



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

NOTICE OF REGULAR BOARD MEETING

DAY: WEDNESDAY

DATE: NOVEMBER 10, 2010

**TIME: → REGULAR SESSION
6:00 P.M.**

PLACE: BOARD ROOM

175 INGRAM STREET



**Joe E. Barry
Corporate Secretary**



REGULAR BOARD MEETING
WEDNESDAY, NOVEMBER 10, 2010
6:00 PM - CVRD BOARD ROOM

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B1 “CVRD Bylaw No. 3392 – Shawnigan Lake Historical Society Annual
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B2 “CVRD Bylaw No. 3403 – Electoral Area B – Shawnigan Lake Critical
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B3 “CVRD Bylaw No. 3425 – Kerry Village Water System Capital Reserve
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B3 “CVRD Bylaw No. 3425 – Kerry Village Water System Capital Reserve
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B4 “CVRD Bylaw No. 3427 – Cobble Hill Community Hall Annual Contribution
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B5 “CVRD Bylaw No. 3433 – Shawnigan Lake North Water System Service
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B8 “CVRD Bylaw No. 3438 – Youbou Sewer System Capital Reserve Fund
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B9 “CVRD Bylaw No. 3439 – Cherry Point Estates Water System Reserve Fund
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B9 “CVRD Bylaw No. 3439 – Cherry Point Estates Water System Reserve Fund
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PENDING APPROVAL OF CR3 RECOMMENDATION No. 2 | 82-84 |
| B12 | “CVRD Bylaw No. 3443 – Cowichan Community Centre Capital Project Reserve Fund Expenditure (Substation and Related Infrastructure) Bylaw, 2010”, 1 st , 2 nd and 3 rd reading. | 85-86 |
| B12 | “CVRD Bylaw No. 3443 – Cowichan Community Centre Capital Project Reserve Fund Expenditure (Substation and Related Infrastructure) Bylaw, 2010”, adoption.
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| B13 | “CVRD Bylaw No. 3354 – Area E – Cowichan Koksilah Official Community Plan Amendment Bylaw (Area E OCP Maintenance Bylaw), 2010”, adoption. | 87-90 |
| B14 | “Cowichan Valley Regional District Bylaw No. 3378 – Area A – Mill Bay/ Malahat Official Community Plan Amendment Bylaw (Koutougos), 2010”, 3 rd reading.
Recommendation to DEFEAT | 91-93 |
| B15 | “Cowichan Valley Regional District Bylaw No. 3379 – Area A – Mill Bay/ Malahat Zoning Amendment Bylaw (Koutougos), 2010”, 3 rd reading.
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| B16 | “Cowichan Valley Regional District Bylaw No. 3416 – Area G – Official Community Plan Amendment Bylaw (Bill 27), 2010”, 2 nd reading as amended in accordance with SR6. | 97-103 |
| B16 | “Cowichan Valley Regional District Bylaw No. 3416 – Area G – Official Community Plan Amendment Bylaw (Bill 27), 2010”, 3 rd reading. | 97-103 |
| B17 | “CVRD Official Community Plan Amendment Bylaw No. 3444, 2010, Area H – North Oyster/Diamond (Marine Riparian DPA), Amendment to CVRD Bylaw No. 1497”, 1 st and 2 nd reading. | 104-115 |

12. RESOLUTIONS:**13. UNFINISHED BUSINESS:**

14. NOTICE OF MOTION:

15. NEW BUSINESS:

16. QUESTION PERIOD:

- a) Public
- b) Press

17. CLOSED SESSION:

Motion that the meeting be closed to the public in accordance with the Community Charter Part 4, Division 3, Section 90, subsections as noted in accordance with each agenda item.

CSM1	Adoption of Special Closed Session Minutes of October 13, 2010	116-117
CSCR1	Land Acquisition {Sub (1) (e)}	118

18. ADJOURNMENT:

The next Regular Board meeting will be held Wednesday, December 8, 2010 at 6:00 p.m., in the Board Room, 175 Ingram Street, Duncan BC.

Minutes of the Regular meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, October 13, 2010 at 6:35 pm.

PRESENT: Chair G. Giles,
Directors K. Cossey, M. Dorey, L. Duncan, B. Harrison,
D. Haywood, R. Hutchins, L. Iannidinardo, P. Kent,
K. Kuhn, M. Marcotte <to 7:53 pm>,
T. McGonigle, I. Morrison, T. Walker
and Alternate Director R. Hartmann

ALSO PRESENT: Warren Jones, Administrator
Kathleen Harrison, Deputy Corporate Secretary
Mark Kueber, General Manager Corporate Services
Brian Dennison, General Manager
Engineering & Environmental Services
Jim Wakeham, Manager,
Facility, Fleet & Transit Management Division

ABSENT: Director G. Seymour

RECOGNITION CEREMONY

Director Dorey noted that the community of Saltair had recently celebrated its 100th Birthday and was recognized as a community on the Railway Line. He presented a Certificate of Appreciation from the Saltair Ratepayers Association to Chair Giles and the Board in appreciation of the CVRD's support of the Saltair Centennial Celebration.

APPROVAL OF AGENDA

10-514

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

NB1 Notification from the Union of British Columbia Municipalities re: Gas Tax Agreement Regional Significant Projects Fund;

**NB2 Director Morrison - Employee Retirement Announcement;
and move Bylaws Item B9 discussion to immediately following Delegations;**

and that the agenda, as amended, be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES**

10-515 It was moved and seconded that the minutes of the September 8, 2010 Regular Board meeting be amended to reflect the appointment of Directors Harrison, Walker, Marcotte, Hutchins and Giles as members of the Sub-regional Funding Model Committee noted after Resolution 10-485, and that the minutes, as amended, be adopted

MOTION CARRIED

DELEGATIONS

D1 Mill Bay/Malahat Historical Society

Stu Calder, Treasurer for the Mill Bay/Malahat Historical Society, introduced Pauline Hyde, Helen Boyce and Doug Layton (Society members) and provided an overview of the Society functions and the need to secure funding to ensure the Society's continuance.

BYLAWS

B9 It was moved and seconded that "CVRD Bylaw No. 3429 - Shawnigan
10-516 Lake Community Parks and Trails Master Plan, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B9 It was moved and seconded that "CVRD Bylaw No. 3429 - Shawnigan
10-517 Lake Community Parks and Trails Master Plan, 2010", be adopted.

MOTION CARRIED

REPORT OF CHAIRPERSON

CORRESPONDENCE

There were no Correspondence items.

INFORMATION

There were no Information items.

COMMITTEE REPORTS

CRI The report and recommendations from the Electoral Area Services Committee meeting held September 21, 2010, listing 12 items were considered.

10-518

It was moved and seconded:

1. 1. That the annual maximum requisition limit for the Cobble Hill Community Hall Annual Contribution Service be increased from \$15,000 to \$18,000.
2. That CVRD Bylaw No. 3427 – Cobble Hill Community Hall Annual Contribution Service Amendment Bylaw, 2010, be forwarded to the Board for consideration of three readings and adoption.
2. That the Cobble Hill Improvement District be permitted to build an above ground pump house at Galliers Park, subject to the design being approved by the Cobble Hill Parks and Recreation Commission and with the provision of a full service washroom being included in the design.
3. That a grant-in-aid, Area B – Shawnigan Lake, be given to O.U.R. Ecovillage in the amount of \$2,000 to assist with costs associated with the Cowichan Wine and Culinary Festival.
4. That a grant-in-aid, Area D – Cowichan Bay, be given to O.U.R. Ecovillage in the amount of \$300 to assist with costs associated with the Cowichan Wine and Culinary Festival.
5. That a grant-in-aid, Area E – Cowichan Station/Sahtlam/Glenora, be given to Cowichan Green Community in the amount of \$250 to assist with costs associated with the Cowichan Community EATS Festival.
6. That a grant-in-aid, Area D – Cowichan Bay, be given to Cowichan Green Community in the amount of \$250 to assist with costs associated with the Cowichan Community EATS Festival.
7. That the CVRD deal with the 2010 Halloween season using the same practice as in 2009, whereby ticketing will only be enforced respecting the “sale of fireworks” and “discharge of fireworks in public places”, the Fireworks Safety Awareness Information package to be made available to the public, and require that the Fireworks Operator form be signed and submitted to the CVRD; and further, that the CVRD’s Information Package be sent to other local governments for distribution in their areas.
8. That the request to upgrade the part time Secretary I position to a full time Secretary I position within the Planning and Development Department be approved.

MOTION CARRIED

10-519

It was moved and seconded:

9. 1. That a Notice against Land Title be filed for the property owned by Tom and Corrine Jarvis located at 1695 Sandy Beach Road legally described as Lot 3, District Lot 79, Malahat District, Plan 13099, PID 004-716-655 (File No. 7-A-10BE).
 2. That staff be directed to obtain an updated engineer's report respecting the stability of the bank, and if necessary seek legal counsel regarding risk associated with the unstable bank.
11. That the first event (September 29, 2010, only) of five proposed events (to March 2011) requested by Eric and Sally Smith and Robyn Quinn, be approved, that would relax the Area D – Cowichan Bay Zoning Bylaw to temporarily allow small scale events/meetings at 1781 Fenwick Road with a maximum of forty (40) attendees between the hours of 6:30 pm to 8:30 pm as part of the Cowichan Bay Maritime Centre “Ahoy! Campaign” and for utilizing the adjacent Lot A for the purpose of parking; and that, after the first event, the Bylaw Enforcement Officer will review any impacts, and if no concerns are reported, that the remaining four proposed events be approved, but if concerns are reported that the matter be brought back to EASC for further review.
 12. That the draft Official Community Plan Amendment Bylaw, Area H (Habitat Protection Development Permit Area) for the protection of the Ladysmith Heron Colony, be forwarded to the Board for consideration of first and second readings, and that a public hearing be scheduled with Director M. Marcotte, Director M. Dorey and Director L Iannidinardo appointed as the hearing delegates.

MOTION CARRIED

6:40 pm

Director Marcotte declared a conflict of interest due to her personal and business association with the applicant and left the Board Room at 6:40 pm.

10-520

It was moved and seconded:

10. 1. That Application No. 2-H-09DP be approved, and that a development permit be issued to Yellow Point Ventures for the 6 lot subdivision of Lot A, District lot 13, Oyster District, Plan VIP 77718, subject to compliance with the following:
 - a. Compliance with the Riparian Areas Regulation Assessment dated May 12, 2009 by Madrone Environmental Services;
 - b. Compliance with the Preliminary Geotechnical Assessment by Levelton Consultants Ltd, dated August 5, 2010;
 - c. Compliance with the Groundwater Exploration Program by Levelton Consultants Ltd, revision dated July 23, 2010, including the following:

- No underground heating oil storage tanks to be used, and containment systems be installed for any above ground storage tanks;
 - That future property owners be advised not to exceed the well rating estimates during long term pumping;
 - In compliance with Subdivision Bylaw No.1215, a covenant is registered on the proposed new lots, to ensure the wells are treated to the standards of the *Drinking Water Protection Act*, prior to residential use.
- d. Development of the property occurs in compliance with the *Heritage Conservation Act*, and a recommendation for a archaeological overview assessment is forwarded to the Ministry of Transportation and Infrastructure during the subdivision review process.
2. That the CVRD respond to the Stz'uminus First Nation's letter dated September 21, 2010, respecting their concerns of Development Application – Lot A, DL 13, Oyster District, advising of the CVRD's application and bylaw consultation process, advise when the Official Community Plan was adopted, and advise that the application in question is for subdivision purposes and that the final subdivision approval is with the Ministry of Transportation and Infrastructure.

MOTION CARRIED

6:41 pm

Director Marcotte returned to the meeting at 6:41 pm.

CR1

The report and recommendations from the Electoral Area Services Committee meeting held October 5, 2010, listing seven items were considered.

10-521

It was moved and seconded:

1. That a grant-in-aid, Area D – Cowichan Bay, be given to Cowichan Valley Arts Council in the amount of \$500 to assist with costs associated with holding workshops for their opera production of "Gloves Off".
2. That a Stage 2 Detailed Project Proposal Grant application to the West Coast Community Adjustment Program for the redevelopment of the Mill Bay Public Boat Launch be submitted requesting \$250,000 for the project with the endorsement of the Regional Board.

MOTION CARRIED

10-522

It was moved and seconded:

3. That the request by Brenda Brompton to allow installation of a washer and dryer in an accessory building located at 7960 Greendale Road, be approved, subject to the registration of a covenant prohibiting occupancy of the accessory structure as a dwelling and removal of all additional facilities prior to change in ownership of the property.
4. That Application No. 2-E-10DVP by Trevor Gregson for a variance to Section 5.2 (e) of Zoning Bylaw No. 1840, increasing the permitted size of an accessory building from 100 square metres (1076 square feet) to 130 square metres (1398 square feet), be approved.
5. That the draft OCP and Zoning amendment bylaws regarding Application No. 1-B-09RS (Craig Partridge) be forwarded to the Board for consideration of 1st and 2nd readings; that a public hearing be scheduled and that Directors Cossey, Duncan and Kuhn be appointed as delegates of the Board.
6. That the request submitted by Eric and Sally Smith for a relaxation of the Area "D" Zoning Bylaw, be approved, to temporarily allow for an additional small scale event with a maximum of forty (40) attendees between the hours of 6:30 pm to 8:30 pm on October 13, 2010 for the Cowichan B&B Association AGM, and for utilizing the adjacent Lot A for the purpose of parking, on the condition that this or other authorized events do not significantly disturb the neighbourhood.
7. That the proposed amendment to the Cowichan Bay Official Settlement Plan that would introduce a new Marine Riparian Development Permit Area be approved and that the draft OSP Amendment Bylaw be forwarded to the Board for consideration of 1st and 2nd readings; that the bylaw be referred to Transport Canada, Ministry of Transportation and Infrastructure, Fisheries and Oceans Canada, School District 79, the City of Duncan, the Municipality of North Cowichan, Cowichan Estuary Environmental Management Committee Chair, and Cowichan Tribes, in the form of a written referral only with a four week response period; and further, that a public hearing be scheduled with Directors Iannidinardo, Giles and Dorey appointed as delegates of the Board.

MOTION CARRIED

CR2

The report and recommendations from the Engineering & Environmental Services Committee meeting held September 22, 2010 listing five items, were considered.

10-523

It was moved and seconded:

1. .1 That CVRD Board Resolution No. 10-421-9-2 be rescinded.
- .2 That a capital reserve fund expenditure bylaw be prepared for withdrawal of funds not exceeding \$10,257.00 from the *Kerry Village Water System Capital Reserve Fund* to help finance upgrades to the water treatment plant, and further that the bylaw be forwarded to the Board for consideration of three readings and adoption.
3. That the Board accept the Utility Transfer Agreement between the CVRD and Jim and Karen Taggart for CVRD takeover of the sewer system for the Brulette Sewer System in Electoral Area A, and further that the Chair and Corporate Secretary be authorized to sign the Utility Transfer Agreement.
4. .1 That a capital reserve fund expenditure bylaw be prepared for withdrawal of funds not exceeding \$15,000.00 from the *Youbou Sewer System Capital Reserve Fund* to help finance sewer pump station control upgrades and further that the bylaw be forwarded to the Board for consideration of three readings and adoption.
2. That a capital reserve fund expenditure bylaw be prepared for withdrawal of funds not exceeding \$5,000.00 from the *Cherry Point Water System Capital Reserve Fund* to help finance well head monitoring controls and further that the bylaw be forwarded to the Board for consideration of three readings and adoption.
- .3 That a capital reserve fund expenditure bylaw be prepared for withdrawal of funds not exceeding \$11,000.00 from the *Mesachie Lake Water System Capital Reserve Fund* to help finance preparation of a well protection plan and further that the bylaw be forwarded to the Board for consideration of three readings and adoption.
5. .1 That the CVRD Board support the refined Tier 2 and Tier 3 funding application to Emergency Management BC, currently being developed by the CVRD.
- .2 That the CVRD Board support the recommended development of the Draft 9 Cowichan Valley Flood Protection Memorandum of Understanding.

MOTION CARRIED

10-524

(Amended from original Committee recommendation):

It was moved and seconded:

2. 1. That a bylaw be prepared to amend "CVRD Bylaw No. 2193 - Electoral Area I - Youbou Street Lighting Service Establishment Bylaw, 2001", to increase the maximum requisition to \$21,800., and that the amendment bylaw be forwarded to the Board for consideration of three readings and, following provincial and voter approval, be considered for adoption.
2. That voter approval for adoption of the amendment bylaw be obtained through an Alternative Approval Process.

MOTION CARRIED

CR3

The report and recommendations from the Transit Committee meeting held October 13, 2010, listing three items, were considered.

10-525

It was moved and seconded:

1. That the CVRD Board approve expansion of 2,000 additional annual hours for the conventional transit service, to take place in March 2011, to be partially funded by BC Transit with a total net annual cost to the CVRD of \$130,000 (\$110,000 in 2011).
2. That the CVRD Board:
 1. Approve the Terms of Reference for the Cowichan Valley Transit Plan, including its project structure, public participation plan and timeline, and
 2. Direct that staff work with BC Transit to support the development of the Transit Future Plan.
3. That the Board not consider a separate affordable transit fair/pass for seniors, who lose their driver's license due to age.

MOTION CARRIED

STAFF REPORTS

SR1

The Staff Report from the Deputy Corporate Secretary, dated September 29, 2010, re: Results of Alternative Approval Process - Bylaw No. 3389 - Cowichan Station Area Association Annual Financial Contribution Service, was considered.

10-526

It was moved and seconded that the *Certificate of Results* confirming that the CVRD Board may proceed to adopt Bylaw No. 3389, be received.

MOTION CARRIED

SR2 The Staff Report from the Manager, Community and Regional Planning Division, dated September 30, 2010, re: Zoning Amendment Bylaw No. 3420 (P-2A Zone - Area H), was considered for information.

SR3 The Staff Report from the Deputy Corporate Secretary dated October 6, 2010, re: Results of Alternative Approval Process - Bylaw No. 3380 - Mill Bay/Malahat Historical Society Annual Financial Contribution Service Establishment Bylaw, was considered.

10-527 **It was moved and seconded that the *Certificate of Results* confirming that the CVRD Board must not proceed to adopt Bylaw No. 3380, unless it receives the assent of the electors, be received.**

MOTION CARRIED

SR4 The Staff Report from the Legislative Services Coordinator, dated October 6, 2010, re: Environmental Initiatives Service - Notice of Alternative Approval and Elector Response Form, were considered.

10-528 **It was moved and seconded that the *Notice of Alternative Approval Process* and the *Elector Response Form* for CVRD Bylaw No. 3359, be approved.**

Opposed: Director Marcotte

MOTION CARRIED

BYLAWS

B1
10-529 **It was moved and seconded that "CVRD Bylaw No. 3389 - Cowichan Station Area Association Annual Financial Contribution Service Establishment Bylaw, 2010", be adopted.**

MOTION CARRIED

B2
10-530 **It was moved and seconded that "CVRD Bylaw No. 3406 - Douglas Hill Water System Management Bylaw, 2010", be granted 1st, 2nd and 3rd reading.**

MOTION CARRIED

B2
10-531 **It was moved and seconded that "CVRD Bylaw No. 3406 - Douglas Hill Water System Management Bylaw, 2010", be adopted.**

MOTION CARRIED

B3
10-532 **It was moved and seconded that "CVRD Bylaw No. 3407 - Douglas Hill Water System Capital Reserve Fund Establishment Bylaw, 2010", be granted 1st, 2nd and 3rd reading.**

MOTION CARRIED

**B3
10-533** It was moved and seconded that "CVRD Bylaw No. 3407 - Douglas Hill Water System Capital Reserve Fund Establishment Bylaw, 2010", be adopted.

MOTION CARRIED

**B4
10-534** It was moved and seconded that "CVRD Bylaw No. 3408 - Douglas Hill Water System Parcel Tax Roll Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B4
10-535** It was moved and seconded that "CVRD Bylaw No. 3408 - Douglas Hill Water System Parcel Tax Roll Bylaw, 2010", be adopted.

MOTION CARRIED

**B5
10-536** It was moved and seconded that "CVRD Bylaw No. 3409 - Lambourn Estates Sewer System Management Amendment Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B5
10-537** It was moved and seconded that "CVRD Bylaw No. 3409 - Lambourn Estates Sewer System Management Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

**B6
10-538** It was moved and seconded that "CVRD Bylaw No. 3418 - Malahat Fire Protection Service Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

**B7
10-539** It was moved and seconded that "CVRD Bylaw No. 3427 - Cobble Hill Community Hall Annual Contribution Service Amendment Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B8
10-540** It was moved and seconded that "CVRD Bylaw No. 3428 - Machinery and Equipment (Community Planning) Reserve Fund Expenditure Bylaw, 2010", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

**B8
10-541** It was moved and seconded that "CVRD Bylaw No. 3428 - Machinery and Equipment (Community Planning) Reserve Fund Expenditure Bylaw, 2010", be adopted.

MOTION CARRIED

B9 Dealt with previously in the Agenda.

- 7:05 pm Directors Hutchins, Kent and Walker left the Board Room at 7:05 pm.
- B10**
10-542 It was moved and seconded that "CVRD Bylaw No. 3405 - Area H - North Oyster/Diamond Official Community Plan Amendment Bylaw (Habitat Protection Development Permit Area), 2010", be granted 1st and 2nd reading.
- MOTION CARRIED**
- B11**
10-543 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3420 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (P-2A Zone), 2010", be granted 3rd reading.
- MOTION CARRIED**
- B11**
10-544 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3420 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (P-2A Zone), 2010", be adopted.
- MOTION CARRIED**
- B12**
10-545 It was moved and seconded that "CVRD Bylaw No. 3430 - Area B - Shawnigan Lake Official Community Plan (Partridge), 2010", be granted 1st and 2nd reading.
- Opposed: Director Duncan
- MOTION CARRIED**
- B13**
10-546 It was moved and seconded that "CVRD Bylaw No. 3431 - Area B - Shawnigan lake Zoning Amendment Bylaw (Partridge), 2010", be granted 1st and 2nd reading.
- Opposed: Director Duncan
- MOTION CARRIED**
- B14**
10-547 It was moved and seconded that "CVRD Official Settlement Plan Amendment Bylaw No. 3432, 2010, Area D - Cowichan Bay (Marine Riparian DPA), Amendment to CVRD Bylaw No. 925", be granted 1st and 2nd reading.
- MOTION CARRIED**

RESOLUTIONS

- RES1**
10-548 It was moved and seconded that following appointment to the Electoral Area C - Cobble Hill Parks and Recreation Commission be approved:
- Term to expire December 31, 2010:*
Ruth Koehn
- MOTION CARRIED**

7:07 pm Directors Hutchins, Kent and Walker returned to the Board Room at 7:07 pm.

NEW BUSINESS

NB1 The Administrator reported that the Gas Tax Agreement's Partnership Committee has reserved \$4.1 million as the CVRD's portion of the funding for Regionally Significant projects within Tier 2 regions.

NB2 Director Morrison announced the retirement of Cowichan Lake Recreation employee of 25 years, Barb Knot. Chair Giles confirmed that a letter will be sent to Ms. Knott extending the Board's best wishes on her retirement.

**RESOLVING INTO
CLOSED SESSION**

10-549 It was moved and seconded that the meeting be closed to the public in
7:18 pm accordance with the Community Charter Part 4, Division 3, Section 90, Subsection (1) (g) Potential Litigation and (e) Land Disposal.

MOTION CARRIED

**RISE FROM
CLOSED SESSION**

10-553 It was moved and seconded that the Board rise without report and
8:50 pm return to the Regular portion of the meeting.

MOTION CARRIED

ADJOURNMENT

10-554 It was moved and seconded that the Regular Board meeting be
8:50 pm adjourned.

MOTION CARRIED

The meeting adjourned at 8:50 pm

Certified Correct:

Chairperson

Deputy Corporate Secretary

Dated: _____

Request to Appear as a Delegation

D1

Meeting Information

Request to Address:*

CVRD Board

Committee

If Committee, specify the Committee here:*

Board

Meeting Date:* 11/10/2010

Meeting Time:* 6:00 PM

Applicant Information

Applicant Name: Carol-Ann Rolls/Suzanne Jensen

Representing: Cowichan Community Policing Society

(Name of organization if applicable)

As: *will ask some of our volunteers to attend in audie

(Capacity / Office)

Number Attending:

Applicant Contact Information

Applicant Mailing Address: # 3 - 149 Canada Ave

Applicant City: Duncan BC V9L 1T4

Applicant Telephone: 250-701-9146

Applicant Fax: 250-701-9147

Applicant Email: warmlandcops@shaw.ca

Presentation Topic and Nature of Request:

to provide an update to CVRD areas on the progress of community policing and crime prevention programs and to acknowlege the support from City of Duncan, Cowichan Bay Electoral Area and Municipality of North Cowichan and areas where a regional perspective would be beneficial

* indicates required fields.

Community Policing

brings police, community organizations and citizens together in a cooperative effort to solve crime and reduce community disorder problems in local neighbourhoods. It's a strategy based on community interaction and support to control crime and reduce fear.

Crime Prevention

is an attempt to reduce victimization and to deter crime and criminals. It includes government and community based programs to reduce risk factors and to change perceptions.

For more information:

www.warmlandcops.com

Or

Cowichan Region Community Policing
Advisory Committee (mailing address)
6060 Canada Avenue
Duncan, BC V9L 1V3
250 701-9146

Achievements

- * Restorative Justice Program
- * Crime Prevention Programs
- * Court Watch
- * Family Court Committee
- * Public Forums
- * Traffic Safety Committee
- * Volunteer and Program Funding
- * Fundraising to support Crime Prevention initiatives
- * Recipient of Bank of Canada Award 2007
- * Three Community Policing offices staffed by volunteers and other programs such as COPS, Speedwatch and more....

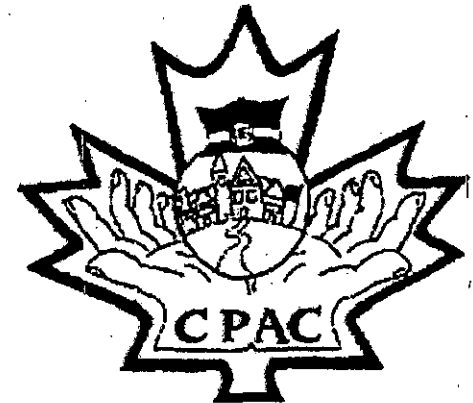
Be part of creating the safest possible community that we can!

**Safe streets, safe homes,
safe communities**

Cowichan Region Community Policing Advisory Committee

What are your concerns in your community?

**BREAK-INS
SPEEDING
VANDALISM
GROW-OPS
FRAUD**

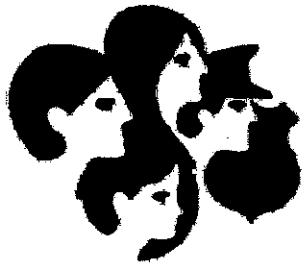


Share responsibility for identifying reducing and preventing problems that impact community safety and order!

BE PART OF THE SOLUTION

Community Policing is.....

- * Creating partnerships between the police and the community
- * Identifying problems within the community and assisting the police in finding appropriate solutions
- * Positively influencing the quality of life in our communities and helping to develop environments where crime can not flourish
- * Assisting the police in public education and the development of a community policing perspective



Working together to reduce crime

Be part of the solution by becoming involved...

Join the Society

- ⇒ Attend meetings and voice your opinion and offer ideas and solutions
- ⇒ Make a tax deductible donation to support crime prevention programs
- ⇒ Volunteer for crime prevention programs
- ⇒ Participate in community forums and programs
- ⇒ Assist with developing solutions to community issues
- ⇒ Become a director

Membership meetings are held on the 3rd Monday of each month.

For more information call:

250 701-9146

CPAC Membership Application



Name:

Address:

City:

Telephone:

Email Address:

Please make cheques payable to: Community Policing Advisory Committee (CPAC)
6060 Canada Avenue, Duncan, BC V9L 1V3

CPAC is a registered charitable organization # 86658623R001

Carol-Ann Rolls – Manager Community Policing and Crime Prevention Programs

- CP/CP services offered through the CPO's are designed to reduce crime, increase livability and get neighbours involved in CP/CP efforts. Services include problem-solving, community organizing and education on issues of crime and public safety. We work closely with police, community activists, neighbourhood associations, businesses, local government, schools and service providers.

a) Problem Solving – might be as brief as a short phone conversation or it could last for weeks or months, depending on the nature of the problem. We often work as a catalyst bringing together the appropriate agencies who can affect change on the problem. Some problems we've worked on are graffiti abatement and reduction, auto theft, chronic nuisance areas. To help solve these types of problems, we may utilize some of the following tools:

- advice
- refer to appropriate agency
- teach people how to document and report
- organize a Block Watch for the neighbourhood
- bring stakeholders together for a problem solving meeting
- evaluate physical sites for possible security improvements
- assist in documenting and developing cases

b) Community Organizing – a key to CP/CP is involving the community in working to solve crime and livability problems. CP/CP Program has the primary responsibility for training and supporting COPs, SW, CPOs, that utilize volunteers. These volunteers may also be deployed for short term efforts such as doing outreach and distributing educational materials and events in specific neighbourhoods.

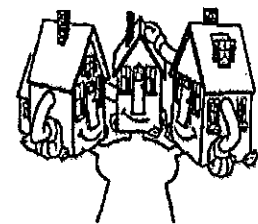
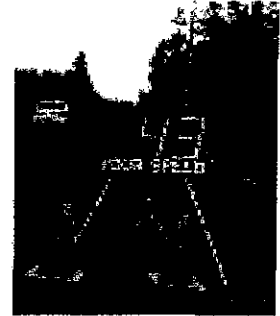
c) Education – CP/CP provides training for individuals/groups on a variety of crime and public safety topics. The most commonly requested training includes burglary prevention, identity theft awareness, personal safety, auto theft prevention, counterfeit prevention awareness and children's safety.

A website www.warmlandcops.com is being updated. Follow the links to a variety of safety topics.

By The Numbers

(January—June 2010)

- 451 Vehicle plates were checked for stolen auto program.
- 1,017 Vehicles were recorded exceeding the posted speed by 20+ km.
- 288 Children were fingerprinted at child-ident clinics.
- 357 Lock out auto crime notices were noted.
- 58,569 Vehicles were clocked by Speed Watch.
- 1,255 Interactions were handled at CH, CB, Duncan office volunteers.
- 31 Presentations on safety and crime prevention topics were delivered to community groups.
- 16 New Block Watch Captains/Co-Captains were trained.
- 50 Volunteers are active. (+ 10 in training)
- 4,859 Hours contributed by the volunteers in community policing programs.



COWICHAN VALLEY REGIONAL DISTRICT
ADMINISTRATIVE SERVICES DEPARTMENT

D2

REQUEST FOR DELEGATION

APPLICATION DATE: OCT 26/2010

NAME OF APPLICANT: LORI IANNIDINARDO

ADDRESS OF APPLICANT: COWICHAN BAY MILARY ABBOT

PHONE NO.: 748-0359 BRUCE STEWART

REPRESENTING: CITTASLOW COWICHAN
Name of Organization SOCIETY

MEETING DATE: NOV. 10/2010

COMMITTEE/BOARD NAME: BOARD

NO. ATTENDING: 2

NO. WISHING TO MAKE A PRESENTATION: 2-3

TOPIC TO BE PRESENTED:

CITTASLOW

NATURE OF REQUEST/CONCERN:

INFORMATION ABOUT
CITTASLOW COWICHAN BAY
AND CITTASLOW INTERNATIONAL
FROM KOREA.

Note: Once the request for delegation application has been favourably considered, presentations will be restricted to ten (10) minutes, unless notified otherwise.



RC1

REPORT OF THE CHAIRPERSON

**BOARD MEETING
OF November 10, 2010**

DATE: November 2, 2010
FROM: Chair Giles
SUBJECT: Vancouver Island Regional Library Board Appointments

Recommendation:

That the following appointments to the Vancouver Island Regional Library Board be approved:

Director M. Dorey

Director L. Duncan (Alternate)

Term to commence January 1, 2011 and expire December 31, 2011.



RC2

REPORT OF THE CHAIRPERSON

**BOARD MEETING
OF November 10, 2010**

DATE: November 2, 2010
FROM: Chair Giles
SUBJECT: Agricultural Advisory Committee Appointments

Recommendation:

That the following appointments to the Agricultural Advisory Committee be approved:

**Ian Christison, Shawnigan Cobble Hill Farmers Institute
George Baird, Shawnigan Cobble Hill Farmers Institute (Alternate)**

Joanne McLeod, Nanaimo Cedar Farmers Institute

**George Robbins, Economic Development Cowichan
Marsha Stanley, Economic Development Cowichan (Alternate)**

Peter Keber, Environment Commission

Term to expire November 30, 2011.



REGIONAL SERVICES COMMITTEE REPORT
OF MEETING HELD OCTOBER 27, 2010

DATE: October 29, 2010

To: Chairperson and Directors of the Board

Your Regional Services Committee reports and recommends as follows:

1. 1. That the Board Chair write a letter to the Island Corridor Foundation supporting the VIA Rail passenger service improvements, (Nanaimo to Victoria), and the \$15 Million infrastructure investment request; and
2. That the letter be copied to: Vancouver Island North MP John Duncan; Nanaimo-Alberni MP James Lunney; Parksville-Qualicum MLA Ron Cantelon; Comox Valley MLA Don McRae; the Honourable Shirley Bond, Minister of Transportation and Infrastructure; the Honourable Gordon Campbell, Premier; the Honourable Chuck Strahl, Federal Minister of Transport, Infrastructure and Communities; and Graham Bruce, Executive Director, Island Corridor Foundation.
2. That the *Cowichan Valley Regional District Regional Energy Plan Executive Summary* be forwarded to member municipalities and CVRD departments for their consideration and action; and that CVRD staff present to member municipality committees on the draft background and policy report.
3. That letters be sent to the Town of Ladysmith, District of North Cowichan and City of Duncan requesting expressions of interest and advising of the cost implications if a new annual financial contribution service was created for the Chesterfield Sports Society with a maximum requisition limit of \$100,000 and the participants were Electoral Areas A, B, C, D, E, G, the Town of Ladysmith, the District of North Cowichan and the City of Duncan.
4. 1. That the annual maximum requisition limit for the Cowichan Lake Sports Arena Service be increased from \$2,095,614 to \$2,619,255.
2. That "CVRD Bylaw No. 3410 – Cowichan Lake Sports Arena Service Amendment Bylaw, 2010" be forwarded to the Board for consideration of three readings and adoption.

5. That "CVRD Bylaw No. 3435 – Douglas Hill Water System Service Temporary Borrowing Bylaw, 2010", be forwarded to the Board for consideration of three readings and adoption.

6. That "CVRD Bylaw No. 3436 – 911 Call Answer Levy Bylaw, 2010" be forwarded to the Board for consideration of three readings and adoption.



C·V·R·D

CR2

ELECTORAL AREA SERVICES COMMITTEE REPORT

OF MEETING HELD OCTOBER 19, 2010

DATE: October 21, 2010

To: Chairperson and Directors of the Board

Your Electoral Area Services Committee reports and recommends as follows:

1. That the CVRD animal control license fees not be increased at this time, and that staff provide a detailed report to the EASC on the Animal Control function.
2.
 1. That the Certificate of Sufficiency confirming that the petition for inclusion in the Eagle Heights Fire Protection Servicer Area is sufficient, be received.
 2. That CVRD Bylaw No. 1965 be amended to extend the boundaries of the Eagle Heights Fire Protection Area to include the following property: Lot 3, Parcel A, Section 13, Range 7, Plan 2298, Quamichan Land District, amended DD168307-I, PID: 000-995-215, Folio : 03-765-03347-000.
 3. That the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.
 4. That Schedule A to the Fire Services agreement with the City of Duncan to provide fire protection to the Eagle Heights Fire Protection Service Area be amended to include the additional property.
 5. That the Chair and Corporate Secretary be authorized to sign the amended Eagle Heights Fire Protection Services Agreement.
3. That a bylaw be prepared to amend "CVRD Bylaw No. 2673 – "Saltair Community Parks Establishment Bylaw, 2005", to increase the maximum requisition from \$.35 per \$1,000 to \$.40 per \$1,000 net taxable value , and that the amendment bylaw be forwarded to the Board for consideration of three readings and approval.
4. That a bylaw be prepared to amend "CVRD Bylaw No. 2232 – South Cowichan Parks Service (Electoral Areas A – Mill Bay/Malahat, B – Shawnigan Lake, C – Cobble Hill, and D – Cowichan Bay) Establishment Bylaw, 2001", to increase the maximum requisition from \$50,000 to \$62,500, and that the amendment bylaw be forwarded to the Board for consideration of three readings and approval.
5. That the existing Board Policy respecting allowances for additional plumbing fixtures within accessory buildings be maintained.

.../2

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

6. That Application No. 2-E-10ALR submitted by Orosi Land Co. Ltd. and Arturo and Yanina Mendenhall made pursuant to Section 21(2) of the *Agricultural Land Commission Act* to subdivide the subject property be forwarded to the Agricultural Land Commission with a recommendation to deny the application.
7. That Application No. 1-H-10 ALR (Muir) regarding the inclusion of approximately 17.3 hectares of District Lot 51, Oyster District, except the right of way in the Esquimalt and Nanaimo Railway Company, except part coloured red on Plan deposited under DD 272791, and except part shown outlined in red on plan deposited under DD 285551 (PID: 009-439-714) to the Agricultural Land Reserve, be forwarded to the Agricultural Land Commission with a recommendation to approve.
8.
 1. That the proposed amendment to the North Oyster/Diamond Official Community Plan that would introduce a new Marine Riparian Development Permit Area, be approved and that the amendment bylaw be forwarded to the Regional Board for consideration of first and second readings.
 2. That a public hearing be arranged and that Directors Marcotte, Dorey and Morrison be appointed as delegates to the public hearing.
 3. That the draft amendment bylaw be forwarded to Fisheries and Oceans Canada, SD #68, Stz'uminus First Nation, the Town of Ladysmith, and Nanaimo Regional District.



ENGINEERING & ENVIRONMENTAL SERVICES COMMITTEE REPORT
OF MEETING HELD OCTOBER 27, 2010

DATE: October 28, 2010

To: Chair and Directors of the Cowichan Valley Regional District

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

1. .1 That the *Certificate of Sufficiency*, confirming that a sufficient petition, requesting inclusion into the Shawnigan Lake North Water System Service Area, be received.
- .2 That the boundaries of the Shawnigan Lake North Water System Service Area be amended to include "*PID 009-255-516, Part of Lot 4, Block 31, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 218A, Lying to the South of a straight boundary joining points on the easterly and westerly boundaries of said lot distant 2.5 chains respectively from the north east and south west corners of said lot.*"
- .3 That "CVRD Bylaw No. 1911 – Shawnigan Lake North Water System Service Establishment Bylaw, 1999", be amended to include *PID 009-255-516, Part of Lot 4, Block 31, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 218A, Lying to the South of a straight boundary joining points on the easterly and westerly boundaries of said lot distant 2.5 chains respectively from the north east and south west corners of said lot.*, and that the amended bylaw be forwarded to the Board for consideration of three readings and adoption.
2. .1 That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Sentinel Ridge Sewer System Service Area be received.
- .2 That the boundaries of the Sentinel Ridge Sewer System area be amended to include "*PID 009-346-511 Parcel C (DD43694I) D.L. 77, Malahat District, PID 009-346-520 Parcel D (DD33154I), D.L. 77, Malahat District and PID 009-346-554 That part of D.L. 77, Lying to the south of the south boundaries of Parcel C & D of said lot and except those parts in plans 518W, 50504 & VIP86315, Malahat District*".
- .3 That "CVRD Bylaw No. 2790 – Sentinel Ridge Sewer System Establishment Bylaw, 2006", be amended to include *PID 009-346-511 Parcel C (DD43694I) D.L. 77, Malahat District, PID 009-346-520 Parcel D (DD33154I), D.L. 77, Malahat District and PID 009-346-554 That part of D.L. 77, Lying to the south of the south boundaries of Parcel C & D of said lot and except those parts in plans 518W, 50504 & VIP86315, Malahat District*", and that the amended bylaw be forwarded to the Board for consideration of three readings and adoption.
3. .1 That CVRD Board Resolution No. 10-524 be rescinded.
- .2 That a bylaw be prepared to amend "CVRD Bylaw No. 2193 – Electoral Area I – Youbou Street Lighting Service Establishment Bylaw, 2001, to increase the maximum requisition to \$21,800, and that the amendment bylaw be forwarded to the Board for consideration of three readings and adoption.



CR4

ISLAND SAVINGS CENTRE COMMISSION REPORT

OF MEETING HELD THURSDAY, OCTOBER 28, 2010

DATE: November 1, 2010

To: Chair and Directors of the Board

Your Island Savings Centre Commission reports and recommends as follows:

- 1. That the Island Savings Centre Commission request that the CVRD Board approve an amendment to extend the UBCM Regionally Significant Project, Tier 1 and 2 Strategic Priorities Fund and/or Innovations Fund Funding Agreement under the agreement on the Transfer of Gas Tax Revenues project completion date from December 31, 2010 to March 15, 2011 and to extend the expiry date of this agreement from June 30, 2012 to September 15, 2012, and further, that the CVRD Chair and Corporate Secretary be authorized to sign the amendment.**
- 2. 1. That the purchase of a new Electrical Substation and required infrastructure in 2010 be approved;**
 - 2. That a capital project reserve fund expenditure bylaw be prepared for withdrawal of funds not to exceed \$105,000 from the *Cowichan Community Centre Capital Project Reserve Fund* (Bylaw No. 755), to finance the purchase of the Electrical Substation and required infrastructure; and further that the bylaw be forwarded to the Board for consideration of three readings and adoption;**
 - 3. That installation costs of approximately \$60,000 be funded from the 2011 Budget or designated ISC Corporate Sponsorship Funds in 2011;**
 - 4. That should a Substation failure occur in 2010, the installation costs of approximately \$60,000 be funded through a short term loan purchase.**



CR5

COWICHAN LAKE RECREATION COMMISSION REPORT
OF MEETING HELD OCTOBER 28, 2010

DATE: NOVEMBER 1, 2010

To: CHAIR AND DIRECTORS OF THE BOARD

Your Cowichan Lake Recreation Commission reports and recommends as follows:

- 1. That Corey Bath's letter of resignation from the Cowichan Lake Recreation Commission be accepted, and that a letter of thanks be sent to Corey Bath for her hard work and dedication while serving as a volunteer on this Commission.**



CR6

ECONOMIC DEVELOPMENT COMMISSION REPORT

OF MEETING HELD OCTOBER 28, 2010

DATE: November 3, 2010

To: Chair and Directors of the Cowichan Valley Regional District

Your Economic Development Commission reports and recommends as follows:

1. That the resignation of Dave Jackson, dated September 23, 2010, from the Economic Development Commission be accepted, and that a letter of appreciation be forwarded to Mr. Jackson.



STAFF REPORT

REGULAR BOARD MEETING
OF NOVEMBER 10, 2010

DATE: October 26, 2010 BYLAW NO: 3392

FROM: Kathleen Harrison, Deputy Corporate Secretary

SUBJECT: Results of Alternative Approval Process - Bylaw No. 3392 – Shawnigan Lake Historical Society Annual Financial Contribution Service Amendment.

Recommendation:

That the *Certificate of Results* confirming that the CVRD Board may proceed to adopt Bylaw No. 3392, be received.

Purpose:

To present the results of the Alternative Approval Process for "CVRD Bylaw No. 3392 – Shawnigan Lake Historical Society Annual Financial Contribution Service Amendment Bylaw, 2010".

Financial Implications:

The requisition amount for this service will be ratified by the Board during the annual budget meeting and/or upon adoption of the Annual Budget Bylaw.

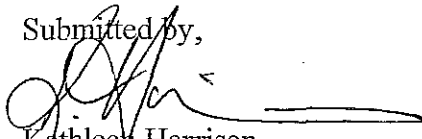
Interdepartmental/Agency Implications:

Once adopted, a certified copy of this bylaw must be filed with the Province. The Financial Services Department is responsible for grant administration.

Background:

As outlined in the attached *Certificate of Results*, the five (5) *Elector Response Forms* that were submitted in opposition to the adoption of Bylaw No. 3392, and accepted as valid, constitute less than 10% (or 0.08863%) of the 5,641 eligible electors, and therefore the Board may proceed to adopt the bylaw.

Submitted by,



Kathleen Harrison
Deputy Corporate Secretary

Division Manager's Approval:

NOT AVAILABLE

Signature

Attachment: Certificate of Results – Bylaw No. 3392



C·V·R·D

**CVRD Bylaw No. 3392
Certificate of Results - Alternative Approval Process**

I hereby certify that Five (5) valid *Elector Response Forms* were received in opposition to the adoption of "CVRD Bylaw No. 3392 – Shawnigan Lake Historical Society Annual Financial Contribution Service Amendment Bylaw, 2010", which amends Bylaw No. 2950, *Shawnigan Lake Historical Society Annual Financial Contribution Service* to increase the maximum annual requisition limit from \$8,500. to \$17,000. to assist with costs of providing services relating to the operation and maintenance of the Shawnigan Lake Museum in Electoral Area B – Shawnigan Lake.

The total number of eligible electors in the service area to which the Alternative Approval Process applies is estimated at 5,641.

In accordance with Section 86 (1) of the *Community Charter*, the number of Elector Response Forms received represents less than 10% of the electors in the area to which the Alternative Approval Process applies, and the Cowichan Valley Regional District may proceed to adopt CVRD Bylaw No. 3392.

DATED at Duncan, British Columbia
this 26th day of October, 2010

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)
)
)


Kathleen Harrison
Deputy Corporate Secretary

Number of Eligible Electors in the Service Area	10% of the Electors	Valid Elector Response Forms Received
5,641	564	5



C·V·R·D

SR2

STAFF REPORT

REGULAR BOARD MEETING
OF NOVEMBER 10, 2010

DATE: October 26, 2010 BYLAW NO: 3403
FROM: Kathleen Harrison, Deputy Corporate Secretary
SUBJECT: Results of Alternative Approval Process - Bylaw No. 3403 – Electoral Area B –
Shawnigan Lake Critical Location Streetlighting Service Amendment Bylaw, 2010.

Recommendation:

That the *Certificate of Results* confirming that the CVRD Board may proceed to adopt Bylaw No. 3403, be received.

Financial Implications:

N/A.

Interdepartmental/Agency Implications:

Once adopted, a certified copy of the bylaw must be filed with the Province. The Engineering and Environmental Services Department is responsible for management of this service.

Background:

As outlined in the attached *Certificate of Results*, the one (1) *Elector Response Form* that was submitted in opposition to the adoption of Bylaw No. 3403, and accepted as valid, constitutes less than 10% (or 0.01772%) of the 5,641 eligible electors, and therefore the Board may proceed to adopt the bylaw.

Submitted by,

Kathleen Harrison
Deputy Corporate Secretary

Division Manager's Approval:

NOT AVAILABLE

Signature

Attachment: Certificate of Results – Bylaw No. 3403



CVRD Bylaw No. 3403
Certificate of Results - Alternative Approval Process

I hereby certify that One (1) valid *Elector Response Form* was received in opposition to the adoption of "CVRD Bylaw No. 3403 – Electoral Area B – Shawnigan Lake Critical Location Streetlighting Service Amendment Bylaw, 2010", which increases the maximum annual requisition limit from \$1,000. to \$3,000. to assist with costs of providing critical streetlighting services within Electoral Area B – Shawnigan Lake.

The total number of eligible electors in the service area to which the Alternative Approval Process applies is estimated at 5,641.

In accordance with Section 86 (1) of the *Community Charter*, the number of Elector Response Forms received represents less than 10% of the electors in the area to which the Alternative Approval Process applies, and the Cowichan Valley Regional District may proceed to adopt CVRD Bylaw No. 3403.

DATED at Duncan, British Columbia
this 26th day of October, 2010

)
)
)
)


Kathleen Harrison
Deputy Corporate Secretary

Number of Eligible Electors in the Service Area	10% of the Electors	Valid Elector Response Forms Received
5,641	564	1



SR3

STAFF REPORT

REGULAR BOARD MEETING
OF NOVEMBER 10, 2010

DATE: November 1, 2010 BYLAW NOS.: 3441 and 3442
FROM: Kathleen Harrison, Legislative Services Coordinator
SUBJECT: Youbou Street Lighting Service Amendment Bylaw (Requisition Increase); and
Sentinel Ridge Sewer System Service Amendment Bylaw (Boundary Extension).

Recommendation: For information.

Purpose: To introduce amendment Bylaw Nos. 3441 and 3442. Bylaw No. 3441 amends Bylaw No. 2193, *Youbou Street Lighting Service*, by increasing the maximum annual requisition limit from \$18,500 to \$21,800 to reflect the current and expected increase in BC Hydro fees and costs to operate and maintain the service. Bylaw No. 3442 amends Bylaw No. 2790, *Sentinel Ridge Sewer System Service*, by extending the boundaries of the service area to include three additional properties.

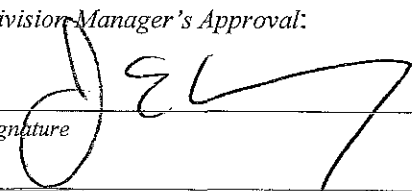
Financial Implications: The property owners are responsible for all construction costs associated with connecting to the Sentinel Ridge Sewer System service area. The Engineering and Environmental Services Department is responsible for the management of both services.

Interdepartmental/Agency Implications: Both bylaws require the approval of the service area voters before they can be adopted. Voter approval may be obtained by the Area Directors consenting, in writing, to the adoption of the Bylaws. Both bylaws meet the criteria for exemption from obtaining the Inspector of Municipalities approval pursuant to the *Regional Districts Establishing Bylaw Approval Exemption Regulation, B.C. Reg. 113/2007*.

Background: The Board granted approval to increase the maximum requisition limit for the Youbou Street Lighting service area. Also, a sufficient petition was received for the inclusion of three additional properties into the boundaries of the Sentinel Ridge Sewer System Service Area. Due to compressed timelines for readings and adoption of bylaws in order to tax/requisition in 2011, amendment bylaws have been drafted for consideration and appear in the Bylaw section of the Agenda.

Submitted by,


Kathleen Harrison
Legislative Services Coordinator

Division Manager's Approval:

Signature

Attachment: Bylaw Nos.: 3341 and 3442



C·V·R·D

SR4

STAFF REPORT

BOARD MEETING OF NOVEMBER 10, 2010

DATE: October 27, 2010 **FILE NO:** 1855-02-GAS/ENV

FROM: Kate Miller, Manager, Regional Environmental Policy Division

SUBJECT: Extension of the Regional Community Energy Plan Project

Recommendation:

That it be recommended that the Chair and Corporate Secretary be authorized to sign the amended "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 Regional Community Energy Plan.

Purpose:

To extend the Regional Community Energy Plan to December 31, 2011, in order to complete the mapping portion of the project.

Financial Implications:

The terms of the agreement remain the same and funding is in place.

Interdepartmental/Agency Implications:

UBCM is in agreement with this amendment.

Background:

The Regional Community Energy Plan of the Cowichan Valley Regional District is a regionally significant project funded by Federal Gas Tax revenue. At the present time our agreement stipulates that the Eligible Project will complete no later than the 31st day of December, 2010. A request for an extension of one year to December 31, 2011 for the regional energy project has been agreed to by UBCM in order to complete the mapping component of the work.

Discussion:

The extension of the Renewable Energy Mapping is for the purpose of:

- Analyze and map the alternative energy supplies available within the region;
- Recommend ways to encourage development of renewable energy in high opportunity areas; and
- Integrate findings from alternative energy mapping into Official Community Plans

Submitted by

Kate Miller, Manager
Regional Environmental Policy Division
KM/df

Approved by

Brian Dennison, P. Eng., General Manager,
Engineering & Environment



C·V·R·D

SR5

STAFF REPORT

REGULAR BOARD MEETING
OF NOVEMBER 10, 2010

DATE: November 2, 2010
FROM: Sybille Sanderson, A/General Manager Public Safety
SUBJECT: North Oyster RFP PS-2010-01 Purchase

Recommendations:

1. That the Board authorize the purchase of a new CAN/ULC – S515-04 Pumper Firefighting Apparatus for the North Oyster Fire Protection Service Area from Rocky Mountain Phoenix in the amount of \$365,332 (excluding tax); and
2. That a reserve fund expenditure bylaw be prepared authorizing the expenditure of no more than \$400,000 from the North Oyster Fire Protection Specified (Local Service) Area, Machinery and Equipment Reserve Fund Establishment Bylaw No. 875, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

Purpose:

To obtain Board approval for: selection of other than the lowest tender (as required by the CVRD Purchasing Policy) for the purchase of the Pumper Firefighting Apparatus for the North Oyster Fire Protection Service Area, and to receive Board authorization of the reserve fund expenditure.

Financial Implications:

The 2010 budget for this purchase was set at \$415,000 to be paid out of Reserve Funds. The Reserve Fund currently has an uncommitted balance of \$468,917. If Rocky Mountain Phoenix is awarded the bid, the selected Pumper is expected to cost \$371,724 (net of tax and rebates). The lowest bid submitted during the Request for Proposal (RFP) process was \$349,498.

Interdepartmental/Agency Implications:

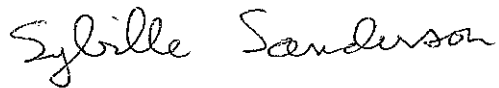
Legislative Services is responsible for preparing a reserve fund expenditure bylaw and Financial Services is responsible for ensuring that sufficient reserve funds are available and committed for the expenditure.

Background:

The members of the North Oyster department, working with Public Safety staff, completed a detailed Request for Proposal for a replacement vehicle. Four submissions were received and although not the lowest bid, it is recommended that Rocky Mountain Phoenix be chosen as the supplier. Justification for the recommended bid is that the bid offered the following:

- More cabinet space
- The most in-cab options
- Meets length, height and width limitations
- More emergency lighting
- Excellent engine type and horsepower
- High riser monitor

Submitted by,



Sybille Sanderson,
Acting General Manager Public Safety



C·V·R·D

SR6

STAFF REPORT

REGIONAL BOARD MEETING
OF NOVEMBER 10, 2010

DATE: November 3, 2010 **FILE NO:** Bylaw 3416

FROM: Alison Garnett, Planner II
Development Services Division

SUBJECT: Official Community Plan Amendment Bylaw No. 3416
(Bill 27, Area G)

Recommendation:

For information purposes.

Purpose:

To amend OCP Amendment Bylaw No. 3416 prior to considering third reading.

Financial Implications: N/A

Interdepartmental/Agency Implications: N/A

Background:

OCP Amendment Bylaw No. 3416 is on the November 10th Board agenda for 3rd reading. Bylaw 3416 went to public hearing on October 26, 2010, and as a result of comments received, it is recommended that the Bylaw be amended as follows:

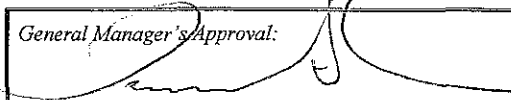
1. Add the following to Climate, Land, Resources and Energy Efficiency Policy 22.3:
“f. The CVRD Board will pursue opportunities to build and improve dedicated cycling lanes, in collaboration with the Ministry of Transportation and Infrastructure and adjacent jurisdictions, with particular emphasis on Chemainus Road.”

The recommended change does not change use or density, therefore a further public hearing is not required. Prior to considering third reading, second reading of Bylaw 3416 needs to be rescinded, and OCP Amendment Bylaw No. 3416, as amended, can be considered for second reading.

Submitted by,

Alison Garnett
Planner II
Development Services Division
Planning and Development Department

General Manager's Approval:



Signature



SR7

C·V·R·D

STAFF REPORT

REGULAR BOARD MEETING
NOVEMBER 10, 2010

DATE: November 3, 2010 File No.:

FROM: Sybille Sanderson, Acting General Manager, Public Safety

SUBJECT: The Great British Columbia ShakeOut (ShakeOut BC)

Recommendation:

That the Board promote region-wide participation in the Great British Columbia ShakeOut drill on January 26, 2011 at 10:00 and encourage individuals, families, businesses and organizations to participate.

Purpose:

To increase awareness of earthquake safety and participation in the “Great British Columbia ShakeOut” drill on January 26, 2011 at 10:00 a.m.

Financial Implications:

The strategies planned have minimal associated costs, such as staff participation in the drill, the placement of advertisements in the local paper and the distribution of posters to facilities.

Interdepartmental/Agency Implications:

Individual departments would need to post information for the public to accommodate participation.

Background:

Earthquake Threat

In Canada, the coast of British Columbia is the region most at risk from a major earthquake. More than 1200 earthquakes are recorded in the province each year. Although most are too small to be felt, an earthquake capable of causing structural damage is expected to occur once every ten years. In a densely populated urban area even a magnitude 6 earthquake could do extensive damage. A strong earthquake close to population centers would likely be the most destructive natural disaster this country could experience. In other parts of the world, an increased awareness about what to do during an earthquake has been proven to reduce injuries and deaths. As British Columbia is at high risk for a major earthquake, it is important that individuals prepare for major earthquakes and practice how to protect themselves.

ShakeOutBC Drill

The BC Earthquake Alliance Society is organizing a province-wide earthquake drill to be held on January 26, 2011 at 10:00 am, to enhance public awareness of the earthquake hazard and encourage personal preparedness. During the drill, participants will be asked to “Drop, Cover and Hold On” for up to two minutes, in response to a simulated earthquake event. The ShakeOut BC Organizing Committee is encouraging individuals and organizations to register at www.shakeoutbc.ca to be counted in the drill, promote the drill within their community and have staff participate on drill day. The “Great British Columbia ShakeOut” is being led by the BC Earthquake Alliance Society and the ShakeOut BC Organizing Committee, a coalition of local, provincial, federal and non-governmental organizations working together to promote earthquake preparedness to British Columbians. The drill, which is intended to be an annual event, is modeled after the highly successful “Great California ShakeOut”, which is now in its third year. The January 26th date has been selected to mark the 311th anniversary of the last magnitude 9 earthquake in British Columbia (January 26, 1700).

CVRD Participation

The CVRD’s participation in the ShakeOut drill will involve the following:

- a) To be formally recognized as a ShakeOut BC participant, the appropriate staff will register at www.shakeoutbc.ca, the official website for this initiative.
- b) The CVRD’s participation in the Great British Columbia ShakeOut will be promoted to municipal councils and to the general public to raise awareness about the earthquake threat in British Columbia, and encourage public participation through the placement of advertisements on our website and the distribution of promotional posters at CVRD facilities.
- c) At 10:00 a.m. on January 26, 2011, staff throughout the CVRD will join other organizations around the province in the internationally recognized Drop, Cover and Hold On Protocol for up to 2 minutes. All participants will be asked at a minimum to:
 - Drop to the ground
 - Take cover by getting under a sturdy desk or table, and
 - Hold On to it until the shaking stops
- d) Following the drill, CVRD staff are encouraged to meet and review the drill and answer the questions from the Level 2 – Basic: Life Safety Drill (detailed handouts will be provided by Public Safety prior to the drill).

Submitted by,



Sybille Sanderson
Acting General Manager, Public Safety

Attachments: (2)

- ShakeOut BC Local Government Participation Brochure
- ShakeOut BC Fact Sheet

Shake Out

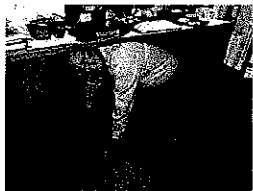
The Great British Columbia ShakeOut

Annual Provincial-Wide Earthquake Drill

Local Government Get Ready to ShakeOut!

At 10:00 a.m. on January 26, 2011, thousands of British Columbians will "Drop, Cover, and Hold On" in *The Great British Columbia ShakeOut*, the largest earthquake drill in BC history! All local governments and their departments are encouraged to participate in the drill (or plan a more extensive exercise).

British Columbia is located in a seismically active region where a few thousand earthquakes occur each year in and adjacent to the province. The threat of a major earthquake in the province is real and all British Columbians must know how to be prepared.



The ShakeOut drill is our chance to practice how to protect ourselves, and for everyone to become prepared. The goal is to prevent disasters from becoming catastrophes.

Once you register, participation can be as simple as three easy steps:

1. **Drop, Cover, and Hold On:** Have your employees **Drop** to the ground, take **Cover** under a table or desk, and **Hold On** to it as if a major earthquake were happening (stay down for at least 60 seconds). Practice now so that your employees will immediately protect themselves during an earthquake!
2. While still under the table, or wherever you are, look around and imagine what would happen in a major earthquake. What would fall on you or others? What would be damaged? What would life be like after?
3. Finally, you can practice what you will do after the shaking stops.

Everyone can participate! Individuals, families, businesses, schools, government agencies and organizations are all invited to register.

Be a part of the largest earthquake drill in Canadian history on January 26, 2011 at 10am!

Register today at shakeoutbc.ca

HOW TO PARTICIPATE

Here are a few suggestions for what local governments and agencies can do to participate in the ShakeOut. More information is at www.shakeoutbc.ca.

Plan Your Drill:

- Register at www.shakeoutbc.ca to be counted in the ShakeOut Drill, get email updates, and more.
- Have a "Drop, Cover, and Hold On" drill at 10:00 a.m. on January 26.
- You may also want to coordinate an exercise of your emergency plan.
- Discuss what you learned and make improvements.

Get Prepared for Earthquakes:

- Check your emergency supplies and equipment; make sure they are accessible and functional. After an earthquake you may need to remain in place for at least 72 hours or up to week, so ensure you have the necessary supplies.
- Inspect your facilities for items that might fall and cause injury, and secure them.
- Encourage employees to prepare at home.
- Provide first aid and response training for employees.
- For more information on planning for your organization, please visit www.publicsafety.gc.ca/prg/em/gds/bcp-eng.aspx

Share the ShakeOut:

- Encourage employees to ask their friends, families, and neighbors to register.
- Agencies with outreach roles can include ShakeOut messaging in their routine activities.
- Posters, flyers, and other materials for promoting the ShakeOut are at www.shakeoutbc.ca.
- Share your experience at www.shakeoutbc.ca.



As a registered ShakeOut participant you will:

- Learn what you can do to get prepared
- Receive ShakeOut news and other earthquake information
- Be counted in the largest earthquake drill ever!
- Set an example that motivates others to participate

Shake Out

The Great British Columbia ShakeOut *Drop! Cover! Hold On!*

Federal, provincial, local emergency management experts and other official preparedness organizations all agree that "Drop, Cover, and Hold On" is the appropriate action to reduce injury and death during earthquakes. The ShakeOut is our opportunity to practice how to protect ourselves during earthquakes. This page explains what to do-- and what not to do.



Protect Yourself. Spread the Word.

Official rescue teams who have been dispatched to the scene of disasters around the world continue to advocate use of the internationally recognized "Drop, Cover and Hold On" protocol to protect lives during earthquakes:

- **DROP** to the ground (before the earthquake drops you!)
- Take **COVER** by getting under a sturdy desk or table, and
- **HOLD ON** to it until the shaking stops.

If there isn't a table or desk near you, cover your face and head with your arms and crouch in an inside corner of the building. Do not try to run to another room just to get under a table.

The main point is to try not to move and **immediately** protect yourself as best as possible where you are. Earthquakes occur without any warning and may be so violent that you cannot run or crawl; you will most likely be knocked to the ground wherever you happen to be. You will never know if the initial jolt will turn out to be start of the big one. You should **Drop, Cover, and Hold On** immediately!

In addition, studies of injuries and deaths caused by earthquakes in the U.S. over the last several decades indicate you are much more likely to be injured by falling or flying objects (TVs, lamps, glass, bookcases, etc.) than to die in a collapsed building. *Drop, Cover, and Hold On* offers the best overall level of protection in most situations. As with anything, practice makes perfect. To be ready to protect yourself, practice **Drop, Cover, and Hold On** as children do in school at least once a year.

What Not to Do

DO NOT get in a doorway!

An early earthquake image from California showed a collapsed adobe home with the door frame as the only standing part. From this came our belief that a doorway is the safest place to be during an earthquake. In modern houses and buildings, doorways are no safer, and they do not protect you from flying or falling objects. Get under a table instead!

DO NOT run outside!

Trying to run in an earthquake is dangerous, as the ground is moving, and you can easily fall or be injured by debris or glass. Running outside is especially dangerous, as glass, bricks, or other building components may be falling. You are much safer to stay inside and get under a table.

DO NOT believe the so-called "triangle of life"!

In recent years, an e-mail has circulated which has recommended potentially life threatening actions, and the source has been discredited by leading experts.

BACKGROUND

Hazard:

- British Columbia is located in a seismically active region where a few thousand earthquakes occur each year in and adjacent to the province. The threat of a major earthquake in the province is real; therefore, we must ensure all British Columbians know how to be prepared.

ShakeOut Success in California:

- In November 2008, California conducted the first annual "ShakeOut" earthquake drill with 5.3 million participants. The event grew to 6.9 million participants in 2009 and will continue as an annual earthquake drill throughout the state.
- The ShakeOut drill was found to be a positive public education tool to promote earthquake safety to a wide audience and in turn enhanced public awareness of the hazard and the need for personal preparedness.
- The ShakeOut website is a powerful education and outreach resource for promoting the event and earthquake safety applicable to different demographics from the individual and family to schools and businesses. (<http://www.ShakeOutBC.ca>).

Project Description:

- Conduct a locally driven, province-wide "Drop, Cover, and Hold On" drill on January 26, 2011 (311th anniversary of the Magnitude 9.0 Cascadia Earthquake).
- Participants will include: individuals and families, schools, businesses, the health care system, local authorities and First Nations, provincial and federal governments, not-for-profit and community organizations, and the media.
- Modelled after the highly successful California ShakeOut drill.
- A website comparable to the California ShakeOut website is available: <http://www.ShakeOutBC.ca>.
- Public education tools will include: posters, fliers and media announcements.

Project Details:

- Participants will be requested to "Drop, Cover, and Hold On" for up to 2 minutes across British Columbia at 10:00am on January 26, 2011.
 - **DROP** to the floor, take **COVER** under a desk or sturdy piece of furniture and protect your head, and **HOLD ON** to the piece of furniture.
(<http://www.dropcoverholdon.org/>)
- An audio clip describing the shaking and consequences of a damaging earthquake will be provided to assist with the drill.

Project Leadership:

- This project is driven by the B.C. Earthquake Alliance Society. The Alliance is working with members from emergency management, government (local/provincial/federal), science, non-profit organizations and businesses to raise awareness of earthquake risk and promote readiness across British Columbia.

The BC Earthquake Alliance has collaborated with the Earthquake Country Alliance of California (organizers of "The Great California ShakeOut") to ensure a consistent message of earthquake preparedness throughout North America.

.../2

WHY BE INVOLVED?

Benefits:

- Increased awareness and personal preparedness:
 - Reduces injuries and deaths during an earthquake and allows first responders to focus on those requiring immediate assistance.
 - Facilitates a timely resumption of business.
 - Helps reduce the strain on local emergency programs.
 - Promotes mitigation that reduces economic losses.
- Enhancing public education of earthquake risk throughout BC will assist in preparing for, responding to, and recovering from a major earthquake.
 - Prepared individuals create resilient communities.
 - Prepared schools and organizations fulfill a responsibility for student and employee safety.
 - Resumption of daily activities leads to a better sense of normalcy.
- **Partnership in ShakeOut BC establishes your organization as an ambassador for earthquake safety and preparedness.**

Legacy:

- The success of the first event will encourage increased participation in future years, making this an annual event that will enhance earthquake preparedness in British Columbia.
- **Integrated and enhanced planning and preparedness prior to a damaging earthquake contributes to resilient communities throughout the province.**

HOW TO BE INVOLVED

Ways to be involved:

1. **Participate** in the drill: Register on-line.
2. Be a **Supporter**: Your organization's preparedness information will be a link on the ShakeOut BC website.
3. Be a **Sponsor**: Contribute funds to ensure success of the project:
 - a. GOLD SPONSOR – Greater than \$15,000
 - b. SILVER SPONSOR – \$5,000 - \$15,000
 - c. BRONZE SPONSOR – \$1,000 - \$5,000

IF THIS PROJECT RESONATES WITH YOU AND YOU WOULD LIKE MORE INFORMATION OR TO BE FURTHER INVOLVED, PLEASE CONTACT THE SHAKEOUT BC ORGANIZING COMMITTEE.

AT info@shakehoutbc.ca

WE WELCOME YOUR PARTICIPATION.



PUBLIC HEARING REPORT
Bylaws No. 3378 and 3379

Following is a summary of the proceedings of the Public Hearing for Official Community Plan Amendment Bylaw No. 3378 and Zoning Amendment Bylaw No. 3379 (Koutougos), applicable to Electoral Area A – Mill Bay/Malahat, held on Thursday, October 14, 2010, at the Kerry Park Recreation Centre (McLean Room), 1035 Shawnigan Mill Bay Road, Mill Bay, BC, at 7:04 p.m.

HEARING DELEGATES Director B. Harrison, Electoral Area A – Mill Bay/Malahat, Chairperson
Director I. Morrison, Electoral Area F – Cowichan Lake South/Skutz Falls
Director G. Giles, Electoral Area C – Cobble Hill

CVRD STAFF PRESENT Ms. A. Garnett, Planner, Planning & Development Department
Mr. R. Conway, Manager, Planning & Development Department
Ms. J. Hughes, Recording Secretary, Planning & Development Department

Members of the Public:
There were approximately 7 members of the public present.

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

PROCEDURES Ms. Garnett explained the requirements under Section 890 of the *Local Government Act*. She advised that notice of the Public Hearing was advertised in two consecutive issues of the *Citizen* (Wednesday, October 6, 2010 and Friday, October 8, 2010) and *Leader Pictorial* (Wednesday, October 6, 2010 and Friday, October 8, 2010) and letters had also been sent to adjacent owners and occupiers of the property as required by the *Local Government Act*.

Official Community Plan Amendment Bylaw No. 3378 proposes to amend Electoral Area A – Mill Bay/Malahat Official Community Plan Bylaw No. 1890 in order to:

- Allow for a new residential zone that would permit duplexes within the Urban Containment Boundary, if the following issues are considered: vehicle and pedestrian safety, water and sewer servicing, and compatibility with adjacent land uses.
- Add to the Mill Bay Development Permit Area guidelines pertaining to residential duplex development, to provide guidelines for the form and character of buildings, preserve views from adjacent land, ensure safe vehicle access and discrete parking.

Zoning Amendment Bylaw No. 3379 proposes to amend Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 by creating a new zone – the

Urban Residential Duplex Zone – R-4 Zone, and rezoning Lot 1, Section 1 and 2, Range 9, Shawnigan District, Plan 30142 from R-3A (Urban Residential Limited Height) to R-4 (Urban Residential Duplex) Zone.

The purpose of Amendment Bylaw Nos. 3378 and 3379 is to permit a duplex residence on the subject property.

Ms. Garnett stated that no letters of response had been received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the CVRD office today, October 14, 2010, at 4:30 pm. She further advised that copies of the proposed Amendment Bylaws were located on the side table for review.

Ms. Garnett recapped by stating that a Rezoning Application was received to rezone the subject property located at 2691 Mill Bay Road in order to permit a duplex residence on the property and also allow it to be within the Urban Containment Boundary (UCB).

Correspondence

No correspondence was received.

Location of File

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

APPLICANT,

Silvia Bonet, Architect, was present acting as Agent on behalf of the property owner Gerry Koutougos who was unable to attend the Public Hearing and she stated the following with regard to Rezoning Application No. 3-A-09RS:

- Site is located on a corner that is close to residential areas to the east, south and partially to the west. There is also a commercial area located to the north and north-west and Brentwood College is in the area;
- Site will contain a higher density with the proposed duplex but will be considered as residential and consistent with the area;
- Location is close to the commercial area which will provide all the necessary amenities;
- Property is located within the UCB and compatible with adjacent uses;
- Discussions have carried out with CVRD Parks with regard to trail dedication and noted that in the future, if approved, the trail will possibly continue along Mill Bay Road and noted that process would fall under the Development Permit Area process of the application;
- Original 7.5 m setback from the property line has been adjusted; there will be a 4.5 m setback to the edge of the 3 m wide trail. Proposed trail will belong to the CVRD Parks Department. 7.5 m will be the setback to the road;
- Access to the proposed duplex will not be off Mill Bay Road it would be off Handy Road;
- Proposed duplex units will also have pedestrian access from the proposed

- trail;
- Proposed garages will face the rear side of the property;
- There is a slope difference of almost 5 feet on the property between the edge of the property and the lower part of the site which will make the units from Mill Bay Road look only 1½ stories high instead of 2 stories high;
- Lot coverage is under 20%;
- Water service to the site will come from the Mill Bay Waterworks District;
- Presently they are proposing two on-site septic treatment fields which will be contained on the same property but noted that in the future, if the Marina development proceeds, there was the possibility of the site being serviced by the Marina development's sewer treatment plant;
- If the rezoning is approved they would still have to go through a Development Permit Application process. Through the Development Permit Application process form and character of the houses will be addressed;
- There will also be a green area on the site that will help to enhance the security and safety of the corner;
- Feels the proposed development is consistent with the area and will contribute to provide housing for seniors and younger families.

QUESTION PERIOD

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

**Ian Martin,
2648 Mill Bay Road**

- Is the market target either rental or to be simple fee?

Silvia Bonet

- Sell the houses, not rentals.

**Dave Burkmar,
743 Handy Road**

- Lot size of the subject property?

Silvia Bonet

- 1,837 sq m.

Dave Burkmar

- What type of sewage treatment system is proposed?

Silvia Bonet

- There will be holding tanks and a working septic field with a backup field with three chambers.

**Speaker,
54 Handy Road**

- What is the elevation in the lower area?

Silvia Bonet

- 96.8 m and 105 m.

Speaker,

- Will the septic field area be on a level area?

54 Handy Road

- Silvia Bonet** ➤ There will be some slope but the septic area is quite level and it will be located 10 ft from the property line.
- Speaker**
54 Handy Road ➤ What is the height restriction?
- Silvia Bonet** ➤ 7.5 m is the height restriction.
- Margo Johnston,**
2665 Mill Bay Road ➤ Understood that the new Official Community Plan (OCP) for the south end will be in draft form by the end of November and asked if the subject rezoning could be looked at through that process? Is the rezoning also changing the UCB for Mill Bay?
- Alison Garnett** ➤ The proposed zoning amendment is specific to the subject property and only proposes to rezone the subject property to a duplex zone. Any future applications for duplexes would have to come forward as a new rezoning application and would have to go through the full rezoning process. Proposed OCP Amendment Bylaw does establish criteria with regard to duplexes generally in the UCB. Subject rezoning application is specific to the subject property and any future duplex rezoning would have to be applied for as a new rezoning application.
- Ian Martin** ➤ Are there two zoning amendments with regard to the subject rezoning?
- Alison Garnett** ➤ Two separate amendment bylaws are being presented, one being the OCP Amendment Bylaw and the other being the Zoning Amendment Bylaw.
- Speaker** ➤ How many bedrooms will be within the duplex?
- Silvia Bonet** ➤ 3 bedrooms in each unit.
- Director Harrison** Asked for further questions from the public present three times regarding Official Community Plan Amendment Bylaw No. 3378 and Zoning Amendment Bylaw No. 3379.
- PUBLIC COMMENTS** The Public Hearing was then opened to those members of the public present who deemed themselves affected by the proposed Amendment Bylaws. Chair Harrison reminded the public that the Information Binder was available for review located on the side table, along with copies of the proposed Amendment Bylaws, and that all submissions must be received at the head table prior to the close of the Public Hearing.
- Ian Martin,**
2648 Mill Bay Road ➤ Subject property has been derelict for many years and it has not been taken care of at all;
➤ There was a previous rezoning application a few years ago for a commercial parcel down the street and he believes that Handy Road is the

- dividing line between the residential, commercial and institutional parcels;
- If residential parcels are being rezoned to multi-family residential that would open the door for others to come forward and stated that he does not want to see the duplex units rented out;
- Opposed to the proposed rezoning to duplex residential.

Dave Burkmar

- He has lived on Handy Road for 29 years and feels looking at the two amendments is premature as the sewage issues have not been sorted out and it would be increasing the potential density of the urban area;
- Until the sewage is sorted out the status quo should remain the same;
- In regard to the specific property he has concerns and is opposed to both proposed Amendment Bylaws for vehicular traffic and access onto Handy Road as it is extremely dangerous at times;
- The sewage issue is also a concern as the property is saturated in the winter time and the water runs down through that property;
- Also opposed to having two units with sewage as compared to the existing zoning for one unit and sewage;
- Opposed to the Rezoning Application.

**Jim Squire,
Bay Bluff**

- If waiting for future sewer to come forward there will be very few people who will live to see it and feels it would be better to see a relatively smaller situation as opposed to a huge housing development;
- Wants to see the corner cleaned up instead of leaving it in its present dormant situation and at present the road traffic at that corner is very dangerous;
- Feels it is not realistic to hold up a small one lot application until the sewer comes into the area.

**Margo Johnston,
2665 Mill Bay Road**

- Opposed to the proposed Rezoning Application as the subject property is considerably less than ½ acre in size and she does not support two homes on it;
- Would support one home on the lot but does not support two homes on the small lot.

**Ms. Johnson
54 Handy Road**

- Not necessarily opposed to the proposed duplex but she is more opposed to the larger pieces being rezoned;
- Presently the area is very unsightly and the corner is also very dangerous;
- She should have asked the question if the parcel could have been purchased by someone else to use it as a traffic circle;
- Not opposed to the particular development but she is opposed to the larger parcels being rezoned until the sewer is brought in.


ADJOURNMENT

Chairperson Harrison asked for public comments or submissions three times from the public present regarding Official Community Plan Amendment Bylaw No. 3378 and Zoning Amendment Bylaw No. 3379.

Chairperson Harrison declared the Public Hearing closed at 7:25 pm.

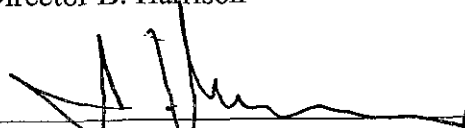
CERTIFICATION:

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



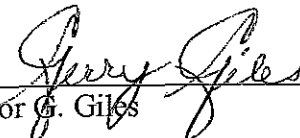
Director B. Harrison

Date 11/02/10



Director I. Morrison

Date 11/01/10



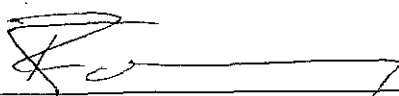
Director G. Giles

Date Nov 2, 2010



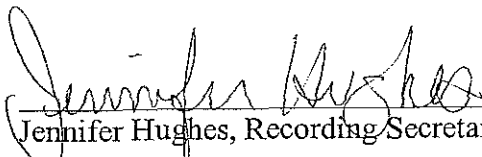
Alison Garnett, Planner

Date Nov 2, 2010



Rob Conway, Manager

Date Nov 2, 2010



Jennifer Hughes, Recording Secretary

Date Nov. 1, 2010



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PUBLIC HEARING REPORT
Bylaw No. 3416

Following is a summary of the proceedings of the Public Hearing for Official Community Plan Amendment Bylaw No. 3416 (Bill 27), applicable to Electoral Area G – Saltair/Gulf Islands, held on Tuesday, October 26, 2010, at the Chemainus Senior’s Drop-in Centre, 9824 Willow Street, Chemainus, BC, at 7:00 p.m.

**HEARING
DELEGATES**

Director M. Dorey, Electoral Area G – Saltair/Gulf Islands, Chairperson
Director M. Marcotte, Electoral Area H – North Oyster/Diamond
Director I. Morrison, Electoral Area F – Cowichan Lake South/Skutz Falls

**CVRD STAFF
PRESENT**

Mr. M. Tippett, Manager, Planning and Development Department
Ms. A. Garnett, Planner II, Planning and Development Department
Ms. C. Allen, Recording Secretary, Planning and Development Department

Members of the Public:

There were approximately four members of the public present.

CALL TO ORDER

Director M. Dorey chaired the Hearing and called the meeting to order. The Chairperson introduced the Hearing Delegates and CVRD Staff present.

PROCEDURES

Ms. Garnett 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 *The Chronicle* (Tuesday, October 12, 2010 and Tuesday, October 19, 2010) and in the *Citizen* (Wednesday, October 20, 2010, and Friday, October 22, 2010) as required by the *Local Government Act*.

Official Community Plan Amendment Bylaw No. 3416 proposes to amend CVRD Electoral Area G – Saltair/Gulf Islands Official Community Plan Bylaw No. 2500 by introducing a new section to the Plan, entitled “**Climate, Land, Resources and Energy Efficiency (Bill 27)**”. This proposed section contains information on the production of greenhouse gas emissions, which are partly responsible for recent changes in worldwide climate patterns. In the CVRD, vehicle related transportation is the single largest contributor of greenhouse gas emissions. Within the new section, support is expressed for the Provincial greenhouse gas reduction targets. Acknowledging that Electoral Area G- Saltair/Gulf Islands’ potential to influence greenhouse gas emissions is largely through land use planning, the proposed Plan amendment establishes objectives with respect to making wise and efficient use of lands and resources.

Generally, the proposed new section attempts to strengthen the current Plan policies, including the following: the conservation of forested lands to maximise their role as a reservoir of carbon and provide limits to residential sprawl; conservation of the agricultural land base, and support of local agricultural production and consumption; support for transit and non-vehicle modes of transportation; encouraging efficient land use patterns; and establishing guidelines for future Plan reviews to strive towards even higher efficiency in land use. Modest complementary additions to other existing policies and sections in the Plan are also proposed.

The purpose of Official Community Plan Amendment Bylaw No. 3416 is to bring the Saltair/Gulf Islands Plan into compliance with Bill 27 of the Province of British Columbia. Bill 27 requires that all Official Community Plans contain greenhouse gas reduction targets and the objectives and policies designed to move towards compliance with these targets. This must be done in 2010.

Ms. Garnett stated that no emails or letters of response to the proposed Bylaw have been received from the date the advertisement was placed within the local newspapers to the start of the Public Hearing.

Director Dorey noted that an article regarding the amendment was featured in the local Ladysmith Chemainus Chronicle.

Director Dorey explained that the CVRD has initiated the amendment as required by the Province.

Ms. Garnett explained that the amendments will strengthen existing policies in the Official Community Plan that already address greenhouse gas emissions.

Director Dorey noted that Ms. Garnett attended a Saltair APC meeting to explain the proposed amendment bylaw and showed a video on greenhouse gas emissions.

Director Dorey reviewed, in general terms, the policies being added to the Natural Environment Policies, the Agricultural Resource Designation Policies, the Forestry Resource Designation Policies, the Suburban Residential and General Residential Designation Policies, the Parks and Trails Policies, and the Transportation Designation Policies. He stated that Saltair supports Agriculture production with its existing pepper farm which is the largest on Vancouver Island; Saltair gets 15% of its taxes from forestry companies operating in Area G; the Island railway corridor goes through Saltair; a section of the Trans Canada Trail is being built through Saltair for recreation and transportation needs; and that the APC suggested the concept of shifting denser development towards the communities of Chemainus or Ladysmith rather than Saltair.

- Correspondence** There was no correspondence received either prior to or at the public hearing.
- Location of File** Director Dorey advised that the Information Binder was available for review on the side table, along with copies of the Amendment Bylaw, and advised that any letters or submissions 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.
- QUESTION PERIOD** Director Dorey opened the public question period of the Public Hearing. He stated that the Public Hearing Delegates and Staff members could answer questions at this time, and that after the close of the Question Period and the opening of the official Public Hearing there could be no questions taken.
- Delbert Neal**
- Asked what is being proposed.
- Alison Garnett**
- Advised that a process has been initiated by the Province of BC that requires all communities to adopt greenhouse gas reduction targets.
- Delbert Neal**
- Asked how this can be accomplished.
 - The elderly cannot walk or bicycle and need to drive vehicles; a person uses gas to take recycling to the depot; it's not worthwhile taking in bottles and cans because it costs more for gas than you receive for refunds; you can't grow your own vegetables because the water bills are too high and there's not enough water due to summer restrictions; a person cannot reduce the carbon footprint when they need to drive to depots.
 - Mentioned various items of concern not related to the bylaw amendments. Director Dorey advised Mr. Neal that he would contact him separately to discuss his other concerns.
- Doug Orr**
- Resides on Punnett Close.
 - Many people walk and cycle on Chemainus Road. Would like to see a sidewalk constructed along Chemainus Road to connect communities.
 - Two out of five residents on Punnett Close bicycle to Duncan but have concerns regarding safety. Asked where safety is addressed in the Plan.
- Alison Garnett**
- Neither the OCP or the CVRD has jurisdiction over roads or sidewalks which is the responsibility of the Ministry of Transportation.
 - The issue is a challenge when trying to deal with greenhouse gas emissions but may be able to look at with a Climate Action Plan.

- Mike Tippett**
- The Ministry of Transportation did come out with a plan to widen road shoulders and provide bike lanes but is moving slowly.
 - The Ministry is reluctant to put in sidewalks due to maintenance and liability concerns.
 - Political pressure should be put on the Ministry.
- Doug Orr**
- Asked why only certain sections of Chemainus Road have sidewalks.
- Mike Tippett**
- The sections that include sidewalks are located within the Town of Ladysmith and Municipality of North Cowichan
 - Municipalities have jurisdiction over the roads and sidewalks in their boundaries, therefore are responsible for liability and maintenance.
- Delbert Neal**
- Asked if Chemainus Road is part of the Trans Canada Trail.
- Director Dorey**
- Advised that originally the trail was to go along Chemainus Road but plans changed to build the trail along the rail line.
 - Advised of sections of the Trail that have now been completed through Chemainus and Saltair.
- Delbert Neal**
- Asked about the future of rail transportation.
- Director Dorey**
- Plans may include changing the train's direction to begin in Nanaimo and go to Victoria in the a.m. rather than begin in Victoria and arrive in Nanaimo.
- Dennis Plante**
- Chemainus Road is extremely dangerous and feels is a good idea to lobby the Ministry to construct a sidewalk.
- Alison Garnett**
- Proposed policies 22.3 are specific to transportation which encourage cycling and walking paths.
- Dennis Plante**
- Asked when something specific can be done.
- Mike Tippett**
- The CVRD can try to implement policies once the bylaw is adopted including influencing appropriate individuals.
- Doug Orr**
- Has experienced many sections of the Trans Canada Trail and commented that the trail could not be used as an acceptable route for commuters.
- Mike Tippett**
- Noted the Trans Canada Trail is for recreation only and not intended for commuting.

- Doug Orr**
 - Would like to see a proper commuting path initiated.
- Director Dorey**
 - Suggested that the CVRD could partner with the Ministry but would require tax dollars.
- Mike Tippett**
 - Suggested that maybe some of the additional gas tax money that has recently been given to the CVRD could be used to initiate a commuting path.
- Dennis Plante**
 - Would like to see community gardens promoted in Saltair.
- Delbert Neal**
 - Lots of vacant land available in Saltair where community gardens could be located but would not be feasible due to water constraints.

Director Dorey Asked for further questions three times from the public present regarding Official Community Plan Amendment Bylaw No. 3416.

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


- Doug Orr**
 - Recommends that policies be put into the OCP to encourage that a specific cycling trail be established along Chemainus Road.

ADJOURNMENT Chairperson Dorey asked for comments or submissions three times from the public present regarding Official Community Plan Amendment Bylaw No. 3416.

Chairperson Dorey declared the Public Hearing closed at 7:50 p.m.

CERTIFICATION:

We attended the Public Hearing on Tuesday, October 26, 2010, and hereby certify that this is a fair and accurate report of the Public Hearing.



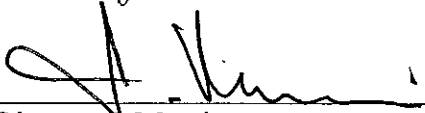
Director M. Dorey

Date 11/02/10



Director M. Marcotte

Date 11/02/10



Director I. Morrison

Date 11/02/10



Mike Tippett, Manager

Date 2 November 2010



Alison Garnett, Planner II

Date Nov 3, 2010



Cathy Allen, Recording Secretary

Date November 2, 2010



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3392

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

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

AND WHEREAS the Regional District wishes to amend Bylaw No. 2950 by increasing the maximum annual requisition limit from \$8,500. to \$17,000.;

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

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

1. **CITATION**

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

AMENDMENT:

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

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

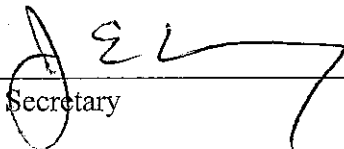
The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$17,000. or an amount equal to the amount that could be raised by a property value tax of \$.01131 per \$1,000. of net taxable value of land and improvements within the service area.

READ A FIRST TIME this 14th day of July, 2010.

READ A SECOND TIME this 14th day of July, 2010.

READ A THIRD TIME this 14th day of July, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 3392 as given Third Reading on the 14th day of July, 2010.


Corporate Secretary

JULY 19, 2010
Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 12th day of August 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3403

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

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

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

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

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

1. **CITATION**

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

2. **AMENDMENTS:**

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

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

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

METHOD OF COST RECOVERY:

- 5. The annual cost of providing this service shall be recovered by one or more of the following:
 - a) property value taxes requisitioned and collected on the basis of the net taxable value of land and improvements within the service area, as per the *Local Government Act*;
 - b) revenues raised by other means authorized by the *Local Government Act* or another *Act*.

MAXIMUM REQUISITION:

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

READ A FIRST TIME this 14th day of July, 2010.

READ A SECOND TIME this 14th day of July, 2010.

READ A THIRD TIME this 14th day of July, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 3403 as given Third Reading on the 14th day of July, 2010.

Corporate Secretary

Date JULY 19, 2010

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

ADOPTED this _____ day of _____, 2010.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3425

A Bylaw Authorizing the Expenditure of Funds From the
Kerry Village Water System Capital Reserve Fund
Established Pursuant to CVRD Bylaw No. 2502

WHEREAS as of September 30, 2010, there is an unappropriated balance in the *Kerry Village Water System Capital Reserve Fund* of Ten Thousand Two Hundred Seventy-One Dollars (\$10,271.) that has been calculated as follows:

BALANCE in Reserve Fund as at December 31, 2009: \$10,233.

ADD: Additions to the Fund, including interest earned for the current year to date. \$ 38.
\$10,271.

DEDUCT: Commitments outstanding under bylaws previously adopted. NIL

UNCOMMITTED BALANCE
In Reserve Fund as at September 31, 2010: \$10,257.

AND WHEREAS it is deemed desirable and expedient to expend not more than Ten Thousand Two Hundred Fifty-Seven Dollars (\$10,257.) for the purpose of assisting with the financing of upgrades to the water treatment plant;

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3425 - Kerry Village Water System Capital Reserve Fund Expenditure (Upgrade Water Treatment Plant) Bylaw, 2010**".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Ten Thousand Two Hundred Fifty-Seven Dollars (\$10,257.) is hereby appropriated from the *Kerry Village Water System Capital Reserve Fund* for the purpose of assisting with the financing of upgrades to the water treatment plant.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution 10-523-1.2 adopted October 13, 2010.

3. SUMS REMAINING

Should any of the said sum of Ten Thousand Two Hundred Fifty-Seven Dollars (\$10,257.) remain unexpended after the expenditures hereby authorized have been made, the unexpended balance shall be returned to the credit of the said Reserve Fund.

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

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

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

ADOPTED this _____ day of _____, 2010.

Chair

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3427

**A Bylaw to Amend Cobble Hill Community Hall Annual Contribution Service
Establishment Bylaw No. 2935**

WHEREAS the Board of the Cowichan Valley Regional District established the *Cobble Hill Community Hall Annual Contribution Service* under the provisions of Bylaw No. 2935, cited as "CVRD Bylaw No. 2935 - Cobble Hill Community Hall Annual Contribution Service Establishment Bylaw, 2007", for the purpose of assisting the Shawnigan Farmers Institute with costs associated with the operation and maintenance of the Cobble Hill Community Hall;

AND WHEREAS the Regional District wishes to amend Bylaw No. 2935 by increasing the maximum annual requisition limit from \$15,000. to \$18,000.;

AND WHEREAS the Director for Electoral Area C – Cobble Hill has consented, in writing, to the adoption of this bylaw;

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

1. CITATION:

This bylaw may be cited as "**CVRD Bylaw No. 3427 – Cobble Hill Community Hall Annual Contribution Service Amendment Bylaw, 2010**".

2. AMENDMENT:

Bylaw No. 2935, cited as "CVRD Bylaw No. 2935 – Cobble Hill Community Hall Annual Contribution Service Establishment Bylaw, 2007", is hereby amended as follows:

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

The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$18,000. or an amount equal to the amount that could be raised by a property value tax of \$.02105 per \$1,000. of net taxable value of land and improvements within the service area.

READ A FIRST TIME this 13th day of October, 2010.

READ A SECOND TIME this 13th day of October, 2010.

READ A THIRD TIME this 13th day of October, 2010.

ADOPTED this _____ day of _____, 2010.

Chair

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3433

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:

- PID 009-255-516, Part of Lot 4, Block 31, Shawnigan Lake Suburban Lots, Shawnigan District, Plan 218A;

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

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

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3433 – Shawnigan Lake North Water System Service Amendment Bylaw, 2010**".

2. **AMENDMENT**

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

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

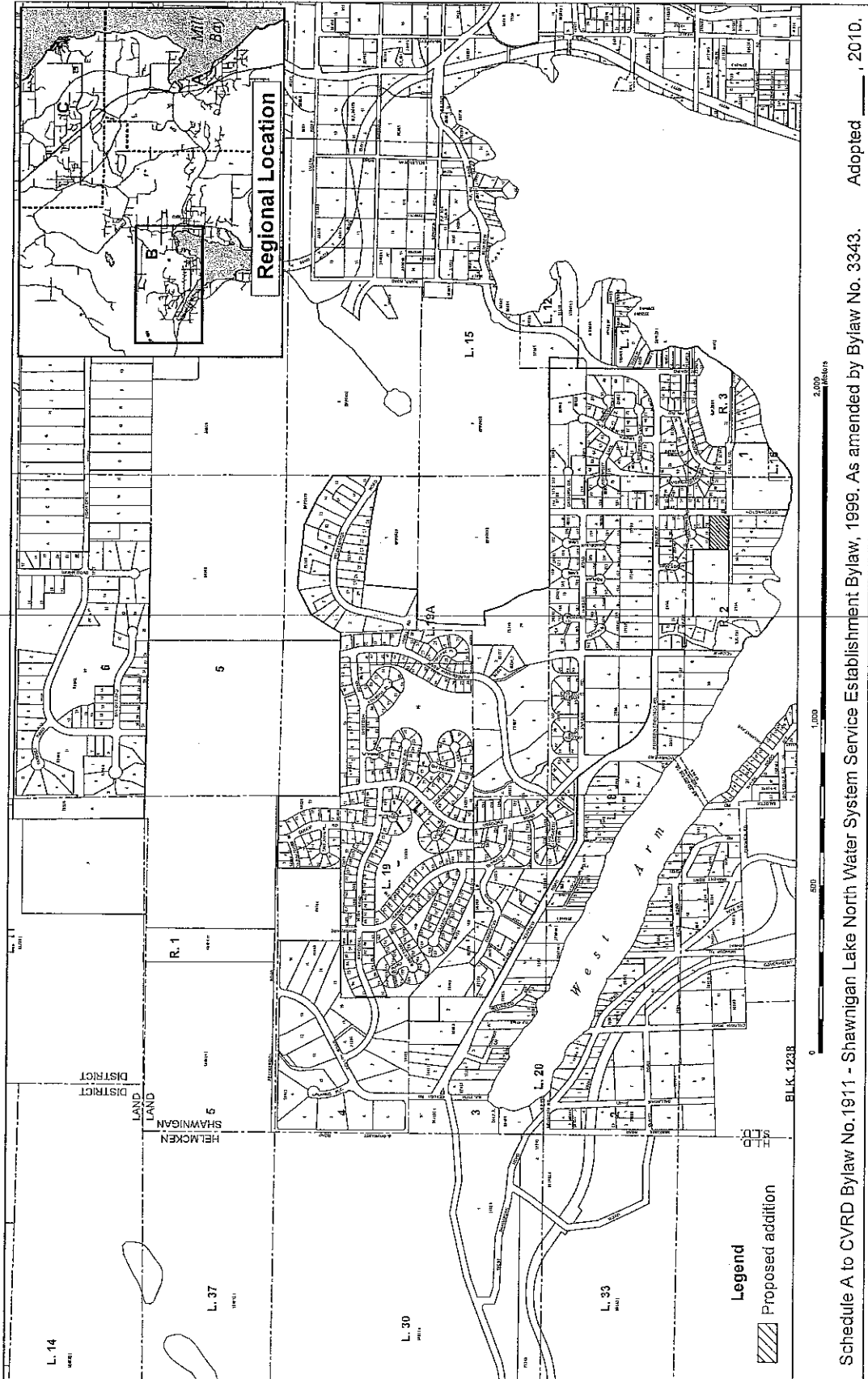
READ A SECOND TIME this _____ day of _____, 2010.

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

ADOPTED this _____ day of _____, 2010.

Chairperson

Corporate Secretary



Schedule A to CVRD Bylaw No. 1911 - Shawnigan Lake North Water System Service Establishment Bylaw, 1999. As amended by Bylaw No. 3343. Adopted _____, 2010.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3434

A Bylaw to Amend the Boundaries of the Eagle Heights Fire Protection Service Area

WHEREAS the Board of the Cowichan Valley Regional District established the *Eagle Heights Fire Protection Service Area* under the provisions of Bylaw No. 1965, cited as "CVRD Bylaw No. 1965 – Eagle Heights Fire Protection Service Establishment Bylaw, 1999";

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

- PID 000-995-215, Amended Parcel A (DD 168307-D), of Lot 3, Section 13, Range 7, Quamichan District, Plan 2298;

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

AND WHEREAS the Directors of Electoral Areas D – Cowichan Bay and E – Cowichan Station/Sahtlam/Glenora have consented, in writing, to the adoption of this bylaw;

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3434 – Eagle Heights Fire Protection Service Amendment Bylaw, 2010**".

2. **AMENDMENT**

That Bylaw No. 1965 be amended by deleting the existing Schedule A and replacing it with the Schedule A attached to this bylaw.

.../2

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

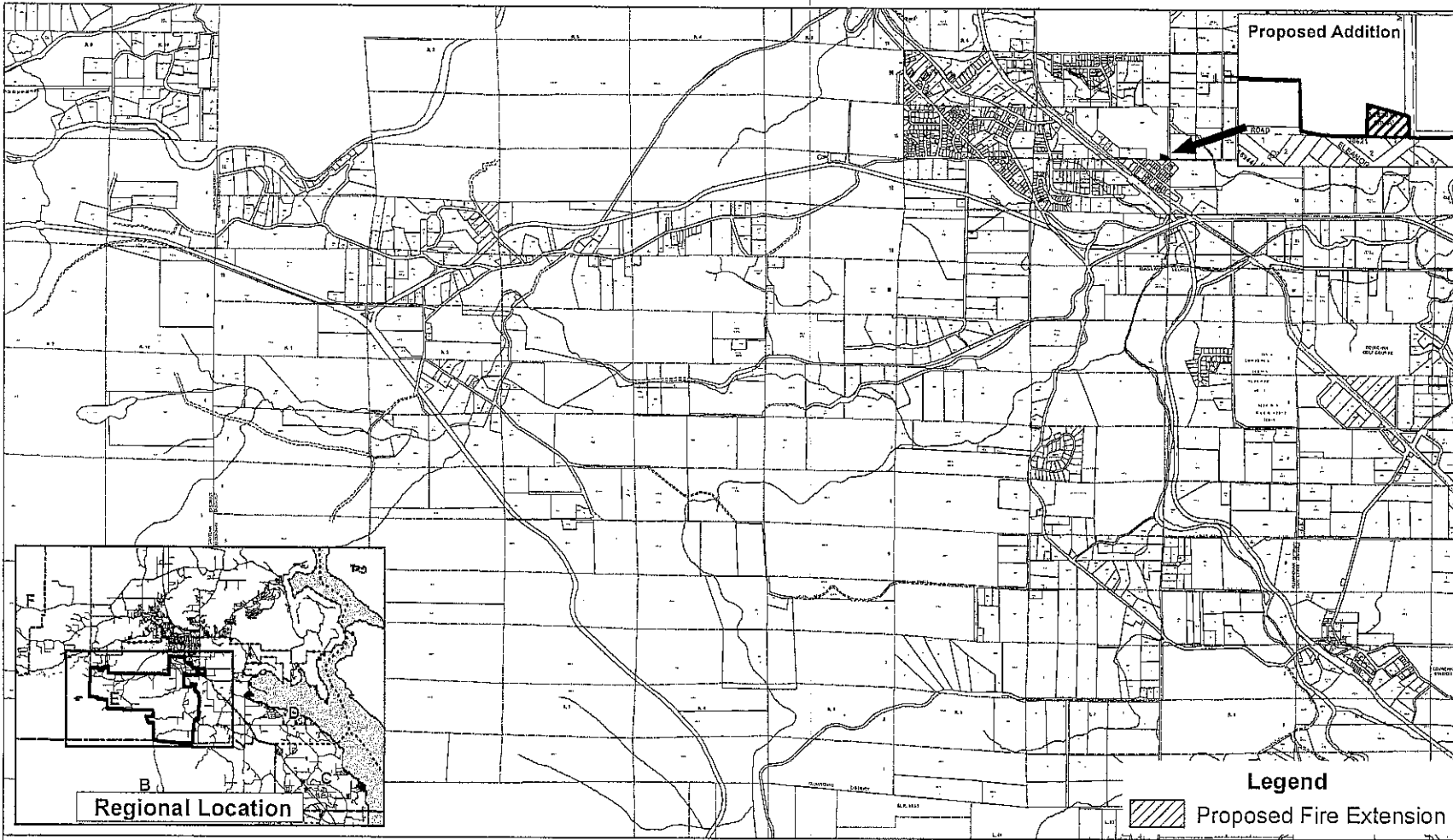
READ A SECOND TIME this _____ day of _____, 2010.

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

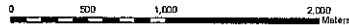
ADOPTED this _____ day of _____, 2010.

Chairperson

Corporate Secretary



Schedule A to CVRD Bylaw No. 1965 - Eagle Heights Fire Protection Service Establishment Bylaw, 1999.
As amended by Bylaw No. 3434.



Adopted _____, 2010.



B7

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3437

A Bylaw to Amend the Boundaries of the Malahat Fire Protection Service Area

WHEREAS the Board of the Cowichan Valley Regional District established the *Malahat Fire Protection Service Area* under the provisions of Bylaw No. 2414, cited as "CVRD Bylaw No. 2414 – Malahat Fire Protection Service Establishment Bylaw, 2003", as amended;

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

- PID 025-642-324, Lot 2, District Lot 132, Malahat District, Plan VIP75146;

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

AND WHEREAS the Director of Electoral Area A – Mill Bay/Malahat has consented, in writing, to the adoption of this bylaw;

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3437 – Malahat Fire Protection Service Area Amendment Bylaw, 2010**".

2. **AMENDMENT**

That Bylaw No. 2414 be amended by deleting the existing Schedule A and replacing it with the Schedule A attached to this bylaw.

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

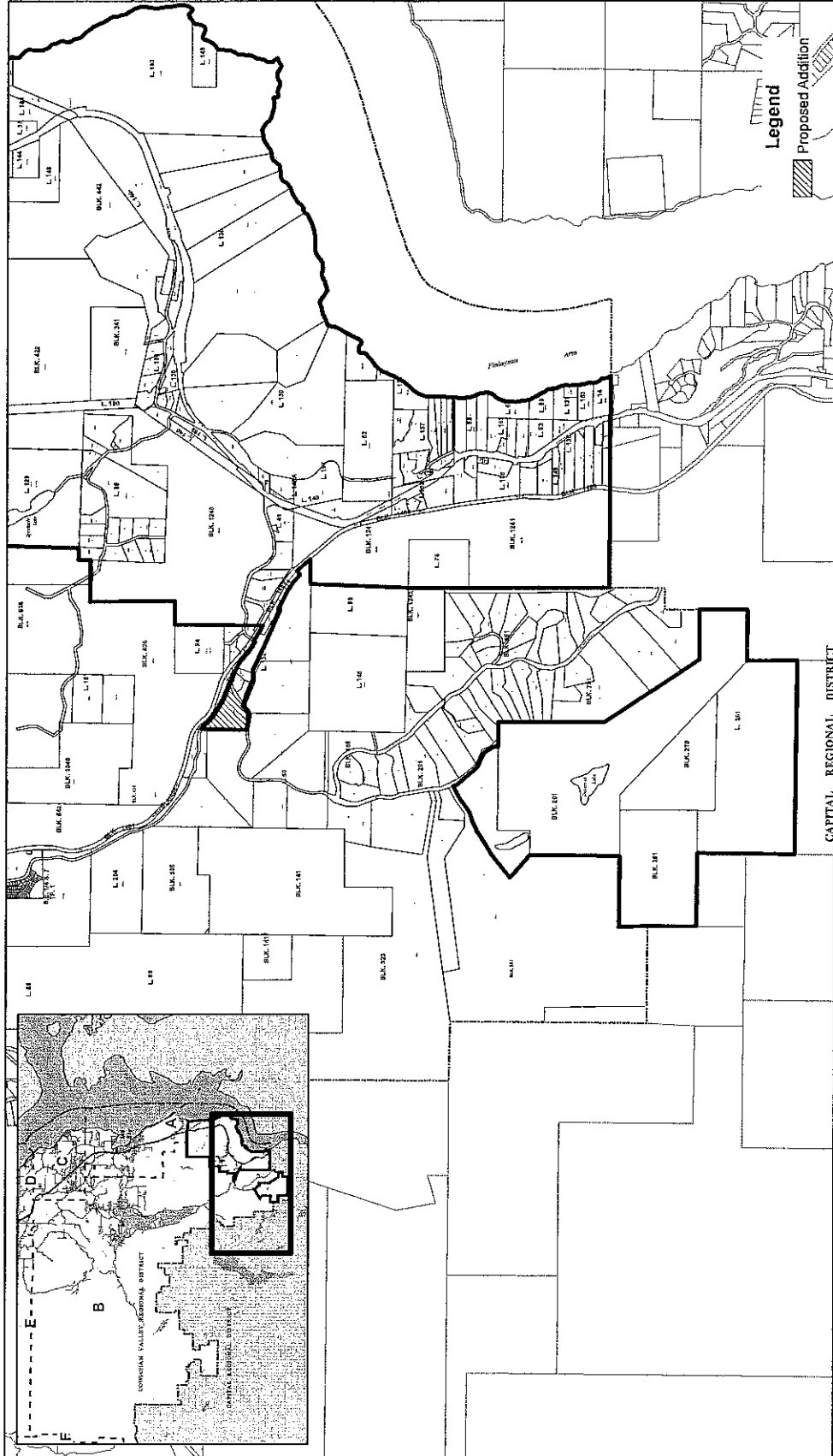
READ A SECOND TIME this _____ day of _____, 2010.

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

ADOPTED this _____ day of _____, 2010.

Chairperson

Corporate Secretary



Schedule A to CVRD Bylaw No. 2414 – Malahat Fire Protection Service Establishment Bylaw, 2003. As amended by Bylaw No. 3437. Adopted _____, 2010.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3438

A Bylaw Authorizing the Expenditure of Funds from the
Youbou Sewer System Capital Reserve Fund
Established Pursuant to CVRD Bylaw No. 2555

WHEREAS as of September 30, 2010, there is an unappropriated balance in the *Youbou Sewer System Capital Reserve Fund* of Twenty-Three Thousand Five Hundred Forty-Two Dollars (\$23,542.) that has been calculated as follows:

BALANCE in Reserve Fund as at December 31, 2009:		\$23,456.
ADD:	Additions to the Fund, including interest earned for the current year to date.	\$ <u>86.</u>
		\$23,542.
DEDUCT:	Commitments outstanding under bylaws previously adopted.	NIL
UNCOMMITTED BALANCE In Reserve Fund as at September 30, 2010:		<u>\$23,542.</u>

AND WHEREAS it is deemed desirable and expedient to expend not more than Fifteen Thousand Dollars (\$15,000.) of the said balance for the purpose of financing sewer pump station control upgrades;

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. 3438 - Youbou Sewer System Capital Reserve Fund Expenditure (Sewer Pump Station Control Upgrades) Bylaw, 2010**".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Fifteen Thousand Dollars (\$15,000.) is hereby appropriated from the *Youbou Sewer System Capital Reserve Fund* for the purpose of financing sewer pump station control upgrades.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution No. 10-523-4.1, adopted October 13, 2010.

3. SUMS REMAINING

Should any of the said sum of Fifteen Thousand Dollars (\$15,000.) remain unexpended after the expenditures hereby authorized have been made, the unexpended balance shall be returned to the credit of the said Reserve Fund.

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

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

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

ADOPTED this _____ day of _____, 2010.

Chair

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3439

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

WHEREAS as of September 30, 2010, there is an unappropriated balance in the *Cherry Point Estates Water System Reserve Fund* of Seventeen Thousand Two Hundred Twenty-Four Dollars (\$17,224.) that has been calculated as follows:

BALANCE in Reserve fund as at December 31, 2009:		\$17,172.
ADD:	Additions to the Fund, including interest earned for the current year to date.	\$ <u>52.</u>
		\$17,224.
DEDUCT:	Commitments outstanding under bylaws previously adopted.	NIL
UNCOMMITTED BALANCE In Reserve Fund as at September 30, 2010:		<u>\$17,224.</u>

AND WHERAS it is deemed desirable and expedient to expend not more than Five Thousand Dollars (\$5,000.) of the said balance to assist with the financing of well head monitoring controls;

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. 3439 - Cherry Point Estates Water System Reserve Fund Expenditure (Well Head Monitoring Controls) Bylaw, 2010**".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Five Thousand Dollars (\$5,000.) is hereby appropriated from the *Cherry Point Estates Water System Reserve Fund* to assist with financing of well head monitoring controls.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution No. 10-523-4.2, adopted October 13, 2010.

3. SUMS REMAINING

Should any of the said sum of Five Thousand Dollars (\$5,000.) remain unexpended after the expenditures hereby authorized have been made, the unexpended balance shall be returned to the credit of the said Reserve Fund.

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

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

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

ADOPTED this _____ day of _____, 2010.

Chair

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3441

A Bylaw to Amend Youbou Street Lighting Service Establishment Bylaw No. 2193

WHEREAS the Board of the Cowichan Valley Regional District established the *Youbou Street Lighting Service* under the provisions of Bylaw No. 2193, cited as "CVRD Bylaw No. 2193 - Youbou Street Lighting Service Establishment Bylaw, 2001", as amended;

AND WHEREAS the Regional District wishes to amend Bylaw No. 2193 by increasing the maximum annual requisition limit from \$18,500 to \$21,800;

AND WHEREAS the Director for Electoral Area I – Youbou/Meade Creek has consented, in writing, to the adoption of this bylaw;

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

1. CITATION

This bylaw may be cited as "**CVRD Bylaw No. 3441 – Youbou Street Lighting Service Area Amendment Bylaw, 2010**".

AMENDMENT:

2. Bylaw No. 2193, cited as "CVRD Bylaw No. 2193 – Youbou Street Lighting Service Establishment Bylaw, 2001", is hereby amended as follows:

That the second line of the first paragraph of Section 4 - Cost Recovery be amended by deleting the words "eighteen thousand five hundred (\$18,500) dollars" and replacing them with the words "Twenty-One Thousand Eight Hundred Dollars (\$21,800)".

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

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

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

ADOPTED this _____ day of _____, 2010.

Chair

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3442

A Bylaw to Amend Sentinel Ridge Sewer System Service Establishment Bylaw No. 2790

WHEREAS the Board of the Cowichan Valley Regional District established the *Sentinel Ridge Sewer System Service Area* under the provisions of Bylaw No. 2790, cited as "CVRD Bylaw No. 2790 – Sentinel Ridge Sewer System Service Establishment Bylaw, 2006", 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 three properties:

- PID 009-346-511, Parcel C (DD43694I) D.L. 77, Malahat District
- PID 009-346-520, Parcel D (DD33154I), D.L. 77, Malahat District; and
- PID 009-346-554, That part of D.L. 77, Lying to the south of the south boundaries of Parcel C & D of said lot and except those parts in plans 518W, 50504 & VIP86315, Malahat District;

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

AND WHEREAS the Director for Electoral Area A – Mill Bay/Malahat has consented, in writing, to the adoption of this bylaw;

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

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3442 – Sentinel Ridge Sewer System Service Amendment Bylaw, 2010**".

2. AMENDMENT

That CVRD Bylaw No. 2790 be amended as follows:

That Schedule A to CVRD Bylaw No. 2790 be deleted and replaced with the Schedule A attached to this bylaw.

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

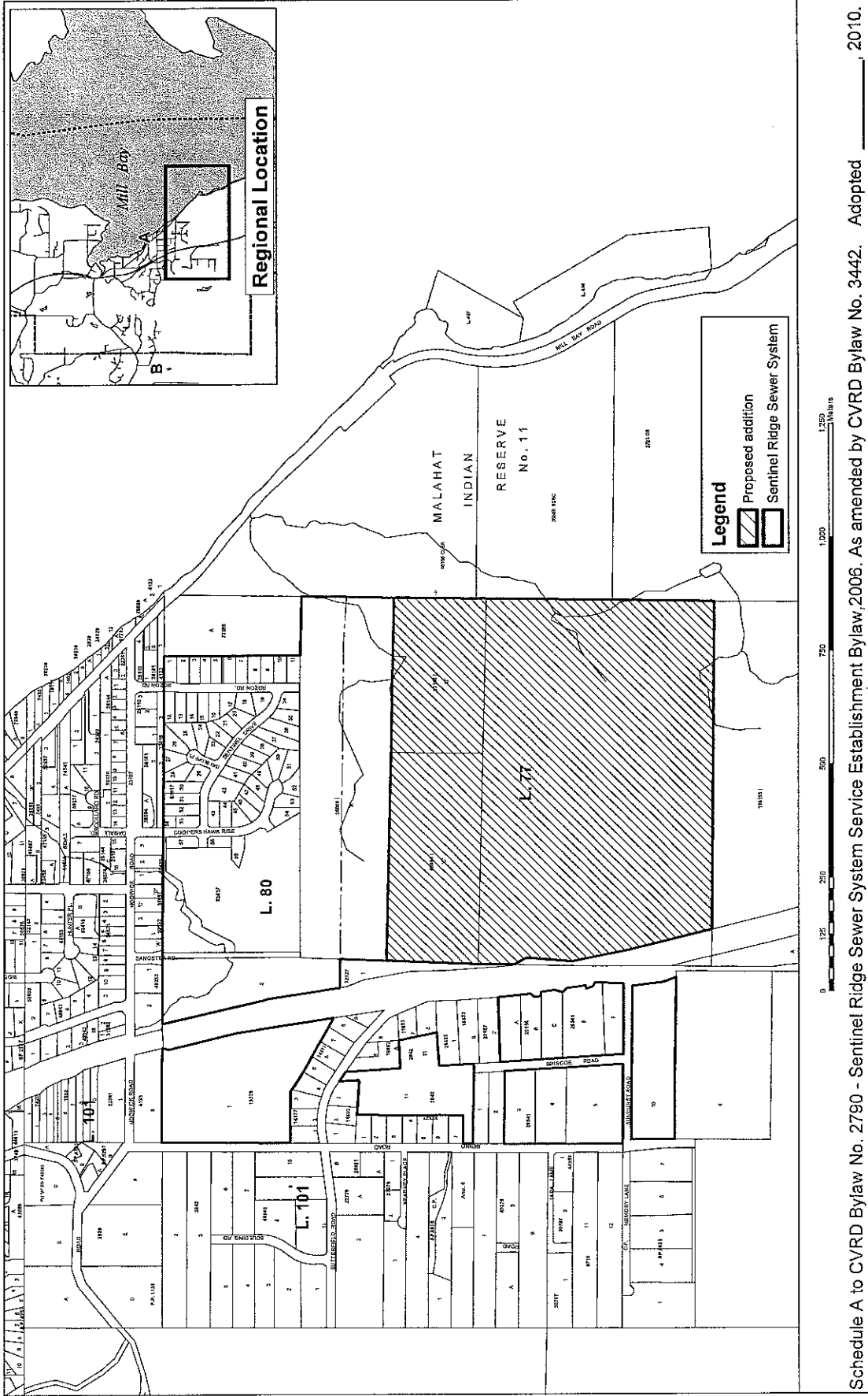
READ A SECOND TIME this _____ day of _____, 2010.

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

ADOPTED this _____ day of _____, 2010.

Chair

Corporate Secretary





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3443

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

WHEREAS as of September 30, 2010, there is an unappropriated balance in the *Cowichan Community Centre Capital Project Reserve Fund* of One Hundred Fifty-Three Thousand Nine Hundred Seventeen Dollars (\$153,917.) that has been calculated as follows:

BALANCE in Reserve Fund as at December 31, 2009:	\$208,137.
ADD: Additions to the Fund, including interest earned for the current year to date.	\$ 780.
	\$208,917.
DEDUCT: Commitments outstanding under bylaws previously adopted.	\$ 55,000.
UNCOMMITTED BALANCE in Reserve Fund as at September 30, 2010:	<u>\$153,917.</u>

AND WHEREAS it is deemed desirable and expedient to expend not more than One Hundred Five Thousand Dollars (\$105,000.) of the said balance for the purpose of purchasing an Electrical Substation and related infrastructure.

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3443 – Cowichan Community Centre Capital Project Reserve Fund Expenditure (Substation and Related Infrastructure) Bylaw, 2010**".

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2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of One Hundred Five Thousand Dollars (\$105,000.) is hereby appropriated from the *Cowichan Community Centre Capital Project Reserve Fund* for the for the purpose of purchasing an Electrical Substation and related infrastructure.
- b) The expenditures to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution adopted November 10, 2010.

3. SUMS REMAINING

Should any of the said sum of One Hundred Five Thousand Dollars (\$105,000.) remain unexpended after the expenditures hereby authorized have been made, the unexpended balance shall be returned to the credit of the said Reserve Fund.

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

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

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

ADOPTED this _____ day of _____, 2010.

Chair

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3354

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

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

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

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

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

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3354 - Area E – Cowichan Koksilah Official Community Plan Amendment Bylaw (Area E OCP Maintenance Bylaw), 2010**".

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 10th day of February, 2010.

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

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

ADOPTED this _____ day of _____, 2010.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3354

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

1. Section 3.1.4(b) is deleted and replaced with the following:
 - (b) rivers which have a 200 year flood volume of 80 cubic metres per second or greater, including the Cowichan, Koksilah and Chemainus Rivers shall require a minimum setback of 30 metres from the top of bank.
2. The diagram "Figure 3 Leave Strip Setback (Greenway) for Watercourses" is deleted.
3. The following is added after Section 14.9.6(b)3:

14.10 AGRICULTURAL PROTECTION DEVELOPMENT PERMIT AREA

14.10.1 CATEGORY

The **Agricultural Protection Development Permit Area** is designated pursuant to Section 919.1(1)(c) of the *Local Government Act*, for the protection of farming.

14.10.2 AREA OF APPLICATION

The **Agricultural Protection Development Permit Area** applies to all lands in Electoral Area E that are designated as Agricultural in the Plan or are zoned as Primary Agricultural or Agricultural Conversion 1C in the implementing zoning bylaw.

14.10.3 JUSTIFICATION

Agriculture is recognized as being not only a vital part of the economy of the Cowichan Valley, but as an important element in regional sustainability and food security. Unlike many other countries, in most of Canada and certainly in British Columbia, zoning regulations usually permit agricultural lands to be used for residential purposes, whether the land is being farmed or not. Therefore, designating land for agricultural land use is not enough to ensure that the lands so designated will either be used for active farming or even that – at a minimum – their land base will not be compromised by the inappropriate location of residential buildings and accessory structures on the land.

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14.10.4 GUIDELINES

Within the **Agricultural Protection Development Permit Area**, no person will construct a residence or a building or structure that is not directly related to agricultural purposes, prior to the owner of land applying for and receiving a development permit from the Cowichan Valley Regional District, which will sufficiently address the following guidelines:

- a) Residential buildings will be located in such a way as to not impinge on the ability to farm the land. This means that the residence(s) will not be centrally located in the middle of a highly productive soil polygon as shown on agricultural capability mapping or as evidenced in a field observation, but rather will be located on soils that have lower agricultural potential. Generally this will result in homes being located close to the fronting public road, with minimal driveway intrusion into and across the parcel. It may also mean that a residence is located on higher ground which has lower agricultural potential, wherever on a parcel this may be located.
- b) Accessory buildings will be located similarly to residential buildings, except for agricultural accessory buildings, which are exempt from this development permit process.
- c) Driveways will be placed on the land in such a way as to minimise the impact upon present and potential future farming.
- d) The footprint on the ground of the proposed buildings may be limited if they are to be located on lands with high agricultural capability.

14.10.5 APPLICATION REQUIREMENTS

Before issuing a development permit for a residence or residential accessory building or structure in the **Agricultural Protection Development Permit Area**, the Cowichan Valley Regional District requires that the following information be submitted along with the application form and fee:

- 1) a description of the scope of work on the land;
- 2) a site plan indicating the location of the proposed building construction in relation to the agricultural capability of the site (note: maps of agricultural capability are available at the CVRD office);
- 3) the location of any buildings that are already located on the site;
- 4) the location of existing and proposed driveways, including parking areas;
- 5) plans showing the size of any proposed buildings.

14.10.6 EXEMPTIONS

Any work proposed on a parcel in the **Agricultural Protection Development Permit Area** that is unrelated to the construction of a residence, residential accessory building or structure or other works accessory to residential use are exempt from the requirement to obtain a development permit under this section. Subdivision of land is also exempt.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3378

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

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

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

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1890;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3378 - Area A – Mill Bay/Malahat Official Community Plan Amendment Bylaw (Koutougos), 2010**".

2. **AMENDMENT**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1890, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. **CAPITAL EXPENDITURE PROGRAM**

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

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

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

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

ADOPTED this _____ day of _____ , 2010.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3378

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

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

Policy 7.6.9

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

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

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

(m) Duplex Development

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



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3379

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

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

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

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

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

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

1. **CITATION**

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

2. **AMENDMENTS**

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

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

.../2

8.5 R-4 ZONE – URBAN RESIDENTIAL DUPLEX

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

(a) Permitted Uses

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

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

(b) Conditions of Use

For any parcel in an R-4 Zone:

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

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

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

(c) Minimum Parcel Size

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

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

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

“R-4 Urban Residential Duplex”

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

3. FORCE AND EFFECT

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

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

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

READ A THIRD TIME this day of , 2010.

ADOPTED this day of , 2010.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3416

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

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

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area G- Saltair/Gulf Islands, that being Official Community Plan Bylaw No. 2500;

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

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 2500;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3416 - Area G - Official Community Plan Amendment Bylaw (Bill 27), 2010**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 2500, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. **CAPITAL EXPENDITURE PROGRAM**

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

READ A FIRST TIME this 11th day of August, 2010.

READ A SECOND TIME this 11th day of August, 2010.

SECOND READING RESCINDED this ___ day of _____, 2010.

SECONDED READING AS AMENDED this _____ day of _____, 2010.

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

I hereby certify this to be a true and correct copy of Bylaw No. 3416 as given Third Reading on the _____ day of _____, 2010.

Corporate Secretary

Date

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT* this _____ day of _____, 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3416

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

- 1) The following is inserted as Section 22- Climate, Land, Resources, and Energy Efficiency (Bill 27), and added to the Table of Contents. The remaining section is renumbered accordingly.

Section 22- Climate, Land, Resources, and Energy Efficiency (Bill 27)

Background

Bill 27, the *Local Government Statutes Amendments Act* (2008), requires that all local governments establish targets for reducing greenhouse gas emissions. In addition, all Official Community Plans (OCP) must include actions and policies which outline how those reduction targets will be achieved. The CVRD recognizes that Bill 27 raises some very important issues. Firstly, it should hasten the regional response to reduce emissions which are responsible for climate change. But the legislated amendments also provide a unique opportunity to review, strengthen and improve good community planning principles in this Plan. Policies that reduce greenhouse gas (GHG) emissions are based on reduced fossil fuel consumption and efficient use of energy, land and resources. Increased efficiency has a positive impact on improved health and quality of life for the region's residents, and overall environmental sustainability.

Vehicle related transportation is by far the largest contributor to overall emissions in this region. It represented an estimated 82.9% of the GHG emissions produced in 2007¹, as a result of driving to work, schools, and other daily activities. The distribution of land uses, which means the location of homes, workplaces, schools and recreational opportunities, and the preservation of resource lands, is controlled to a large extent by local governments. Understanding the connection between land use and transportation related emissions is one step; the imperative to incorporate climate change into the decisions on land use is another.

The CVRD realizes the urgent need to respond to climate change, and has set targets to reduce emissions. To move towards the established targets, the first proposed action is to undertake a climate change action plan throughout the CVRD as a whole, a process involving comprehensive community engagement and aggressive policies. A climate change action plan that is fully integrated into the OCP could take the region a step beyond emission reductions, to prepare mitigation measures for the anticipated consequences associated with climate change.

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¹ Province of BC, *Cowichan Valley Regional District Community Energy and Greenhouse Gas Emissions Inventory: 2007* (2009)

This OCP acknowledges that the provincial government regulates many high emission producing sectors that are outside of the scope of an OCP. Through the review process involved in Bill 27, the CVRD has identified many long term projects that would contribute greatly to an overall reduction in emissions and energy use. Many of these projects are dependent on complementary action from the provincial government if we are to reach the targets. As such, the CVRD Board strongly recommends senior governments consider and support the following initiatives in three key areas:

- a) Transportation is the largest contributor to climate change related emissions in the region, therefore the CVRD urges the provincial government to invest in commuter rail service between the CVRD, Greater Victoria and other urban centres on Vancouver Island. Furthermore, the CVRD requests improved traffic flows along roads in the CVRD, with emphasis on the Island Highway, to reduce the acceleration, deceleration and idling of vehicles at intersections.
- b) The Cowichan Valley faces large scale deforestation, which if left unforested, has the deleterious effects of large scale carbon production *and* the removal of natural carbon sequestration. As a mitigation measure, the CVRD is exploring the idea of a regional carbon trust, where forested land could be purchased and actively managed for maximum carbon sequestration. To implement a regional carbon trust, local governments require the authority to generate funds for land purchase, either by fees, amenity contributions and means other than property taxes. The CVRD's ability to achieve the emissions reduction targets is largely dependent on innovation and support from senior levels of government.
- c) Encourage the province of BC to explore opportunities for alternative energy technology in this electoral area, as the potential benefits are numerous: the reduction of energy use by the implementation of alternative energy technology in buildings, the economic opportunity presented by a growing industry, and the desire for energy self-sufficiency on Vancouver Island. Senior governments should provide incentives to encourage private and public investment into alternative energy technology.

OBJECTIVES

- a. To reduce, on a regional basis, total green house gas (GHG) emissions in the plan area by 33% from current levels by 2020, and by 80% from current levels by 2050;
- b. To reduce overall energy consumption in the region, encourage an efficient use of the land base and other resources, and promote a healthy and high quality of life for residents.

POLICIES

Policy 22.1: This OCP will strive to contribute to the CVRD GHG reduction targets of 33% by 2020, and 80% by 2050, by ensuring that the CVRD will consider adopting a climate change action plan, to provide a more comprehensive set of targets, indicators, policies and actions specific to this Plan area.

Policy 22.2: In the context of reducing GHG emissions, policies related to land use and density are as follows:

- a. In a future OCP review, the CVRD Board and community will give consideration to identifying a village containment area, to encourage the following goals:
 - i. To preserve the agricultural and forestry land base of the plan area, and allow no net loss of these resource lands;
 - ii. To delineate an area where mixed residential, commercial and institutional land uses will be focused, to create a complete, healthy and liveable community;
- b. Until such time as a village containment boundary is established, future residential growth needs will generally be accommodated by focusing most population growth in presently designated residential areas. Concentrated residential settlement patterns allow us to retain the rural character of the region;
- c. To protect the rural character of Saltair, more intensive/higher density development should be encouraged to locate in the established urban communities (i.e., Chemainus and Ladysmith);
- d. The CVRD Board may initiate projects to identify potential infill sites within existing areas of higher commercial and residential densities;
- e. The provincial government has jurisdiction over logging practices and should ensure that forestry occurs in a sustainable manner that offsets GHG emissions. The CVRD will ensure that forest lands are maintained as such, to ensure sustainable forestry practices can occur to offset local emissions.

Policy 22.3 In the context of reducing GHG emissions, policies related to transportation are as follows:

- a. The CVRD Board will consider existing and future transit infrastructure in all land use planning decisions. Future transit infrastructure will be designated within appropriate residential areas, and in other highway corridor locations where appropriate;
- b. The planning and development of cycling and walking trails is encouraged, to promote healthy living and alternative transportation methods throughout the community;
- c. The establishments and improvement of commuter, car-share and car-coop programs is strongly supported;
- d. This OCP recognizes the value and benefit of rail services in the reduction of GHGs, and supports the Island Corridor Foundation initiative to re-establish and implement rail commuter service on Southern Vancouver Island;
- e. This OCP very strongly encourages the Ministry of Transportation and Infrastructure to accommodate pedestrian and cycling requirements into road design, as road improvements and upgrades take place.
- f. The CVRD Board will pursue opportunities to build and improve dedicated cycling lanes, in collaboration with the Ministry of Transportation and Infrastructure and adjacent jurisdictions, with particular emphasis on Chemainus Road.

.../4

Policy 22.4 In the context of reducing GHG emissions, policies related to building design, siting and landscaping are as follows:

- a. In a future OCP review, the CVRD Board and community will give consideration to the following:
 - i. Establishing development permit areas that will include design guidelines for energy efficient buildings, siting and landscaping;
 - ii. Reducing lot coverage and establishing floor area limits of residential and commercial buildings within certain zones to reduce the impact of development;
- b. A sustainability checklist will be established, for development applications in developable areas;
- c. The CVRD may provide educational resources to homeowners, to promote do-it-yourself projects that decrease residential and commercial building energy consumption and reduce the impact of residential and commercial development on the natural environment;

Policy 22.5 In the context of GHG emissions, policies related to food and agriculture are as follows:

- a. In a future OCP review, the CVRD Board and community will give consideration to the following:
 - i. To encourage local agricultural production and consumption, lands may be designated for community gardens, farmers markets and food processing facilities to support agriculture in the region;
 - ii. Appropriate areas are designated for urban agriculture to promote food production on a family level;
 - iii. Incentives are provided to include additional farmland in the Agricultural Land Reserve (ALR) for long term preservation;
- b. The CVRD recognizes the importance of the agricultural land base to the economic viability and ecology of the region, as well as to food security. Development applications that threaten the region's agricultural land will be considered in light of the CVRD's objectives noted within this Plan.

2) The following policy 3.13 is added to the Natural Environment Policies:

Policy 3.13 The community of Saltair encourages the process of Greenmapping where significant features, both natural and historical, are identified and preserved. This helps to reduce greenhouse gas emissions and preserves the integrity of the community.

3) The following policy 5.12 is added to the Agricultural Resource Designation Policies:

Policy 5.12 The CVRD Board strongly supports the retention of large tracts of agricultural land as it functions to limit residential sprawl and preserves valuable resource land. Preservation of agricultural land ensures our capacity to provide locally produced food at the present and into the future.

- 4) The following policies 6.9 and 6.10 are added to the Forestry/Natural Resource Designation Policies:

Policy 6.9 The Regional Board supports the retention of Forestry/Natural Resource lands for the long term, and recognizes that forestry land provides limits to residential growth which in turn supports compact settlement patterns.

Policy 6.10 The Regional Board supports sustainable forestry practices, and recognizes the capacity of healthy forests to naturally sequester carbon dioxide.

- 5) The following policy 7.11 is added to the Suburban Residential Designation Policies:

Policy 7.11 The CVRD Board wishes to retain the rural areas and the working resource land base of this plan, therefore the Board discourages the conversion of forestry or agricultural resource land to any residential uses.

- 6) The following policy 8.10 is added to the General Residential Designation Policies:

Policy 8.10 If the plan area faces an increased demand for residential development in the future, the CVRD Board will prioritize infill projects within existing residential areas rather than extending residential development into the rural areas.

- 7) The following policy 14.23 is added to the Parks and Trails Policies:

Policy 14.23 Opportunities to add additional lands to Saltair's open space system should be actively pursued. This will add to the community's quality of life, help reduce greenhouse gas emissions by reducing vehicle trips to take advantage of open space opportunities, and increase natural carbon sequestration potential by preserving wetlands and forested ecosystems.

- 8) The following policy 16.5 is added to the Railway Transportation Designation Policies:

Policy 16.5 The Regional Board recognizes the potential of the existing railway as a transportation corridor that can encourage alternative transportation methods, minimizing our reliance on road vehicles as the primary means of traveling throughout the community.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3444

**A Bylaw for the Purpose of Amending Official Community Plan Bylaw No. 1497,
Applicable to Electoral Area H – North Oyster/Diamond**

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 H – North Oyster/Diamond, that being Official Community Plan Bylaw No. 1497;

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. 1497;

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 Official Community Plan Amendment Bylaw No. 3444, 2010, Area H – North Oyster/Diamond (Marine Riparian DPA), Amendment to CVRD Bylaw No. 1497**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1497, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. **CAPITAL EXPENDITURE PROGRAM**

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

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

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

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

I hereby certify this to be a true and correct copy of Bylaw No. 3444 as given Third Reading on the _____ day of _____, 2010.

Corporate Secretary

Date

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT* this _____ day of _____, 2010.

ADOPTED this _____ day of _____, 2010.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3444

Schedule A to Official Settlement Plan Bylaw No. 1497, is hereby amended as follows:

1. That Section 4.6: "MARINE RIPARIAN DEVELOPMENT PERMIT AREA" be added after Section 4.5, as follows:

4.6 MARINE RIPARIAN DEVELOPMENT PERMIT AREA

4.6.1 CATEGORY

The **Marine Riparian Development Permit Area** is designated pursuant to Section 919.1(1)(a) and (b) of the *Local Government Act*, to protect the natural environment, its ecosystems and biological diversity, and for the protection of development from hazardous conditions.

4.6.2 AREA OF APPLICATION

The **Marine Riparian Development Permit Area** applies to all lands within 30 metres of the high tide mark of the ocean within Electoral Area H (North Oyster/Diamond), for parcels of land shown on **Figure 8A: Marine Riparian Development Permit Area**.

4.6.3 JUSTIFICATION

Pursuant to Section 919 of the *Local Government Act*, the **Marine Riparian Development Permit Area** is established to address the following:

- (a) North Oyster/Diamond has several kilometres of marine shoreline along Ladysmith Harbour and Stuart Channel, ranging from high escarpments to rocky beaches. The marine shoreline and adjacent coastal waters represent an important highly productive marine environment for forage fish and other species, which should not be negatively impacted by development. The cumulative impact of careless development on waterfront parcels will have a detrimental impact on habitat within the sensitive marine riparian zone, and interrupt natural beach processes of longshore drift, displacing erosional and depositional patterns, which will then affect other properties and marine habitat.
- (b) The marine foreshore is a valuable public (common property) resource, and the CVRD wishes to enhance the physical, recreational, aesthetic and natural values of this area for use by the public as well as marine life.

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- (c) An area consisting of natural vegetation, rocks, trees, and fallen trees can help protect land by dissipating wave energy, thereby protecting the bank from slumping or being washed away. Roots of plants and trees act to reinforce soil and sand and help hold them together, while the leaves of plants reduce the energy of wind and the force of falling rain, increase the evaporation rate and slow water runoff.
- (d) Research into watershed hydrology and environmental resilience has demonstrated that once certain thresholds of impervious surfaces (total area of roofs, paving, concrete slabs, accessory buildings and other hard surfaces) are exceeded, irretrievable harm may be done to aquatic life. This threshold is around 12% across a typical watershed in this region. The objective of this guideline is to maintain or improve water quality in the marine and estuarine environments.
- (e) Hard surfaces and reduced vegetation can cause surface water to be quickly and directly affected by pollution from sources such as poorly placed and maintained septic systems, fertilizer (nitrates, phosphates), oil leaks from motor vehicles and household or garden chemicals. A vegetated buffer can filter pollutants out of runoff from roads, yards, and septic systems before they reach the ocean.
- (f) Placing buildings and structures in areas that are directly or indirectly subject to natural erosion and mass movement is not responsible, because it can threaten the safety of those using the buildings and structures and result in economic loss. Once established in a precarious location, the owners of such buildings and structures will understandably want to protect them from destructive mass movements, which in turn could lead to major engineering works in the marine riparian area, irrevocably harming this important habitat. Therefore the objective of this guideline is to strongly support and accommodate sensitive residential and commercial development.

4.6.4 DEFINITIONS

For the purposes of this Development Permit Area, the following definitions apply:

“high tide mark” means the upper boundary of distinctive marine or estuarine vegetation as determined by a qualified environmental professional, or where this cannot be determined, it means the natural boundary as determined by a BC Land Surveyor.

“qualified environmental professional” has the same meaning as under the Provincial *Riparian Areas Regulation*.

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4.6.5 GUIDELINES

Subject to Section 4.6.7 below, within the **Marine Riparian Development Permit Area**, no person shall:

- subdivide land;
- alter land, including the removal or pruning/trimming of trees or vegetation;
- removal/deposit of soil, rocks, boulders, rip rap, gabions, prefabricated concrete elements or other materials;
- construct a road, bridge, driveway, parking area, patio, swimming pool, hot tub, spa, water feature, septic tank or sewage effluent drainfield;
- construct a seawall, retaining wall, dock abutment, patio, concrete stairway or similar structure;
- construct a dock, install a piling in the foreshore, construct a hydrothermal heating/cooling loop in the foreshore or beyond;
- remove logs from the shoreline; or
- construct any other type of building or structure

prior to the owner of land applying for and receiving a development permit from the CVRD, the application for which shall sufficiently address the following guidelines:

- (a) Where a report by a qualified environmental professional is required under the “Application Requirements” section, the report will consider the effects the development proposal will have on the subject property, all parcels with marine shorelines in the general area and the general marine ecology. Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. The objective of this guideline is to minimize the degree to which this may happen, and preferentially employ natural measures to manage marine shores wherever possible. *On the Living Edge, Your Handbook to Waterfront Living (ISBN 0-9691633-4-7)* by Sarah Kipp and Clive Calloway is a suitable guide to using natural measures, which may be proposed in a development permit application.
- (b) Roads and driveways should be located as far as possible from the edge of a slope or from the marine riparian area, to keep turbidity of runoff low and generally prevent sediment, sand, gravel, oils, fuel and road salt from entering watercourses or the sea. Temporary sediment controls during construction may be specified in a development permit, and reclamation of disturbed areas will occur immediately following construction. Driveways, if proposed within the development permit area, should be angled across any slope’s gradient, where possible, and be composed of porous materials such as gravel, road mulch or grasscrete, to keep runoff to a minimum. For driveways that are already paved, a portion of the runoff can be diverted by the use of transverse channels or small berms at regular intervals;

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- (c) Recommendations in the Ministry of Environment's Best Management Practices (*Storm Water Planning – A Guidebook for British Columbia*) should be applied, to reduce areas of impervious surfaces and increase natural groundwater infiltration. On-site rainwater management techniques that do not impact surrounding lands should be used, rather than the culverting or ditching of water runoff. Increased soil depth is one proven method for achieving reduced rainwater runoff; raingardens are another.
- (d) Footpaths or trails to the shoreline should be planned to avoid erosion, using slope contours rather than a straight downhill line, and be narrow to minimize impacts on drainage patterns. Impacts to a slope can be minimized by elevating stairways above the natural vegetation;
- (e) Tree and native brush retention is a priority within this development permit area; however, should there be a desire for pruning and thinning trees and shrubs in the marine riparian area to provide or enhance views, a report prepared by a certified arborist will be required. The author(s) of that report will take responsibility for ensuring that the pruning and thinning proposed in the report will not impair slope stability, lead to erosion or impair ecological function of the foreshore;
- (f) Site preparation and development should be carried out in a manner that minimizes the need for vegetation clearing. In order to control erosion and to protect the environment, the development permit may specify the amount and location of new tree and vegetative cover to be planted or retained;
- (g) Figures for total imperviousness on sites within this development permit area will be calculated by the proponent and submitted at the time of development permit application. The Board may specify maximum site imperviousness or effective imperviousness in a development permit;
- (h) Public access along the marine waterfront is important to Electoral Area H – North Oyster/Diamond residents and visitors and will not be prevented or impeded in the event that shoreline alterations are authorized in a development permit;
- (i) Retaining walls or any other structures that may be proposed along the marine shoreline or in the marine riparian area to protect buildings or prevent erosion will be designed by an Engineer or professional Geoscientist. Such structures shall be limited to areas above the high tide mark, and to areas of slope failure, rather than along the entire shoreline frontage. The height of any tier of such a structure will be kept to not more than 2 metres in any one section, and should a greater height be required, the strong preference is for another tiered wall to be built upslope, separated from the first wall by at least 2 vertical and 4 horizontal metres of vegetated area. This guideline is intended to avoid the appearance of massive barrier-like walls. Backfilling behind a wall, to extend the existing edge of the slope, is not permitted unless it can be clearly demonstrated by an engineer that the fill is necessary to prevent further erosion or sloughing of the bank that would potentially endanger existing buildings;

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- (j) Retaining walls proposed near the marine shoreline will be faced with natural materials such as wood and irregular stone, intended to dissipate wave energy during storms, preferably in dark colours that blend in with the natural shoreline and are less obtrusive when seen from the water. Large, fortress like, uniform walls will not be permitted;
- (k) Retaining walls, sea walls or any other structures, if approved in a development permit, will not be composed of unsightly construction debris like broken concrete, blocks or bricks;
- (l) Deep-rooted vegetation should be planted along any retaining wall on the terraces or along the top, to help filter runoff before it enters the beach;
- (m) The construction of hydrothermal and geothermal heating/cooling loops that would be located on seafront parcels of land and within the foreshore area is discouraged because of the degree to which this technology can impact the local marine life, the inconvenience to public users of the foreshore including First Nation shellfish harvesting, walkers, swimmers and boaters. If such a system is proposed, a report by a qualified environmental professional such as a marine ecologist or biologist will be required, in which the probable impacts and effective mitigation strategies are proposed;
- (n) Any marine riparian areas that are affected by development will be subject to a vegetation restoration plan prepared according to BCSLA/BCNTA standards, by a landscape architect or qualified environmental professional, in which appropriate native species are proposed to stabilize the area following construction or alteration of land. Security in the form of an irrevocable letter of credit will be required to ensure that the landscape rehabilitation occurs in a timely fashion and the plantings survive and thrive;
- (o) Discharge from swimming pools, spas, water features and hot tubs shall only be made to an approved and properly functioning sewage treatment system;
- (p) The Ministry of Environment's *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (2004)* will be respected.

4.6.6 VARIANCES

The standard setback from the marine shoreline in the zoning bylaw may not, in some cases, be sufficient to protect development from hazardous conditions or to protect the marine riparian environment from alteration and harm. In such cases, a development permit may prescribe a marine shoreline setback in excess of that within the zoning bylaw.

Conversely, where a proposed development plan is consistent with all applicable guidelines of the Marine Riparian Development Permit Area, a development permit may vary the regulations of the implementing bylaws, where such variances are believed to either have no impact upon the marine riparian area or adjacent parcels, or would be required in order to reduce the impact upon the marine riparian area or adjacent parcels of land.

4.6.7 EXEMPTIONS

The following will be exempted from the requirement of obtaining a development permit in the **Marine Riparian Development Permit Area**:

- (a) Boundary adjustments to parcel lines of adjacent lots which do not alter overall lot depth measured from the marine shore.
- (b) Development located more than 30 metres from the high tide mark of the ocean or 15 metres back from the top of bank, whichever is further.
- (c) Interior renovations and minor exterior renovations of buildings that do not increase the parcel coverage, within 30 metres of the high tide mark (an example being re-roofing).
- (d) Construction, repair and maintenance of works, stream restoration and fish and habitat restoration or enhancement by agents or contractors or with the approval of Fisheries and Oceans Canada, the Ministry of Environment, or the CVRD.
- (e) A trail, provided that:
 - 1. No motorized vehicles are permitted;
 - 2. The trail is a maximum of 1.5 metres in width;
 - 3. No structures or earthworks are required to construct the trail; and
 - 4. No trees are removed.
- (f) The planting of native trees, shrubs or other native species of groundcover for the purpose of enhancing habitat values and /or soil stability, provided that the planting is carried out in accordance with the guidelines provided in the *Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (2004)* or subsequent publications of the federal Department of Fisheries and Oceans and/or the provincial Ministry of Environment.
- (g) The mechanical removal (no herbicides) of invasive plants or noxious weeds, including but not limited to English Ivy, Scotch Broom, Gorse, Himalayan Blackberry, Morning Glory and Purple Loosestrife, provided that erosion protection measures are taken, where necessary, to avoid sediment or debris being discharged into the watercourse, and the plants are replaced with native vegetation.

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- (h) Parks and public works undertaken by a government agency, under the supervision of a qualified environmental professional.
- (i) Emergency works to prevent, control or reduce flooding, erosion, or other immediate threats to life and property, provided that emergency actions are reported to the Regional District and applicable provincial and federal Ministries to secure exemptions. Such emergency procedures include:
 - 1. Clearing of an obstruction from a bridge, culvert or drainage flow;
 - 2. Repairs to bridges and safety fences;
 - 3. The removal of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property; and
 - 4. Emergency flood or erosion protection works.
- (j) Within the Agricultural Land Reserve, activities designated as farm use in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* and those which fall under the definition of Farm Operation under the *Farm Practices Protection (Right to Farm) Act*.

4.6.8 VIOLATION

- (a) Every person who:
 - 1. violates any provision of this Development Permit Area;
 - 2. causes or permits any act or thing to be done in contravention or violation of any provision of this Development Permit Area;
 - 3. neglects to do or refrains from doing any act or thing required under this Development Permit Area;
 - 4. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to this Development Permit Area;
 - 5. fails to comply with an order, direction or notice given under this Development Permit Area; or
 - 6. prevents or obstructs or attempts to prevent or obstruct the authorised entry of the Administrator, or person designated to act in the place of the Administrator;commits an offence under this Bylaw.
- (b) Each day's continuance of an offence under Section 4.6.8(a) constitutes a new and distinct offence.

4.6.9 PENALTY

A person who commits an offence against this Bylaw is liable, upon conviction in a prosecution under the *Offence Act*, to the maximum penalties prescribed under the *Community Charter* for each offence committed by that person.

4.6.10 SEVERABILITY

If any section, sentence, clause, phrase, word or schedule of this Development Permit Area is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Development Permit Area.

4.6.11 APPLICATION REQUIREMENTS

(a) Before the CVRD authorizes the issuance of a development permit for a parcel of land in the **Marine Riparian Development Permit Area**, the applicant must submit a development permit application, which, at a minimum, includes:

1. A written description of the proposed project;
2. Reports or information addressing each of the Development Permit Guidelines;
3. Information in the form of one or more maps, as follows:
 - location/extent of proposed work;
 - location of ocean high tide mark;
 - location of other watercourses;
 - topographical contours;
 - location of slopes exceeding 25 percent grade;
 - location of lands subject to periodic flooding;
 - location and percentage of existing and proposed impervious surfaces;
 - existing tree cover and proposed areas to be cleared;
 - areas of known sensitive or rare native plant communities;
 - existing and proposed buildings;
 - existing and proposed property parcel lines;
 - location of roads, vehicular access points, driveways, and parking areas;
 - location of trails;
 - location of stormwater management works, including retention areas and drainage pipes or ditches and curtain drains around septic fields;
 - proposed erosion mitigation and bank alterations;
 - location of septic tanks, treatment systems and fields;
 - proposed erosion control structures and areas of bank alterations;
 - location of water lines and well sites.

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- (b) In addition to the requirements listed above, where any building or structure of any sort, including a retaining wall, stairway or seawall, is proposed within the development permit area, the applicant shall be required to furnish, at the applicant's expense, a report certified by a professional engineer or geoscientist with experience in geotechnical engineering, which includes an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures, and composition, and an assessment on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the intended purposes. Where possible, slope erosion mitigation will be achieved using soft landscaping and planting of natural vegetation as opposed to the use of retaining walls or other hard armoring of the shoreline;
- (c) Should any thinning, removal or alteration of vegetation in the marine riparian area be proposed in a development permit application, the report of a qualified arborist or qualified environmental professional or member of BC Society of Landscape Architects or BC Nursery Trades Association shall be submitted, detailing a procedure for thinning and pruning in a fashion that will not compromise the ecological function of the marine riparian area or the health of pruned vegetation, and further, describing the methods whereby landscape restoration to restore marine riparian function will be achieved;
- (d) In addition to the requirements listed above, the applicant may also be required to furnish, at the applicant's expense, an environmental impact assessment, certified by a registered professional biologist or other qualified environmental professional, assessing any potential environmental impacts of the project upon the marine riparian area, and the means by which any such impacts may be mitigated;.

NOTE: Where more than one report under Section 4.6.11 (b), (c) or (d) is to be submitted with a development permit application, the professionals preparing the reports will be required to incorporate into their own work, the work of the other professionals, in order to ensure that a coherent interdisciplinary approach to the marine riparian development application is submitted.

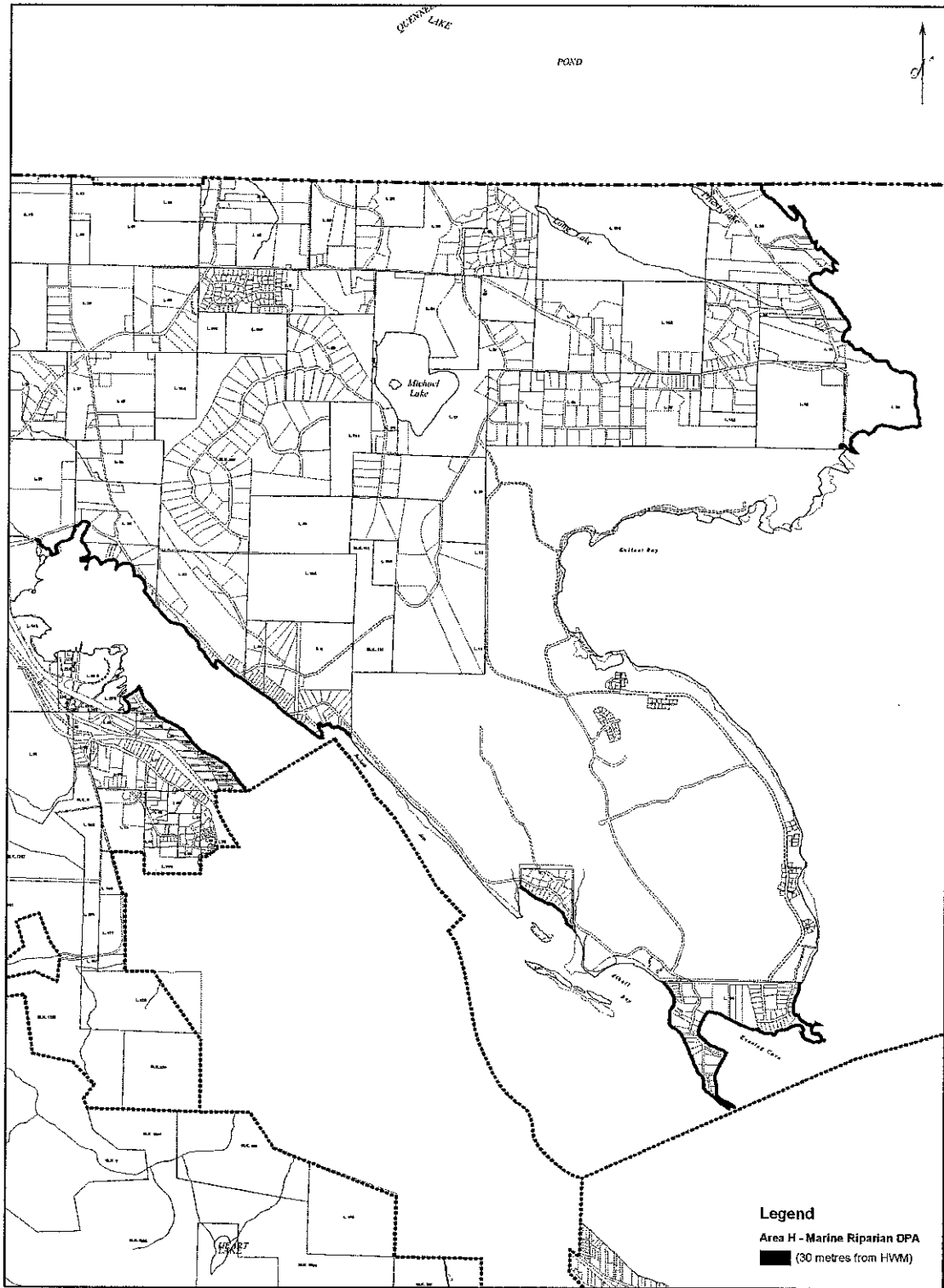


Figure 8A

FIGURE 8A

Marine Riparian Development Permit Area