Falls

Total Number of Voters: 433

BALLOT ACCOUNT:

Ballots Printed: 3000

Ballots Used:

Ballots Counted as Valid: 426

Ballots Rejected: 2

Ballots Spoiled and replaced: 3

Ballots Unused: 2567

Total Ballots Accounted For: 2998

Total Ballots Not Accounted For: 2

Ballots Rejected as Invalid to
which Objection Has Been Made: Ø

Ballots Counted as Valid to
which Objection Has Been Made: Ø

STATEMENT OF VOTE:

<u>CANDIDATE:</u>	<u>VOTE:</u>
Ian Morrison	181
Gracie MacDonald	126
Joan McKenzie	119

Dated this 19th day of November, 2008



CHIEF ELECTION OFFICER



Election November 15, 2008 for: Electoral Area G – Saltair/Gulf Islands

Total Number of Voters: 697

BALLOT ACCOUNT:

Ballots Printed:	3000
Ballots Used:	
Ballots Counted as Valid:	676
Ballots Rejected:	21
Ballots Spoiled and replaced:	0
Ballots Unused:	2303
Total Ballots Accounted For:	3000
Total Ballots Not Accounted For:	Ø
Ballots Rejected as Invalid to which Objection Has Been Made:	Ø
Ballots Counted as Valid to which Objection Has Been Made:	Ø

STATEMENT OF VOTE:

<u>CANDIDATE:</u>	<u>VOTE:</u>
Mel Dorey	343
Sherry Durnford	333

Dated this 19th day of November, 2008

CHIEF ELECTION OFFICER

F-14.9/g



Election November 15, 2008 for: Electoral Area H – North Oyster/Diamond

Total Number of Voters: 716

BALLOT ACCOUNT:

Ballots Printed:	3000
Ballots Used:	
Ballots Counted as Valid:	711
Ballots Rejected:	4
Ballots Spoiled and replaced:	0
Ballots Unused:	2284
Total Ballots Accounted For:	2999
Total Ballots Not Accounted For:	1
Ballots Rejected as Invalid to which Objection Has Been Made:	Ø
Ballots Counted as Valid to which Objection Has Been Made:	Ø

STATEMENT OF VOTE:

<u>CANDIDATE:</u>	<u>VOTE:</u>
Mary Marcotte	443
John Mathers	268

Dated this 19th day of November, 2008



CHIEF ELECTION OFFICER



Election November 15, 2008 for: Electoral Area I – Youbou/Meade Creek

Total Number of Voters: 414

BALLOT ACCOUNT:

Ballots Printed:	3000
Ballots Used:	
Ballots Counted as Valid:	412
Ballots Rejected:	2
Ballots Spoiled and replaced:	0
Ballots Unused:	2586
Total Ballots Accounted For:	3000
Total Ballots Not Accounted For:	Ø
Ballots Rejected as Invalid to which Objection Has Been Made:	Ø
Ballots Counted as Valid to which Objection Has Been Made:	Ø

STATEMENT OF VOTE:

<u>CANDIDATE:</u>	<u>VOTE:</u>
Klaus Kuhn	281
John Ward	131

Dated this 19th day of November, 2008



CHIEF ELECTION OFFICER



Election November 15, 2008 for: Regional Parkland Acquisition Fund Referendum

Total Number of Voters: 14061

BALLOT ACCOUNT:

Ballots Printed:	50000
Ballots Used:	
Ballots Counted as Valid:	13670
Ballots Rejected:	339
Ballots Spoiled and replaced:	12
Ballots Unused:	35927
Total Ballots Accounted For:	49948
Total Ballots Not Accounted For:	52
Ballots Rejected as Invalid to which Objection Has Been Made:	Ø
Ballots Counted as Valid to which Objection Has Been Made:	Ø

STATEMENT OF VOTE:

<u>ANSWER:</u>	<u>VOTE:</u>
Yes	9709
No	3961

Dated this 21st day of November, 2008



CHIEF ELECTION OFFICER



Election November 15, 2008 for: Cowichan Lake Sports Arena Renovation Referendum

Total Number of Voters: 2036

BALLOT ACCOUNT:

Ballots Printed:	5000
Ballots Used:	
Ballots Counted as Valid:	2011
Ballots Rejected:	21
Ballots Spoiled and replaced:	4
Ballots Unused:	2960
Total Ballots Accounted For:	4996
Total Ballots Not Accounted For:	4
Ballots Rejected as Invalid to which Objection Has Been Made:	Ø
Ballots Counted as Valid to which Objection Has Been Made:	Ø

STATEMENT OF VOTE:

<u>ANSWER:</u>	<u>VOTE:</u>
Yes	1050
No	961

Dated this 21st day of November, 2008



CHIEF ELECTION OFFICER



C·V·R·D

VOTER TURNOUT

ELECTORAL AREA	1993 VOTERS %	1996 VOTERS %	1999 VOTERS %	2002 VOTERS %	2005 VOTERS %	2008 VOTERS %
A – MILL BAY / MALAHAT	694 31	799 35	962 42	729 31	707 25	692 23 w/referendum
B – SHAWNIGAN LAKE	834 25	808 22	1011 25	1198 28	1593 29	acclamation referendum only 405 7
C – COBBLE HILL	738 33	925 32	737 24	acclamation	1264 33	acclamation referendum only 365 9
D – COWICHAN BAY	385 21	405 17 w/referendum	806 43	818 39	acclamation	acclamation referendum only 319 11
E – COWICHAN STATION /SAHTLAM/GLENORA	383 17	535 21 w/referendum	579 25	800 36	acclamation	acclamation referendum only 252 8
F – COWICHAN LAKE SOUTH/SKUTZ FALLS	acclamation	333 32	412 38	acclamation	acclamation	433 35 w/2 referenda
G – SALTAIR / GULF ISLANDS	377 21	acclamation	354 18	acclamation	502 26	697 35 w/referendum
H – NORTH OYSTER / DIAMOND	415 29	865 47	acclamation	acclamation	acclamation	716 32 w/referendum
I – YOUBOU / MEADE CREEK	359 46 w/referendum	349 43	acclamation	414 53	acclamation	414 41 w/2 referenda

49.9



PUBLIC HEARING REPORT
Bylaws No. 3216 and 3217

Following is a summary of the proceedings of the Public Hearing for Official Community Plan Amendment Bylaw No. 3216, applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora and part of Electoral Area F – Cowichan Lake South/Skutz Falls, and Zoning Amendment Bylaw No. 3217, applicable to Electoral Area F – Cowichan Lake South/Skutz Falls, (Juch and Ferguson) held on Thursday, November 20, 2008, at the Sahtlam Fire Hall, 4384 Cowichan Lake Road, Sahtlam, BC, at 7:06 p.m.:

HEARING DELEGATES Director J. Allan, Electoral Area F – Cowichan Lake/Skutz Falls, Chairperson
Director M. Dorey, Electoral Area G – Saltair/Gulf Islands
Director M. Marcotte, Electoral Area H – North Oyster/Diamond

CVRD STAFF PRESENT Ms. D. Beatson, Short Range Planner, Development Services Department
Ms. J. Hughes, Recording Secretary, Development Services Department

Members of the Public:
There were approximately 5 members of the public present.

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

PROCEDURES Ms. Beatson explained the requirements under Section 890 of the *Local Government Act*. She advised that notice of the Hearing was advertised in two consecutive issues of the *Citizen* (Wednesday, November 12, 2008 and Friday, November 14, 2008) and in the *Leader Pictorial* (Wednesday, November 12, 2008 and Saturday, November 15, 2008) and letters had also been sent to adjacent owners and occupiers of the property as required by the *Local Government Act*.

Ms. Beatson reviewed the proposed Bylaws:
Official Community Plan Amendment Bylaw No. 3216 proposes to amend Official Community Plan Bylaw No. 1490, applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora and Part of Electoral Area F – Cowichan Lake South/Skutz Falls by re-designating a portion of Lot A, Section 8, Range 5, Sahtlam District, Plan 56052 from Forestry to Suburban Residential.

Zoning Amendment Bylaw No. 3217 proposes to amend Cowichan Valley Regional District Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600, by rezoning a portion of Lot A, Section 8, Range 5, Sahtlam District, Plan 56052 from Forest Resource 1 Zone (F-1) to Suburban Residential 2 Zone (R-2).

The purpose of OCP Amendment Bylaw No. 3216 and Zoning Amendment Bylaw No. 3217 is to allow the subject property to be subdivided into eight parcels.

Ms. Beatson stated that no letter of response had been received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the CVRD office today (November 20, 2008) at 4:30 pm.

Correspondence

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

- 1) Letter dated November 20, 2008, from Christopher Dawes, Director, Real Estate Group, Island Timberlands LP (EXHIBIT 1).

Location of File

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

**APPLICANT,
Deborah Juch**

Deborah Juch, Applicant, was present with regard to her Rezoning Application and stated that she has provided information for the public to review on the side table that she felt was explanatory.

**QUESTION
PERIOD**

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

Speaker

- Asked if the subject property straddles Electoral Areas E and F?

Dana Beatson

- Subject property is located in Electoral Area F and does not straddle Electoral Areas E and F;
- Area E OCP Bylaw No. 1490 does cover Electoral Area E and part of Electoral Area F and the subject property is governed by OCP Bylaw No. 1490;

Speaker

- Could he speak on the application as he lives in Electoral Area E?

Director Allan

- Anyone who deems their interests affected by a rezoning application can speak and be heard by the Public Hearing Delegates.

Director Allan

Asked for questions from the public present with regard to the proposed Amendment Bylaws?

Speaker

- Asked if only a portion of the subject property was being rezoned as the remainder was already zoned R-2?

Director Allan

- Advised that was correct.

Dana Beatson

- Confirmed that the remainder of the subject property was already zoned R-2.

Director Allan

- Introduced Ian Morrison who is the Director Elect for Electoral Area F.

- Speaker** ➤ When he purchased his property 25 years ago there was a 4 acre subdivision minimum parcel size and asked if that was still in place?
- Director Allan** ➤ That information falls under the Electoral Area E Zoning Bylaw.
- Dana Beatson** ➤ Stated that she could call him from the CVRD office with the information he was requesting as she does not have access to the GIS mapping to find out more about his property and the zoning of his property.
- Speaker** ➤ Asked if the 4 acre subdivision minimum parcel size was the restriction for the subject property?
- Director Allan** ➤ Asked the minimum parcel size of the subject property?
- Deborah Juch** ➤ The minimum parcel size is 2 hectares.
- Dana Beatson** ➤ The subject property is split zoned between R-2 and F-1 and the portion subject to rezoning is zoned F-1.
- Speaker** ➤ Are Electoral Area E and F's zones similar within their Zoning Bylaws?
- Dana Beatson** ➤ Some zones are close but noted that they are two completely different areas subject to two different Zoning Bylaws.
- Speaker** ➤ Concerned about piece-meal rezoning as he chose his property due to the larger parcels in his area.
- Dana Beatson** ➤ Clarified the subdivision regulations of the R-2 Zone from the Electoral Area E Zoning Bylaw.
- Director Allan** Asked for further questions from the public present regarding Official Community Plan Amendment Bylaw No. 3216 and Zoning Amendment Bylaw No. 3217.
- 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 Allan reminded the public that the Information Binder was available for review located on the back table, along with copies of the proposed Amendment Bylaws, and that all submissions must be received at the head table prior to the close of the Public Hearing.
- ADJOURNMENT** Chairperson Allan asked for public comments or submissions three times from the public present regarding Official Community Plan Amendment Bylaw No. 3216 and Zoning Amendment Bylaw No. 3217.
- Chairperson Allan declared the Public Hearing closed at 7:21 pm.


CERTIFICATION:

We attended the Public Hearing on Thursday, November 20, 2008, and hereby certify that this is a fair and accurate report of the Public Hearing.



Director J. Allan

Date NOV. 27, 2008




Director M. Dorey

Date Dec 3, 2008



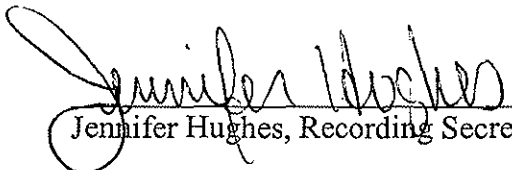
Director M. Marcotte

Date DEC 03/08



Dana Beatson, Short Range Planner

Date NOV 27/08



Jennifer Hughes, Recording Secretary

Date NOV. 27/08

EXHIBIT 1



Island Timberlands LP
65 Front Street, 4th Floor
Nanaimo, BC V9R 5H9

Tel (250) 755-3546
Fax (250) 755-3540
cdawes@islandtimberland.com

November 20, 2008

Cowichan Valley Regional District
175 Ingram Street
Duncan, BC
V9L 1N8
Attention: Dana Beatson

Dear Dana:

Re: OCP Amendment Bylaw No. 3216 and Zoning Amendment Bylaw No. 3217

Island Timberlands (ITLP) is a land owner adjacent to the west side of Lot A, Section 8, Range 5, Sahtlam District, Plan 56052 (PID 018-162-029), ITLP wishes to express our concerns on the above mentioned amendment bylaws.

Island Timberlands currently holds a blanket Statutory Right-of-Way across the subject property. There is an existing unpaved road that crosses this property and it is utilized by ITLP to conduct industrial logging activities. ITLP has concerns with the strata road that is proposed. ITLP retains continued access across the land, we request the road be a dedicated public road to accommodate industrial traffic with at least the minimum Right-of-Way width of 20 metres (section 1410.01.01 Subdivision Road Construction Specifications). This width would improve the safety of all patrons that will be utilizing the road.

Island Timberlands also has concerns with the height of the electricity, cable and telephone overhead distribution system. We request that the height of these overhead lines be installed to the minimum requirement that Ministry of Transport requires for public highways.

Thank you for the opportunity to express my concerns with the OCP and Zoning Amendment Bylaws.

Yours truly,

Christopher Dawes
Director, Real Estate Group





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3163

A Bylaw to Establish a Service to Provide a Regional Parkland Acquisition Fund within the Cowichan Valley Regional District

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

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to establish an acquisition fund to provide for expenditures in respect to acquiring regional parkland within the Cowichan Valley Regional District;

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

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3163 – Regional Parkland Acquisition Fund Service Establishment Bylaw, 2008**".

2. **SERVICE BEING ESTABLISHED**

The service being established under the authority of this bylaw is a service for the purpose of establishing an acquisition fund to provide for expenditures in respect to acquiring regional parkland within the Cowichan Valley Regional District. The service shall be known as the "Regional Parkland Acquisition Fund Service".

3. **SERVICE AREA BOUNDARIES**

The boundaries of the service area are the boundaries of the whole of the Cowichan Valley Regional District.

.../2

4. PARTICIPATING AREA

The participating area for this service is the whole of the Cowichan Valley Regional District comprised of the: City of Duncan; District of North Cowichan, Town of Lake Cowichan; Town of Ladysmith; and Electoral Areas A – Mill Bay/Malahat; B – Shawnigan Lake; C – Cobble Hill; D – Cowichan Bay; E – Sahtlam/Glenora/Cowichan Station; F – Cowichan Lake South/Skutz Falls; G – Saltair/Gulf Islands; H – North Oyster/Diamond; and I – Youbou/Meade Creek.

5. METHOD OF COST RECOVERY

The annual cost of providing this service shall be recovered by property value taxes requisitioned and collected on the basis of the net taxable value of land and improvements within the service area.

6. MAXIMUM REQUISITION


The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$715,000. or an amount equal to the amount that could be raised by a property value tax of \$.05942 per \$1,000. of net taxable value of land and improvements within the service area.

READ A FIRST TIME this 9th day of July, 2008.

READ A SECOND TIME this 9th day of July, 2008.

READ A THIRD TIME this 9th day of July, 2008.

I hereby certify this to be a true and correct copy of Bylaw No. 3163 as given Third Reading on the 9th day of July, 2008.


Corporate Secretary

JULY 15, 2008
Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 11th day of September, 2008.

THE ASSENT OF THE ELECTORS RECEIVED this 15th day of November, 2008.

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3197

A Bylaw to Authorize the Borrowing of Seven and a Half Million Dollars (\$7,500,000) to Renovate the Cowichan Lake Sports Arena

WHEREAS the Board of Directors of the Cowichan Valley Regional District established the Cowichan Lake Sports Arena service area under the provisions of "CVRD Bylaw No. 2316 – Cowichan Lake sports Arena Service Establishment Bylaw, 2002".

AND WHEREAS the Board of Directors deems it desirable and expedient to renovate the Cowichan Lake Sports Arena;

AND WHEREAS the estimated cost of renovating the Cowichan Lake Sports Arena, including expenses incidental thereto, is the sum of Seven and a Half Million Dollars (\$7,500,000) which is the maximum amount of debt intended to be created by this bylaw;

AND WHEREAS the maximum term for which a debenture may be issued to secure the debt created by this bylaw is for a term not to exceed twenty (20) years;

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

AND WHEREAS the Board of Directors of the Cowichan Valley Regional District has obtained the assent of the electors by referendum pursuant to Section 801.2 of the *Local Government Act*;

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. 3197 – Cowichan Lake Sports Arena Renovation Loan Authorization Bylaw, 2008**".

2. LOAN AUTHORIZATION

The Cowichan Valley Regional District is hereby empowered and authorized to undertake and carry out or cause to be carried out the renovation of the Cowichan Lake Sports Arena 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 Seven and a Half Million Dollars (\$7,500,000) for the renovation of the Cowichan Lake Sports Arena.
- 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 renovation of the Cowichan Lake Sports Arena.

3. TERM OF DEBENTURES

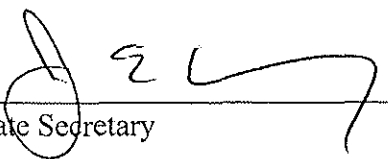
The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is twenty (20) years;

READ A FIRST TIME this 13th day of August, 2008.

READ A SECOND TIME this 13th day of August, 2008.

READ A THIRD TIME this 13th day of August, 2008.

I hereby certify this to be a true and correct copy of Bylaw No. 3197 as given Third Reading on the 13th day of August, 2008.



 Corporate Secretary

JULY 15, 2008

 Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 9th day of September, 2008.

THE ASSENT OF THE ELECTORS RECEIVED this 15th day of November, 2008.

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3205

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

WHEREAS the Board of the Cowichan Valley Regional District established the *Shawnigan Lake North Water System Service Area* under the provisions of Bylaw No. 1911, cited as "CVRD Bylaw No. 1911 – Shawnigan Lake North Water System Service Establishment Bylaw, 1999", as amended;

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

- Lot A, Section 6, Range 1, Shawnigan Land District, Plan VIP72158, PID 024-988-634;

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 B – Shawnigan Lake has consented, in writing, to the adoption of this bylaw;

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

1. **CITATION**

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3205 – Shawnigan Lake North Water System Service Amendment Bylaw, 2008".

2. **AMENDMENT**

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

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

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

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

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3225

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

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

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

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

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

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

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

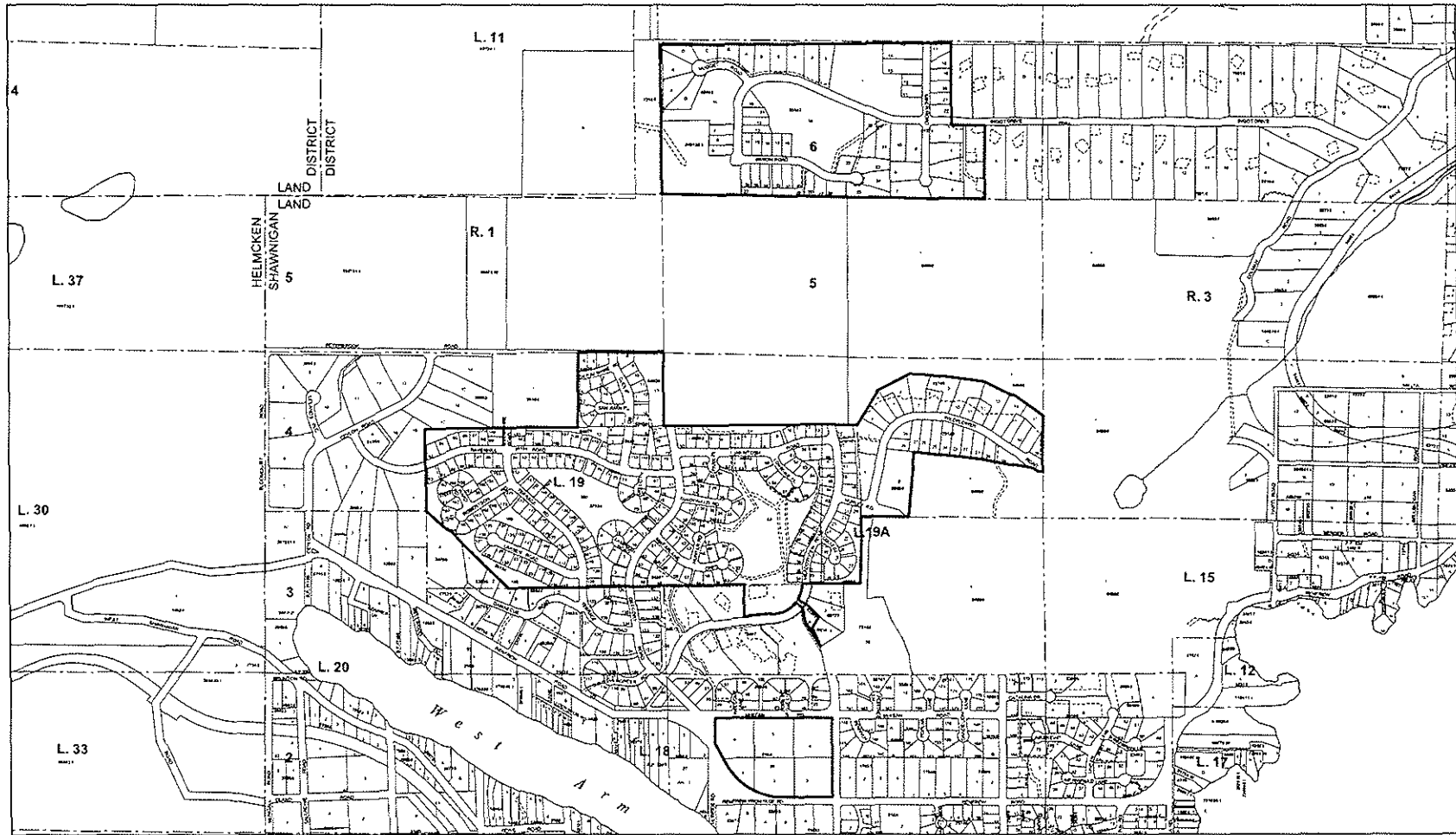
1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3225 - Shawnigan Beach Estates Sewer System Service Amendment Bylaw, 2008**".

2. **AMENDMENT**

That Bylaw No. 1910 be amended as follows:

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



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



Adopted _____, 2008.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3216

**A Bylaw for the Purpose of Amending Official Community Plan Bylaw No. 1490
Applicable to Electoral Area E - Cowichan Station/Sahtlam/Glenora and part of
Electoral Area F - Cowichan Lake South/Skutz Falls**

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

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora and part of Electoral Area F - Cowichan Lake South/Skutz Falls, that being Official Community Plan Bylaw No. 1490;

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3216 - Area E – Cowichan Station/Sahtlam/Glenora and Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (Juch and Ferguson), 2008**".

2. **AMENDMENTS**

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

3. **CAPITAL EXPENDITURE PROGRAM**

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

READ A FIRST TIME this 8th day of October , 2008.

READ A SECOND TIME this 8th day of October , 2008.

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

ADOPTED this _____ day of _____ , 2008.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3216

Schedule B (Official Community Plan Map) to Official Community Plan Bylaw No. 1490, is hereby amended as follows:

1. That a portion of Lot A, Section 8, Range 5, Sahtlam District, Plan VIP56052 as shown outlined in a solid black line on Plan number Z-3216, attached hereto and forming Schedule B to this bylaw, be redesignated from Forestry to Suburban Residential.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3217

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

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3217 - Area F – Cowichan Lake South / Skutz Falls Zoning Amendment Bylaw (Juch and Ferguson), 2008**".

2. **AMENDMENTS**

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

- a) That Schedule B (Zoning Map) to Electoral Area F – Cowichan Lake South / Skutz Falls Zoning Bylaw No. 2600 is further amended by rezoning a portion of Lot A, Section 8, Range 5, Sahtlam District, Plan 56052, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3217, from F-1 (Forestry Resource 1) to R-1 (Rural Residential).

.../2

3. FORCE AND EFFECT

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

READ A FIRST TIME this 8th day of October, 2008

READ A SECOND TIME this 8th day of October, 2008.

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

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3241

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

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3241 – Area B – Shawnigan Lake Zoning Amendment Bylaw (Cottyn Developments Ltd.), 2008**".

2. **AMENDMENT**

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

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

.../2

3. FORCE AND EFFECT

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

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

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

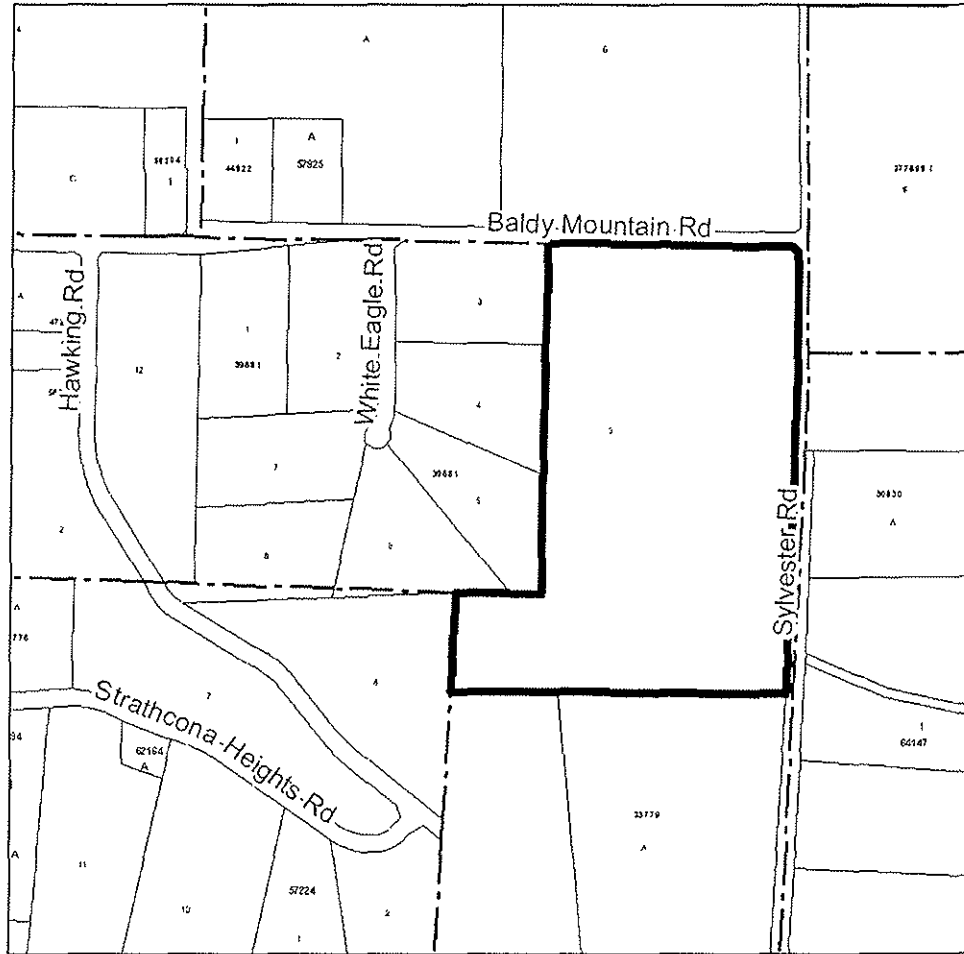
READ A THIRD TIME this _____ day of _____, 2008.

ADOPTED this _____ day of _____, 2008.

Chairperson

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

A-1 (Primary Agricultural) TO

A-2 (Secondary Agricultural) APPLICABLE

TO ELECTORAL AREA B



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3242

A Bylaw to Authorize a Phased Development Agreement

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

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to enter into the Agreement;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3242 Phased Development Agreement Authorization Bylaw (Youbou Lands), 2008**".

2. **AUTHORIZATION**

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

3. **FORCE AND EFFECT**

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

.../2

READ A FIRST TIME this _____ day of _____ , 2008

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

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

ADOPTED this _____ day of _____ , 2008.

Chairperson

Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3242

PHASED DEVELOPMENT AGREEMENT

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

AMONG:

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

(the "District")

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

(the "Developer")

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

("Timberwest")

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

WHEREAS:

- A. The Developer is the registered owner of land legally described in Schedule A (the "Developer's Land");
- B. Timberwest is the registered owner of Block 113, Cowichan Lake District, except parts containing 6.34 and 0.54 of an acre more or less shown coloured red on plan marked 'B' (DD 40883I); Except part shown outlined in red on plan 283R; and except parts in plan 20033, 31184 and VIP63536 and That part of District Lot 35, Cowichan Lake District, lying to the north of the right of way of the Canadian Northern Pacific Railway as said right of way is shown on Plan 172 RW, portions of which (the "Timberwest Development Lands") are shown in Schedule A1;
- C. Timberwest intends to subdivide and sell and the Developer intends to purchase the Timberwest Development Lands;
- D. The Developer has applied to the District for an amendment to CVRD Zoning Bylaw No. 2465 by way of CVRD Bylaw No. 3214 – Area I – Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009 (the "Zoning Amendment Bylaw") to permit the development on the Developer's Land and the Timberwest Development Lands (referred to collectively as the "Land") of a range of residential and non-residential uses;
- E. The Owner wishes to provide certain amenities and features in the development of the Land, and the parties wish to ensure that the provisions of the District's zoning bylaw as amended by the Zoning Amendment Bylaw continue to apply to the Land for the period more particularly set out in this Agreement; and

- F. The Board of the District has given notice and held a public hearing and has, by bylaw, authorized the execution of this Agreement;

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

APPLICATION OF AGREEMENT

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

BYLAW AMENDMENTS NOT TO APPLY

2. For the term of this Agreement, any amendment or repeal of the following sections of Cowichan Valley Regional District Zoning Bylaw No. 2465 as amended by the Zoning Amendment Bylaw shall not apply to the Land, except:

- (a) as provided in section 905.1(6) of the *Local Government Act*; or
- (b) to the extent that the Owner of any parcel comprising the Land agrees in writing that the amendment or repeal shall apply to that Land:

Lakefront Residential 3 (LR-3) Zone

Residential 8 (R-8) Zone

Residential 9 (R-9) Zone

Multiple Family Residential 6 (RM-6) Zone

Single and Multiple Family Residential 7 (RM-7) Zone

Village Core 1 (VC-1) Zone

Business Park / Light Industrial 3 (I-3) Zone

Institutional and Community Facilities 4 (ICF-4) Zone

3. For certainty, and without limiting section 2, the District agrees that any development permit or building permit that would be issuable in respect of the Land on the date of adoption of the Zoning Amendment Bylaw will be issued throughout the term of this Agreement in accordance with CVRD Official Community Plan Bylaw No. 2650, 2005, Electoral Area 1 – Youbou/Meade Creek and Building Bylaw No. 143 respectively and the provisions and terms of this Agreement, despite any amendment or repeal of the bylaw provisions specified in section 2 that would otherwise prevent the issuance of the permit.

TERM OF AGREEMENT

4. The term of this Agreement is ten years from the date of adoption of the Zoning Amendment Bylaw.
5. The parties may terminate this Agreement at any time by written agreement.

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

AMENITIES AND FEATURES OF THE DEVELOPMENT

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

PUBLIC LAND USE DESIGNATIONS

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

VILLAGE CORE NEIGHBOURHOOD PLAN

10. Prior to any development permit, building permit or subdivision approval being granted for development or subdivision of portions of the Land within the Village Core zone designated in the Zoning Amendment Bylaw, the Owner shall prepare a Village Core neighbourhood plan defining the layout of the Village Core area, including the location of roads, plazas, pedestrian walkways, building footprints and massing and view corridors. The neighbourhood plan must consider waterfront and mountain views and solar access and promote a human-scale, pedestrian oriented site layout and built form. The plan should be conceptual in nature and need not exhibit the level of detail necessary for subsequent site-specific development permit applications. Development standards such as building setbacks and height and design guidelines may be established through the neighbourhood planning process and land uses and densities may be assigned to particular locations within the area. The Village Core neighbourhood plan must be adopted as an amendment to the Official Community Plan and Zoning Bylaw prior to the issuance of development permits, building permits or subdivision approval within the Village Core area.

DENSITY OF DEVELOPMENT

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

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

PHASING OF DEVELOPMENT

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

ASSIGNMENT OF AGREEMENT

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

AMENDMENT OF AGREEMENT

16. The parties may in writing agree to minor amendments to this Agreement, and for that purpose a "minor amendment" is an amendment to Schedule B or to Schedule B1 except that areas of land to be transferred or dedicated to the District for public use as park, trail, or walkway or for conservation or environmental protection purposes may not vary in area from the areas specified in Schedule B by more than 10% and such amendments may not reduce the total area of such areas to less than 121.4 ha (300 acres). For certainty, an amendment to Schedule B1 undertaken to reflect adjustment of the boundaries of the zones established by the Zoning Amendment Bylaw by further zoning bylaw amendment is a "minor amendment".

17. The District may, prior to agreeing to such an amendment, convene a public hearing or other proceeding for the purpose of determining the opinion of members of the public to such amendment, notwithstanding that such a hearing or other proceeding is not required by the *Local Government Act*, and the Owner agrees to participate in such proceeding for the purpose of providing information to the public on the proposed amendment.

SPECIFIC PERFORMANCE

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

GENERAL TERMS AND CONDITIONS

19. The obligations of the parties comprising the Owner shall be joint and several. The parties acknowledge and agree that as between the District and the parties comprising the Owner, the Developer may carry out all responsibilities, obligations and covenants under this Agreement on behalf of the Owner and any decision, agreement, or act by the Developer with respect to the terms and conditions of this Agreement shall bind each of the parties comprising the Owner. The Developer and Timberwest may make agreements between themselves as to their obligations under this Agreement.
20. Any notice permitted or required by this Agreement to be given to either party must be given to that party at the address set out above, or to any other address of which the party has given the other party notice in writing expressly for the purposes of this Agreement.
21. Except as expressly set out in this Agreement, nothing in this Agreement shall prejudice or affect the rights and powers of the District in the exercise of its functions under the *Community Charter* or the *Local Government Act* or any of its bylaws, or those of the approving officer of the Ministry of Transportation and Infrastructure or the District, as the case may be, under the *Land Title Act*, *Strata Property Act* or Bare Land Strata Regulations.
22. Any opinion, decision, act or expression of satisfaction or acceptance provided for in this Agreement may be taken or made by the District's General Manager of Planning and Development, unless expressly provided to be taken or made by another official of the District.
23. No provision of this Agreement is to be considered to have been waived by the District unless the waiver is expressed in writing by the District. The waiver by the District of any breach by any of the other parties of any provision is not to be construed as or constitute a waiver of any further or other breach.
24. Whenever in this Agreement the District is required or entitled to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the District may do so in accordance with the contractual provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise, shall have any application in the interpretation or implementation of this Agreement except to the extent that such duty arises as a matter of public law.

25. The Owner shall indemnify and save harmless the District, its officers, employees, Council members, agents and others (the "District Representatives") from and against any and all actions, causes of action, liabilities, demands, losses (but not loss of profits), damages, costs, expenses (including actual fees of professional advisors), remediation of contamination costs, fines, penalties and other harm of any kind whatsoever, whether related to death, bodily injury, property loss, property damage, property contamination or consequential loss or damage, suffered or incurred by the District or any of the District Representatives, directly or indirectly, arising from, resulting from, connected with or related to:
- (a) death, bodily injury, damage to or loss of any property or other incident or occurrence during the construction or provision of the amenities and other development contemplated by this Agreement;
 - (b) any default or breach of this Agreement by the Owner; and
 - (c) any wrongful act, omission or negligence of the Owner or its directors, officers, employees, agents, contractors, subcontractors, licensees, or others for whom they are responsible in law with respect to the covenants and obligations of the Owner pursuant to this Agreement.
26. This indemnity shall survive any conclusion or other termination of this Agreement, in relation to any matter arising prior to it.
27. If any Owner is delayed or prevented from the performance of any covenant or agreement required hereunder by reason of any unavoidable cause, then performance of such covenant or agreement shall be excused for the period during which such performance is delayed or prevented and the time for the performance thereof shall be extended accordingly. For the purposes of this section, "unavoidable cause" means any event or contingency beyond the reasonable control of the Owner, including without limitation a delay caused by weather conditions, power failure, fire or other casualty, governmental laws, regulations or controls, civil commotion, insurrection, sabotage, invasion, rebellion, military or usurped power, war or war-like operations and acts of God, but excluding a delay caused by lack of funds.
28. Time is of the essence of this Agreement and will remain of the essence notwithstanding the extension of any dates.
29. The Owner acknowledges and agrees that the District, acting reasonably, may, despite any public law limitations on the withholding of development permits, building permits and occupancy permits, withhold such permits for the purpose of ensuring compliance with and administering the terms of this Agreement.
30. The District may, during the construction of any amenity required by this Agreement, appoint from time to time an employee or official to represent the interests of the District under this Agreement and advise the Owner in writing of such appointment, and the Owner shall for that purpose provide to the District's representative reasonable access to all documents related to the construction including but not limited to plans, permits, specifications, Building Code analyses, receipts, waybills, shipping documents and contracts, and reasonable access to the site of construction and all construction facilities. The Owner agrees that the viewing of this documentation by the District's representative does not create any legal obligation, in tort or otherwise, on the part of the District or its representative whether or not comments are given to the Owner and whether or not the Owner chooses to act on comments that are given.

31. This Agreement may be executed in counterparts.

COWICHAN VALLEY REGIONAL DISTRICT

By its authorized signatories:

TIMBERWEST FOREST II LIMITED

By its authorized signatories:

0741817 B.C. LTD.

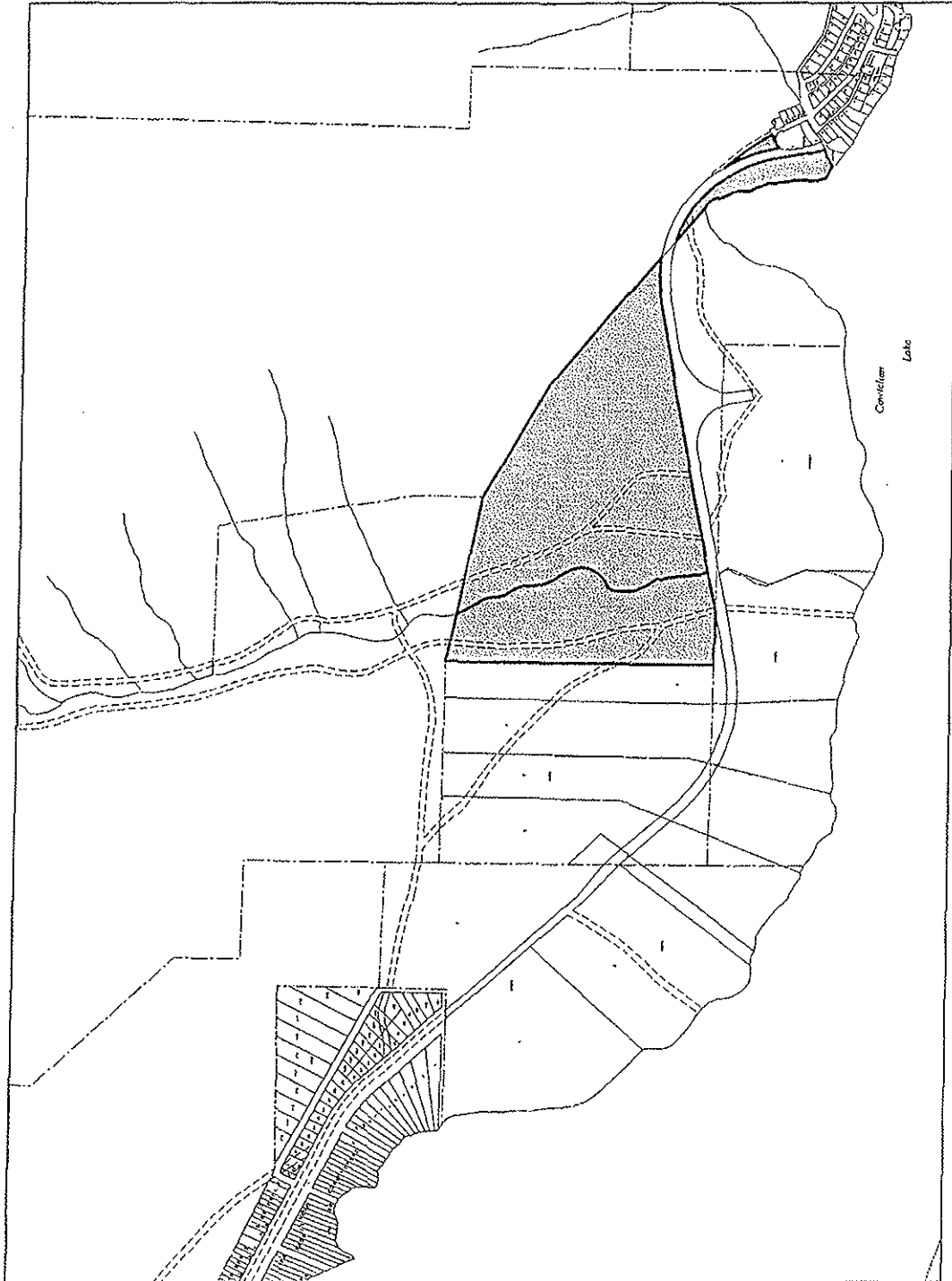
By its authorized signatories:

SCHEDULE A

1. Lot 1, Section 46, Renfrew District (situate in Cowichan Lake District), Plan VIP84672
2. Lot 2, Section 46, Renfrew District (situate in Cowichan Lake District), Plan VIP84672;
3. Lot 3, Section 46, Renfrew District (situated in Cowichan Lake District) and District Lot 64, Cowichan Lake District, Plan VIP84672;
4. Lot 4, District Lots 31 and 64, Cowichan District and Section 46, Renfrew District (situated in Cowichan Lake District), Plan VIP84672;
5. Lot 5, District Lots 31 and 64, Cowichan Lake District, Plan VIP84672;
6. Lot 6, Section District Lots 31 and 64, Cowichan Lake District, Plan VIP84672;
7. Lot 7, District Lots 31 and 64, Cowichan Lake District, Plan VIP84672;
8. Block A, District Lot 64, Cowichan Lake District;
9. Section 46, Renfrew District (situated in Cowichan Lake District), except that part shown coloured red on Plan 1210 OS;
10. Those Parts of District Lot 35, Cowichan Lake District lying south of said Plan 172 RW;
11. That Part of District Lot 35, Cowichan Lake District, outlined in red on Plan 172 RW lying to the west of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
12. That Part of District Lot 35, Cowichan Lake District, outlined in red on Plan 172 RW lying to the east of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
13. Parcel A, Plan (DD 163332I), of Lot 31 Cowichan Lake District;
14. That Part of District Lot 31, Cowichan Lake District, outlined in red on Plan 172 RW lying to the east of a straight line drawn at right angles to the centre line of Plan 172 RW from a point thereon distant 610.8 feet easterly from the intersection of said centre line and the northerly boundary of District Lot 31;
15. That Part of District Lot 31, Cowichan Lake District, containing 6.24 acres more or less as shown coloured red on Plan Deposited under DD 31052I;
16. That Part of Block 113, Cowichan Lake District, containing 0.54 acres, more or less, and shown coloured in red on Plan Marked 'B' Deposited under DD 40883I;
17. That Part of Block 113, Cowichan Lake District, containing 6.34 acres, more or less, and shown coloured red on Plan Marked 'B' in DD 40883I, except those parts in Plans 20033 and VIP54704;

SCHEDULE A1

[MAP OF PORTIONS OF TIMBERWEST LANDS]



SCHEDULE B

AMENITIES AND FEATURES OF THE DEVELOPMENT

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

PARKS AND TRAILS

Youbou Beach Parkway and trail

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

Lakefront walkway east of Cottonwood

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

Lakefront walkway west of Cottonwood

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

Public parks west of Cottonwood Creek

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

Local neighbourhood parks

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

Youbou Road multi-use trail

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

Cottonwood Creek pedestrian crossing

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

Expansion of Arbutus Park

12. The Owner must, prior to the deposit of the subdivision plan creating the 101st parcel from the Lands, transfer to the District an area of land having a minimum area of 2.8 hectares to the northwest of and abutting Arbutus Park, shown as Phase 1c on Schedule B1, for park expansion and fire department facilities. Prior to the transfer, the Owner must construct on the land the multi-use trail described in Section 2.

Youbou Village beach and green

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

COMMUNITY USES AND AFFORDABLE HOUSING

Community use/affordable housing site

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

ENVIRONMENTAL PROTECTION

Lakeshore riparian area

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

Riparian area Arbutus Park to Cottonwood Creek

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

Environmental Conservation Area

19. Prior to or concurrently with the deposit of a subdivision plan creating Phase 2a north of Youbou Beach Parkway, the Owner must transfer to the District in fee simple, an area of the Lands comprising at least 48.6 hectares, generally to the north of Phases 3a, 2a and 1a,

connecting Cowichan Lake at the northwest boundary of the Lands and the Cottonwood Creek riparian corridor. Prior to dedication of the area the Owner must restore the area to the standard reasonably required by the District, including any reforestation and removal of invasive species that may be consistent with the management of the area as an environmental conservation area. The area must be free and clear of all utility easements, corridors, statutory rights of way and other encumbrances other than those approved in writing by the District and those in existence on the date of this Agreement. The parties acknowledge that up to 6.5 ha of the area may, concurrently with or prior to the transfer of the area to the District as an environmental conservation area, be transferred to the District in fee simple as a site for a wastewater treatment plant and disposal area.

20. The Owner must provide to the District, concurrently with the transfer or dedication of the environmental conservation area and subject to Section 28, the sum of \$10,000 to be used for elk habitat stewardship programs which may include access control, community education, interpretive signage, and wildlife viewing platforms.

Cottonwood Creek riparian corridor

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

Cowichan Lake environmental protection

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

SERVICING AND INFRASTRUCTURE

Sewage treatment for existing development

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

Youbou Road safety improvements

24. The Owner must carry out the Youbou Road safety improvements that are recommended in the Boulevard Transportation Group's May 25, 2008 Traffic Impact Study and required by

the Ministry of Transportation and Infrastructure. Such improvements must be carried out prior to the deposit of a subdivision plan creating Phase 1, except that improvements recommended in the study or required by the Ministry may be deferred to future phases where agreed to in writing by the Ministry.

EMERGENCY SERVICES

Fire protection review

25. The Owner must, prior to the deposit of a subdivision plan creating any part of Phase 1, prepare and provide to the District at the Owner's cost a fire protection review of the Land and the Youbou Fire Protection Area, prepared by a qualified person approved by the District, to identify the level of increased fire protection services and fire protection infrastructure required as a result of the Owner's development of the Land. Before undertaking the review, the Owner must submit proposed terms of reference for the District's approval.
26. The Owner must not subdivide any portion of the Land or construct any building or structure on the Land unless the Owner has provided, at the Owner's cost, all fire protection infrastructure and improvements recommended in the fire protection review and approved by the District's General Manager of Public Safety in respect of the particular phase of development of which that subdivision or portion of the Land forms a part. The Owner acknowledges that required fire protection infrastructure and improvements may include the dedication of land referred to in Section 11 of this Schedule; construction of an addition to the Youbou fire hall to the District's specifications; and the procurement of one or more fire trucks or other fire fighting apparatus and equipment and communications equipment complying with the specifications of the General Manager of Public Safety.

Secondary access

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

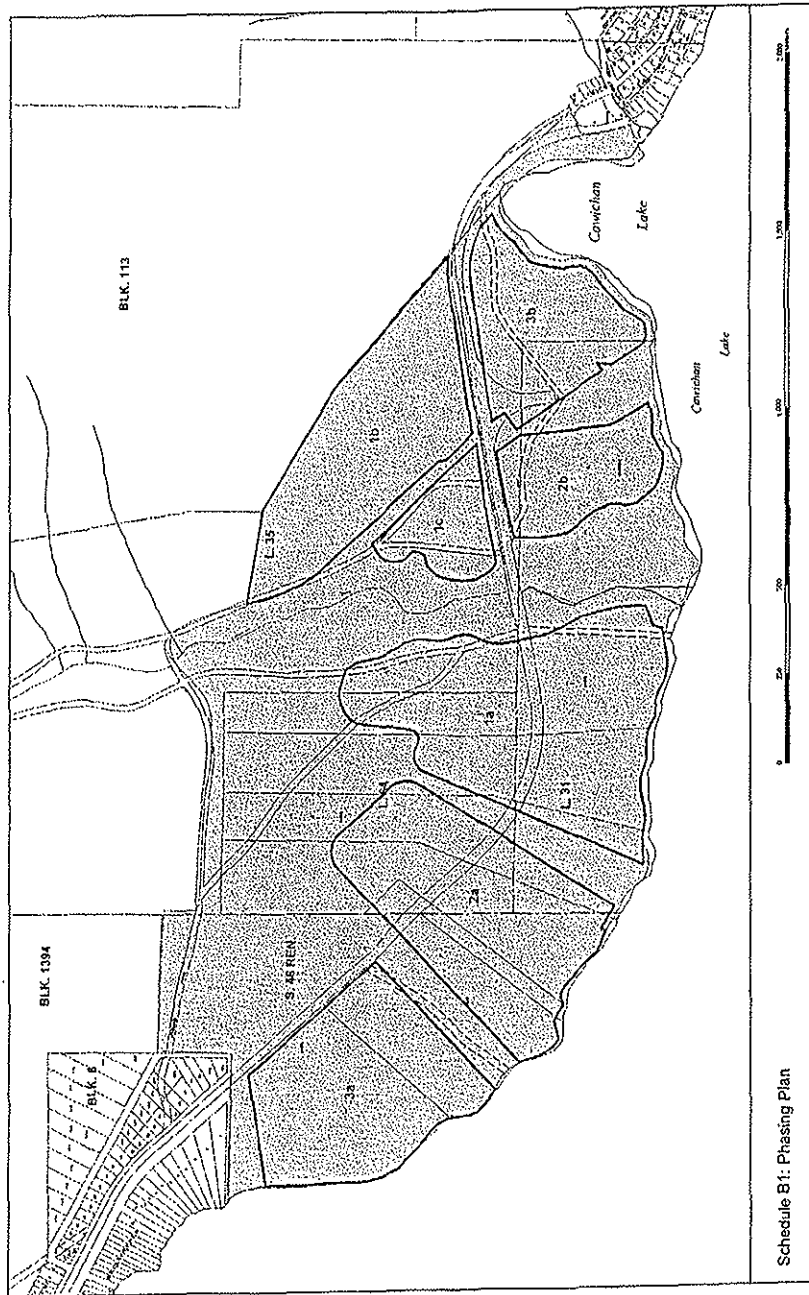
GENERAL PROVISIONS

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

proposed areas and improvements prepared by a member of the B.C. Society of Landscape Architects;

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

SCHEDULE B1
PHASING PLAN



SCHEDULE C

DENSITY RESTRICTIONS

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

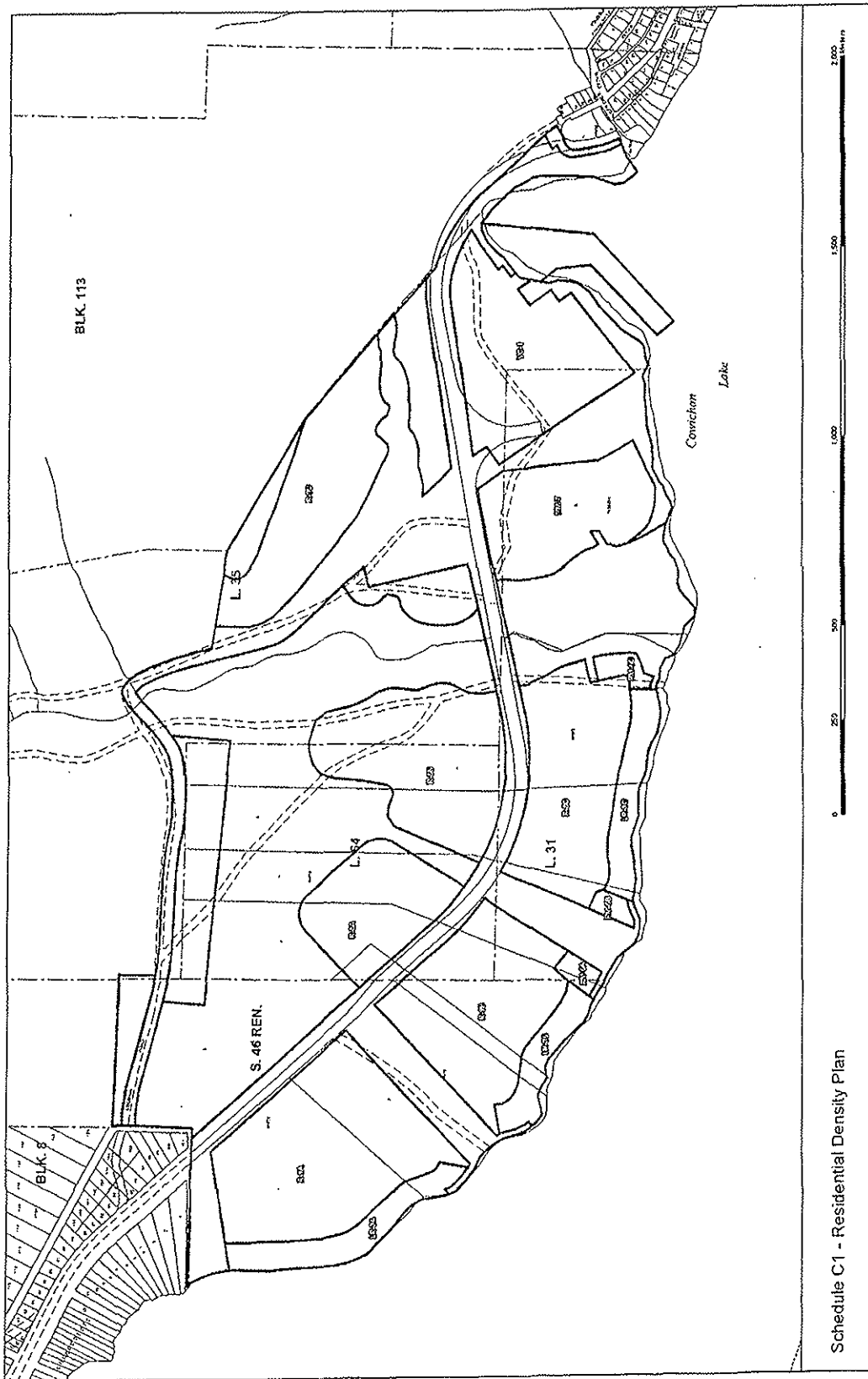
1. The total number of residential lots that may be created within the LR-3 Zone and LR-3 sub areas are as follows:
 - a. LR-3A: 26 lots
 - b. LR-3B: 16 lots
 - c. LR-3 C: 21 lots

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

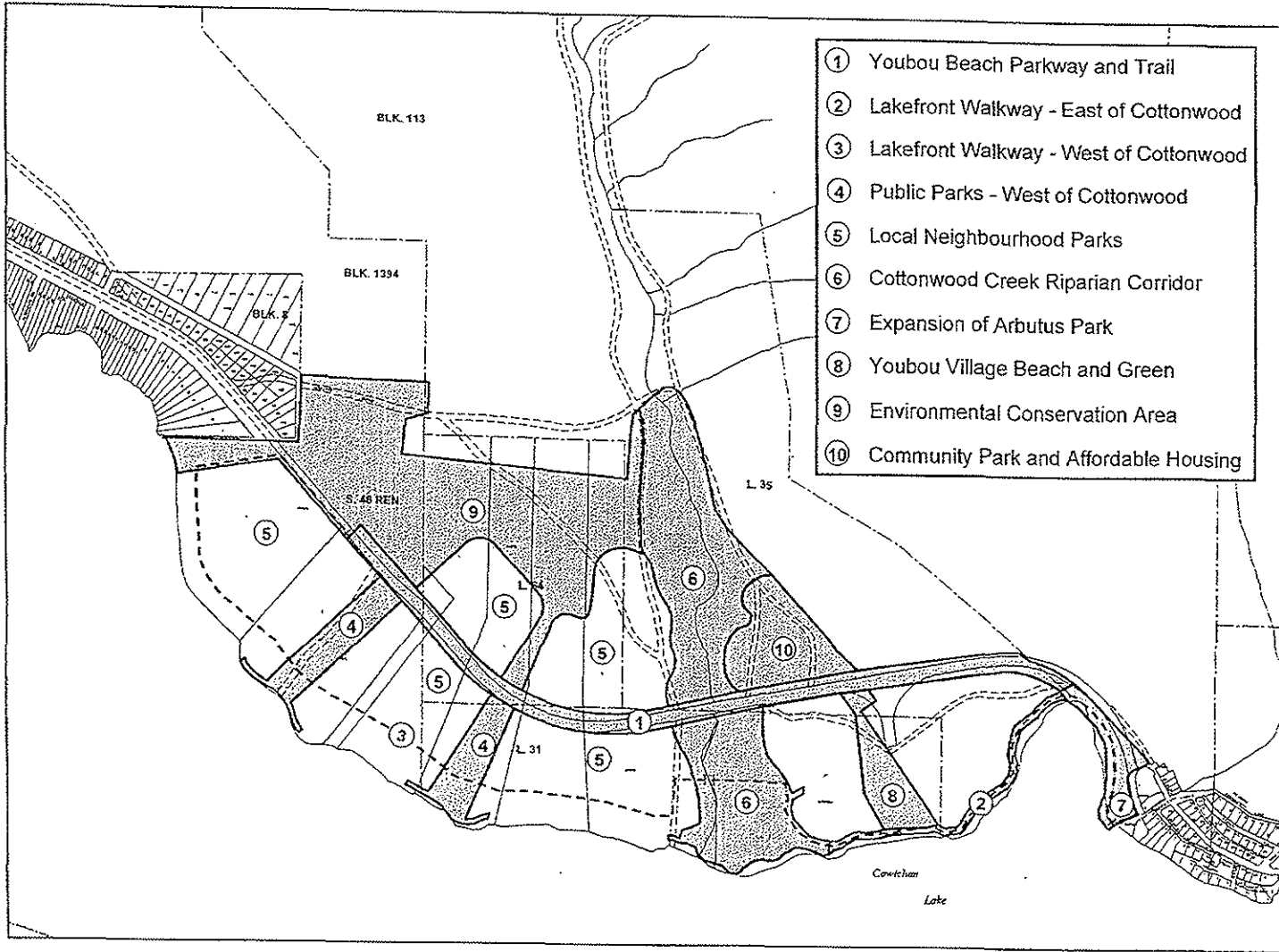
Total Lots: 416
3. The total number of residential lots that may be created in the R-9 Zone and R-9 sub areas are as follows:
 - a. R-9 A : 159 lots
 - b. R-9 B: 118 lots
 - c. R-9 C: 50 lots
4. **Total Lots: 327**The total number of residential dwelling units that may be created in the RM-6 Zone and sub areas are as follows:
 - a. RM-6 A: 21 units
 - b. RM-6B: 21 units
 - c. RM-6 C: 22 units
5. **Total Units: 64**The total number of residential dwelling units that may be created in the RM-7 Zone is 330.
6. The total number of residential dwelling units that may be created in the VC-1 Zone is 750.
7. The total number of hotel rooms that may be created in the VC-1 zone is 225.

SCHEDULE C1

DENSITY PLAN



Schedule C1 - Residential Density Plan



SCHEDULE D



RESOLUTIONS SUMMARY
BOARD MEETING – DECEMBER 10, 2008

RES 1 That the following appointments to the Kerry Park Recreation Commission be approved:

Term to expire December 31, 2010:

Mike Croft
Heather Broughton
Doug Higginson
Melanie Brancato

RES 2 That the following appointments to the Area C – Cobble Hill Advisory Planning Commission be approved:

Term to expire November 30, 2009:

John Bertagnolli
Jens Liebgott
Jerry Tomljenovic

Term to expire November 30, 2010:

Rosemary Allen
Robin Brett
Al Cavanagh
Brenda Krug
Dave Thomson

Term to expire November 30, 2011:

Rod de Paiva
Dave Hart

RES 3 That the following appointments to the Area C – Cobble Hill Parks and Recreation Commission be approved:

Term to expire December 31, 2010:

Linden Collette
John Krug
Richard Shaw
Bill Turner
Lynn Wilson



C·V·R·D

**NEW BUSINESS SUMMARY
BOARD MEETING – DECEMBER 10, 2008**

- NB1** Staff Report from Deputy Corporate Secretary
Re: Bylaw No. 3138 – South Cowichan Water Plan Study Service (Notice of Alternative Approval Process and Elector Response Form)
- NB2** Appointments to the Area A – Mill Bay / Malahat Advisory Planning Commission
- NB3** Appointment to the Area A – Mill Bay / Malahat Parks and Recreation Commission
- NB4** Appointments to the Area B – Shawnigan Lake Advisory Planning Commission
- NB5** Appointments to the Area D – Cowichan Bay Advisory Planning Commission



C·V·R·D

STAFF REPORT

BOARD MEETING
OF DECEMBER 10, 2008

DATE: December 10, 2008 **BYLAW NO:** 3138

FROM: Kathleen Harrison, Deputy Corporate Secretary

SUBJECT: Bylaw No. 3138 - South Cowichan Water Plan Study Service (Notice of Alternative Approval Process and Elector Response Form)

Recommendation:

That the *Notice of Alternative Approval Process and the Elector Response Form* for CVRD Bylaw No. 3138, be approved.

Purpose: To set the deadline for *Elector Response Form* submissions for the *Alternative Approval Process* for, "CVRD Bylaw No. 3138 – South Cowichan Water Plan Study Service Establishment Bylaw, 2008".

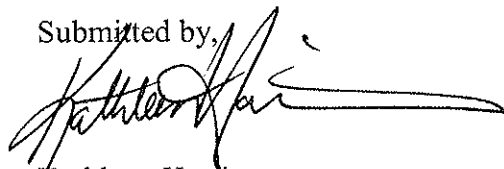
Financial Implications: Not applicable

Interdepartmental/Agency Implications: Not applicable

Background: A *Notice of Alternative Approval and Elector Response Form* for CVRD Bylaw No. 3138 were forwarded to the Board on November 12, 2008 for consideration. At that time a resolution was passed (08-729) that this matter be referred back to staff. At this time, and at the direction of the Board Chair, the form and notice are resubmitted for consideration.

Pursuant to Section 801.3 of the *Local Government Act* and Section 86 of the *Community Charter*, the Board must set the deadline for receiving elector responses for an alternative approval process. The attached *Notice of Alternative Approval Process and Elector Response Form* set the deadline for responses for Monday, February 2, 2008.

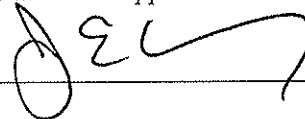
Submitted by,



Kathleen Harrison
Deputy Corporate Secretary

Department Head's Approval:

Signature



Attachments



**NOTICE TO ELECTORS OF ELECTORAL AREAS: A – MILL BAY/MALAHAT;
B – SHAWNIGAN LAKE; C – COBBLE HILL; AND D – COWICHAN BAY**

**OF AN ALTERNATIVE APPROVAL PROCESS OPPORTUNITY FOR
CVRD SERVICE ESTABLISHMENT BYLAW NO. 3138**

NOTICE IS HEREBY GIVEN that the Board of the Cowichan Valley Regional District proposes to adopt "CVRD Bylaw No. 3138 – South Cowichan Water Plan Study Service Establishment Bylaw, 2008".

BYLAW SUMMARY

If adopted, Bylaw No. 3138 will allow the Cowichan Valley Regional District to requisition up to \$100,000. per year or an amount that equals the amount raised by applying a property value tax rate of \$0.0283 per \$1,000. to the net taxable value of land and improvements for the purpose of creating a study function for continued investigation of ground and surface water in the South Cowichan area and to develop a South Cowichan Water Plan.

The maximum cost to property owners within the proposed service area with a residential property assessed at \$200,000 would be approximately \$5.21 per annum, as set out in the table below. The complete bylaw is available for review at the Cowichan Valley Regional District office, located at 175 Ingram Street in Duncan, during regular office hours, Monday to Friday 8:30 a.m. – 4:30 p.m. (excluding statutory holidays). A copy of the bylaw is also available on the CVRD website at www.cvrld.bc.ca.

Calculation Table

Net Taxable Value (Land & Improvements)	Maximum Annual Cost Per Residential Property Owner	Number of Electors in the Service Area	10% of the Electors
\$200,000	\$5.21	15,138	1,514

ALTERNATIVE APPROVAL PROCESS AND ELIGIBILITY

The Regional District may adopt this bylaw unless at least 10% of electors within the proposed service area indicate that a referendum must be held by submitting a signed *Elector Response Form* to the Regional District office **no later** than 4:30 p.m. on Monday, February 2, 2008. *Elector Response Forms* must be in the form established by the Regional District, and only those persons who qualify as electors of the proposed service area comprised of Electoral Areas: A – Mill Bay/Malahat; B – Shawnigan Lake; C – Cobble Hill; and D – Cowichan Bay, are entitled to sign. Service area electors may qualify as either resident electors or as non-resident property electors, as follows:

Resident Elector – You are entitled to submit an *Elector Response Form* as a resident elector if you are age 18 or older on the day of submission, are a Canadian citizen, have lived in BC for at least six months, and have been a resident of the proposed service area for the past 30 days or more.

Non-Resident Property Elector – You are entitled to submit an *Elector Response Form* as a non-resident property elector if you are age 18 or older on the day of submission, are a Canadian citizen, have lived in BC for at least six months, have owned and held registered title to a property in the proposed service area for the past 30 days or more, and do not qualify as a resident elector. NOTE: Only one non-resident property elector may submit a response form per property, regardless of how many owners there may be.

If less than 10% (1,514) of the service area electors submit an *Elector Response Form*, the bylaw will be deemed to have the approval of the electors and the Regional District may proceed with adoption. For the purpose of conducting the alternative approval opportunity, the number of service area electors is calculated as 15,138.

A copy of the bylaw and *Elector Response Form* is available from the Cowichan Valley Regional District, 175 Ingram Street, Duncan, BC V9L 1N8, Phone 746-2500/1 800 665-3955, e-mail kharrison@cvrd.bc.ca **OR** on the CVRD website at www.cvrld.bc.ca.



**ELECTOR RESPONSE FORM
BYLAW NO. 3138**

The Cowichan Valley Regional District is proposing to adopt "CVRD Bylaw No. 3138 – South Cowichan Water Plan Study Service Establishment Bylaw, 2008" which authorizes the Regional District to requisition up to One Hundred Thousand Dollars (\$100,000.) per year or an amount that equals the amount raised by applying a property value tax rate of \$0.0283 per \$1,000. to the net taxable value of land and improvements for the purpose of creating a study function for continued investigation of ground and surface water in the South Cowichan area; and to develop a South Cowichan Water Plan within the proposed South Cowichan Water Study Service Area comprised of Electoral Areas: A – Mill Bay/Malahat; B – Shawnigan Lake; C – Cobble Hill; and D – Cowichan Bay. If you are opposed to the adoption of this bylaw, you may indicate your opposition by signing and returning this *Elector Response Form* to the Regional District office by 4:30 p.m., Monday, February 2, 2008. Only those persons who live or own property within the proposed South Cowichan Water Study Service Area and meet the following qualifications are eligible to submit an *Elector Response Form*.

I hereby certify that:

- I am a Canadian citizen;
- I am an individual who is age 18 or older;
- I have been a resident of British Columbia for at least the past six months;
- I have been a resident of the proposed South Cowichan Water Study Service Area for the past 30 days **or** I am entitled to register as a non-resident property elector;
- I am not disqualified by the *Local Government Act*, or any other enactment, from voting in an election or am not otherwise disqualified by law.

I understand and acknowledge that I may not sign an *Elector Response Form* more than once in relation to this alternative approval process.

NAME OF ELECTOR:

(Please Print Full Name)

ELECTOR STREET ADDRESS:

OR

Address of property in relation to which I am entitled to register as a non-resident property elector (**non-resident property electors only**)

SIGNATURE OF ELECTOR:

ELECTORAL AREA

NOTE: The *Elector Response Form* must be returned to the Cowichan Valley Regional District, 175 Ingram Street, Duncan, BC, V9L 1N8 on or before 4:30 p.m., **Monday, February 2, 2008**. Regular office hours are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding statutory holidays.

Section 86(6) of the *Community Charter* requires all electors to submit their response on the form established by the CVRD, or an accurate copy of that form. If this form is altered in any way, including by writing or printing on the back of it, it must and will be rejected by the CVRD.



COMMISSION APPOINTMENTS

REGULAR BOARD MEETING OF DECEMBER 10, 2008

DATE: December 10, 2008
FROM: Director Harrison, Electoral Area A – Mill Bay/Malahat
SUBJECT: Appointments to the Area A – Mill Bay/Malahat Advisory
Planning Commission.

Recommendation:

That the following appointments to the Area A – Mill Bay / Malahat Advisory Planning Commission be approved:

Term to expire November 30, 2009

Dave Balding

Dola Boas

Cliff Braaten

David Gall

Margo Johnston

June Laraman

Deryk Norton

Ted Stevens

Archie Staats



NB3

COMMISSION APPOINTMENTS

REGULAR BOARD MEETING OF DECEMBER 10, 2008

DATE: December 10, 2008
FROM: Director Harrison, Electoral Area A – Mill Bay/Malahat
SUBJECT: Appointment to the Area A – Mill Bay/Malahat Parks and Recreation Commission.

Recommendation:

That the following appointment to the Area A – Mill Bay / Malahat Parks and Recreation Commission be approved:

Term to expire December 31, 2009
Paris Webster



COMMISSION APPOINTMENTS

REGULAR BOARD MEETING
OF DECEMBER 10, 2008

DATE: December 10, 2008
FROM: Director Cossey, Electoral Area B – Shawnigan Lake
SUBJECT: Appointments to the Area B – Shawnigan Lake Advisory
Commission

Recommendation:

That the following appointments to the Area B – Shawnigan Lake Advisory Planning Commission be approved:

Term to expire November 30, 2009
Rod MacIntosh
Carol Lane
Graham Ross-Smith
Sara Middleton
John Clark
Cynara de Goutiere
Roger Painter



COMMISSION APPOINTMENTS

REGULAR BOARD MEETING OF DECEMBER 10, 2008

DATE: December 10, 2008

FROM: Director Iannidinardo, Electoral Area D – Cowichan Bay

SUBJECT: Appointments to the Area D – Cowichan Bay Advisory
Planning Commission

Recommendation:

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

Term to expire November 30, 2009

Hilary Abbott

Cal Bellerive

Dan Butler

Brian Hosking

Al Jones

Kevin Maher

Gordon Rutherford

Jenny Serle

Calvin Slade

David Slang

Lillian Talbot



NB6

STAFF REPORT

REGULAR BOARD MEETING DECEMBER 10, 2008

DATE: December 10, 2008 **FILE NO:** 7200-20-NOR
FROM: Daniel Derby, Manager, Protective Services
SUBJECT: Fire Services Provision – Regional District of Nanaimo

Recommendations:

1. That, if by December 15, 2008, the Regional District of Nanaimo is unable to secure a fire service contract for properties currently serviced by the North Oyster Department excluding those properties that will be amalgamated by the North Cedar Improvement District, that the Cowichan Valley Regional District agrees to renew the current fire services agreement for 2009; and
2. That subject to the North Oyster Fire Chief and North Oyster Fire Protection Service Management Commission approval, the fire services agreement between the Cowichan Valley Regional District and the Regional District of Nanaimo be renewed under the same terms and conditions as currently provided.

Purpose:

To provide the Board with an update of the Regional District of Nanaimo negotiations with the Cranberry Fire Improvement District for fire protection services of the Hallberg Road area.

Financial Implications:

2009 increase to revenue for the North Oyster Volunteer Fire Department (Function 350).

Background:

As negotiations with the Cranberry Fire Improvement District have not yet been concluded, the Regional District of Nanaimo (RDN) has advised that they are exploring several options including the offer made by the CVRD on August 21, 2008 to ensure fire protection services are provided to the Hallberg Road area. The RDN has requested that the CVRD Board consider extending its provision of fire protection services for the Hallberg Road area only if the RDN is unable to complete their negotiations prior to December 15, 2008.

Submitted by,

Daniel J. Derby 
Manager, Protective Services

/bw