



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

NOTICE OF REGULAR BOARD MEETING

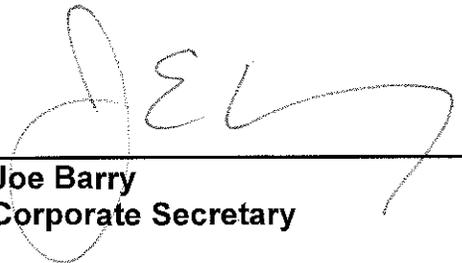
DAY: **WEDNESDAY**

DATE: **FEBRUARY 8, 2012**

TIME: **➔ REGULAR SESSION**
6:00 pm

PLACE: **BOARD ROOM**

175 INGRAM STREET



Joe Barry
Corporate Secretary



C.V.R.D

REGULAR BOARD MEETING

WEDNESDAY, FEBRUARY 8, 2012

6:00 PM – CVRD BOARD ROOM

AGENDA

	PAGES
1. <u>APPROVAL OF AGENDA:</u>	2-5
2. <u>ADOPTION OF MINUTES:</u>	
M1 Adoption of minutes of Regular Board meeting of January 11, 2012	6-16
3. <u>BUSINESS ARISING FROM THE MINUTES:</u>	
4. <u>DELEGATIONS:</u>	
D1 Gretchen Hartley, Executive Director, Cowichan Valley Hospice Re: Over of Cowichan Valley Hospice Services and Request Support of Regional Grant-In-Aid Application	17
D2 Bill Routley, M.L.A., Cowichan Valley Re: Pending Legislation Bill 20 Auditor General on <i>Local Government</i> <i>Act</i> ; and Crematorium	18
5. <u>REPORT OF THE CHAIRPERSON:</u>	
RC1 "State of the Enviro" Video Contest Winners	
6. <u>CORRESPONDENCE:</u>	
C1 Ministry of Transportation and Infrastructure Re: Mud and Dust Issues on Youbou Road	19-20
7. <u>INFORMATION:</u>	
8. <u>COMMITTEE REPORTS:</u>	
CR1 Regional Services Committee – Director Lefebure Report and Recommendations of Meeting of January 25, 2012	21
CR2 Electoral Area Services Committee – Director Walker Report and Recommendations of Meeting of January 17, 2012	22-25
CR2 Electoral Area Services Committee – Director Walker Report and Recommendations of Meeting of February 7, 2012	To Be Distributed 26-27
CR3 Engineering Services Committee – Director Iannidinardo Report and Recommendations of Meeting of January 25, 2012	28-29

CR4	Transit Committee – Director Morrison Report and Recommendations of Meeting of February 8, 2012	To Be Distributed 30
CR5	Economic Development Commission – Director Kent Report and Recommendations of Meeting of January 19, 2012	31
CR6	Kerry Park Recreation Commission – Director Iannidinardo Report and Recommendation of Meeting of January 24, 2012	32
9.	<u>STAFF REPORTS:</u>	
SR1	Staff Report from the Manager, Recycling and Waste Management Re: Provincial Legislation for Declared Nuisances	33-34
SR2	Staff Report from the Manager, Recycling and Waste Management Re: Revised Amendment to Bylaw 2570 - Waste Stream Management Licensing	35-43
SR3	Staff Report from the Project Engineer, Capital Projects Re: Lambourn Estates Water and Sewer Service Areas Amendment Request – Ellefson	44-49
10.	<u>PUBLIC HEARINGS:</u>	
PHI	Public Hearing Report and Minutes Re: South Cowichan Official Community Plan Amendment Bylaw No. 3511 and Zoning Amendment Bylaw No. 3498 (Bamberton Business Park/Industrial), applicable to Electoral Area A – Mill Bay/Malahat.	50-77
11.	<u>BYLAWS:</u>	
B1	"CVRD Bylaw No. 3571 – CVRD Bylaw No. 3571 – Security Issuing (Loan Authorization Bylaw No. 3449 and Loan Authorization Bylaw No. 3458) Bylaw, 2012", 1 st , 2 nd and 3 rd reading.	78-81
B1	"CVRD Bylaw No. 3571 – CVRD Bylaw No. 3571 – Security Issuing (Loan Authorization Bylaw No. 3449 and Loan Authorization Bylaw No. 3458) Bylaw, 2012", adoption.	
B2	"CVRD Bylaw No. 3573 – North Oyster Fire Protection Service Amendment Bylaw, 2011", adoption. (Referred from Board meeting of January 11, 2012)	82
B3	"CVRD Bylaw No. 3575 – Cowichan Valley Regional District Revenue Anticipation Borrowing Bylaw, 2012", 1 st , 2 nd and 3 rd reading.	83
B3	"CVRD Bylaw No. 3575 – Cowichan Valley Regional District Revenue Anticipation Borrowing Bylaw, 2012", adoption.	
B4	"CVRD Bylaw No. 3576 – Eagle Heights Fire Protection Service Amendment Bylaw, 2012", adoption.	84-85
B5	"CVRD Bylaw No. 3577 – Security Issuing (Loan Authorization Bylaw No. 1763) Bylaw, 2012", 1 st , 2 nd and 3 rd reading.	86-89

B5	"CVRD Bylaw No. 3577 -- Security Issuing (Loan Authorization Bylaw No. 1763) Bylaw, 2012", adoption	
B6	"CVRD Bylaw No. 3579 – Lambourn Estates Sewer System Service Amendment Bylaw (PID 001-098-241), 2012", 1 st , 2 nd and 3 rd reading.	90-91
B7	"CVRD Bylaw No. 3580 – Lambourn Estates Water System Service Amendment Bylaw (PID 001-098-241), 2012", 1 st , 2 nd and 3 rd reading.	92-93
Electoral Area Directors only vote on the following bylaws under Part 26 OR Section 791 of the <i>Local Government Act</i>:		
B8	"CVRD Bylaw No. 3284 – Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw (Cherry Blossom Estates), 2009", adoption.	94-100
B9	RESCIND 3 rd reading of "CVRD Bylaw No. 3285 – Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Cherry Blossom Estates), 2009".	101-106
B9	RESCIND 2 nd reading of "CVRD Bylaw No. 3285 – Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Cherry Blossom Estates), 2009".	
B9	"CVRD Bylaw No. 3285 – Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Cherry Blossom Estates), 2009", 2 nd reading as amended in accordance with EASC Recommendation No. 22.3	
B10	"CVRD Bylaw No. 3511 -- South Cowichan Official Community Plan Amendment Bylaw (Bamberton Business Park/Industrial), 2011", 3 rd reading.	107-117
B11	"CVRD Bylaw No. 3498 – Electoral Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Bamberton Business Park Industrial), 2011", 3 rd reading.	118-129
B12	"CVRD Bylaw No. 3584 – Area B – Shawnigan Lake Zoning Amendment Bylaw (Creelman), 2012", 1 st and 2 nd reading.	130-132

12. RESOLUTIONS:

RES1	Appointments to the Electoral Area E – Cowichan Station/Sahtlam/Glenora Parks and Recreation Commission	133
RES2	Appointments to the Electoral Area G – Saltair/Gulf Islands Parks Commission	134
RES3	Appointments to the Electoral Area G – Saltair/Gulf Islands Advisory Planning Commission	135
RES4	Appointment to the Electoral Area H – North Oyster/Diamond Advisory Planning Commission	136

13. UNFINISHED BUSINESS:

UB1	Director Marcotte – Smart Meters	137
-----	----------------------------------	-----

14. NOTICE OF MOTION:**15. NEW BUSINESS:****16. QUESTION PERIOD:**

- a) Press
- b) Public

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 Closed Session Minutes of January 11, 2012	138-139
CSCR1	Employee Relations {Sub (1) (c)}	140
CSCR2	Legal Action {Sub (1) (f)}	141
CSCR3	Potential Appointment {Sub (1) (a)}	142

18. ADJOURNMENT:

The next Regular Board meeting will be held March 14, 2012 at 6:00 pm, 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, January 11, 2012 at 6:00 pm.

PRESENT: Chair R. Hutchins
Directors M. Walker, B. Fraser, G. Giles,
L. Iannidinardo, L. Duncan, I. Morrison,
M. Dorey, M. Marcotte, P. Weaver
R. Hartmann, P. Kent, J. Lefebure, B. Lines,
and T. McGonigle

ALSO PRESENT: Warren Jones, Chief Administrative Officer
Joe Barry, Corporate Secretary
Mark Kueber, General Manager, Corporate Services
Tom Anderson, General Manager,
Planning & Development
Brian Dennison, General Manager,
Engineering & Environmental
Geoff Millar, Manager, Economic Development Division

APPROVAL OF AGENDA

12-001

It was moved and seconded that the agenda be amended with the deletion of Staff Reports Item SR5, and the addition of New Business items as follows:

- NB1 Appointments - Electoral Area I - Youbou/Meade Creek Advisory Planning Commission.**
- NB2 Appointments - Electoral Area D - Cowichan Bay Advisory Planning Commission.**
- NB3 Appointments - Kerry Park Recreation Centre Commission.**
- NB4 Appointment - Electoral Area H - North Oyster/Diamond Advisory Planning Commission.**
- NB5 Appointments - Electoral Area E - Cowichan Station/Sahtlam/Glenora Advisory Planning Commission.**
- NB6 Director Weaver - Mud and Dust Issues on Youbou Road.**

and additional information relevant to Bylaws item B1 Bylaw No. 3573; and further, that the agenda as amended be approved.

MOTION CARRIED

ADOPTION OF MINUTES

12-002

It was moved and seconded that the minutes of the December 14, 2011 Regular Board meeting be adopted.

MOTION CARRIED

BUSINESS ARISING

OUT OF MINUTES There was no business arising.

DELEGATIONS

D1 Vicki Holman, Manger, BC Forest Discovery Centre
Re: Presentation in Support of BC Forest Discovery Centre Regional Grant-In-Aid Application 2012.

Vicki Holman introduced Steve Lorimer, President of the BC Forest Discovery Centre Board of Directors, who provided an overview of the BC Forest Discovery Centre operations and funding, and requested the CVRD's support of their Regional Grant-In-Aid request. The delegation was advised that their Regional Grant-In-Aid request would be considered during budget deliberations.

REPORT OF CHAIRPERSON

RC1 The Chair provided an overview of the 2012 CVRD Standing Committee appointments.

The **2012 CVRD Standing Committee** appointments are listed for information.

2012 STANDING COMMITTEES**REGIONAL SERVICES COMMITTEE:**

Director J. Lefebure, Chairperson

Director L. Iannidinardo, Vice Chairperson

Director M. Dorey

Director L. Duncan

Director B. Fraser

Director G. Giles

Director R. Hartmann

Director R. Hutchins

Director P. Kent

Director B. Lines

Director M. Marcotte

Director T. McGonigle

Director T. McGonigle

Director M. Walker

Director P. Weaver

ELECTORAL AREA SERVICES COMMITTEE:

Director M. Walker, Chairperson

Director G. Giles, Vice Chairperson

Director M. Dorey

Director L. Duncan

Director B. Fraser

Director L. Iannidinardo

Director M. Marcotte

Director I. Morrison

Director P. Weaver

ENGINEERING & ENVIRONMENTAL SERVICES COMMITTEE:

Director L. Iannidinardo, Chairperson

Director M. Dorey, Vice Chairperson

Director L. Duncan

Director B. Fraser

Director G. Giles

Director J. Lefebure

Director M. Marcotte

Director T. McGonigle

Director I. Morrison

Director M. Walker

Director P. Weaver

TRANSIT COMMITTEE:

Director I. Morrison, Chairperson
Director P. Kent, Vice Chairperson
Director L. Duncan
Director B. Fraser
Director G. Giles
Director L. Iannidinardo
Director J. Lefebure
Director B. Lines
Director T. McGonigle
Director M. Walker
Director P. Weaver

COMMUNICATIONS COMMITTEE:

Director P. Kent, Chairperson
Director B. Fraser, Vice Chairperson
Director G. Giles
Director R. Hutchins
Director B. Lines
Director M. Marcotte
Director I. Morrison
Director M. Walker

PARKS COMMITTEE:

Director M. Dorey, Chairperson
Director G. Giles, Vice Chairperson
Director L. Duncan
Director R. Hartmann
Director L. Iannidinardo
Director J. Lefebure
Director M. Marcotte
Director I. Morrison
Director M. Walker

REGIONAL RECREATION COMMITTEE:

Director T. McGonigle, Chairperson
Director B. Fraser, Vice Chairperson
Director M. Dorey
Director G. Giles
Director L. Iannidinardo
Director J. Lefebure
Director B. Lines

TREATY ADVISORY COMMITTEE:

Director L. Duncan, Chairperson
Director P. Kent, Vice Chairperson
Director G. Giles
Director R. Hutchins
Director J. Lefebure
Director B. Lines
Director I. Morrison

HEALTH ADVISORY COMMITTEE:

Director R. Hartmann, Chairperson
Director M. Marcotte, Vice Chairperson
Director G. Giles
Director R. Hutchins
Director L. Iannidinardo
Director I. Morrison

COMMUNITY RECOGNITION COMMITTEE:

Director G. Giles, Chairperson
Director P. Weaver, Vice Chairperson
Director M. Dorey
Director R. Hutchins
Director L. Iannidinardo

COMMUNITY SAFETY ADVISORY COMMITTEE:

Director L. Iannidinardo, Chairperson
Director B. Lines

RC2

COMMISSION APPOINTMENTS

12-003

It was moved and seconded that the following appointments be approved:

ECONOMIC DEVELOPMENT COMMISSION:

Appointed for a Term to Expire December 31, 2013:

Director B. Fraser
Director P. Kent

ENVIRONMENT COMMISSION:

Appointed for a Term to Expire December 31, 2012:

Director G. Giles
Director P. Kent
Director J. Lefebure

REGIONAL AGRICULTURAL ADVISORY COMMISSION:

Appointed for a Term to Expire December 31, 2014:

Director M. Marcotte
Director R. Hartmann
Director L. Duncan
Director G. Giles
Director R. Hutchins

MOTION CARRIED

Chair Hutchins advised that he has appointed Director Mary Marcotte as Chairperson and Director Ruth Hartmann as Vice Chairperson of the Regional Agricultural Advisory Commission.

RC3

NON-CVRD COMMITTEE/AUTHORITIES APPOINTMENTS

12-004

It was moved and seconded that the following appointments be approved:

COWICHAN WATERSHED BOARD:

Director R. Hutchins
Director J. Lefebure
Director I. Morrison

COWICHAN LAKE COMMUNITY FOREST COOPERATIVE:

Director I. Morrison

**MAYOR'S ADVISORY COMMITTEE ON DISABILITY ISSUES
- CITY OF DUNCAN:**

Director L. Iannidinardo

MUNICIPAL FINANCE AUTHORITY:

Director I. Morrison
Director R. Hutchins (*Alternate*)

(Amended from Original Recommendation):

MUNICIPAL INSURANCE ASSOCIATION OF BC (MIABC):

Director M. Dorey
Director I. Morrison (*Alternate*)

ISLAND COAST ECONOMIC TRUST (ICET):

Director G. Giles

ISLAND CORRIDOR FOUNDATION:

Director P. Kent

COWICHAN COMMUNITIES HEALTH NETWORK:

Director G. Giles
Director R. Hutchins
Director L. Iannidinardo

TREATY ADVISORY COMMITTEE:

Director L. Duncan
Director R. Hutchins (*Alternate*)

MOTION CARRIED

RC4

DRAFT 2012 CVRD COMMITTEE CALENDAR

12-005

It was moved and seconded that the 2012 CVRD Committee Calendar be approved.

MOTION CARRIED

12-006

It was moved and seconded that the August 8, 2012 Board meeting be rescheduled to August 1, 2012 at 6:00 pm.

MOTION CARRIED

COMMITTEE REPORTS

CR1

The report and recommendation of the Cowichan Lake Recreation Commission meeting of December 15, 2011 listing one item was considered.

12-007

It was moved and seconded that the CVRD Board approve the application for Canada Day Funding through Celebrate Canada; and further that the Chair and Corporate Secretary be authorized to enter into the funding agreement on behalf of the CVRD.

MOTION CARRIED

STAFF REPORTS

- SR1** The Staff Report from the Legislative Services Coordinator, Corporate Services dated December 6, 2011 re: Bylaw No. 3537 - Shawnigan Creek Cleanout and Drainage Service Notice of Alternative Approval and Elector Response Form was considered.
- 12-008** **It was moved and seconded that this issue be referred back to staff on the basis of timing.**
- MOTION CARRIED**
- SR2** The Staff Report from the Manager, Cowichan Lake Recreation dated December 21, 2011 re: Community Access Program Agreement was considered.
- 12-009** **It was moved and seconded that the CVRD Board approve the Cowichan Lake Recreation Commission's request to enter into a new agreement with Victoria Free-Net Association for funding and operation of the CAP Internet access site at the Youbou Community Hall; and that the Chair and Corporate Secretary be authorized to enter into the funding agreement on behalf of the CVRD.**
- MOTION CARRIED**
- SR3** The Staff Report from the Planner I, Development Services dated January 11, 2012 re: 1-E-10 RS Urban Edge Properties - UPDATE (Bylaws No. 3551 and 3552), was considered.
- 12-010** **It was moved and seconded that the Staff Report from the Planner I, Development Services dated January 11, 2012 re: 1-E-10 RS Urban Edge Properties - UPDATE (Bylaws No. 3551 and 3552), was received for information purposes.**
- MOTION CARRIED**
- SR4** The Staff Report from the Project Engineer, Capital Projects dated January 9, 2012 re: Lambourn Estates Water and Sewer Service Areas Amendment Request was considered.
- 12-011** **It was moved and seconded:**
- 1. That the *Certificate of Sufficiency*, confirming that a sufficient petition requesting inclusion into the Lambourn Estates sewer and water service areas be received.**
 - 2. That "CVRD Bylaw No. 3052 - Lambourn Estates Sewer System Service Establishment Bylaw, 2008", and "CVRD Bylaw No. 3034 - Lambourn Estates Water System Service Establishment Bylaw, 2008", be amended to include "PID 001-098-241, Lot 3, Section 4, Range 6, Plan 32129, Cowichan District".**
 - 3. That the amended bylaws be forwarded to the Board for consideration of three readings.**
 - 4. That the amendment bylaws not be considered for adoption until the following conditions have been met:**

1. A covenant be registered on the title of this property, addressing CVRD Planning concerns.
2. A Lambourn Estates Sewer and Water Servicing Agreement be executed by the Developer and the CVRD.
3. That the Developer pay the Lambourn Estates Water System connection fee of \$4,000 per lot.

MOTION CARRIED

PUBLIC HEARINGS

PH1 Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3551 and Zoning Amendment Bylaw No. 3552 (Urban Edge Properties Ltd.), applicable to Electoral Area E - Cowichan Station/Sahtlam/Glenora, were considered.

12-012 It was moved and seconded that the Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3551 and Zoning Amendment Bylaw No. 3552 (Urban Edge Properties Ltd.), applicable to Electoral Area E - Cowichan Station/Sahtlam/Glenora be received.

MOTION CARRIED

BYLAWS

B1 Additional information was handed out by Keith Wyndlow from the North Oyster/Diamond Ratepayers Association, entitled *Bylaw No. 3573 to Amend North Oyster Local Service Fire Protection Area*, requesting that the amending bylaw be tabled while an adequate, necessary and transparent public process takes place.

12-013 It was moved and seconded that consideration of "CVRD Bylaw No. 3573 - North Oyster Fire Protection Service Amendment Bylaw, 2011" be referred to the February 2012 Board meeting or a Special Board meeting.

MOTION CARRIED

B2
12-014 It was moved and seconded that "CVRD Bylaw No. 3576 - Eagle Heights Fire Protection Service Amendment Bylaw, 2012", be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B3
12-015 It was moved and seconded that "CVRD Bylaw No. 3551 - Area E - Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw (Urban Edge Properties Ltd.), 2011", be granted 3rd reading.

MOTION CARRIED

B4
12-016 It was moved and seconded that "CVRD Bylaw No. 3552 - Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Urban Edge Properties Ltd.), 2011", be granted 3rd reading.

MOTION CARRIED

- 12-017 It was moved and seconded that prior to final adoption of Bylaws No. 3551 and 3552:
- a) Five sewer connections be purchased in order to resolve the issue of existing development on the property exceeding the number of allocated sewer units;
 - b) That proof of adequate water supply for firefighting be provided by a Fire Protection Engineer prior to the issuance of any permits for further development of the site; and
 - c) Registration of a restrictive covenant to secure the park dedication;
- and that this occur by January 11, 2013.

MOTION CARRIED

RESOLUTIONS

- RES1
12-018 It was moved and seconded that the following appointments to the Electoral Area A - Mill Bay/Malahat Advisory Planning Commission be approved:
- Appointed for a Term to Expire November 30, 2012:
Cliff Braaten
David Crowe
Pauline Hyde
Margo Johnston
Archie Staats
Ted Stevens
Glenn Terrell

MOTION CARRIED

- RES2
12-019 It was moved and seconded that the following appointments to the Electoral Area B - Shawnigan Lake Advisory Planning Commission be approved:
- Appointed for a Term to Expire November 30, 2012:
Rod MacIntosh
Bruce Stevens

MOTION CARRIED

- RES3
12-020 It was moved and seconded that the following appointments to the Cowichan Lake Recreation Commission be approved:
- Appointed for a Term to Expire November 30, 2012:
Dean Adams
Laurie Johnson
Sheila McFarlane
Bill Peters
Dave Darling
Rocky Wise

MOTION CARRIED

RES4
12-021

It was moved and seconded that the CVRD accept the offer in principle of Industrial-zoned Provincial land, for a token \$1, for an Eco Depot site in the south end as alluded to by the CT group spokesperson Joseph Gollner, affirmed by past Director Richard Hughes and attributed to CVRD Director Morrison's background and field work;

Further that the CVRD accept, in principle, the Province of BC's offer of \$650,000 to develop the industrial site, which CT group spokesperson Joseph Gollner and past Director Richard Hughes affirm is the funding being offered and available from the Province;

And further that Joseph Gollner, Richard Hughes and Director Morrison be asked to be the committee tasked to do the preliminary outreach in the South Cowichan community as to the suitability of the specified Provincial, Industrial-zoned land site for use as a south end Eco Depot;

And finally, any and all documents which the CVRD has in regards to this specific offer, whether in Closed Session or not, be made available to the committee and to the public.

Opposed: Directors Dorey, Fraser, Giles, Hartmann, Hutchins, Iannidinardo, Kent, Lefebure, Lines, Marcotte, McGonigle, Morrison, Walker and Weaver

MOTION DEFEATED

NEW BUSINESS

NB1
12-022

It was moved and seconded that the following appointments to the Electoral Area I - Youbou/Meade Creek Advisory Planning Commission be approved:

Appointed for a Term to Expire November 30, 2012:

Jeffrey Abbott
Shawn Carlow
George deLure
Bill Gibson
Mike Marrs
Gerald Thom

MOTION CARRIED

NB2
12-023

It was moved and seconded that the following appointment to the Electoral Area D - Cowichan Bay Advisory Planning Commission be approved:

Appointed for a Term to Expire November 30, 2012:

Hilary Abbott
Linden Collette
Peter Holmes
Brian Hosking
Al Jones
Joe Kinrade
Dave Paras
Calvin Slade

Dave Slang
Robert Stitt
Kevin Maher

MOTION CARRIED

NB3
12-024

(Amended from Committee Recommendation):

It was moved and seconded that the following appointments to the Kerry Park Recreation Centre Commission be approved:

Appointed for a Term to Expire December 31, 2014:

Electoral Area A: Brian Harrison
Electoral Area B: Heather Broughton
Electoral Area C: Michael Croft
Electoral Area D: Leslie Heinio

MOTION CARRIED

NB4
12-025

It was moved and seconded that the following appointment to the Electoral Area H - North Oyster/Diamond Advisory Planning Commission be approved:

Appointed for a Term to Expire November 30, 2012:

Myfanwy Plecas

MOTION CARRIED

NB5
12-026

It was moved and seconded that the following appointments to the Electoral Area E - Cowichan Station/Sahtlam/ Glenora Advisory Planning Commission be approved:

Appointed for a Term to Expire November 30, 2012:

David Coulson
Dan Ferguson
Darin George
Ben Marrs
Frank McCorkell
David Tattam
Jill Thompson
Keith Williams
Michelle Young

MOTION CARRIED

NB6

Director Weaver - Mud and Dust Issues on Youbou Road.

12-027

It was moved and seconded that the CVRD request the Ministry of Transportation and Infrastructure to address the excessive mud and dust issues on Youbou Road arising from logging trucks travelling through the community.

MOTION CARRIED

**RESOLVING INTO
CLOSED SESSION**

**12-028
7:35 pm**

It was moved and seconded that the meeting be closed to the public in accordance with the Community Charter Part 4, Division 3, Section 90, Subsections (1) (a) Potential Appointment; (2) (b) Intergovernmental Negotiations; and (1) (c) Labour Relations.

MOTION CARRIED

**RISE FROM
CLOSED SESSION**

**12-035
8:56 pm**

It was moved and seconded that the Board rise with report on Closed Session Resolution No. 11-692 and return to the Regular portion of the meeting.

MOTION CARRIED

11-692

It was moved and seconded:

1. That Judy Stafford be appointed as a member of the Environment Commission for a term of two years to expire December 31, 2013.
2. That Dave Polster be appointed as a member of the Environment Commission for a term of one year to expire December 31, 2012.

MOTION CARRIED

ADJOURNMENT

**12-036
8:56 pm**

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

MOTION CARRIED

The meeting adjourned at 8:56 pm

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____

D1**Request to Appear as a Delegation****Meeting Information**

Request to Address:

 CVRD Board CommitteeIf Committee, specify the Committee here:
Meeting Date: Meeting Time: **Applicant Information**Applicant Name: Representing:

(Name of organization if applicable)

As:

(Capacity / Office)

Number Attending: **Applicant Contact Information**Applicant Mailing Address: Applicant City: Applicant Telephone: Applicant Fax: Applicant Email: **Presentation Topic and Nature of Request:**

To provide an overview of Cowichan Valley services and to request support for our application for a grant in aid to assist in the development of grief support walking groups on CVRD trails to be facilitated by staff and trained hospice volunteers.

D2**Request to Appear as a Delegation****Meeting Information**

Request to Address:

 CVRD Board Committee

If Committee, specify the Committee here:

Meeting Date: 02/08/12

Meeting Time: 6 PM

Applicant Information

Applicant Name: Bill Routley

Representing: Community

(Name of organization if applicable)

As: MLA

(Capacity / Office)

Number Attending:

Applicant Contact Information

Applicant Mailing Address: 273 Trunk Road

Applicant City: Duncan, BC

Applicant Telephone: 250-715-0127

Applicant Fax: 250-715-0139

Applicant Email: bill.routley.mla@leg.bc.ca

Presentation Topic and Nature of Request:

Items:

1. Pending Legislation Bill 20 Auditor General on
Local Government Act

2. Crematorium

January 30, 2012

Our File: Youbou Road

Joe Barry, CMC
Corporate Secretary
Cowichan Valley Regional District
175 Ingram Street
Duncan BC V9L 1N8

Dear Mr. Barry:

RE: Mud and Dust issues on Youbou Road

We are in receipt of your letter dated January 17, 2012 with regard to the issues on Youbou Road and your request for this Ministry's plans to address the situation. We are well aware of this ongoing issue for Youbou residents and have met with key stakeholders.

On January 27, 2012, Ministry staff met with Timberwest, MLA Bill Routley and two of your Directors, Ian Morrison and Pat Weaver, to discuss the issue of excessive dust and mud deposits on Youbou Road. There was a universal interest in addressing this issue along with several solutions proposed. Timberwest committed to work with the Ministry to: 1) identify effective mitigation techniques based on past experience and industry research, and 2) develop a formal dust/mud control program based on one or more of these mitigations.

Ministry staff will be meeting with Timberwest in the coming weeks to begin developing a formal mitigation plan to be in place prior to May 15, 2012.

.../2

Joe Barry - CVRD
January 30, 2012
Page 2

In the mean time, we will continue to sweep the road as needed and will keep you apprised on efforts to find a solution to this issue. Should you wish to discuss this situation further, I can be reached at 250-751-3282 or by email at Kirsten.Pedersen@gov.bc.ca.

Yours truly,

A handwritten signature in black ink, appearing to be 'Kirsten Pedersen', written over a horizontal line.

Kirsten Pedersen
District Manager and Executive Director
Vancouver Island District

cc: Mark Traverso, Operations Manager – Saanich Area Office



**REGIONAL SERVICES COMMITTEE REPORT
OF MEETING HELD JANUARY 25, 2012**

DATE: January 30, 2012

To: Chairperson and Directors of the Board

Your Regional Services Committee reports and recommends as follows:

1. That the Finance Division be authorized to proceed with Interim Borrowing through the Municipal Finance Authority in an amount not to exceed \$11,000,000. for operational purposes only; and that CVRD Bylaw No. 3575 – Cowichan Valley Regional District 2012 Revenue Anticipation Borrowing Bylaw be considered for three readings and adoption.
2.
 1. That Bylaw No. 3571 – Security Issuing (Loan Authorization Bylaw No. 3449 & Loan Authorization Bylaw No. 3458) Bylaw, 2012 be forwarded to the Board for consideration of three readings and adoption.
 2. That Bylaw No. 3577 – Security Issuing (Loan Authorization Bylaw No. 1763) Bylaw, 2012 be forwarded to the Board for consideration of three readings and adoption.
 3. That Bylaw No. 3578 – Security Issuing (Loan Authorization Bylaw No. 3475) Bylaw 2012 be forwarded to the Board for consideration of three readings and adoption.



CR2

**ELECTORAL AREA SERVICES
COMMITTEE REPORT**

OF MEETING HELD JANUARY 17, 2012

DATE: January 23, 2012

To: Chairperson and Directors of the Board

Your Electoral Area Services Committee reports and recommends as follows:

1. That the Board Chair and Corporate Secretary be authorized to sign the five year Fire Protection and Emergency Response Services Agreement between the CVRD and the Capital Regional District.
2.
 1. That the Regional Board accept transfer of ownership to the Cowichan Valley Regional District and Statutory Rights of Way access to two water storage tanks located at Lot 2, District Lot 132, Malahat District, Plan VIP 75146, PID 025-642-324;
 2. That the Chair and Corporate Secretary be authorized to execute the statutory rights of way to access two water storage tanks located at Lot 2, District Lot 132, Malahat District, Plan VIP 75146, PID 025-642-324; and
 3. That the Chair and Corporate Secretary be authorized to execute the Bill of Sale (Absolute) transferring ownership of the water storage tanks from Pat Lintaman Design Ltd (Inc. No. BC0338205), and Anchorage Projects Ltd (Inc. No. BC0787945) to the Cowichan Valley Regional District.
3. That the appointment of Keith Bird as Acting Fire Chief to the CVRD Honeymoon Bay Fire Rescue for a term to expire December 31, 2012, be approved; and further that retiring Fire Chief John Rowley remain in the Department in an advisory position until the summer of 2012.
4. That an easement be granted in favour of Cobble Hill Improvement District for access across lands owned by the Cowichan Valley Regional District known as Fisher Road Pedestrian Crossing Park, legally described as Block 1475, Plan 56724 and Lot A, Section 13, Range 6, Plan VIP48879, Shawnigan Land District, Plan VIP81077.
5. That the Province be requested to amend the current 30 year water lot lease (DL 1, Lease #102999; Aug 31/89 – Aug 30/19) in Shawnigan Wharf Park, to include an RCMP boat house adjacent to the existing Fire Department's boat house, and that the Board Chair and Corporate Secretary be authorized to sign the required lease document amendments.
6. That the request by Easy Living Holdings Limited to assign their existing parks maintenance contracts to another parks maintenance contracting business, be denied.

7. That the Capital Purchasing Policy be waived to allow expenditures to proceed on the following Community Parks capital projects prior to the adoption of the CVRD 2012 Five Year Financial Plan:
 - Electoral Area B – Phase 2 and 3 works at Shawnigan Hills Athletic Park in the amount of \$74,179;
 - Electoral Area C – Construction of a washroom building at Quarry Nature Park in the amount of \$141,820;
 - South Cowichan Parks - Mill Bay Historic Church – Phase 1 Rehabilitation in the amount of \$112,264;

And further, that a public meeting be held with respect to providing an update on the intended work plan for 2012 for the Mill Bay Historic Church.
8. That the Board Chair forward a letter to BC Hydro requesting that they remove any illegal signage attached to hydro poles located within the Cowichan Valley.
9. That a grant in aid, Area C – Cobble Hill, in the amount of \$1,000 be given to Cowichan Secondary School to provide two \$500 bursaries for graduating students from Area C.
10. That a grant in aid, Area C – Cobble Hill, in the amount of \$1,500 be given to Frances Kelsey School to provide three \$500 bursaries for graduating students from Area C.
11. That a grant in aid, Area D – Cowichan Bay, in the amount of \$1,000 be given to Cowichan Secondary School to provide two \$500 bursaries for graduating students from Area D.
12. That a grant in aid, Area D – Cowichan Bay, in the amount of \$1,000 be given to Frances Kelsey School to provide two \$500 bursaries for graduating students from Area D.
13. That a grant in aid, Area D – Cowichan Bay, in the amount of \$500 be given to Cowichan Therapeutic Riding Association to assist with their equine based therapeutic services program.
14. That the resignation of Dan Massen from the Area C Parks Commission be accepted, and that a letter of appreciation for service on the Commission be forwarded to Mr. Massen.

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

15. That Application No. 1-C-11DP made by J.Francis and Sanja Hugo for the purpose of subdividing the property into a 0.3802 hectare lot and a 0.4 hectare lot be approved subject to:
 1. A covenant being registered to protect a 30 metre agricultural buffer between the subject property and the property directly north of the subject property, within which no dwelling, building or structure may be located, and no vegetation may be removed, except invasive species, dry underbrush which poses a fire hazard, and dangerous trees identified by an International Society of Arboriculture Certified Arborist.

2. Compliance with a drainage plan, to be prepared by a Professional Engineer with experience in drainage, at the time of any future building permit application, which outlines measures that must be taken to ensure post-development runoff does not exceed pre-development runoff for a five year storm event.
16. That Application No. 2-E-11ALR, submitted by Michael Ker for Sunrise Educational Society, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct a 213.7 square metre addition to an existing assembly hall for the purpose of providing additional administration, faculty and classroom space, be forwarded to the Agricultural Land Commission with a recommendation to approve the application.
17. That Application No. 9-A-11DP/RAR submitted by Mark Wyatt on behalf of Malahat Holdings Ltd. Inc. for subdivision of District Lot 72, Malahat District Except Those Parts in Plans 518W and 49974 and VIP 86314 (PID: 009-359-320) that would permit subdivision of the property along the Trans Canada Highway boundary be approved, subject to:
 - a) Development on the lots to implement rainwater management techniques that would maximize onsite infiltration such as infiltration galleries for dwellings and principal buildings and to maintain as much native vegetation as possible; and
 - b) Removal of any invasive species on the properties.
18. That draft bylaws for application 1-G-10 RS be prepared and presented at a future EASC meeting, and to proceed to a public hearing thereafter, subject to the following:
 1. That a professional engineer prepare an operational plan plus financial plan for ongoing maintenance of the proposed private sewage treatment system, and a draft covenant is submitted to ensure maintenance recommendations are implemented, prior to public hearing.
 2. That the drainage study be revised such that all proposed rain water management infrastructure is removed from the proposed park area and relocated to strata property.
 3. That a draft covenant be submitted respecting parkland dedication and public access, prior to a public hearing.
 4. That a draft covenant be submitted to ensure dedication of a private road to BC MoT at time of subdivision, to prevent duplication of access points along Chemainus Road.
 5. That the applicants agree in writing to the costs associated with installation of a fire hydrant, in a location suitable to the CVRD.
 6. That if this application proceeds to subdivision approval process, that the request for an Archaeological Overview Assessment be forwarded to BC MoT, and the results of any assessment be communicated to the Stz'uminus First Nation.
 7. That application referrals from Vancouver Island Health Authority, Ministry of Transportation and Infrastructure, Chemainus Volunteer Fire Department, School District No. 79 and Chemainus First Nation be accepted.
 8. That a Certificate of Compliance or authorized release be issued by the Ministry of Environment, prior to adoption of bylaws.
19.
 1. That Application No. 1-B-11RS (Beckett/Creelman) be approved subject to the applicant providing an amenity contribution of 1% of the assessed value of the newly subdivided lot.
 2. That the appropriate amendment bylaws for Application No,1-B-11RS be forwarded to the Board for consideration of first and second reading.

3. That the application referrals to the Shawnigan Lake Volunteer Fire Department; Central Vancouver Island Health Authority, Ministry of Transportation and Infrastructure and School District No. 79, be accepted.
 4. That a public hearing be scheduled with Directors Fraser, Walker, and Iannidinardo appointed as delegates of the Board.
20. That Application No. 2-E-11RS (Khalsa Diwan Societies) be denied, and further that the owners of Lot 1, Section 9, Range 7, Sahtlam District, Plan 32483 (PID: 000-152-609, 4695 Cowichan Lake Road) be requested to cease all commercial crematorium operations immediately.
 21. That Application No. 6-A-09RS (Topping/Quek) be re-referred to the Area A Advisory Planning Commission once the applicants have completed traffic, transit and engineering studies, furthered discussions with CVRD departments and service providers, and consulted the community.
 22.
 1. That *CVRD Bylaw No. 3284 – Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw* (Cherry Blossom Estates), be forwarded to the Board for adoption.
 2. That second and third reading of *CVRD Bylaw No. 3285 – Area E - Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw* (Cherry Blossom Estates), be rescinded.
 3. That CVRD Zoning Amendment Bylaw No. 3285 be amended by incorporating covenant requirements into the bylaw as described in the Development Services Manager's January 11, 2012 Staff Report.
 4. That CVRD Zoning Amendment Bylaw No. 3285, as amended, be forwarded to the Board for consideration of second reading.
 5. That notice be issued that the public hearing for CVRD Zoning Amendment Bylaw No. 3285 will be waived in accordance with Section 893 of the *Local Government Act*; and further, that after the close of the notification period, that CVRD Zoning Amendment Bylaw No. 3285 be forwarded to the Board for consideration of third reading and adoption.
 23. That the request by Cowichan Valley Trap and Skeet Club to hold three Special Event competitive shoots in 2012 (March 31-April 1, April 21-22, and June 1-2), be approved.



**ELECTORAL AREA SERVICES
COMMITTEE REPORT
OF MEETING HELD FEBRUARY 7, 2012**

DATE: February 8, 2012

To: Chairperson and Directors of the Board

Your Electoral Area Services Committee reports and recommends as follows:

1. That a trail license agreement be entered into with Stocking Creek Strata #VIS3754 permitting the Regional District to construct and maintain a public trail across Common Property VIS 3794, Oyster Land District as an extension to the trail system in Stocking Creek Park.
2. That a one year lease renewal inclusive of two renewal terms of one year each be approved for the Stocking Creek Park lease across Lot 14 (DD 71247N), District Lot 14, Oyster District, Plan 4039 (PID: 002-221-721) for the purpose of trail access to the park.
3. That a grant in aid, Electoral Area D – Cowichan Bay, in the amount of \$1,000 be given to West Coast Men’s Support Society, to assist with their program.
4. That the following motion be submitted to AVICC:
WHEREAS Regional District Fire Departments provide essential lifesaving and emergency response services to communities throughout BC;
AND WHEREAS the funding of essential capital infrastructure and equipment such as fire halls and emergency vehicles is very challenging for small fire departments and communities;
NOW THEREFORE BE IT RESOLVED that the Province of British Columbia work with the Union of BC Municipalities to identify mechanisms and strategies to assist in generating sustainable funding for rural fire departments.
5. That a letter be forwarded to David Turpin, President, University of Victoria, requesting a meeting to express CVRD’s concerns regarding future plans that the University may have regarding the Simpson Field Studies Resource Centre in Marble Bay on Cowichan Lake.
6. That the CAO investigate a corporate policy in regards to gas tax funding for NGOs who have eligible projects, and who presently have a specified area funding Bylaw in place, and receive funding annually as part of the CVRD Budget process; and that CVRD/NGO specified area defined partnerships which have proposed projects on public owned lands, be considered as eligible for year 2012 funding; and further, that a staff report on eligible NGO funding partnerships overall to be part of the gas tax project be forwarded to an upcoming EASC meeting.

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

7. That the request by M.H. Johnston & Associates Inc. to permit stick framing of homes at their Shawnigan Station Estates development on Lot A, Section 7, Township 1, Malahat District, Plan 4777, be approved.
8. That Application No. 7-B-11DP/RAR, submitted by Jordan Mann on behalf of Don Mann Excavating Ltd., for deposit of fill and restoration of land within the riparian area described in RAR Report No. 2147 on Lot 6, District Lot 50, Malahat District, Plan VIP85007, Except Part in Plan EPP13409 (PID 027-514-382), be approved, subject to:
 - a) Compliance with RAR Assessment Report No. 2147 prepared by Wm. Patrick Lucey R.P.Bio and the restoration letter prepared by Aqua-Tex Scientific Consulting dated September 21, 2011.
 - b) Receipt of an irrevocable letter of credit in a form suitable to the CVRD equal to 125% of the value of the restoration described by the Qualified Environmental Professional.
 - c) That covenant FB174939 be amended to reflect the new Riparian Areas Regulation report and Streamside Protection and Enhancement Areas.
9. That Application No. 5-A-11DP (Webb/Ogden) be approved, and that a development permit, pursuant to the Mill Bay Village Development Permit Area, be issued to Alf Webb on behalf of Reginald and Doris Ogden for Lot 11, Block F, Section 1, Range 9, Shawnigan District, Plan 1720 except Part in Plan 22573 and Plan 50586 (PID: 000-639-583), for the 4 lot subdivision of the subject property, subject to the following:
 1. Receipt of a letter of credit, covering 100% of the cost of invasive plant species removal, appropriate disposal, and two years successive treatments;
 2. Compliance with a rain and stormwater management plan, to be prepared by a Qualified Professional Engineer at the time of any future building permit application, which is designed to:
 - Promote the use of low impact development techniques
 - Maximize infiltration from frequently occurring rain events and not permit the volume of drainage flows from exceeding pre development levels
 - Maintain or improve water quality from the development site
 - Maintain the site's discharge hydrogeology from a 5 year peak flow event
 - Locate rain and storm water management facilities so as to minimize impacts to natural areas.
 3. Compliance with Riparian Areas Regulation report no. 1976, prepared by Paul Harder, RP Bio, dated April 5, 2011.
10. That Section 16 of Development Application Procedures and Fees Bylaw No. 3275 be varied to allow reconsideration of Application No. 3-I-11DP/RAR (Dix) in advance of the required 12 month waiting period.
11. That the application from The Everti Cycling Club to hold a cross-country mountain bike race on designated trails within Quarry Nature Park and the Cobble Hill Mountain Regional Recreation Area on Sunday, March 18, 2012, be approved subject to the following conditions:

1. Proof of the \$5,000,000 liability insurance that the company has to cover the event which also identifies the CVRD and the Province of BC named as additional insured,
 2. A damage deposit of \$500 must be provided to the CVRD for confirmation that the company will clean up all garbage and fix any damaged trails on the race route upon completion of the event and that all racers will stay on designated trails identified on CVRD parkland.
 3. Confirmation that there will be notices of the even posted along the trail in advance of, and during the day of, the event that will advise other trail users of the race.
 4. Alpine Stables is notified at least two weeks in advance of the event by the event organizers of the trails to be used to allow sufficient time for equestrian riding routes to be modified for the day of the event.
 5. That both porta-potties within Quarry Nature Park are pumped out and cleaned following the race at the cost of the race organizers, payment of which will be provided by cheque along with the damage deposit.
 6. That the Cobble Hill Parks Commission has endorsed the use of Quarry Nature Park in Cobble Hill as a staging area for the event.
12. That Development Permit No. 2-A-11DP(Mill Bay Marina) be amended to remove the requirement for permeable pavers in the parking lot areas, provided oil/water/grit separators are provided to protect water quality and the decorative treatment of the driveway and parking areas is maintained.
13. That the CVRD not take on the responsibility of hiring Qualified Environmental Professionals for any land use application that requires such, and that a formal request be forwarded to the Minister of Environment to take the appropriate action that would require the Province to delegate additional resources to processing QEP reports; and further, that the following resolution be forwarded to AVICC:

WHEREAS the Provincial government implemented the Riparian Areas Regulation to protect fish habitat for future generations, and the implementation of this regulation requires a partnership between the Provincial Ministry of Environment, Fisheries and Oceans Canada, and local governments in order to be successful;

AND WHEREAS the Provincial Ministry of Environment appear to be lacking the dedicated resources to review the reports forwarded by Qualified Environmental Professionals (QEP's) which is necessary in order to ensure that the standards set under these regulations are adhered to;

NOW THEREFORE BE IT RESOLVED that the Provincial Ministry of Environment take immediate steps to provide the necessary staff resources to review the reports forwarded by QEP's so that the provincial Riparian Areas Regulation fully achieves its goal of protecting our fish habitat.



CR3

**ENGINEERING & ENVIRONMENTAL SERVICES COMMITTEE REPORT
OF MEETING HELD JANUARY 25, 2012**

DATE: January 30, 2012

To: Chair and Directors of the Cowichan Valley Regional District

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

1. That the CVRD Board provide first stage approval and authorize staff time to continue with the process of investigating takeover of the Warmland Property development's three small sewer systems, located in Electoral Area B, as requested by Strata Corporations VIS6204, VIS6337 and VIS6597, subject to the following conditions and with the understanding that nothing is intended by this approval to fetter future CVRD Board decisions on required bylaws:
 - All lands with infrastructure works are to be transferred to CVRD, or, if not possible, be placed within registered Statutory Rights-of-Way, using the CVRD's standard charge terms;
 - A utility transfer agreement be executed between the CVRD and the owners;
 - The CVRD undertake a review of the systems in order to address deficiencies in the sewer systems;
 - The owners of the utilities be willing to transfer the systems to the CVRD;
 - A public consultation process regarding CVRD takeover be undertaken;
 - A petition process be carried out and completed by at least 50% of the owners of parcels within the proposed service area with the total value of the parcels representing at least 50% of the net taxable value of all land and improvements in the service area.
 - That an assessment of the three systems be carried out, funded to a maximum cost of \$15,000, with \$5,000 from the CVRD Electoral Area Feasibility Study Function and \$10,000 through a Provincial Feasibility Study Grant; and that, upon completion of a successful petition process, bylaws be prepared to create a service area for this utility.
 - This list is not exhaustive and items may be added, deleted or altered prior to a formal agreement being executed
2.
 1. That the *Certificate of Sufficiency*, confirming that a sufficient petition requesting inclusion into the Brulette Place Sewer System Service Area be received.
 2. That "CVRD Bylaw No. 3296 – Brulette Place Sewer System Service Establishment Bylaw, 2009", be amended to include "*PID 009-497-862; that part of Section 4, Range 8, Shawnigan District, shown outlined in red on Plan 677R except that part in Plan VIP52681 and VIP72005*".
 3. That the amended bylaw be forwarded to the Board for consideration of three readings and adoption.
3. That a strongly worded letter from the CVRD Board Chair be sent to the Province requesting that legislation be introduced that would allow a Regional District to take measures to address 'declared nuisances'.

4.
 1. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Lambourn Estates sewer and water service areas be received.
 2. That CVRD Bylaw No. 3052 – Lambourn Estates Sewer System Service Establishment Bylaw, 2008, be amended to include "*PID 027-834-921, Lot B, Section 5, Range 6, Plan VIP86371, Cowichan District*".
 3. That CVRD Bylaw No. 3034 – Lambourn Estates Water System Service Establishment Bylaw, 2008 be amended to include "*PID 027-834-921, Lot B, Section 5, Range 6, Plan VIP86371, Cowichan District*".
 4. That the amended bylaws be forwarded to the Board for consideration of three readings.
 5. That the amendment bylaws not be considered for adoption until the following conditions have been met:
 1. A covenant be registered on title of each of the two properties, addressing CVRD Planning concerns.
 2. A Lambourn Estates Sewer and Water Servicing Agreement be executed by each of the Developers and the CVRD.
5.
 1. That the *Certificate of Sufficiency*, confirming that a sufficient petition requesting inclusion into the Lambourn Estates sewer service area be received.
 2. That CVRD Bylaw No. 3052 – Lambourn Estates Sewer System Service Establishment Bylaw, 2008, be amended to include "*PID 004-211-286, Lot 1, Section 5, Range 6, Cowichan District, Plan 15174, except that part in Plan 25885*".
 3. That the amended bylaw be forwarded to the Board for consideration of three readings.
 4. That the amendment bylaw not be considered for adoption until the following conditions have been met:
 1. A covenant be registered on title of this property, addressing CVRD Planning concerns.
 2. A Lambourn Estates Sewer and Water Servicing Agreement be executed by the Developers and the CVRD.
6. That the request for \$25,000 of funding by Cowichan Energy Alternatives, for installation of ten waste vegetable oil collection bins not be given further consideration in the 2012 budget process; and further, that the CVRD use funds within the core 2012 Solid Waste Management budget to purchase three waste vegetable oil collection bins from Cowichan Energy Alternatives, at a cost of \$2,500 each, to be located at existing CVRD recycling drop-off depots.

Committee Recommendation:

7. That a Special Board meeting be held on Wednesday March 21, 2012, time to be determined, to hear an appeal by Fisher Road Recycling, as allowed for under CVRD Bylaw No. 2570 - Waste Stream Management Licensing Bylaw, 2004.

Alternate Recommendation:

7. That the appeal by Fisher Road Recycling, as allowed for under CVRD Bylaw No. 2570 - Waste Stream Management Licensing Bylaw, 2004, be heard at the March 14, 2012 Regular Board meeting.



CR5

**ECONOMIC DEVELOPMENT COMMISSION REPORT
OF MEETING HELD JANUARY 19, 2012**

DATE: January 20, 2012

To: Chairperson and Directors of the Board

Your Economic Development Commission reports and recommends as follows:

Commission Recommendation:

1. That a Community Working Committee be created to develop and plan for the restructuring of Tourism Cowichan; to examine all aspects of the program, determine reasonable timelines for implementation, expanded Committee membership, expand on the principles for regional operation and collaboration made in the Regional Tourism Plan – 2010 with a goal to create and develop a reasonable and logical business/operational plan including a seamless transition from the present structure to the new "Tourism Cowichan Council";
2. That the Community Working Committee consist of 10 to 20 individuals representing all stakeholder groups including operators and sector representatives from within the Region including political appointees and representation from the Economic Development Commission.
3. That Economic Development Commission member Mike Kelly be appointed as the Economic Development Commission representative on the Community Working Committee.

Alternate Recommendation:

1. *That a Tourism Cowichan Restructure Committee be created to develop and plan for the restructuring of Tourism Cowichan; to examine all aspects of the program, determine reasonable timelines for implementation, expanded Committee membership, expand on the principles for regional operation and collaboration made in the Regional Tourism Plan – 2010 with a goal to create and develop a reasonable and logical business/operational plan including a seamless transition from the present structure to the new "Tourism Cowichan Council";*
2. *That the Tourism Cowichan Restructure Committee consist of 10 to 20 individuals representing all stakeholder groups including operators and sector representatives from within the Region including political appointees and representation from the Economic Development Commission.*
3. *That Economic Development Commission member Mike Kelly be appointed as the Economic Development Commission representative on the Tourism Cowichan Restructure Committee.*



CR6

KERRY PARK RECREATION COMMISSION REPORT

OF MEETING HELD JANUARY 24, 2012

DATE: January 25, 2012

To: Chairperson and Directors of the Board

Your Kerry Park Recreation Commission reports and recommends as follows:

1. That the Cowichan Valley Regional District Board authorizes the submission of a grant application to the Celebrate Canada Committee for British Columbia c/o Canadian Heritage for funds to host the Canada Day Celebration in the South Cowichan Area.



STAFF REPORT

CVRD BOARD MEETING
OF FEBRUARY 8, 2012

DATE: January 31, 2012 FILE NO: 4320-25-FIS
FROM: Bob McDonald, Manager, Recycling and Waste Management
SUBJECT: Provincial Legislation for Declared Nuisances

Recommendation/Action:

That the following resolution be submitted to AVICC and UBCM:

WHEREAS there is no legislation in place that allows Regional Districts to take measures to address 'declared nuisances';

AND WHEREAS many residents have expressed grave concern regarding impacts from odours that are produced from composting facilities in the Cowichan Valley Regional District;

NOW THEREFORE BE IT RESOLVED that the Province of British Columbia be requested to introduce legislation that would allow a Regional District to take measures to address 'declared nuisances'.

Relation to the Corporate Strategic Plan: Healthy Environment, Establish Sustainable Communities.

Financial Impact: (Reviewed by Finance Division: Not required)

No negative financial impact is expected, given that fewer staff resources would be used in addressing, tracking and monitoring composting odour complaints, if the 'declared nuisance' could be eliminated.

Background:

At the January 25, 2012 Engineering and Environmental Services Committee, staff were asked to prepare resolutions to UBCM and the AVICC regarding legislation that would allow a Regional District to take measures to address 'declared nuisances'.

This issue has arisen due to three existing composting facilities in the region, which produce odours that result in numerous complaints from local residents and/or businesses. Extensive staff time and resources has been committed to resolving such issues, and, although significant strides have been made with the respective facilities, some odours continue to exist. Current bylaws and legislation at our disposal are very limited in terms of dealing with 'nuisance odours'.

.../2

A very similar situation existed in Newmarket, Ontario, and was addressed to a large degree through Section 447.1 of the Ontario *Municipal Act*, which permits a municipality to apply to a Court to close a premises where the activities or circumstances on or in the premise constitute a public nuisance. However, a legal review indicates there is no existing provision in British Columbia legislation equivalent to that of Ontario, which would allow a regional district to take such action (although a municipality does have some allowance in this area).

Submitted by,



Bob McDonald,
Manager, Recycling and Waste Management

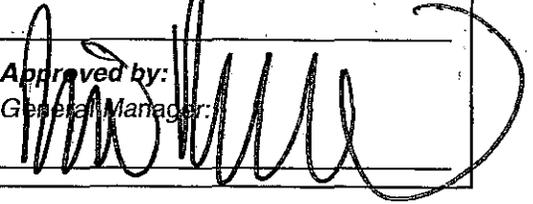
BMc:jlb

Reviewed by:

Division Manager

Approved by:

General Manager



\\Cvrdstore1\e\Administration\E&E Staff Reports\E&E2012\SWM Declared Nuisances-BOARD-Feb8-12.docx

Section 6.2 (h)

It was suggested that groundwater sampling results within this clause be specified; however, this is an introductory clause for a section that specifies groundwater further on, as noted below:

- (h) require the **Licensee**, at such times and in such a manner as is acceptable to the **Board**, to measure, record, and submit information to the **Board** that will become part of the public record relating to:
 - (iv) the characteristics of the surface water, groundwater, and soil at the facility to assess for existing degradation or contamination;
 - (v) the characteristics of the surface water and groundwater in the surrounding area which may be affected by **Leachate** or other **Runoff** from the facility;

Section 14.8

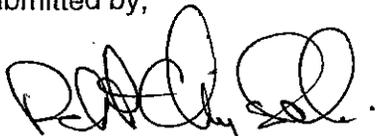
Staff were asked to include a comma towards the end of the following clause. This revision has been incorporated in the attached amended bylaw, as noted below:

That Section 14.8 be deleted in its entirety and replaced with the following:

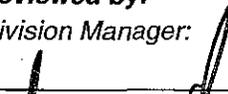
14.8 **Records.** Notwithstanding Sections 4.2, 6.1, and 12.4, the **Board** may require the owner or operator of a facility, site, or premises at which municipal solid waste or recyclable material is managed to keep records of volumes, weights, types, amounts, quantities, and composition of municipal solid waste or recyclable material originating from within the Cowichan Valley Regional District that is brought onto or removed from the facility, site, or premises and to submit, on request, the records to the **District**.

Staff were also asked to research the possibility of including an appeal mechanism within the revised bylaw (which has decision making authority transferred to the Board). A legal review indicates that no appeal mechanism is allowed for under the Environment Management Act when decision making authority resides with the Board. The Board is always allowed to 'reconsider' matters at a future meeting if it chooses, and is only restricted by the Local Government Act as to when and how it may reconsider previous decisions.

Submitted by,



Bob McDonald, Manager
Recycling & Waste Management Division

Reviewed by: Division Manager:	
Approved by: General Manager:	



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3556

A Bylaw to Amend Bylaw No. 2570 – Waste Stream Management Licensing Bylaw.

WHEREAS the Board of Directors of the Cowichan Valley Regional District established a bylaw to regulate the management of municipal solid waste and recyclable material under the provisions of Bylaw No. 2570, cited as "CVRD Bylaw 2750 - Waste Stream Management Licensing Bylaw, 2004";

AND WHEREAS the Board deems it desirable and expedient to amend the bylaw by broadening the scope of the decision-making process and improving the regulation of private waste and recycling facilities;

AND WHEREAS the Board of the Cowichan Valley Regional District has obtained the approval of the Minister of Environment, in accordance with the *Environmental Management Act*;

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. 3556 - Waste Stream Management Licensing Amendment Bylaw, 2012".

2. AMENDMENT

That Bylaw No. 2570 be amended as follows:

.1 That the following definitions be added under Section 2 - Definitions:

"municipal solid waste" means

- a) refuse that originates from residential, commercial, institutional, demolition, land clearing or construction sources; or
- b) refuse specified by the Ministry of Environment to be included in a waste management plan.

"recyclable material" means a product or a substance that has been diverted from disposal, and satisfies at least one of the following criteria:

- a) is organic material from residential, commercial, or institutional sources and is capable of being composted, or is being composted, at a site; or

- b) is managed as a marketable commodity with an established market by the owner or operator of a site;
 - c) is being used in the manufacture of a new product that has an established market or is being processed as an intermediate stage of an existing manufacturing process;
 - d) has been identified as a recyclable material in a Solid Waste Management Plan;
 - e) is any other material prescribed by the **Board**.
- .2 That the definition for **Manager** be deleted in its entirety.
- .3 That where the word "**Manager**" appears within the bylaw, it be deleted and replaced with "**Board**".
- .4 That the definition for "**Qualified Professional**" be deleted in its entirety and replaced with the following:
- "Qualified Professional"** means a person who:
- a) is registered in British Columbia with his or her appropriate professional association, acts under that professional association's code of ethics, and is subject to disciplinary action by that professional association; and
 - b) through suitable education, experience, accreditation and knowledge may, in the opinion of the board, be reasonably relied on to provide advice within his or her area of expertise as it relates to this bylaw
- .5 That Section 5.3 be deleted in its entirety and replaced with the following:
- Adequate Notice.** Despite Section 5.2, if in the opinion of the **Board**, any method of giving notice set out in Section 5.2 is not adequate or practical, the **Board** may, within ninety (90) days after receipt of the application, require an applicant to give notice of the application by another method that is, in the opinion of the **Board**, more effective.
- .6 That Section 6.1. (g) be deleted in its entirety and replaced with the following:
- g) ensure that an employee is present at all times that the facility is open for business or accepting municipal solid waste or recyclable material;
- .7 That the following be added to Section 6.1:
- p) install and maintain impermeable surfaces with leachate containment for the processing, curing, and storage of composting materials and finished compost itself.

- .8 That with the addition of clause 6.1(p) amendments must also be made to 6.1(i) to delete the word "and" and to 6.1(o) to replace the period at the end of the sentence with "and".
- .9 That Section 6.2 (h), first paragraph, be deleted and replaced with the following:
- (h) require the **Licensee**, at such times and in such a manner as is acceptable to the **Board**, to measure, record, and submit information to the **Board** that will become part of the public record relating to:
- .10 That the following be added to Section 6.2:
- k) install and maintain impermeable aerated surfaces with leachate containment for the processing, curing, and storage of composting materials and finished compost itself.
- .11 That with the addition of clause 6.2 (k) amendments must also be made to 6.2(i) to delete the word "and" and to 6.2 (j) to replace the period at the end of the sentence with "and".
- 12 That Section 8.2 be deleted in its entirety and replaced with the following:
- Prohibition.** No **responsible person** shall deliver, deposit, **Store**, abandon, or burn, cause or allow to be delivered, deposited, **Stored**, abandoned, or burned, municipal solid waste or recyclable material on or within any lands or improvements except a facility that holds a valid and subsisting **Facility Licence** within the area of the Cowichan Valley Regional District. Municipal solid waste or recyclable material must:
- a) be placed in a receptacle for scheduled curbside collection by a hauler or a local government; or
- b) be taken to a facility outside the boundaries of the Cowichan Valley Regional District that complies with all applicable enactments, including without limitation, land use bylaws.
- .13 That Section 9.1 be deleted in its entirety and replaced with the following:
- Amendment of a Facility Licence.** The **Board** may amend the terms and conditions of a **Facility Licence** either in whole or in part:
- a) on the **Board's** own initiative where it considers it necessary due to changes to or impacts from the facility's practices; or
- b) on an application in writing by a **Licensee**; and
- c) on the **Board's** own initiative where it considers it necessary due to changes external to the operations of the facility.
- .14 That Section 9.2 (v) be deleted in its entirety and replaced with the following:

- (v) an increase in the authorized quantity of municipal solid waste or recyclable material accepted, but not **Stored** such that the increase does not exceed 10% of the authorized quantity specified in the license first received by the facility
- .15 That the following be added to Section 9.3:
- c) No more than one (1) minor amendment can be processed annually for any type or quantity of material managed under an existing **License**.
- .16 That Section 14.8 be deleted in its entirety and replaced with the following:
- 14.8 **Records.** Notwithstanding Sections 4.2, 6.1, and 12.4, the **Board** may require the owner or operator of a facility, site, or premises at which municipal solid waste or recyclable material is managed to keep records of volumes, weights, types, amounts, quantities, and composition of municipal solid waste or recyclable material originating from within the Cowichan Valley Regional District that is brought onto or removed from the facility, site, or premises and to submit, on request, the records to the **District**.
- .17 That the following be added to Section 14:
- 14.9 **Costs.** The **Board** may require that an owner, operator, or **Licensee** cover, in part or whole, costs incurred by the **District** to carry out inspections, observations, measurements, tests and sampling and to otherwise ascertain whether the terms of this bylaw or a **Facility License** have been or are being complied with.
- .18 That Section 17 – Appeals be deleted in its entirety.
- .19 That with the deletion of Section 17 – Appeals being deleted in its entirety, the order of the subsequent sections will be revised:
- .20 That where the term **Ministry of Water, Land and Air** appears in the bylaw, it be replaced with **Ministry of Environment**.

READ A FIRST TIME this _____ day of _____, 2012.

READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

I hereby certify this to be a true and correct copy of Bylaw No. 3556 as given Third Reading on the _____ day of _____, 2012.

APPROVED BY THE MINISTER OF ENVIRONMENT this

_____ day of _____, 2012

ADOPTED this _____ day of _____, 2012.

Chairperson

Corporate Secretary



CVRD

STAFF REPORT

R5

**ENGINEERING & ENVIRONMENTAL SERVICES COMMITTEE MEETING
OF JANUARY 25, 2012**

DATE: January 11, 2012 **FILE NO:** Bylaw 2570

FROM: Bob McDonald, Manager, Recycling & Waste Management

SUBJECT: Amendment to Bylaw 2570 – Waste Stream Management Licensing

Recommendation/Action:

That it be recommended that CVRD Bylaw No. 3556 – Waste Stream Management Licensing Amendment Bylaw, 2012 be forwarded to the Board for three readings and, following Provincial approval, be adopted.

Relation to the Corporate Strategic Plan:

This initiative relates to the Healthy Environment and Sustainable Infrastructure sections of the Corporate Strategic Plan.

Financial Impact: *(Reviewed by Finance Division: 301)*

Legal fees to review the draft bylaw amendment are the only expenditures anticipated for this initiative, which is estimated at \$5,000, and is included in the 2012 Solid Waste budget.

Background:

In 2005, the CVRD adopted Bylaw 2570 – Waste Stream Management Licensing to regulate and help reduce the social and environmental impacts associated with private municipal solid waste and recycling facilities. Further, the bylaw is meant to help enforce and reduce illegal dumping incidents across the region and provide a level playing field for licensed facilities. There are currently 8 businesses licensed under Bylaw 2570 throughout the CVRD. These businesses include metal salvage operations, multi-material drop-off transfer stations, and composting facilities.

The bylaw has been successful on several fronts. Prior to bylaw adoption, the solid waste and recycling industry was not regulated which provided little environmental protection or assurance to communities that best management practices were being adhered to. This resulted in the lowest operating standards. Although the bylaw is not perfect, it has tightened up industry standards and has required facilities to invest large amounts of money in infrastructure to help reduce social and environmental impacts. Licensed facilities have also provided more viable disposal options for both district residents and the CVRD. The bylaw has also helped reduce the number of illegal dumping incidents across the region.

Since adoption of Bylaw No. 2570, staff have experienced several challenges in administering it and regulating private waste management facilities. The primary challenge has been regulating social impacts associated with these facilities, considering the bylaw mainly focuses on environmental protection. Often these facilities are sited in unfavourable areas and in close proximity to other businesses and residents, causing nuisance dust and odours.

.../2

With respect to compost facilities, this problem has been compounded with a relatively weak and inadequate Provincial parenting regulation, the Organic Matter Recycling Regulation (OMRR). There are several gaps with the OMRR, including a lack of regulation regarding nuisance odours and environmental protection from the storage of Class A compost

Decision-making regarding facility licenses and bylaw compliance is another challenge with which staff have been dealing. More specifically, quite often compliance issues that arise with the facilities are very contentious within the community and therefore add a social dimension to technical issues. This has put staff in a difficult position as they try to balance decision-making, based on technical information, while respecting community concerns, a role quite naturally that of the elected Board.

Staff are recommending a set of amendments to CVRD Bylaw 2570 in order to help improve the regulation of private waste and recycling facilities, and to further reduce the potential social and environmental impacts associated with these operations. In brief, the proposed bylaw amendments include housekeeping items such as adding specific definitions for municipal solid waste and recyclable materials, providing more rigid language regarding facility operations, reducing ambiguity and loop holes with certain sections, enabling the transfer of specific liabilities back onto proponents for such things as inspection audits, and making compliance documentation submitted by licensee's part of the public record.

Further, it is proposed that decision-making in the current bylaw be transferred from the **Manager** to the **Board**. This will help streamline the decision-making process much like the current system with Development Services. The day-to-day administration of the bylaw would not change, other than staff would now be directly acting on behalf of the **Board** and that the appeal mechanism (the Board) in the bylaw would be removed. Decisions regarding license and amendment applications, as well as compliance issues would be brought to Committee for discussion and further direction. Staff reports would be presented in a similar fashion to other Engineering and Environment projects and issues, with recommendations for proceeding. It would then be up to the Board to support staff recommendations or provide alternative direction to staff.

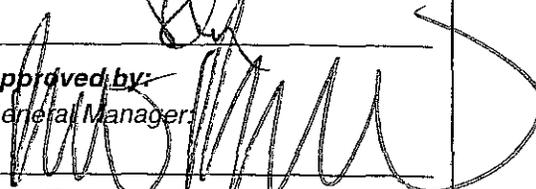
Submitted by,



Bob McDonald, Manager
Recycling & Waste Management Division

BMc:jlb

\\Cvrdstore1\ve_e\Administration\E&E Staff Reports\E&E\2012\WSML\BylawAmendment-Jan25-12.docx

Reviewed by: Division Manager	
Approved by: General Manager	



STAFF REPORT

CVRD BOARD MEETING
OF FEBRUARY 8, 2012

DATE: February 7, 2012 FILE NO: 5340-30-LES/09
5600-30-LEW/09
FROM: Jeralyn Jackson, ASCT., PMP, Capital Projects
SUBJECT: Lambourn Estates Water and Sewer Service Areas Amendment Request – Ellefson

Recommendation:

That it be recommended to the Board:

1. That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Lambourn Estates sewer and water service areas be received.
2. That CVRD Bylaw No. 3052 – Lambourn Estates Sewer System Service Establishment Bylaw, 2008, be amended to include "PID 027-634-434, Lot 1, Section 4, Range 7, Plan VIP85643, Cowichan District".
3. That CVRD Bylaw No. 3034 – Lambourn Estates Water System Service Establishment Bylaw, 2008 be amended to include " PID 027-634-434, Lot 1, Section 4, Range 7, Plan VIP85643, Cowichan District".
4. That the amended bylaws be forwarded to the Board for consideration of 3 readings.
5. That the amendment bylaws not be considered for adoption until the following conditions have been met:
 1. A covenant be registered on the property title, addressing CVRD Planning concerns.
 2. A Lambourn Estates Sewer and Water Servicing Agreement be executed by each of the Developers and the CVRD.
 3. A Section 219 covenant be registered on the property title that limits the number of lots that can be subdivided to five and indicates that the remainder parcel cannot be further subdivided irrespective of provision of community water and sewer.

Relation to the Corporate Strategic Plan: Provides a reliable essential service.

Financial Impact: (Reviewed by Finance Division: *SEN*)

New users brought into the service area, will generate the following additional user fees:

	<u>User Fee</u>	<u>Parcel Tax</u>
Water System:	\$270.00	\$277.00
Sewer System:	\$350.00	\$200.00

thereby improving the financial stability of this system. The developer will pay all construction costs.

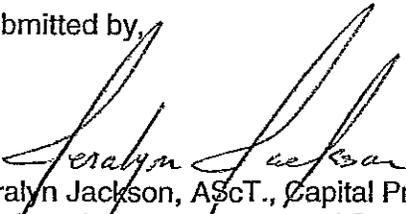
Background:

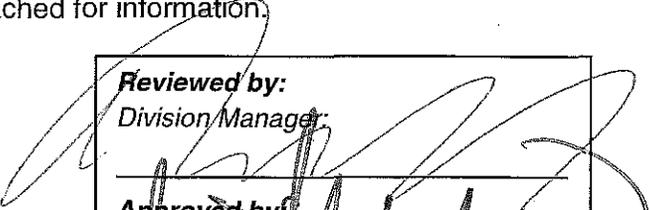
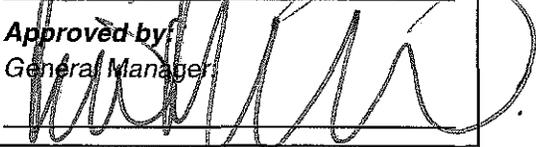
The CVRD has been working with a group of five developers that will extend the sewer system to include 24 residents in Lambourn Estates that are not serviced by the existing sewer system in exchange for inclusion in the Lambourn Estates sewer and water service areas and provision of sewer and water service to a proposed 27 new lots. A cost of \$240,000 has been estimated to construct the sewer service expansion. An open house was held in October, 2010, to determine if the area residents were in favour of this project and 79% of the attendees voted 'yes' to these developments. This is a very favourable opportunity for the CVRD to provide sewer service at no cost to the area residents.

One of the five developers, Nick Faber, received CVRD Board approval on January 11, 2012, to prepare the bylaws for inclusion of his development property into the Lambourn Estates sewer and water service areas. Stephen Ellefson has now paid connection fees and has completed petitions requesting inclusion into the Lambourn Estates sewer and water service areas. Mr. Ellefson's development represents 5 potential lots. He will pay for all costs associated with provision of sewer and water services to his property, as well as a percentage of the \$240,000 upgrades, in accordance with the number of lots.

A valid Certificate of Sufficiency and site plan are attached for information.

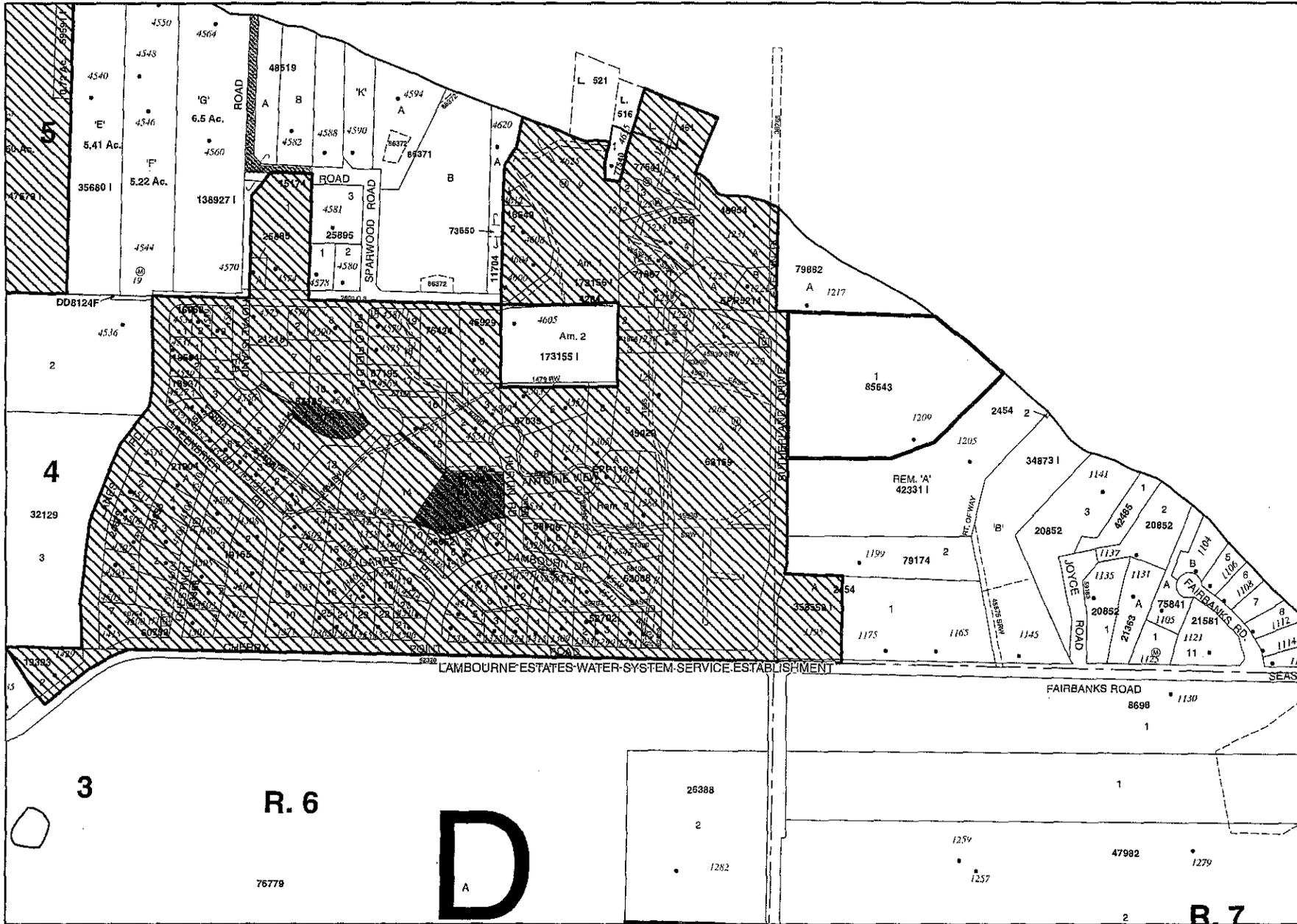
Submitted by,


Jeralyn Jackson, ASCT., Capital Projects,
Engineering & Environmental Services

Reviewed by: Division Manager

Approved by: General Manager


JHJ:jlb

\\Cvrdstore1\e_administration\E&E Staff Reports\E&E\2012\LEW & LES ServiceArea\Ellefson amended Feb 8 12.doc



**Cowichan
Valley
Regional
District**

This map is compiled from various sources for internal use and is designed for reference purposes only.

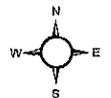
The Regional District does not warrant the accuracy.

All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Printed: January 9, 2012

Schedule A



Scale: 1:6,365

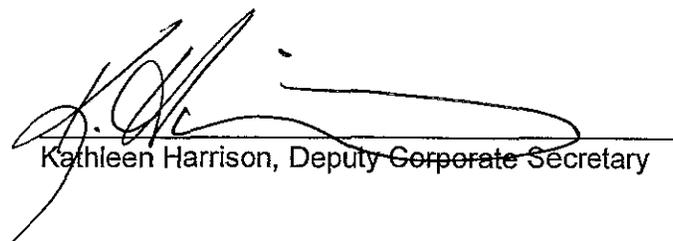


CERTIFICATE OF SUFFICIENCY

I hereby certify that the petition for inclusion in the *Lambourn Estates Water System Service Area* within a portion of Electoral Area D – Cowichan Bay is sufficient, pursuant to section 797.4 of the *Local Government Act*.

DATED at Duncan, British Columbia)
this 31st day of January, 2012)

)
)
)



Kathleen Harrison, Deputy Corporate Secretary

Lambourn Estates Water System Service Area

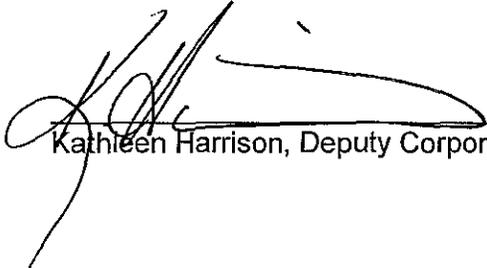
Total Number of Parcels requesting inclusion in Service Area: (PID 027-634-434)	1
Net Taxable Value of All Land and Improvements of Parcels requesting inclusion in the Service Area:	\$1,181,000
Number of Petitions received:	1
Net Taxable Value of Petitions received (Land and Improvements):	\$1,181,000



CERTIFICATE OF SUFFICIENCY

I hereby certify that the petition for inclusion in the *Lambourn Estates Sewer System Service Area* within a portion of Electoral Area D – Cowichan Bay is sufficient, pursuant to section 797.4 of the *Local Government Act*.

DATED at Duncan, British Columbia)
this 31st day of January, 2012)

)
)
) 
Kathleen Harrison, Deputy Corporate Secretary

Lambourn Estates Sewer System Service Area

Total Number of Parcels requesting inclusion in Service Area: (PID 027-634-434)	1
Net Taxable Value of All Land and Improvements of Parcels requesting inclusion in the Service Area:	\$1,181,000
Number of Petitions received:	1
Net Taxable Value of Petitions received (Land and Improvements):	\$1,181,000



C·V·R·D

PUBLIC HEARING REPORT
Bylaws No. 3511 and 3498

Following is a summary of the proceedings of the Public Hearing for South Cowichan Official Community Plan Amendment Bylaw No. 3511 and Zoning Amendment Bylaw No. 3498 (Bamberton Business Park/Industrial), applicable to Electoral Area A – Mill Bay/Malahat, held on Tuesday, January 24, 2012, at the Gil Bunch Theatre, Brentwood College, 2735 Mount Baker Road, Mill Bay, B.C. at 7:00 p.m.

HEARING DELEGATES

Director M. Walker, Electoral Area A – Mill Bay/Malahat, Chairperson
Director B. Fraser, Electoral Area B – Shawnigan Lake
Director G. Giles, Electoral Area C – Cobble Hill

CVRD STAFF PRESENT

Mr. M. Tippett, Manager, Planning & Development Department
Mr. R. Conway, Manager, Planning & Development Department
Ms. J. Hughes, Recording Secretary, Planning & Development Department
Ms. M.A. McAdam, Secretary, Planning & Development Department

Members of the Public:

There were approximately 175 members of the public present.

CALL TO ORDER

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

Director Walker further introduced in the audience members from the Malahat First Nation, Chief David (Michael) Harry and Councillor Russell Harry along with CVRD Director Mary Marcotte, Electoral Area H – North Oyster/Diamond, Director Loren Duncan, Electoral Area E – Cowichan Station/Sahtlam/Glenora and Director Lori Iannidinardo, Electoral Area D – Cowichan Bay.

PROCEDURES

Mr. Tippett explained the requirements under Section 890 of the *Local Government Act* to consider South Cowichan Official Community Plan Amendment Bylaw No. 3511 and Zoning Amendment Bylaw No. 3498. He advised that notice of the Public Hearing was advertised in two consecutive issues of the *Citizen* (Wednesday, January 18, 2012 and Friday, January 20, 2012) and *Leader Pictorial* (Wednesday, January 18, 2012 and Friday, January 20, 2012) and letters had also been sent to adjacent owners and occupiers of the property as required by the *Local Government Act*.

South Cowichan Official Community Plan Amendment Bylaw No. 3511 proposes to amend South Cowichan Official Community Plan Bylaw No. 3510 by:

- Adding Policy 12.24, that states specified land in the Rural Resource designation may be zoned for light industrial and outdoor recreation use. The policy further states that the lands are to retain a 80 hectare minimum parcel size, but may be leased, and that any future OCP re-designation would involve amenity provision and permanent protection of the land to the south.
- Adding Policy 12.25, that states lands in the Rural Resource designation

within 1 kilometre of the Bamberton interchange, on the west side of the Trans Canada Highway, may be eligible to be re-designated and rezoned for light industrial and business park use. Criteria for rezoning are identified in the policy.

- Amending Schedule B (Plan Map) to re-designate part of Block 176, from Rural Resource to Industrial.
- Adding guidelines to the South Cowichan Rural Development Permit Area that apply to the subdivision, construction of buildings and landscaping of all industrially zoned lands.

Zoning Amendment Bylaw No. 3498 proposes to amend Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 by:

- Creating four new zones - Bamberton Light Industrial 3 (I-3), Light Industrial 3A (I-3A), Business Park Industrial – Commercial 4 (I-4) and Forestry / Outdoor Recreation (F1-A).
- Adding definitions for “light manufacturing” and “manufacturing”.
- Amending the definition of “outdoor recreation” to remove golf courses;
- Amending the list of permitted uses in the General Industrial Zone (I-2) to include “outdoor recreation”.
- Amending Section 6.1 to list the four new zones mentioned above.
- Amending Schedule B (Zoning Map) to rezone Part of Block 176, Part of District Lot 95, Part of District Lot 127, District Lot 135, Part of District Lot 118 and a small part of District Lot 183, all of Malahat Land District from Primary Forestry (F-1) to Bamberton Light Industrial 3 (I-3), Light Industrial 3A (I-3A), Business Park Industrial/Commercial 4 (I-4) and Forestry/Outdoor Recreation (F-1A).

The purpose of Amendment Bylaw Nos. 3511 and 3498 is to allow parts of the Bamberton Lands to be developed for light industrial and business park use.

Mr. Tippett gave a Power Point presentation (EXHIBIT 1) and explained the following:

- Bamberton Properties applied for rezoning in December, 2006.
- Public meetings were held to obtain public input and following that process the rezoning application was re-submitted in December, 2007 for the proposed mixed use development.
- The CVRD commissioned the Trillium Group to carry out a Regional Impact Assessment (Trillium Report) which took place during June, 2008 to June, 2009.
- During July to October, 2009, the Electoral Area A – Mill Bay/Malahat Advisory Planning Commission (APC) reviewed the proposed application and on January 31, 2011, the Electoral Area Services Committee (EASC) authorized an amendment to the application to exclude the residential component or re-focus the application on just business park and light industrial uses. This is the proposal now being presented at the Public Hearing.
- The subject properties were outlined on the location maps displayed.
- Mill Bay/Malahat Official Community Plan (Bylaw No. 1890) was in force until the new South Cowichan Official Community Plan (Bylaw No. 3510) was adopted by the Regional Board on July 13, 2011 and the South Cowichan Official Community Plan was well underway when the Bamberton rezoning application was being processed.
- Proposed South Cowichan Official Community Plan Amendment Bylaw

No. 3511 received 1st and 2nd Readings by the Regional Board on June 22, 2011;

- The proposed business park/light industrial area located to the west of the Trans Canada Highway would be re-designated as Industrial. Criteria for this and any future re-designations west of the Trans Canada Highway were listed under new Policy 12.25;
- Lands to the east of the Trans Canada Highway are to remain in the Rural Resource designation, under new Policy 12.24;
- New development permit area (DPA) guidelines introduced for all industrial lands in the area, including those already zoned I-2. Presently the I-2 lands are not within a development permit area;
- Development Permit Area guidelines deal with protection of land from natural hazards, environmental protection and form and character.

Mr. Tippett explained that Zoning Amendment Bylaw No. 3498 proposed the following 4 new zones: Bamberton Light Industrial 3 (I-3); Light Industrial 3 A (I-3A); Business Park Industrial/Commercial 4 (I-4) and Forestry/Outdoor Recreation (F-1A). He also advised that the addition of "outdoor recreation" – excluding golf courses to the list of permitted uses of the General Industrial 2 (I-2) Zone is also proposed.

Mr. Conway stated that in addition to the requirements that are contained within the proposed amendment bylaws, the developers have also made commitments associated with the rezoning application that will be secured via covenants and those covenants would be registered against the land. Copies of the draft covenants were available within the binders on the side table and they are also available on the CVRD's Website. Mr. Conway further stated that the covenants are still in a draft form and may be adjusted prior to the Board considering adoption of the Bylaws.

Mr. Conway explained the five (5) draft covenants via the Power Point Presentation (EXHIBIT 1) and stated the following:

McCurdy Point Dedication

- 12 hectares (approximately 30 acres) of land has been proposed as an amenity that would be transferred to the CVRD if the amendment bylaws are adopted. This land is part of what was described as "The Southlands" within the original application. The area is largely undisturbed and has high environmental and habitat conservation values. Access to the land is limited and would only be accessible from the water. Transfer of the land would be secured by a covenant that would not allow the land proposed for rezoning to be subdivided, built on or used until the land has been transferred.
- The area of the McCurdy Point transfer is approximately 12 ha from the 130 ha of land being rezoned equaling about 9.2%.

Interim Protection on Southlands

- The rest of the Southlands, which is about 121 hectares (300 acres), would remain privately owned, but a covenant is proposed that would provide some protection of the land from logging and other activities that could damage the land.
- The applicants are proposing a covenant with a 10-year term that could be extended in five-year increments, if the parties agree. However, there are some termination clauses built into the covenant that could result in it being terminated after five years (eg if the CVRD changes use or density without the owner's consent; or if a rezoning application for water lots are not approved within one year). The termination clauses basically establish a minimum protection term of 5 years, although it could be longer.

Riparian and Sensitive Ecosystem Protection

- A covenant will also be registered that will require the owners to undertake assessments of the areas proposed for rezoning prior to using or developing the areas proposed for rezoning and to protect any riparian and sensitive ecosystems identified. This is intended to ensure environmentally sensitive areas are identified and protected before development occurs. Forestry uses are exempt.

Fire Protection

- Presently only the lands on the east side of the Highway are within a fire service area. Lands on the west side of the Highway where the I-4 Business Park and I-3A zoning is proposed are not in a fire protection service area. The covenant would require the lands be brought into a fire service area (most likely the Mill Bay Fire Protection District) before the land can be subdivided, built on or used.

Groundwater Protection

- A covenant is proposed to provide additional groundwater protection measures for the proposed I-3A lands on the east side of the Highway. John's Creek passes through this area and the CVRD is aware of the concerns that have been expressed from the users of the downstream aquifer about potential impacts from upstream development for groundwater protection.
- There is a development permit process for the industrial development and there are guidelines and requirements for groundwater protection that are included in Bylaw No. 3511.
- The covenant proposed goes one step further in that it establishes additional requirements for development of the I-3A area. The covenant requires an assessment by a hydrologist or other qualified professional prior to development occurring that would assess potential risk on groundwater and John's Creek and to identify and implement protection measures identified in the report.
- The covenant also contains specific protection measures such as oil/water separators, restrictions on the use of pesticides and herbicides, requirements for spill containment and drainage control requirements.

Mr. Conway further advised that all covenants would have to be registered prior to adoption of the bylaws and requirements of the covenants would have to be satisfied prior to development occurring.

Director Walker stated that he personally received three (3) pieces of correspondence which he has referred onto the CVRD office to be included as part of the official record within the Public Hearing Minutes.

Correspondence

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

- 1) CVRD Power Point Presentation (EXHIBIT 1);
- 2) Bamberton Properties/Ross Tennant Power Point Presentation (EXHIBIT 2);
- 3) Letter dated January 17, 2012, from Lisa Jeffery (EXHIBIT 3);
- 4) Letter dated January 17, 2012, from Jackie Jeffery (EXHIBIT 4);
- 5) Letter dated January 17, 2012, from Robert Jeffery (EXHIBIT 5);
- 6) Letter dated January 17, 2012, from Bob Jeffery (EXHIBIT 6);
- 7) Letter dated January 17, 2012, from A. McPherson (EXHIBIT 7);
- 8) Letter dated January 17, 2012, from John Andrews (EXHIBIT 8);
- 9) Facsimile Cover and attached Letter dated January 23, 2012, from Sue Edgson (Lowe) (EXHIBIT 9);
- 10) Letter dated January 24, 2012, from Joseph E.L. Gollner (EXHIBIT 10);

- 11) Email dated January 23, 2012, from Robert Nation (EXHIBIT 11);
- 12) Email dated January 24, 2012, from Loren Duncan (EXHIBIT 12);
- 13) Email dated January 23, 2012, from David Slade, Chair, Mill Bay Fire Protection District (EXHIBIT 13);
- 14) Email dated January 24, 2012, from Melanie Circle (EXHIBIT 14);
- 15) Email dated January 23, 2012, from Paul Hardman (EXHIBIT 15);
- 16) Email dated January 24, 2012, from Pat Lintaman (EXHIBIT 16);
- 17) Email dated January 24, 2012, from Bob Moffatt (EXHIBIT 17);
- 18) Email and attached letter dated January 24, 2012, Dick Faulks (EXHIBIT 18);
- 19) Email dated January 24, 2012, from Dave Polster (EXHIBIT 19);
- 20) Email dated January 24, 2012, from Eric Marshall (EXHIBIT 20);
- 21) Email dated January 24, 2012, from Rosemary Jorna (EXHIBIT 21);
- 22) Email dated January 24, 2012, from Balaji Tatachari (EXHIBIT 22);
- 23) Email dated January 24, 2012, from Patricia M. Sloan (EXHIBIT 23);
- 24) Email and attached letter dated January 24, 2012, from Norman Thorne, Program Enhancement Manager on behalf of Larry George, Smaalthun, Manager, Lands and Governance Department, Cowichan Tribes (EXHIBIT 24);
- 25) Email dated January 24, 2012, from Nikki Wright (EXHIBIT 25);
- 26) Email and attached letter dated January 24, 2012, from Mary Desmond, Shawnigan Lake Watershed Watch (EXHIBIT 26);
- 27) Email and attached letter (submission part 1) dated January 24, 2012, from Sheila Paul (EXHIBIT 27);
- 28) Email and attached letter dated January 24, 2012, from Frances Pugh, Director, Saanich Inlet Protection Society (EXHIBIT 28);
- 29) Email dated January 24, 2012, from Mike Ward (EXHIBIT 29);
- 30) Letter dated January 23, 2012, from Steve Houser (EXHIBIT 30);
- 31) Letter and attached Band Council Resolution dated January 9, 2012, from Chief David Harry, Malahat First Nation (EXHIBIT 31);
- 32) Email dated January 24, 2012, from Peter Dicken (EXHIBIT 32);
- 33) Email dated January 24, 2012, from Greg & Carla Clifford (EXHIBIT 33);
- 34) Email dated January 24, 2012, from Genevieve R. Singleton, Natural History Interpreter (EXHIBIT 34);
- 35) Email dated January 24, 2012, from Rob & Char Roth (EXHIBIT 35);
- 36) Letter dated January 9, 2012, from Josephine D. Myles (EXHIBIT 36);
- 37) Letter dated January 24, 2012, from Doug Higginson (EXHIBIT 37);
- 38) Email dated January 24, 2012, from Mike Ward (EXHIBIT 38);
- 39) Email dated January 24, 2012, from Zoe Blunt (EXHIBIT 39);
- 40) Email dated January 24, 2012, from Peggy L. Smith (EXHIBIT 40);
- 41) Letter (submission part 2) dated January 24, 2012, from Sheila Paul (EXHIBIT 41);
- 42) Letter dated January 24, 2012, from Rick Restell (EXHIBIT 42);
- 43) Letter dated January 24, 2012, from Terry Brunt & Jackie Robertson McColl (EXHIBIT 43);
- 44) Letter dated January 24, 2012, from Hilding Franson (EXHIBIT 44);
- 45) Letter dated January 24, 2012, from John Thomas (EXHIBIT 45);
- 46) Letter dated January 24, 2012, from Lynn Shortt (EXHIBIT 46);
- 47) Letter dated January 24, 2012, from Murray Blair-Speirs (EXHIBIT 47);
- 48) Letter dated January 24, 2012, from Brant Stone (EXHIBIT 48);
- 49) Letter dated January 24, 2012, from Steve Lawrence (EXHIBIT 49);
- 50) Letter dated January 24, 2012, from Charleen Smith (EXHIBIT 50);
- 51) Letter dated January 24, 2012, from Brian Carr (EXHIBIT 51);
- 52) Letter dated January 24, 2012, from Brodie Marshall (EXHIBIT 52);
- 53) Letter dated January 24, 2012, from Don Sherik (EXHIBIT 53);

- 54) Letter dated January 24, 2012, from Graham Oglend (EXHIBIT 54);
- 55) Letter dated January 24, 2012, from Heather Cameron (EXHIBIT 55);
- 56) Letter dated January 24, 2012, from Jeff Fraser (EXHIBIT 56);
- 57) Letter dated January 24, 2012, from Chris Tucker (EXHIBIT 57);
- 58) Letter dated January 24, 2012, from James Harcourt (EXHIBIT 58);
- 59) Letter dated January 24, 2012, from Jason LeBlanc (EXHIBIT 59);
- 60) Letter dated January 24, 2012, from John Andersen (EXHIBIT 60);
- 61) Letter dated January 24, 2012, from Scott Murray (EXHIBIT 61);
- 62) Letter dated January 24, 2012, from Susan St. Hilaire (EXHIBIT 62);
- 63) Letter dated January 24, 2012, from Margaret Riess (EXHIBIT 63);
- 64) Letter dated January 24, 2012, from M. Tencate (EXHIBIT 64);
- 65) Letter dated January 24, 2012, from Ben Mycroft (EXHIBIT 65);
- 66) Letter dated January 24, 2012, from Roger Jackson (EXHIBIT 66);
- 67) Letter dated January 24, 2012, from Maarten VanWamel (EXHIBIT 67);
- 68) Letter dated January 24, 2012, from Mary Ann Laing (EXHIBIT 68);
- 69) Letter dated January 24, 2012, from Bruce G. Frederick (EXHIBIT 69);
- 70) Letter dated January 24, 2012, from Gerry McDonald (EXHIBIT 70);
- 71) Letter dated January 24, 2012, from R. Burns (EXHIBIT 71);
- 72) Letter dated January 24, 2012, from Darwin Generous (EXHIBIT 72);
- 73) Letter dated January 24, 2012, from Fran Generous (EXHIBIT 73);
- 74) Letter dated January 24, 2012, from Hilding Franson (EXHIBIT 74);
- 75) Letter dated January 24, 2012, from Janet Yee, Trustee and Chairperson, Oceanview Improvement District (EXHIBIT 75);
- 76) Letter dated January 24, 2012, from Miriam Cooke-Dallin (EXHIBIT 76);
- 77) Letter dated January 24, 2012, from Bruce Cooke-Dallin (EXHIBIT 77);
- 78) Letter dated January 24, 2012, from Joyce Behnsen (EXHIBIT 78);
- 79) Letter dated January 24, 2012, from Tim Beaumont (EXHIBIT 79);
- 80) Letter dated January 24, 2012, from Clyde Ogilvie (EXHIBIT 80);
- 81) Letter dated January 24, 2012, from Scott Robertson (EXHIBIT 81);
- 82) Letter dated January 24, 2012, from Gay Wise (EXHIBIT 82);
- 83) Letter dated January 24, 2012, from Sheila Ryan (EXHIBIT 83);
- 84) Letter dated January 24, 2012, from Frank Ryan (EXHIBIT 84);
- 85) Letter dated January 24, 2012, from David Stech, Sharecost Rentals & Sales (EXHIBIT 85);
- 86) Letter dated January 24, 2012, from Trevor Miranda (EXHIBIT 86);
- 87) Letter dated January 24, 2012, from Jane Zellinsky Kennard (EXHIBIT 87);
- 88) Letter dated January 24, 2012, from Barry Kennard (EXHIBIT 88);
- 89) Letter dated January 24, 2012, from Lena and Ron Lee (EXHIBIT 89);
- 90) Letter dated January 24, 2012, and attachments from Balu Tatachari, Chair, Friends of Saanich Inlet (FOSI) (EXHIBIT 90);
- 91) Letter dated January 24, 2012, from Dave Kral Jr. (EXHIBIT 91);
- 92) Letter dated January 24, 2012, from Dave Kral (EXHIBIT 92);
- 93) Letter dated January 23, 2012, from Mike Hanson, President, South Cowichan Chamber of Commerce (EXHIBIT 93);
- 94) Letter dated January 24, 2012, from Greg Farley (EXHIBIT 94);
- 95) Letter dated January 23, 2012, from David Aldcroft, Cowichan Valley Naturalists Society (EXHIBIT 95).

Location of the File

Director Walker advised that the Information Binder was available for review on the side table, copies of the proposed Amendment Bylaws were located at the entrance to the Theatre 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.

Director Walker further introduced in the audience CVRD Director Ian Morrison, Electoral Area F – Cowichan Lake South/Skutz Falls and CVRD Regional District Board Chair Rob Hutchins.

**APPLICANT,
Bamberton
Properties
LLP/Ross Tennant**

Ross Tennant, Stefan Moores and Michael Payne, Hydrologist, were present with regard to Rezoning Application No. 1-A-11RS.

Mr. Tennant expressed his appreciation to the community for being committed and engaged within their rezoning process and noted that the application has changed a lot from when they first applied and that what they are presenting to the public at tonight's public hearing is a project that has had a lot of work and community input put into it.

Mr. Tennant gave a Power Point (EXHIBIT 2) presentation which outlined the following:

- The CVRD, the revised OCP and the public called for a revision of the Bamberton application that would focus on job creation and the business creation aspects for the area.
- They modified their rezoning proposal and resubmitted it to the CVRD and stated that was now being presented at the Public Hearing.
- Development team started out as Three Point Properties which has been involved with a number of other development projects but is now called the Bamberton Properties. It is the same group of people who started the project seven (7) years ago and they are all still involved in the project today.
- Acknowledged the Bamberton Historical Society and Malahat First Nation as being very important development partners in the Bamberton project and he gave them both special recognition and thanks for their contributions into the project. Mr. Tennant also noted that Chief David (Michael) Harry was supposed to be in Ottawa meeting with the Prime Minister tonight but cancelled the meeting to be able to attend tonight's public hearing and thanked him personally for attending.

Planning Process

- Purchased the lands in 2005.
- During 2005-2008 the remediation process started to remove the contaminated old crushed limestone on site that was leaching into Saanich Inlet.
- 120,000 dump truck loads of contaminated material were moved into a containment facility so the groundwater could not get into contact with it.
- The remediation process cost approximately \$25 million dollars and the removal of the old cement plant cost approximately \$5 million dollars.
- Hoped that by cleaning up the property they were also providing some healing on the site.
- Certificates of Compliance from the Ministry of Environment were received.
- Late 2006 they started the CVRD rezoning process and at the same time they started a project in Victoria called Dockside Green, which was a very environmentally sound project and their intentions were to take a lot of principles from that project and incorporate them into the Bamberton application.
- In 2008 the application was amended and in late 2008 the application was resubmitted to the CVRD.
- 2008-2009 the CVRD hired Trillium Consulting to prepare a report with recommendations and they incorporated those recommendations into their application. The CVRD was also in the process of adopting the new South

Cowichan Official Community Plan and during that process it was determined there was adequate land inventory in the area and they were requested to review their application focussing more on job creation. They in turn made those changes and resubmitted their application in 2011, the application that was being presented at the Public Hearing.

Current Uses at Bamberton

- Most of Bamberton's 1,500 acres are zoned Forestry, along with some Industrial zoning on site.
- As a non residential application the amount of land dedication has been reduced but noted that their intention, at some point, is to have the full Bamberton plan brought before the community in years or decades in the future, where there will be more opportunity to make the larger land dedications in turn for the residential component of the application.

Businesses at Bamberton

- Listed some of the businesses presently located on the Bamberton site noting that there are over 100 people working on the Bamberton site at the present time.
- Displayed the slides that showed the Expansion of Commercial and Light Industrial Uses and Expansion of Commercial & Light Industrial Uses on the site.

Statistics of Projected Jobs

- Presently 100+ jobs on the site and they were projecting 400 jobs in the short term and 750+ jobs on site in the longer term.
- The study was based on the creation of 130,000 sq ft commercial space and 300,000 sq ft light industrial space over an approximate 25-year span with a cost to build being approximately \$69 million dollars.
- Reviewed the slides that explained the potential Economic Impact of the Bamberton Project.
- The analysis indicates that the proposed project represents significant positive long-term economics, employment and taxation benefits to the immediate community and the region.

Protected Lands at Bamberton

- McCurdy Point, approximately 30 acres and 1 km of waterfront to be donated to the CVRD as park which contains old growth forest and Douglas Fir and it will be dedicated to the community right away.
- The Southlands contain approximately 270 acres and it will also be protected by covenant for 10 years with the option for 5 year renewals. The long term goal is to have it dedicated as parkland in exchange for some future residential lands, if and when it is required within the community.

Mr. Tennant further advised that:

- Bamberton Provincial Park is a neighbour to the subject property along with the Inlet Drive subdivision which contains approximately 40 residences and noted that was one of the first subdivisions created by Bamberton and it was now a beneficiary of Bamberton.
- The long term plans for the site are to have a full fledged community on the Bamberton site. It was their original intent to have a live, work, play community but noted that was not desired and that has been deferred for consideration in the future.

Long Term Transition

- Long term vision is to transform the “brown field” former industrial site into a dynamic residential, industrial and commercial setting. Other similar developments include Lonsdale Quai, Mattick’s Farm, Granville Island and Wards Cove Marina.

Groundwater Protection

Mr. Tennant stated that Groundwater Protection was the next topic of discussion that Michael Payne would be undertaking. Mr. Payne introduced himself and stated that he is Hydrologist and Groundwater Engineer and stated the following with regard to groundwater protection via a Power Point (EXHIBIT 2) presentation:

- Portion of the development that proposes the I-3A and I-4 zoned lands located on the west side of highway have received some concerns expressed regarding potential impacts on the Oceanview Improvement District and other individual domestic water wells in the area. Reviewed the multiple levels of protection being proposed for groundwater.
- The first layer of protection was situated south and is upslope of the wells and the study carried out was approximately over 1,000 metres away which is a good safe distance, as normal distance of review for impact on a well is not more than 300 metres away.
- Bamberton Provincial Park is approximately 300 m. away from the proposed development area.
- Another level of protection are the permitted uses within the proposed light industrial and commercial zoning being proposed. There are no pulp mills, cement plants, coal mines proposed as those are all higher risk heavy industrial types of development and they are not permitted under zoning.

Laws Protecting Groundwater

Second layer of groundwater protection is the Provincial laws protecting groundwater in British Columbia Provincial laws and they include:

- *Drinking Water Protection Act* which protects any community drinking water systems. All public drinking water systems have to meet all regulations under the *Drinking Water Protection Act*.
- *Groundwater Protection Regulation* deals specially with water levels and the ways in which they are constructed and operated.
- *Municipal Sewage Regulation* is the guiding regulation for all community sewer systems and any new community sewer system within the proposed development will have to meet all the requirements of the *Municipal Sewage Regulation*.
- *Hazardous Waste Regulation* is the governing regulation that is for all hazardous waste materials which include toxic waste materials, poisonous wastes, infectious materials, explosive or flammable materials and any type of toxic or hazardous waste is regulated under that regulation.
- *Contaminated Sites Regulation* is the other side of the hazardous waste regulation and if an accident occurs the *Contaminated Sites Regulations* requires a polluter to clean up any mess that it creates.
- *Federal Fisheries Act* does not directly protect groundwater; it indirectly protects groundwater as groundwater seeps into fish bearing streams and some streams leak into the ground. There is a lot of interaction between creeks and groundwater and the *Federal Fisheries Act* contains a lot of powers for protection.

Another layer of protection is the Water Covenant proposed:

- Agreement between the CVRD and Bamberton Properties contains

- several conditions for groundwater protection.
- Groundwater use must be metered.
- Cannot use more than 15,000 Lpd (unless approved by a hydrogeologist and the CVRD).
- Large parking areas need oil traps.
- Qualified Professional Report is required for all building permits.

Other CVRD Approvals Needed:

- After rezoning the CVRD must approve: development permits, subdivision approvals, individual building permits, new water systems and new sewage systems.

Mr. Tennant concluded by stating:

- There is the perception that the developer has perhaps not given enough in the application but noted that they have spent a phenomenal amount of money on the remediation of the site. They did undertake that on the assumption they would have the opportunity to have a large master plan community considered and when that was not possible they referred it back to a much smaller scale application and that they believe that gesture should be recognized.
- As a result of the new South Cowichan Official Community Plan the metrics for evaluating rezoning applications have changed and they want to be held accountable for the application at the time that it was submitted and not based on standards that were created after-the-fact.
- Land dedications that have been suggested are typically included in residential rezoning applications and they are anticipating at some time in the future coming before the community to request a residential rezoning application and it would be at that time that they would be dedicating some of that covenanted land.
- Lands located on the waterfront side of the Highway are not able to be subdivided due to the 80 ha minimum parcel size and that land cannot be sold.
- All lands located in a sensitive eco-system will be mapped and turned over to the CVRD.
- After the close of the Public Hearing the CVRD has the opportunity to give 3rd Reading to the proposed Bylaws and the draft covenants would then have to be approved and registered prior to adoption of the Bylaws.

Director Walker

Advised that 33 pieces of correspondence had been received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the CVRD office today, January 24, 2012, at 4:30 p.m.

QUESTION PERIOD

Director Walker 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.

**Karen Davis,
1225 Royalta Road**

- If there was not enough water on the site she understood they would be then taking it from Oliphant Lake and asked if there was a chance they needed more water would there be any possible dangers to the land and ecology?

Ross Tennant

- Lake itself is manmade and the cement plant used about 400,000 gallons of water per day during their process and the Lake was constructed for that purpose.

- Waterline currently comes down from the Lake into the Bamberton area and has been there for almost a century.
 - Previous rezoning application proposed 3,200 homes and it was determined the Lake would be able to handle that.
- Karen Davis**
- What will be the impact to the Malahat with regard to the proposed construction on site and the additional people coming to and from work off the site?
- Ross Tennant**
- There has been substantial growth on the Malahat and the Ministry of Transportation and Infrastructure did carry out a study a few years ago when it was felt that they were at existing capacity. The main issue is when an accident occurs there is no way to get around it and that was found to be the most limiting factor on the Malahat.
 - Corridor congestion will not be specifically from Bamberton, it is from other things travelling from north to south.
 - It is their hope that infrastructure will grow in response to demand.
 - They do have some options at Bamberton and have had discussions with the BC Ferry Corporation about a possible route coming into Bamberton.
 - They believe the infrastructure at Bamberton can handle the demands that are projected and it may even reduce traffic in the area, as it will be a regional employment centre and providing jobs. People may also live in the area and would not have to commute nearly as far to and from work.
 - Hoping the Province will address the congestion over the Malahat as that is happening whether or not the Bamberton project is approved.
- Dave Aldcroft,
555 Kilmalu Road**
- Who will be responsible for hiring a botanist or biologist for the assessment required in the southlands?
- Rob Conway**
- Southlands property does not have an assessment requirement as the covenant states there will be no development on it.
 - Assessment occurs on the industrial lands and the developer is responsible for hiring and paying the consultant to carry out the work.
 - CVRD's role with regard to the assessment is to accept or not accept the reports once they have been prepared.
- Dave Aldcroft**
- Will there be further assessment on the southlands property?
- Ross Tennant**
- The whole site was previously assessed and reports were prepared by Seacor Environmental and he would be happy to share those reports with him.
- Dave Aldcroft**
- Seacor report is what they are using for the present application?
- Ross Tennant**
- Yes, the Seacor report also contains some work that had been carried out by Madrone.
- Dave Aldcroft**
- Who came up with the straight line of the polygon shape on the McCurdy Point map?
- Ross Tennant**
- Architects and engineers were hired and they used computers as their tools and came up with the lines drawn.
- Janet Yee,
1740 Arbutus**
- Resident in the Oceanview Improvement District.
 - What recourse in ~~60~~ compensation will be available to the District to mitigate

- Terrace** and remediate any damages which may result in degradation of their groundwater supply from the development?
- Mike Tippett**
- There is no provision in the covenant that deals with the aftermath of a problem like that and it would likely be dealt with in civil court.
 - The proposed development bylaws and covenant provisions do not have any special provisions in them to host the scenario she described.
- Rob Conway**
- The CVRD did struggle with the issue of holding the developer responsible, if something was to occur in the future, but noted that is extremely difficult to do as the amount of money required to protect the whole Oceanview Improvement District and other properties potentially affected would be enormous and it would be very difficult to actually pinpoint and prove where the problem generated. Where responsibility lies would likely end up in litigation.
- Frances Pugh**
- Owns property south of the proposal.
 - How much impervious surface will there be with the approximate 10 acres of buildings?
- Ross Tennant**
- Presently they do not know as they have not yet got to that point where they would be designing the buildings and road connections. The Public Hearing stage deals with the land use issue, the detailed site design will occur at a later stage.
- Greg Simmons,
Cliffside Road**
- With regard to the proposed uses that will occur on site is, there anything outside of the ordinary from what is already in the surrounding areas?
- Ross Tennant**
- Have had a lot of interest from persons who are being squeezed out of Victoria and other areas that want to be located in a good location.
 - Businesses on site must have to comply with the permitted uses found within the zoning.
- Mike Tippett**
- To address the previous question first, if the application is approved there will be development permit guidelines in place and when an applicant wants to construct a building there are guidelines and requirements that have to be addressed with regard to landscape and architecture. Perviousness and rainwater requirements are also found within development permit areas and they are being paid attention to.
 - It has been indicated that lands on the west side of the Highway would likely be lighter industry.
 - The public should look at the permitted uses in the proposed zones and advised that the CVRD and the applicant do not want to see any uses that would re-contaminate the site as the applicant has spent a lot of money to remediate and clean-up the site.
- Paul Laraman,
2486 Liggett Road**
- Do any of the permitted uses allow for a waste transfer station?
 - Why is there a 250 sq. metre limit on the retail premises?
- Mike Tippett**
- Intent of the proposed I-3 Zone is an attempt to keep out the big box stores from the business park and this is accomplished by limiting retail use to 250 m².
 - Waste transfer station is not permitted in any of the proposed zones and the I-2A Zone could have a small scale composting.
 - A new Zoning Bylaw is being worked on for South Cowichan and will be

- subject to future review by the public.
- Under the current Area A Zoning Bylaw utility is a permitted use in any zone and the definition of utility includes waste transfer station. Noted that the draft Zoning Bylaw does not contain that similar provision.
- Paul Laraman**
- The three documents appear to be in conflict with one another and he would have thought the permitted uses would be exclusive in some way.
- Mike Tippett**
- Working on the new Zoning Bylaw and hoped to have it ready for public consultation before the summer.
- Paul Laraman**
- Why would the eco-depot plebiscite be relevant to this site?
- Mike Tippett**
- The language permitting waste transfer stations is much clearer in the Area A Zoning Bylaw than in Areas B and C but we do not want to turn this Public Hearing into that topic.
 - CVRD is dealing with the draft new Zoning Bylaw and hopes it will be ready for public review in the near future.
- James Harcourt, Cobble Hill**
- The developers have been faced with a lot of challenges and should this application fail what will their next step be?
- Ross Tennant**
- Most of the land is presently zoned Forestry and they are proposing more value added services on site and if that is not the wishes of the community it would revert back to its current Forestry zoning.
 - Appealing to the public to move this application forward.
 - It does not make sense to see the beautiful shores on Saanich Inlet zoned as forestry and it is their hope, in the future, to see some residentially zoned lands.
- James Harcourt**
- Presently works on the site and thanked them for the remediation that has been carried out.
- Director Walker**
- Advised that the Information Binder was available for review on the side table, copies of the proposed Amendment Bylaws were located at the entrance to the Theatre 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. He asked for further questions from the public present with regard to South Cowichan Official Community Plan Amendment Bylaw No. 3511 and Zoning Amendment Bylaw No. 3498.
- Jim Wisnia, 555 Kilmalu Road**
- One industrial area excludes crematorium and the other two industrial areas permit funeral services with a crematorium and asked if there is a crematorium on site what would the transition be for a residential community on site?
- Ross Tennant**
- Has not spoken with anyone in that line of business regarding the pros and cons but believes the services can be provided that are not morbid.
- Jim Wisnia**
- What is the plan for transition from industrial to residential?
- Ross Tennant**
- Granville Island and Lonsdale Quai are a good examples of where industrial and residential transitions have occurred and there are also many other good examples in place that show how it can be done.

- CVRD is requiring the lands on the west side of the Highway not be sold. They are to be leased only so they can, at some time in the future, possibly be transitioned from industrial to residential.
- Speaker**
- Speaking on behalf of Lena and Ron Lee of 274 Inlet Drive and read verbatim their submission (EXHIBIT 89).
- Director Walker**
- Asked if the Lees had a question within their submission?
- Speaker**
- Question is at the end of the letter and resumed reading EXHIBIT 89.
 - What is in it for the general community, jobs perhaps and at what cost?
- Ross Tennant**
- Tax base, employment and economic development opportunities are offered, which are components of a good community.
- Speaker**
- Did they buy the lands for the betterment of the community or to make a lot of money for themselves?
- Joyce Behnsen,
3201 Gilana Place**
- The original plan for the live, work and play proposal creates a safety factor with less traffic up and down the Highway and security for business and equipment on site and asked why a live, work and play community would not work at this time?
- Mike Tippett**
- CVRD's EASC did review that subject and it was concluded that the time was not appropriate to proceed with the overall original proposal.
 - There is a minor element of residential permitted within the proposed zones as a single family residence is permitted accessory to the industrial use on each parcel of land, primarily for security reasons.
 - Subject property is located near an existing population base and as the development proceeds another option is offering public transit to the site.
 - It was concluded within the staff report to the EASC that it was not great timing to have the residential component on site. If she wanted to receive a copy of that report she could contact him at the office and he would provide it to her as the report explains it in more depth.
- Janet Yee,
Arbutus Terrace**
- Saw the word "notwithstanding" in the groundwater covenant and asked why that clause is in the covenant?
- Rob Conway**
- There is a clause in the covenant and the intent is that when the documents are prepared quite often there are unforeseen circumstances that arise. The clause would allow the General Manager of Planning and Development to waive requirements if deemed appropriate.
 - CVRD would likely use that notwithstanding clause very cautiously and it could be reconsidered if it is not supported.
- Janet Yee**
- Does not give her much comfort with regard to the language.
- Rob Conway**
- Suggested that she bring that up during the comment section of the hearing and they could take a closer look at that clause.
- Janet Yee**
- The Regional Board passed on December 14, 2011, a resolution with respect to the protection of water users, Malahat Band, Inlet Drive and other groundwater users in the area and stated that the Oceanview Improvement District has never been approached. They have not been referred or contacted since the application changed to the industrial

application.

- Mike Tippett**
- Staff report that went before the EASC and previous Board did not include the language she was referring to, it was added to the Board recommendation by former Electoral Area Director Brian Harrison and he could not speak on his behalf as he does not know exactly what he had in mind in terms of what that clause meant.
- Rob Conway**
- They have struggled with that resolution and what was the intent of the resolution. The groundwater protection covenant was prepared to address the resolution.
 - Challenging to come up with something for all possible future issues.
- Bonnie Burns,
1010 Braithwaite
Drive**
- Is McCurdy Point accessible once one gets to it by water and can it then be utilized?
- Ross Tennant**
- McCurdy Point is generally a very steep foreshore but noted there is an area near Sheppard Point where there used to be an old mine and that site has good access and some camping sites have been created by kayakers over the years.
- Bonnie Burns**
- Does the greenspace offered need to be within the lands that are being rezoned, for example the quarry?
- Ross Tennant**
- The quarry is where they did the environmental remediation and there is some liability associated with that and the CVRD would not likely want to take on that responsibility.
 - There is proposed to be land donations that are outside of the areas for rezoning, for example McCurdy Point.
 - Riparian areas and sensitive ecosystems will also be dedicated to the CVRD.
- Gail,
Handy Road**
- What other impacts on Highway 1 will there be with increased traffic and are more street lights being planned?
- Mike Tippett**
- Main point of access to and from the site is the current interchange and it is the underpass at the Bamberton turnoff. That is the main access point and there might not be much upgrading required as there are already deceleration and acceleration lanes.
 - It is possible the underpass might have to have some minor upgrades made to it and upgrades to the acceleration and deceleration lanes may also be necessary.
- Janet Yee,
Arbutus Terrace**
- When do they anticipate they will be drawing from the groundwater and natural supplies?
- Michael Payne**
- When different businesses come onto site they will have to be reviewed and at present there are no exact timelines.
- Doug Leighton,
2545 Seaview**
- CVRD does not have a Development Cost Charge Bylaw and asked how the infrastructure costs came forward and what it will be used for?
- Michael Payne**
- Typical model and formula have been used and it has been used in the past in other markets.

- Mike Tippett**
- CVRD does not have a DCC Bylaw but noted there would be fairly sufficient fees associated with the development permits and some other fees that would have to be paid to the CVRD.
- Rob Conway**
- DCC's are for off-site infrastructure but in this case the developers would be paying for the entire infrastructure cost.
- Jim Wisnia,
Kilmalu Road**
- There were specific changes to the I-2 Zone to have outdoor recreation within the permitted uses and asked what that is about?
 - Will the definition of outdoor recreation include race tracks, BMX courses, ATV areas, etc. on the site?
- Mike Tippett**
- A small portion of the I-2 zoned lands may be used as an outdoor recreation park and noted there is a present definition in the Mill Bay/Malahat Zoning Bylaw that includes golf courses. The proposed definition of outdoor recreation specifically excludes golf courses.
 - Read verbatim the definition of outdoor recreation in the proposed new zone and stated that it does not permit golf courses.
- Ross Tennant**
- They have a specific organization that they have been working with for the past five (5) years who is an established and respected tourism operator with an exceptional track record with multiple locations throughout western Canada and they would love to have them on their site.
- Sharon,
Mill Bay**
- Will or can the CVRD obtain legal counsel to protect groundwater from that situation?
- Rob Conway**
- CVRD could obtain legal counsel but this won't necessarily resolve the issue.
 - If the application moves forward the CVRD Board will consider if the groundwater protection measures are adequate.
- Mike Tippett**
- Draft covenant's language was developed with legal counsel and the applicants own counsel, and there was a lot of fine tuning that has taken place but noted that they want to receive public feedback as it is not that clear-cut.
- Sharon**
- Hopes the CVRD pursues legal counsel as it is an ongoing issue.
- Sheila Paul,
Burham Road**
- The amount of time the public hearing notice was placed in the newspaper is insufficient time for people to prepare for the public hearing.
- Rob Conway**
- When public hearings are held local governments are required by the *Local Government Act* to give notice in accordance with what the legislation states. There are two (2) types of notices that must occur, one notice is the notice of the public hearing being a published in two (2) consecutive issues of a local newspaper and the advertisements must not be fewer than 3 days and not more than 10 days notification and they must follow the *Act* requirements. The second notice is the adjacent property owners and hand delivery letters must be in the mail 10 days prior to the date of a public hearing. CVRD has followed the regulations of the *Act* and any deviation from this would compromise the public hearing process.
 - The CVRD Board did request the applicants hold their own public information meeting and open house which was advertised in the local

newspapers and that was held on January 5, 2012. There was some promotion of the public hearing at that meeting.

- Catherine Walmsley, Arbutus Terrace**
- Oceanview Improvement District Trustee.
 - When a motion is passed at the CVRD Board level and there is a specific item that has to be addressed prior to the public hearing, who makes the decision to fulfil that, as she was referring to the final commitment agreement with the Oceanview Improvement District, Malahat Band and other residents in the vicinity of the proposed development regarding protection of water users?
- Rob Conway**
- The condition being referred to is from the November 9, 2011, Regional Board meeting and there were a number of conditions placed on the development proceeding. One of them was that an acceptable agreement with respect to protection of water users, Malahat Band, Oceanview Improvement District and other users, be finalized prior to the public meeting/public hearing and the term acceptable agreement was open for discussion as the CVRD is not sure what acceptable agreement means.
- Mike Tippett**
- He and Mr. Conway wrote a report to the EASC and past Director Brian Harrison brought forward that point, which is difficult to explain what it is supposed to address, and it is open for consideration by the current CVRD Board if the covenant addresses the issue.
- Catherine Walmsley**
- If a motion is carried at the CVRD Board level, staff then decides whether it can be done or not?
- Mike Tippett**
- When Director Harrison was still in office they were working with legal counsel on the covenants and he added two points onto that Board resolution and he could not fully comment on it.
- Rob Conway**
- Staff do feel they have made a serious effort in their attempt to deal with that condition and it is up for debate whether it is an acceptable agreement or not. The covenant and other protection measures are intended to prevent water problems occurring in the first phase and staff believe this is a better approach than trying to deal with problems after the fact.
- Sheila Paul**
- Were the Area B and Area C Advisory Planning Commissions consulted regarding the application and if not would they be prior to 3rd Reading of the Bylaws?
 - What tangible assurances does the public have with regard to the covenants as she feels covenants are not worth the paper they are written on?
- Mike Tippett**
- Area B and Area C Advisory Planning Commissions have not reviewed the application as the application was made prior to the new South Cowichan Official Community Plan being adopted. From a legal standpoint it is not possible to refer the application back to the Advisory Planning Commissions for comment after the close of the public hearing.
 - Covenant language was drafted with legal counsel and it gives the CVRD a high level of confidence that the contents of the covenants will be fully actionable.
- Director Giles**
- Electoral Area C – Cobble Hill Advisory Planning Commission did not look at the application in a formal manner but noted that all the members of the

Advisory Planning Commission at that time did come and look at the proposal, reviewed individually what was in the plan and were invited to attend the public hearing to make comment on the application if they wanted to and stated that they are familiar with it and what is being proposed.

Director Walker

Advised that the Information Binder was available for review on the side table, copies of the proposed Amendment Bylaws were located at the entrance to the Theatre 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. He asked for further questions from the public present with regard to South Cowichan Official Community Plan Amendment Bylaw No. 3511 and Zoning Amendment Bylaw No. 3498.

**Peter Rusland,
5807 Banks Road**

- *Cowichan News Leader Pictorial.*
- Where is sewage going to be treated on the north and south lands?

Ross Tennant

- Community wide sewer system and will have a local treatment system on site.
- They are also looking into a community water and sewer system.
- Proposal has always been to treat the effluent locally and not have any discharge into Saanich Inlet.
- Treatment systems are of such a good calibre that the water can be used for watering and irrigation purposes.

Peter Rusland

- No discharge into Saanich Inlet?

Ross Tennant

- There will no discharge into Saanich Inlet.

Peter Rusland

- Have the First Nations weighed-in on the application?

Director Walker

- The CVRD received at the start of the public hearing correspondence from the Malahat First Nation that states they do support the application.

Peter Rusland

- What is the vision from the water as to what the landscaping and the build-out will look like?

Ross Tennant

- The development permit area guidelines are quite specific on what will be required in terms of landscaping.
- From a highway buffering point of view there is also language in place that sections of the Malahat Highway will not see exposed sections and there will also be tree buffering in place to protect the lands from the Highway.

Mike Tippett

- Specific landscape development permit area guidelines will be in place for both the water side and Highway side and that will be considered very closely and strictly addressed.

Ross Tennant

- Unique feature of the site is that there is 5½ km of waterfront along Saanich Inlet and with the exception of the current industrial area which is just over 1 km; the proposal is to not develop any of that other waterfront space.
- Quite unique in a development proposal to not specifically carve up some of the waterfront, that will be a long term public amenity making the waterfront a very unique looking community.

- Terrain of Bamberton is quite steep along the foreshore and then levels off at the top and most of the development will be located on the higher side of the property with over 4½ km of waterfront left for the community.
- Peter Rusland**
- If someone wanted to buy or lease land from Three Point and construct a building on site there are specific guidelines prescribed by the CVRD?
- Director Walker**
- Yes, specific guidelines will be set out by the CVRD.
- Peter Rusland**
- Can a client buy a site or do they have to lease?
- Ross Tennant**
- Land on the lower side of the Highway, due to the minimum lot size, will be leased; land on the west side of the Highway would be available for lease or purchase.
- Peter Rusland**
- Asked for clarification if the west side can be leased or purchased and the east side can be leased?
- Ross Tennant**
- Clarified that the east side can be leased only and there is a minimum parcel size for subdivision of approximately 80 ha (250 acres).
 - West side of the Highway can be either leased or purchased as they contain much smaller minimum parcel sizes.
- Janet Yee**
- Would the CVRD be open to taking over the Oceanview Improvement District?
- Director Walker**
- An Improvement District has to make application to the CVRD's Engineering Department as the CVRD does not go to the Improvement Districts.
 - If a water or sewer system was failing and they wanted the CVRD to take it over, application would have to be made to the CVRD's Engineering Department. If a system is to be managed by the CVRD Engineering Department and it requires improvements to that system, the users are responsible for paying for their own upgrades to that system.
 - If there was interest from an Improvement District to become a CVRD service area, they should contact and make application. It would be reviewed by the Engineering & Environment Department whether it was feasible to take over the system or not.
- Sheila Paul**
- Has any consideration been given to E & N for freight or a possible commuter line with access to the Lake?
- Ross Tennant**
- Have supported Island Corridor Foundation's efforts to maintain and operate the line.
 - The Haul Road that runs from Bamberton to Cobble Hill and Shawnigan Lake is fairly flat with a modest grade and is an asset for a possible future link.
- Sheila Paul**
- What independent studies have been carried out to date to protect the community and people?
- Mike Tippett**
- Most information gathered and studies have been prepared by professional consultants.
- Rob Conway**
- Not typical that the CVRD would get independent reports for development

applications as that is usually up to applicants to carry out that work and submit to the CVRD.

- Sheila Paul** ➤ There are no independent studies that have been carried out regarding the ecosystem of Saanich Inlet or the Highway?
- Rob Conway** ➤ Actual development would require permits and it is through that process that the site specific impacts of development would be reviewed.
- Tim Beaumont, Victoria** ➤ \$25 million dollars have already been spent on protecting the citizens surrounding the area and asked what type of material was removed and to what type of degree?
- Ross Tennant** ➤ Through the remediation process the majority of contaminated material was crushed limestone which is used in the cement manufacturing process. Cleaning up the site and removing that contaminated material away from the water is protection for everyone and they were very pleased to have seen those materials removed during the remediation process.
- Tim Beaumont** ➤ By removing the contaminated material from the site they have cleaned up Saanich Inlet and they have done justice to the site by cleaning it up.
- Director Walker** Asked for further questions from the public present with regard to the proposed Amendment Bylaws.
- Balu Tatachari, 1733 Arbutus Terrace** ➤ Why was the Improvement District not consulted and how can they come to public hearing without that consultation?
- Mike Tippett** ➤ Subject properties are not within the proximity for formal consultation but noted that the Board resolution that brought the application to the public hearing stage does deal with trying to minimize the chance of any problems.
- Balu Tatachari** ➤ When the South Cowichan Official Community Plan was adopted there was a legal obligation to consult the Improvement District on the specific land use issues and asked why the CVRD did not consult the Oceanview Improvement District?
- Mike Tippett** ➤ This public hearing is not about why the CVRD did not contact the Oceanview Improvement District during the South Cowichan Official Community Plan process.
- Balu Tatachari** ➤ When the South Cowichan Official Community Plan was adopted the *Local Government Act* was broken?
- Mike Tippett** ➤ CVRD did not break the *Local Government Act*.
➤ Consultation was not required with the Oceanview Improvement District as the lands subject to rezoning within the Amendment Bylaws are not in their service area and consultation is not legally required.
- Balu Tatachari** ➤ Who makes that decision the Board or staff?
- Mike Tippett** ➤ Both.

- Director Walker** ➤ How many more questions does Mr. Tatachari have?
- Balu Tatachari** ➤ Lots.
- Director Walker** ➤ Requested that he bring it down to four (4) questions and not make any comments.
- Balu Tatachari** ➤ Asked when there was community engagement?
- Mike Tippett** ➤ There has been lots of public consultation as many public meetings have been held, local Advisory Planning Commission meetings held, the developers have held open houses and the public has been part of that consultation process.
- Balu Tatachari** ➤ The Advisory Planning Commission does not speak for the community and asked where was the community consultation to move the application from live, work and play to just work and who gave the initiative to move it forward?
- Mike Tippett** ➤ Decision making process is that Staff gives advice to the Regional Board and they also receive information from community members but ultimately it is the CVRD Regional Board that makes the decision on applications.
- Balu Tatachari** ➤ Why did the developer make and approve decisions?
- Director Walker** ➤ Developer does not make the decision on this application, the developer is the applicant and the CVRD Board will make the final decision on the application.
- Trevor Miranda, Cobble Hill** ➤ Why does the CVRD not set guidelines with regard to people asking questions?
- Frank Ryan, Trans Canada Highway** ➤ Is there a legal requirement at this stage for parkland dedication?
- Mike Tippett** ➤ No, that is not at the time of rezoning. Park dedication occurs at the subdivision stage where 5% of the land base is required as parkland dedication or cash-in-lieu.
➤ It is the CVRD Board's practice that they do review public amenities offered at the rezoning stage.
➤ If subdivision does occur on the west side of the Highway a 5% parkland dedication would be required.
- Balu Tatachari** ➤ What does it mean when the developer mentioned he was asked by the CVRD to concentrate on the work?
- Mike Tippett** ➤ It was a discussion that followed after the original application went before the Electoral Area Services Committee on January 31, 2011, that further discussions take place between the Board, staff and applicant.
- Rob Conway** ➤ It was the applicants who requested to amend their application and switch it to a more business park industrial use.
- Director Walker** ➤ Noted that it was 9:50 p.m. and asked if it was time to move the public

hearing into the public comment section of the meeting as people were starting to get tired and he would like to receive public comments.

- Understands that Mr. Tatachari has lots of questions but requested that the hearing move into the formal comment section where he can then make his formal comments and asked if he would work with him.

Balu Tatachari

- He will work with him.
- What will be cumulative recommendation and conclusion based on the studies between the CVRD and Ministry of Environment on what can be done on the Saanich Inlet?

Director Walker

- Cannot answer that question.

Balu Tatachari

- Saanich Inlet is part of an environmentally sensitive area and asked what uses can happen around Saanich Inlet?

Mike Tippett

- Draft Zones contain a list of permitted uses to ensure future protection as well as there being protection found under the draft covenants that have been prepared.
- Applicants have put a lot of money into reclaiming the site for protection of Saanich Inlet.
- Believes they have taken all reasonable steps to protect Saanich Inlet.

Director Walker

Asked for further questions from the public present three times regarding South Cowichan Official Community Plan Amendment Bylaw No. 3511 and Zoning Amendment Bylaw No. 3498.

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 Walker reminded the public that the Information Binder was available for review located on the side table and copies of the proposed Amendment Bylaws were located at the entrance to the Theatre, and that all submissions must be received at the head table prior to the close of the Public Hearing.

**Dick Faulks,
196 Werra Road,
View Royal**

- Very interested in the proposed development and applauds the efforts that have gone into it.
- Concerned about rail transit. Rail transportation should be included within this major project and applauds Mr. Tennant for looking at rail along the Haul Road.
- Communities need to work together as there is a desperate need of having a rail system and service provided as that could help alleviate daily costs with crowded highways, accidents, police, insurance, loss of life and damage to the habitat.
- Read verbatim his submission (EXHIBIT 18).

**Trevor Miranda,
Cobble Hill**

- Bigger tax base, more trails in the Valley, better recreation and the way to do that is by having a better tax base with the offering of more jobs.
- He personally knows Mr. Tennant and knows his integrity and that he is honourable and he will do the right thing and this is in good hands.
- Supports the project.

**Paul Laraman,
Liggett Road,
Mill Bay**

- Supports the application as it will increase employment locally, more economic spin-offs and increase the tax base in the area.
- Not much has happened in economic development in Mill Bay over last few years and this should be welcomed with open arms.

- Traffic on the Malahat is not the problem of Mill Bay to solve and does not suggest that it even be entertained as that is for the Province to sort out and they should get on with that.
- Doug Leighton,
2545 Seaview**
- Acknowledged Mr. Miranda's comments as he also knows Mr. Tennant's integrity.
 - Supports the application and project.
- Andrew Higginson,
Bidston Road**
- Has lived in the community his entire life and is a young professional who is able to work in the community and the application is hands down the future for the community and generations to come.
 - Full support of application for the jobs it will be creating, economic base, and spin-off effects for everyone and the area.
 - Submitted 25 letters of support from residents of the community that also support the application.
- David Harry,
2535 Jackson Valley
Road**
- Chief Malahat First Nation.
 - Thanked the CVRD staff and Directors for attending the meeting.
 - It bothered him to see one person who got up to ask questions and have approximately 35-40 people get up and leave the meeting as that creates challenges and he too would like to see some better control with regard to the number of questions that is permitted.
 - Malahat is proud to say that they support the proposed development.
 - Back in 1995 he was 12 years old when Mr. Butterfield made application to rezone. His community openly opposed that development but moving forward 16 years later Bamberton Properties came forward and started site remediation which gave their community hope.
 - Bamberton has been involved with their community and has supported the community and noted that goes along way.
 - Make decisions that move forward and when moving it forward it could be done a little more professionally as the tempo is more controlled and the community would be healthier as he was bothered to see so many people leave previously.
 - As Chief and on behalf of Council and his community, he thanked Bamberton Properties for spending millions of dollars in remediation of the site before making application.
- Terry Brunt,
1115 Chapman
Road**
- Read he and Jackie Robertson McColl's submission (EXHIBIT 43) verbatim noting that he was a Bamberton baby and was raised and schooled on the site and stated their reasons for supporting the proposed Three Point Properties development.
- Mr. Wallace,
Malahat**
- He and his wife moved to the area 30 years ago but previous to that they had lived in Nova Scotia and while there they watched a very talented industrial park grow a small city into a very thriving community.
 - Thanked the CVRD and developer for continuing to be a generator of light activities, as it is a good way to go and commends them.
- Jane Kennard,
Victoria**
- Was a Bamberton baby and her family was born in the area and feels it is magic land but noted that the reality was that it was a dirty, stinky, filthy cement plant and it was toxic.
 - From the start Mr. Tennant's company has healed the magic land and it is her true desire to see families on the site once again.
 - Totally supports the application.

**Scott Finch,
2402 Huckleberry
Road**

- Currently works on site and that it is a great proposal for the community.
- Totally supports the proposed application.

**Mary Ann Laing,
Victoria**

- Jane Kennard's sister and they lived and grew up in Bamberton.
- Thanked Three Point Properties and Mr. Tennant for coming forward in 2006 as they were invited to be part of the Bamberton Historical Society as a wonderful part of their lives has been reborn again.
- Any communications with Mr. Tennant and things he has brought to them has been fabulous and they are much appreciated.
- Supports the development.

David Stech

- Owns a business located at 1716 Northfield Road, Nanaimo.
- Has a degree in Biology with a focus on ecology and a minor in Environment Studies, with a focus on sustainable resource use.
- Read verbatim his submission (EXHIBIT 85) with regard to working with the Bamberton limestone to produce a stone-facing product.
- They have carried out discussions with Mr. Tennant and the Malahat First Nation in hopes of involving them in working at the processing facility with the possibility of potential jobs down the road.
- Bamberton site is ideal because of the proximity to the raw limestone rock and transportation routes for transporting the finished product to the consumer.
- Supports the proposed development.
- They have recently installed 10,000 sq. ft. of their aqua pave product to the emergency ward in Nanaimo which is a permeable solution that allows infiltration of water into the pavements which then chews up 99.99% of all hydro carbons. It allows seepage through the product but before it gets down to the groundwater the product chews up that bacteria.

**Gail Mitchell,
4820 Wilson Road,
Duncan**

- Member of the Cowichan Valley Naturalists' Society and read verbatim David Alcroft's submission (EXHIBIT 95) on his behalf noting that they have one objective which is the preservation of the red and blue listed plants and ecosystems located on the southlands.

**Neil Drader,
304 Trans Canada
Highway**

- He operates a tourist commercial business on his property and he is very welcomed to see the tourist aspect of the development.
- Approving the application will help his business and it will be a benefit to the area.

**Mike Hanson,
Shawnigan Lake**

- President of the South Cowichan Chamber of Commerce.
- Supports the application as they see real benefits locally for Mill Bay and other areas from the region.
- They have discussed who could be the ideal corporate partner, who could participate in the region and lead and set an example and stated that it exists with Mr. Tennant and his company as they have set a very high standard that will be hard to match and they have embraced the community concept.
- Acknowledged Mr. Tennant and the hard work he has put into the project and staff for all their work also put into the process.

**Tim Beaumont,
Victoria**

- His family has owned waterfront property in Brentwood Bay located on the other side of the water and he remembers watching the cement plant.
- Has had a chance to get to know Mr. Tennant noting he is an absolute gentleman and stated that goes to speak to the type of development that

- he will build for the community.
- Looks forward to the application going forward and it being great.
- Rick Restall,**
1805 Burnam Road
Cobble Hill
- Supports the proposed amendments and application.
 - Great project for the area, economy and job creation.
 - Thanked Mr. Tennant and his company for spending \$30 million dollars on reclaiming the site before it even got to this point.
- Bob Jeffrey,**
360 McKinstry Road
Duncan
- Thanked Three Point Properties and Mr. Tennant for cleaning up the site.
- Sheila Paul,**
Burnham Road
- Feels very uncomfortable as she does not want to be booted out of the hearing and acknowledged that everyone who has spoken has valid points.
 - Wants the CVRD Board and Directors to consider all points made at tonight's public hearing.
 - Time frame to the public hearing was not enough sufficient time.
 - Supports the E & N and hopes Mr. Tennant takes to heart that rail is the future.
 - Has lived in the community for 18 years and Island for almost 24 years and has watched the pros and cons of incorporation.
 - Likes to read the staff reports, look at the maps and stated once forestry lands are lost precious lands will be lost.
 - Not up to the Provincial people to fix the Highway and hopes that Bamberton will be good stewards.
 - E & N Railway corridor all goes hand-in-hand.
 - Appreciates the comments on how the South Cowichan Official Community Plan came about.
 - Concerns over magnitude and impacts on well water are huge.
 - Covenants are of concern and asked who will actually be checking them.
 - Greenspace and parkland only accessible by boat is not an assurance.
 - The magnitude of this application is much bigger than what people realize and will precedent the entire Island not just Area A.
- Andrew Frugh**
- Has been to Dockside Green and is in support of the proposed development.
- Anne Watson,**
2125 Wildflower
Road,
Shawnigan Lake
- Supports the application.
 - Grateful for the opportunity this will provide for children and the area.
 - Hopeful that the new Board and staff will work toward making it come to fruition and maybe even facilitating to invite this reputable company in building the community as we need to actually grow and bring money into our community.
- David Groves,**
Duncan
- For many years he farmed lands south of the Chemainus River.
 - Very pleased after reviewing the permitted uses in the I-3 zoned properties.
 - Has spoken with Mr. Tennant and has got to know him as a developer who really feels for the land and has a good vision.
 - Would like to see the possibilities of some small scale crayfish aquaculture on the Bamberton site as they have come to the realization that there is some potential for growing crayfish commercially on site as the water from Oliphant Lake has found to be very good for crayfish.
 - Proximity of the Malahat First Nation is extremely important as the way to

- develop this aquaculture is in conjunction with the Malahat First Nation.
- Lucky to have Mr. Tennant as part of the rezoning process.
- Robert Ross
McGuinness,
1310 Fisher Road,
Cobble Hill**
- He was not going to speak as he knew there would be lots of support but feels his history entitles him to have some finality.
 - His original residence in Mill Bay was 2395 Mill Bay Road and he had been there since 1958.
 - Has carried out developments in the area and also approximately 30 states in the United States and three Provinces of Canada and has won Governor General awards on two occasions and noted he has been developing for a long time but retired five (5) years ago.
 - Congratulated Mr. Tennant and wished him all the best and if this application is lost he does not know where we will go from here.
- Hilding Franson
2575 Alexander
Street, Duncan**
- 100% in support of the development and Mr. Tennant.
 - First attended the information meetings in 2007 during the residential development and he did support it at that time.
 - Excited about new town developments and this particular development will create jobs and is a wonderful thing and looks forward to it proceeding.
- Ian Davis,
Dougan Drive,
Cobble Hill**
- It is his 18th year working at Bamberton and his third developer and by far the best developer and crew he has ever worked with.
 - It is an ecologically and ethically sound process that has taken a long time.
 - Sees real positive movement on the site and is proud to work for Mr. Tennant and the company as they have set a good standard and they are simply doing the right thing.
- Tom Behnson,
Royal Avenue,
Victoria**
- CEO of the company called Wild Play and they have been negotiating with Mr. Tennant for the past five (5) years.
 - His company cares about their locations, as they would not go to a place if they did not believe in it and they really believe in the Bamberton project as it is long term and they could be one of the biggest parks in North America.
 - Very good integrity and they are doing a great job.
- Balu Tatachari**
- Please bear with him as nobody else is at the microphone to speak.
- Director Walker**
- Will he be making a submission?
- Balu Tatachari**
- He wants to read the submissions as he is representing many people and wearing many hats.
- Steve,
Kilmalu Road**
- Works on the Bamberton site and fully supports the project as Mill Bay needs more industrial area.
- Balu Tatachari**
- Representing Friends of Saanich Inlet and read verbatim (EXHIBIT 90) noting that they do not approve of the amendments and explained the reasons being the application is invalid and lack of due process as outlined within his submission.
- Director Walker**
- Asked for further comments from the public present with regard to South Cowichan Official Community Plan Amendment Bylaw No. 3511 and Zoning Amendment Bylaw No. 3498 for a first and second time.
- Balu Tatachari**
- Read a submission (EXHIBIT 26) on behalf of Mary Desmond, Shawnigan

Lake Watershed Watch noting they oppose much of the proposal and explained the reasons being Exemption from new OCP Policies and Bylaws; Business Park/Commercial/Light Industrial near Trowse Road; Our other objections relate to recreation and forestry and Development on Saanich Inlet, as outlined within the submission.

Director Walker

➤ Asked Mr. Tatachari if that was it?

Balu Tatachari

- No, he has one more and he has sat through everybody's comments.
- He is a resident of Area A and also ran in the last election against Mr. Walker.
- He is probably the only person who has sat through all APC, OCP, Board meetings, Electoral Area Services Committee meetings, as he lives near Bamberton on Inlet Drive.
- Would have much rather seen a water flow study, impact analysis study and traffic analysis study instead of hearing about the \$35 million dollars spent in remediation work as they bought a contaminated site and it had to be fixed and that was a gamble.
- Concerned about the watershed and the possible leachate as it is bedrock.
- Are there studies that state how much clay, sand and topsoils are on site?
- What is the flow of water going downhill?
- Most sensitive ecological values should be reviewed carefully and high priority is protection of Saanich Inlet.
- Why no power point presentation between existing zones and proposed zones and no communication with the public?
- Previous Advisory Planning Commission was hand-picked by the previous Director and he requested to speak before Advisory Planning Commission and his request was denied but the developer had ample opportunities.
- To come to the public at the 11th hour asking if the application should move forward is the wrong thing to do.

ADJOURNMENT

Chairperson Walker asked for public comments or submissions three times from the public present regarding South Cowichan Official Community Plan Amendment Bylaw No. 3511 and Zoning Amendment Bylaw No. 3498.

Chairperson Walker declared the Public Hearing closed at 11:07 p.m.

CERTIFICATION:

We attended the Public Hearing on Tuesday, January 24, 2012, and hereby certify that this is a fair and accurate report of the Public Hearing.



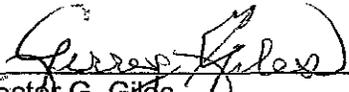
Director M. Walker

Date Jan 31 / 2012



Director B. Fraser

Date Jan 31 2012



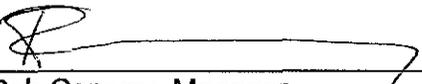
Director G. Giles

Date Jan 31, 2012.



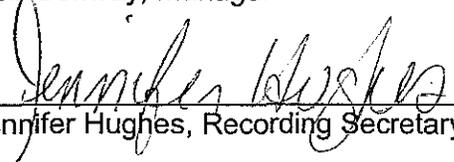
Mike Tippett, Manager

Date Jan 31 2012



Rob Conway, Manager

Date Jan 31, 2012



Jennifer Hughes, Recording Secretary

Date Jan 31, 2012



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3571

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

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

AND WHEREAS under the District of North Cowichan is a member municipality of the Cowichan Valley Regional District:

AND WHEREAS the Regional District is to finance from time to time on behalf of and at the sole cost of the member municipalities, under the provisions of Section 824 of the *Local Government Act*, the works to be financed pursuant to the following loan authorization bylaw(s):

L/A Bylaw Number	Purpose	Amount of Borrowing Authorized	Amount Already Borrowed	Borrowing Authority Remaining	Term of Issue	Amount of Issue
3449	Municipal Hall Expansion	\$3,000,000	Nil	\$3,000,000	20 Years	\$3,000,000
3458	Diking	\$745,475	Nil	\$745,475	20 Years	\$745,475
TOTAL		\$3,745,475	Nil	\$3,745,475		\$3,745,475

TOTAL Financing under Section 824 \$3,745,475

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

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

CITATION

1. This bylaw may be cited for all purposes as “CVRD Bylaw No. 3571 - Security Issuing (Loan Authorization Bylaw No. 3449 and Loan Authorization Bylaw No. 3458) Bylaw, 2012”.
2. The Regional Board hereby consents to financing the debt of the District of North Cowichan in the amount of Three Million, Seven Hundred and Forty-Five Thousand, Four Hundred and Seventy-Five Dollars (\$3,745,475.), in accordance with the following terms.
3. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Regional District and its member municipalities up to, but not exceeding Three Million, Seven Hundred Forty-Five Thousand, Four Hundred and Seventy-Five Dollars (\$3,745,475.) in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in such currency as the Trustees of the Authority shall determine but the aggregate amount in lawful money of Canada and in Canadian Dollar equivalents so borrowed shall not exceed \$3,745,475. in Canadian dollars) at such interest and with such discounts or premiums and expenses as the Authority may deem appropriate in consideration of the market and economic conditions pertaining.
4. Upon completion by the Authority of financing undertaken pursuant hereto, the Chair and Treasurer of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements which said agreement or agreements shall be substantially in the form annexed hereto as Schedule A and made part of the bylaw (such agreement or agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
5. The Agreement in the form of Schedule "A" shall be dated and payable in the principal amount or amounts of monies and in Canadian dollars or as the Authority shall determine and subject to the *Local Government Act*, in such currency or currencies as shall be borrowed by the Authority under Section 2 of this bylaw and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
6. The obligation incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority, and shall bear interest at a rate to be determined by the Treasurer of the Authority.
7. The Agreement shall be sealed with the seal of the Regional District and shall bear the signatures of the Chair and Treasurer.
8. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
9. If during the currency of the obligations incurred under the said Agreement to secure borrowings in respect of the District of North Cowichan Bylaw No. 3449 – Municipal Hall Expansion Loan Authorization Bylaw, 2011 and District of North Cowichan Bylaw No. 3458 – Diking Loan Authorization Bylaw, 2011, there shall be requisitioned annually an amount sufficient to meet the annual payment of interest and the repayment of principal.

- 10. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided however, that if the sum provided for in the Agreement is not sufficient to meet the obligations of the Authority, any deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional District shall make provision to discharge such liability.
- 11. At the request of the Treasurer of the Authority and pursuant to Section 15 of the *Municipal Finance Authority of British Columbia Act*, the Regional District shall pay over to the Authority such sums and execute and deliver such promissory notes as are required pursuant to said Section 15 of the *Municipal Finance Authority of British Columbia Act*, to form part of the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.

READ A FIRST TIME this _____ day of _____, 2012

READ A SECOND TIME this _____ day of _____, 2012

READ A THIRD TIME this _____ day of _____, 2012

ADOPTED this _____ day of _____, 2012

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

to CVRD Bylaw No. 3571

CANADA

PROVINCE OF BRITISH COLUMBIA

AGREEMENT

COWICHAN VALLEY REGIONAL DISTRICT

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

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

IN TESTIMONY WHEREOF and under the authority of Bylaw No. 3571 cited as "Cowichan Valley Regional District Bylaw No. 3571 - Security Issuing (Loan Authorization Bylaw 3449 and Loan Authorization Bylaw 3458) Bylaw, 2012." This Agreement is sealed with the Corporate Seal of the Cowichan Valley Regional District and signed by the Chairperson and Treasurer thereof.

Chairperson

Treasurer



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3573

A Bylaw to Amend the North Oyster Local Service (Fire Protection) Area Establishment Bylaw No. 1689

WHEREAS the Board of the Cowichan Valley Regional District established a Fire Protection Service known as the *North Oyster Local Service (Fire Protection) Area* by Bylaw No. 1689, cited as "CVRD – North Oyster Local Service (Fire Protection) Area Establishment Bylaw No. 21, 1995", as amended;

AND WHEREAS the Regional District wishes to amend Bylaw No. 1689 by increasing the maximum annual requisition limit from \$105,650 or the greater yield of \$0.7040/\$1,000 to \$394,340 or the greater yield of \$0.87999/\$1,000 of assessed value of land and improvements for residential property;

AND WHEREAS the Director for Electoral Area H – North Oyster/Diamond 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. 3573 – North Oyster Fire Protection Service Amendment Bylaw, 2011".

2. **AMENDMENT**

That CVRD Bylaw No. 1689 be amended by deleting the tax rate figure of "\$0.7040/\$1,000.00"; and maximum requisition limit figure of "\$105,650.00" in Section 7.1 of the bylaw and replacing them with the figures "\$0.87999/\$1,000" and "(394,340)" respectively.

READ A FIRST TIME this 14th day of December, 2011.

READ A SECOND TIME this 14th day of December, 2011.

READ A THIRD TIME this 14th day of December, 2011.

ADOPTED this _____ day of _____, 2012.

Chair

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3575

A Bylaw to Provide for the Borrowing of Money in Anticipation of Revenue

WHEREAS the Regional District does not have sufficient money on hand to meet the current lawful expenditures of the Regional District;

AND WHEREAS it is provided by Section 821 of the *Local Government Act* that the Regional Board may, without the assent of the electors or the approval of the Inspector of Municipalities, provide for the borrowing of such sums of money as may be necessary to meet the current lawful expenditures of the Regional District;

AND WHEREAS there are no liabilities outstanding under Section 821;

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. 3575 – Cowichan Valley Regional District Revenue Anticipation Borrowing Bylaw, 2012.**”

- 2. The Regional Board shall be and is hereby empowered and authorized to borrow upon the credit of the Regional District an amount or amounts not exceeding the sum of Eleven Million Dollars (\$11,000,000.).
- 3. The form of obligation to be given as acknowledgement of the liability shall be a Promissory Note or Notes bearing the Corporate Seal and signed by the Chair and the Treasurer.
- 4. All anticipated revenue of the current year or so much thereof as may be necessary shall, when collected, be used to repay the money so borrowed.

READ A FIRST TIME this _____ day of _____, 2012.

READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3576

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", 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 028-237-765, Lot 1, Section 13, Range 7, Quamichan Land District, Plan 88052;

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 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. 3576 – Eagle Heights Fire Protection Service Amendment Bylaw, 2012".

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.

READ A FIRST TIME this 11th day of January, 2012.

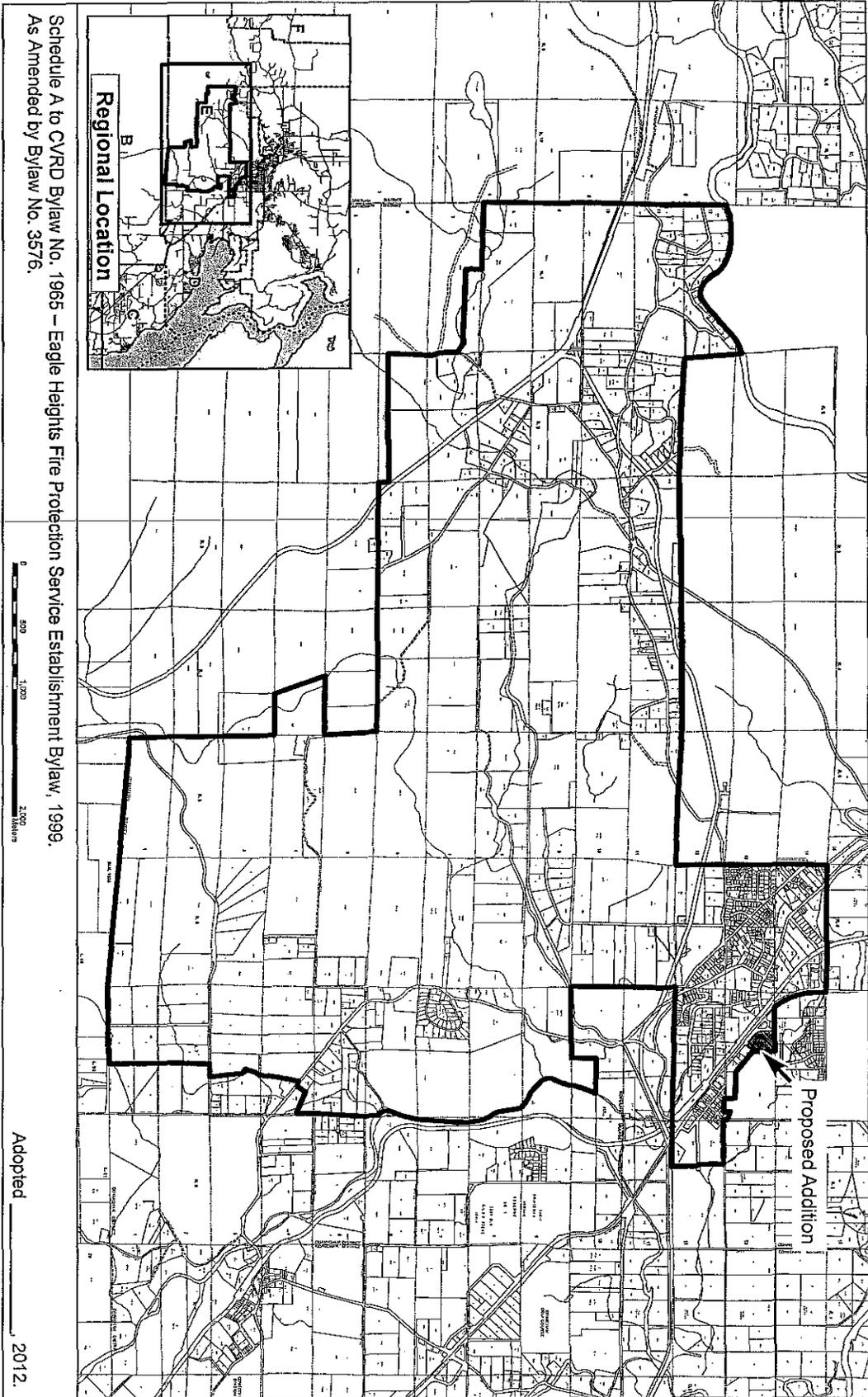
READ A SECOND TIME this 11th day of January, 2012.

READ A THIRD TIME this 11th day of January, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Corporate Secretary



Schedule A to CVRD Bylaw No. 1965 – Eagle Heights Fire Protection Service Establishment Bylaw, 1999.
 As Amended by Bylaw No. 3576.

Adopted _____ 2012.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3577

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

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

AND WHEREAS under the Town of Ladysmith is a member municipality of the Cowichan Valley Regional District:

AND WHEREAS the Regional District is to finance from time to time on behalf of and at the sole cost of the member municipalities, under the provisions of Section 824 of the *Local Government Act*, the works to be financed pursuant to the following loan authorization bylaw(s):

L/A Bylaw Number	Purpose	Amount of Borrowing Authorized	Amount Already Borrowed	Borrowing Authority Remaining	Term of Issue	Amount of Issue
1763	Water Works	\$1,000,000	Nil	\$1,000,000	25 Years	\$1,000,000
TOTAL		\$1,000,000	Nil	\$1,000,000		\$1,000,000

TOTAL Financing under Section 824 \$1,000,000

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

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

CITATION

1. This bylaw may be cited for all purposes as "CVRD Bylaw No. 3577 - Security Issuing (Loan Authorization Bylaw No. 1763) Bylaw, 2012".

2. The Regional Board hereby consents to financing the debt of the Town of Ladysmith in the amount of One Million Dollars (\$1,000,000.), in accordance with the following terms.
3. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Regional District and its member municipalities up to, but not exceeding One Million Dollars (\$1,000,000.) in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in such currency as the Trustees of the Authority shall determine but the aggregate amount in lawful money of Canada and in Canadian Dollar equivalents so borrowed shall not exceed \$1,000,000. in Canadian dollars) at such interest and with such discounts or premiums and expenses as the Authority may deem appropriate in consideration of the market and economic conditions pertaining.
4. Upon completion by the Authority of financing undertaken pursuant hereto, the Chair and Treasurer of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements which said agreement or agreements shall be substantially in the form annexed hereto as Schedule A and made part of the bylaw (such agreement or agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
5. The Agreement in the form of Schedule "A" shall be dated and payable in the principal amount or amounts of monies and in Canadian dollars or as the Authority shall determine and subject to the *Local Government Act*, in such currency or currencies as shall be borrowed by the Authority under Section 2 of this bylaw and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
6. The obligation incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority, and shall bear interest at a rate to be determined by the Treasurer of the Authority.
7. The Agreement shall be sealed with the seal of the Regional District and shall bear the signatures of the Chair and Treasurer.
8. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
9. If during the currency of the obligations incurred under the said Agreement to secure borrowings in respect of the Town of Ladysmith Water System Construction Loan Authorization Bylaw 2011, No. 1763 there shall be requisitioned annually an amount sufficient to meet the annual payment of interest and the repayment of principal.
10. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided however, that if the sum provided for in the Agreement is not sufficient to meet the obligations of the Authority, any deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional District shall make provision to discharge such liability.

11. At the request of the Treasurer of the Authority and pursuant to Section 15 of the *Municipal Finance Authority of British Columbia Act*, the Regional District shall pay over to the Authority such sums and execute and deliver such promissory notes as are required pursuant to said Section 15 of the *Municipal Finance Authority of British Columbia Act*, to form part of the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.

READ A FIRST TIME this _____ day of _____, 2012

READ A SECOND TIME this _____ day of _____, 2012

READ A THIRD TIME this _____ day of _____, 2012

ADOPTED this _____ day of _____, 2012

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

to CVRD Bylaw No. 3577

CANADA

PROVINCE OF BRITISH COLUMBIA

AGREEMENT

COWICHAN VALLEY REGIONAL DISTRICT

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

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

IN TESTIMONY WHEREOF and under the authority of Bylaw No. 3577 cited as "Cowichan Valley Regional District Bylaw No. 3577 - Security Issuing (Loan Authorization Bylaw 1763) Bylaw, 2012." This Agreement is sealed with the Corporate Seal of the Cowichan Valley Regional District and signed by the Chairperson and Treasurer thereof.

Chairperson

Treasurer



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3579

A Bylaw to Amend the Boundaries of the Lambourn Estates Sewer System Service Area

WHEREAS the Board of the Cowichan Valley Regional District established the *Lambourn Estates Sewer Service Area* under the provisions of Bylaw No. 3052, cited as "CVRD Bylaw No. 3052 – Lambourn Estates Sewer System Service Establishment Bylaw, 2008", 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 001-098-241, Lot 3, Section 4, Range 6, Cowichan District, Plan 32129;

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 D – Cowichan Bay 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. 3579 – Lambourn Estates Sewer System Service Amendment Bylaw (PID 001-098-241), 2012**".

2. **AMENDMENT**

That Bylaw No. 3052 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 _____, 2012.

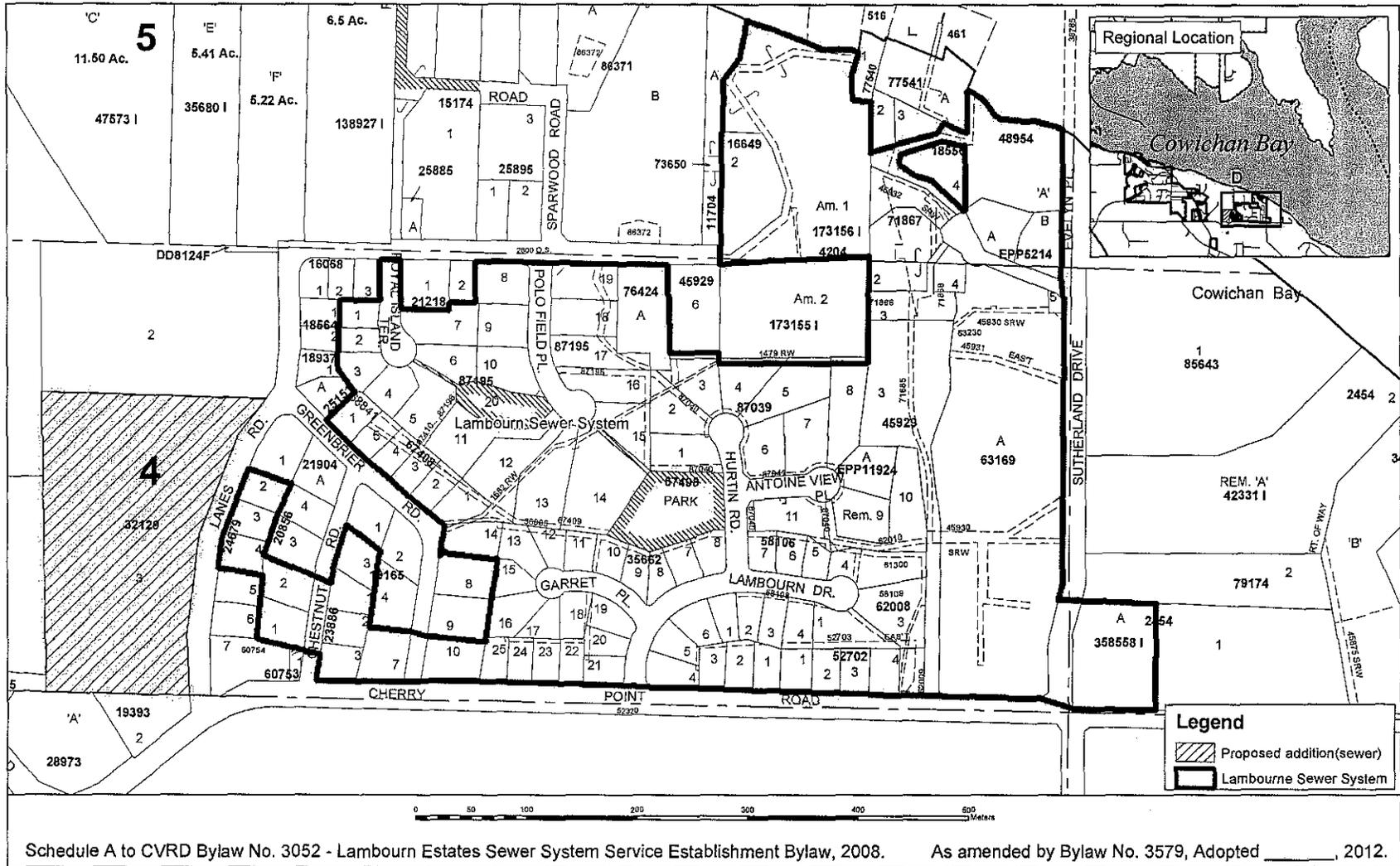
READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Corporate Secretary





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3580

A Bylaw to Amend the Boundaries of the Lambourn Estates Water System Service Area

WHEREAS the Board of the Cowichan Valley Regional District established the *Lambourn Estates Water Service Area* under the provisions of Bylaw No. 3034, cited as "CVRD Bylaw No. 3034 – Lambourn Estates Water System Service Establishment Bylaw, 2008";

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 001-098-241, Lot 3, Section 4, Range 6, Cowichan District, Plan 32129;

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 D – Cowichan Bay 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. 3580 – Lambourn Estates Water System Service Amendment Bylaw (PID 001-098-241), 2012".

2. **AMENDMENT**

That Bylaw No. 3034 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 _____, 2012.

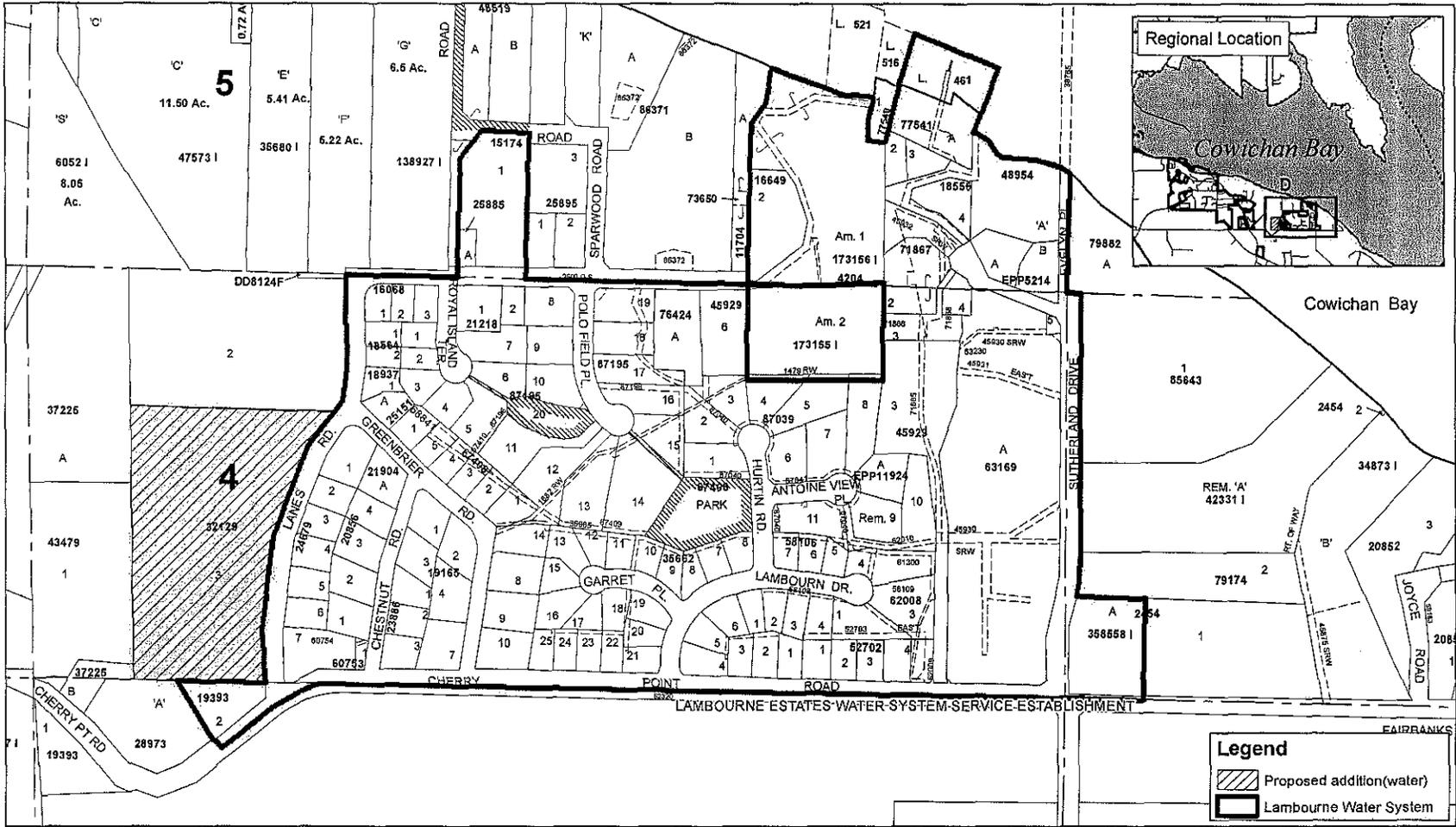
READ A SECOND TIME this _____ day of _____, 2012.

READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Corporate Secretary



Schedule A to CVRD Bylaw No. 3034 - Lambourne Estates Water System Service Establishment Bylaw, 2008. As amended by Bylaw No. 3580, Adopted _____, 2012.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3284

**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 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. 3284 - Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw (Cherry Blossom Estates), 2009**".

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**

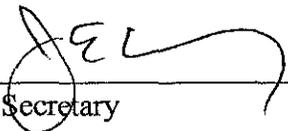
This bylaw has been examined in light of the most recent Capital Expenditure Program and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

READ A FIRST TIME this 12th day of August, 2009.

READ A SECOND TIME this 12th day of August, 2009.

READ A THIRD TIME this 9th day of December, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. 3284 as given Third Reading on the 9th day of December, 2009.



Corporate Secretary

DECEMBER 24, 2009

Date

APPROVED BY THE MINISTER OF COMMUNITY AND RURAL DEVELOPMENT
UNDER SECTION 913(1) OF THE LOCAL GOVERNMENT ACT
this 14th day of APRIL, 2010.

ADOPTED this _____ day of _____, ~~2010~~ 2012.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3284

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

1. That the following is added to the "Table of Contents" at the end of Part Fourteen:

14.9 Bare Land Strata Subdivision Development Permit Area

2. That the following is added after Section 14.8:

14.9 BARE LAND STRATA SUBDIVISION DEVELOPMENT PERMIT AREA

14.9.1 *Category*

The Bare Land Strata Subdivision Development Permit Area is designated pursuant to Section 919.1(1)(a) and (e) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity and establishment of objectives for the form and character of intensive residential development.

14.9.2 *Justification*

The CVRD Board recognizes that the development of lands within the Bare Land Strata Subdivision Development Permit Area represents an urban land use in a rural setting. To ensure that these lands are developed in manner that minimizes impacts on adjacent agricultural uses and rural residential lands and protects the natural environment, the Board wishes to establish objectives and guidelines for bare land strata subdivision based on the following objectives:

- To establish buffers between residential and agricultural uses.
- To establish buffers between intensive residential housing and adjacent rural and suburban residential development.
- To ensure amenities and open space are provided.
- To protect ground water quality and maintain natural drainage patterns and hydrology.

14.9.3 *Applicability*

The Bare Land Strata Subdivision Development Permit Area applies to those lands highlighted on Figure 15, Bare Land Strata Subdivision Development Permit Area. A development permit shall be required prior to subdivision of the subject land, as defined by section 872 of the *Local Government Act*.

.../2

14.9.4 *Guidelines*

Development permits shall be issued where proposed development complies with the following guidelines:

Lot Layout Guidelines:

1. No residential lot shall be within 30 metres of any adjacent residential or agricultural property on the perimeter of the site comprising the bare land strata subdivision.
2. Pedestrian trail corridors with a minimum width of 4.0 metres shall be provided.
3. All lots are to be designed in a manner that ensures a building site and on-site parking for two vehicles.
4. Recreational vehicle storage areas should be fenced and screened with landscaping, and shall not exceed 500 square metres in area.

Road Layout Guidelines:

5. Internal roadways shall have a minimum width of 10 metres and be designed to accommodate the turning radius of emergency vehicles.
6. A secondary emergency access constructed to standard acceptable to the local fire department shall be provided.
7. Roadways will include meridian or boulevard landscaping, including street trees, shrubs, grass or groundcover.
8. Street lighting will be provided to safety light the driveway entrance and Culverton Road intersection.
9. Internal street lighting shall be provided that is designated in a manner that minimizes spill light, glare, and sky glow, and utilizes low energy fixtures.

Landscaped Buffers Guidelines:

10. A landscaped buffer with a minimum width of 15 metres shall be provided and maintained along the entire length of all parcel lines contiguous to the Agricultural Land Reserve. The buffer shall be constructed in accordance with standards specified in *Guide to Edge Planning, Ministry of Agriculture and Lands, June, 2009* or to an alternate standard approved by the Agricultural Land Commission.
11. A landscaped buffer with a minimum width of 7.5 metres shall be provided and maintained along the entire length of any parcel line contiguous to a public roadway and the perimeter of the lands comprising the bare land strata subdivision. The landscaped buffer shall be bermed and planted with trees, shrubs and groundcover so as to maintain the privacy of adjacent properties. Fencing shall be provided between any lot and common property other than strata roadways.
12. Required landscaped buffers are to be designated common property and shall be exclusive of residential lot area.

13. No structure, parking or storage is permitted in a required buffer area.
14. Landscaped buffers shall be planted with native plants and plant material that requires minimal watering.
15. Outdoor recreation areas shall include a minimum area of four (4) square metres per residential dwelling for use as fenced community garden.
16. Landscaped open space shall incorporate fruit trees, nut trees and other edible plantings.

Open Space and Recreation Area Guidelines:

17. A minimum of 5% of the bare land strata site area shall be designated and developed as outdoor recreation area. Such areas shall be developed for active and passive recreation, including lawn bowling, horse shoe pitch, dog run, picnic area, or similar type uses.
18. All common open space and recreation area shall be landscaped.

Ground Water Protection Guidelines:

19. Storm water systems shall be designed by a professional engineer in a manner that maintains the natural hydrology of the subject property and pre-development drainage patterns and flow rates.
20. Storm water management techniques such as bio swales, pervious pavements, detention and retention, and infiltration shall be incorporated into the storm water management design.

14.9.5 *Exemptions*

Development permits are not required for:

- a) Building or landscaping on approved and registered bare land strata lots.
- b) Construction of sewer or water utilities approved by the CVRD.
- c) Emergency works to repair or replace utilities or infrastructure.

14.9.6 *Application Requirements*

Before the CVRD Board considers the issuance of a development permit for a parcel in the Bare Land Strata Subdivision Development Permit Area, the application shall submit an application that includes:

- a) Written description of the proposed development
- b) Subdivision plan showing the proposed lot layout, size and dimension of proposed lots, road network, trail way, landscaped buffers, watercourses and other natural features, recreation area and open spaces.
- c) Conceptual servicing plan, showing the location of all utilities and sewage disposal areas
- d) Storm water management plan
- e) Landscape plan prepared in accordance with BCLSA standards showing a proposed hard and soft landscaped areas, grading, and a plant list indicating the size, quantity and species of all proposed plant material.

- f) Prior to issuance of a development permit, a cost estimate for all required landscaping and security in a form acceptable to the CVRD is required. 75% of the security shall be returned to the applicant upon confirmation that landscaping has been installed in accordance with the permit drawings. The remainder shall be returned upon successful completion of a one year maintenance period.

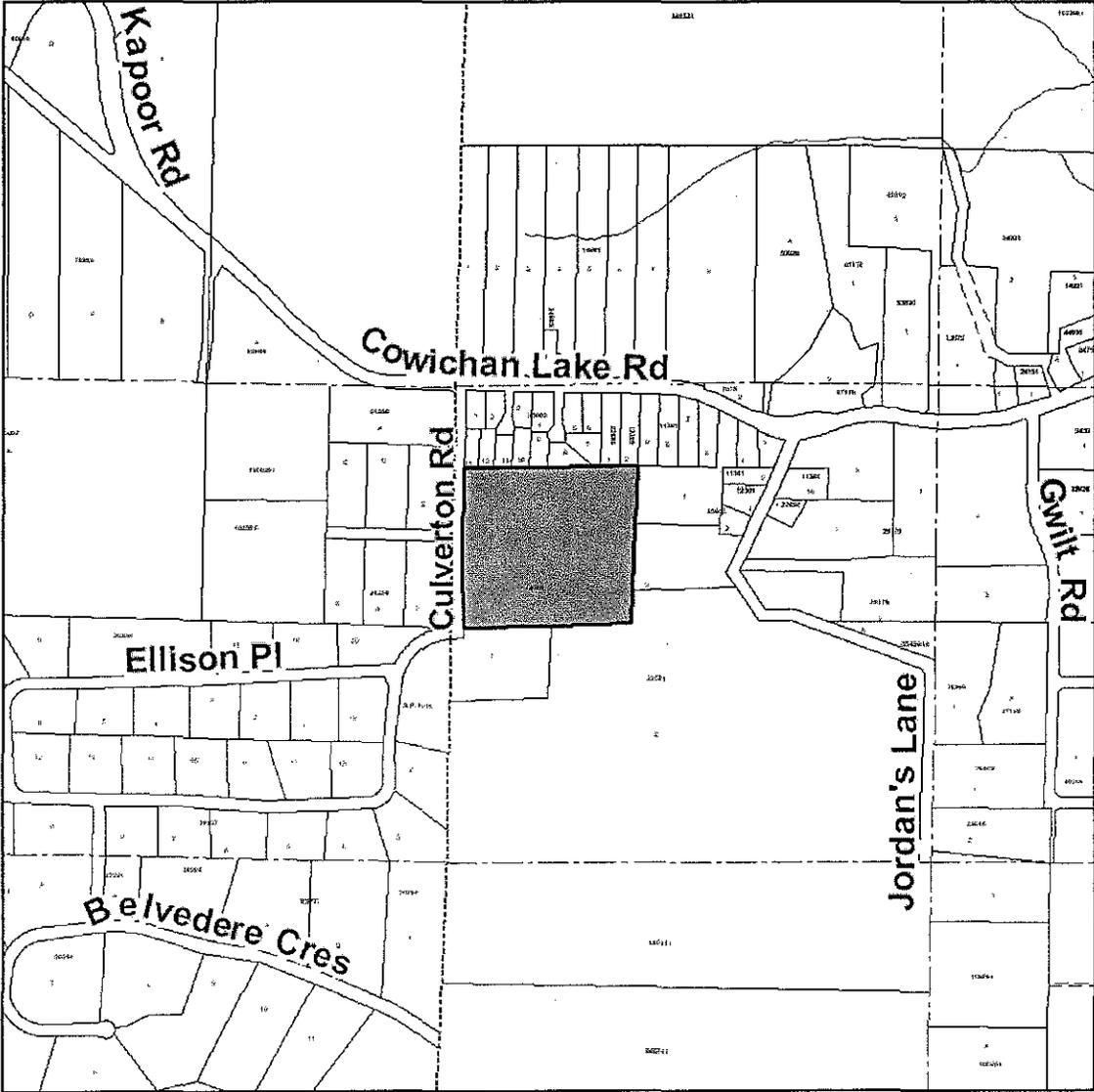
14.9.7 Concurrent Development Permit Areas

Where more than one development permit area applies to land in the Bare Land Strata Development Permit Area, a single development permit may be issued.

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

That Lot 1, Section 8, Range 6, Sahtlam District, Plan 12309, Except Those Parts in Plans 22890, 23708, 25003 and 29157, as shown outlined in a solid black line on Plan number Z-3284 attached hereto and forming Schedule B of this bylaw, be re-designated from Industrial to Manufactured Home Park Residential

FIGURE 15



BARE LAND STRATA SUBDIVISION DEVELOPMENT PERMIT AREA



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3285

**A Bylaw for the Purpose of Amending Zoning Bylaw No. 1840
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 zoning bylaws;

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Zoning Bylaw No. 1840;

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. 1840;

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. 3285 - Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Cherry Blossom Estates), 2009**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 1840, as amended from time to time, is hereby amended in the following manner:

- a) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is amended by adding "R-6 Bare Land Strata Residential" to Section 6.1 – Creation of Zones.
- b) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by adding the following after Section 8.9:

8.10 **R-6 ZONE – BARE LAND STRATA RESIDENTIAL ZONE**

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following *uses*, *uses* permitted under Section 4.4, and no others are permitted in an R-6 zone:

- (1) *modular home*
- (2) *single family dwelling*
- (3) *daycare* or nursery school *accessory* to a residential use;
- (4) *home occupation*
- (5) *horticulture*

(b) Conditions of Use

For any *parcel* in the R-6 zone:

- (1) the *parcel coverage* shall not exceed 35%
- (2) the *height* of all *buildings* and *structures* shall not exceed 6.0 metres, except for accessory buildings, which shall not exceed a *height* of 4.5 metres.
- (3) *Buildings* shall not exceed a single *storey*.
- (4) *Dwellings* shall not exceed a *gross floor area* of 120 square metres.
- (5) *Accessory Buildings* shall not exceed a combined *gross floor area* of 30 square metres.
- (6) The minimum *setbacks* for the types of *parcel lines* set out in *Column I* of this section are set out for the *principal* and *accessory uses* listed in Column II and III;

COLUMN I Type of Parcel Line	COLUMN II Principal Use	COLUMN III Accessory Use
Front	5.5 m	5.5 m
Interior Side	2.0 m	1.0 m
Exterior Side	3.0 m	2.0 m
Rear	4.5 m	1.0 m.

- (7) In no case shall the number of *dwelling units* per *parcel* exceed one.
- (8) All residential *parcels* shall be connected to a sewer and water system owned and operated by the CVRD and designed to CVRD specifications, including but not limited to:
 - A recycled water treatment and distribution system to supply treated waste water for irrigation and toilets;
 - Water metering for individual homes and a rate structure to encourage conservation;
 - Registration of a covenant on all residential parcels to require “low flow” fixtures and appliances and the use of native and drought tolerant plant species for landscaping;

- (9) Prior to subdivision, a covenant shall be registered on all residential *parcels* to:
- Require all dwellings to be heated primarily by air-to-air heat pumps unless otherwise authorized by the CVRD;
 - Require dwellings to be heated primarily by ground source heat pumps if the CVRD chooses to establish and finance a district energy system;
 - Establish decibel limitations on heat pumps;
 - Require dwellings to be insulated to an R2000 standard or better;
 - Require dwellings to have roughed in facilities for auxiliary wood or gas heating.

(c) Density and Density Bonus

Subject to Part 12, the following regulations apply in the R-6 Zone

- (1) The number of residential parcels that may be created by subdivision in the R-6 zone must not exceed 3, including any remainder parcel.
 - (2) Despite Section 8.10(c)(1), the number of residential parcels that may be created by subdivision in the R-5 zone may be increase to 18 if park land in the form of a titled lot, with a minimum area of 0.81 hectares, in a location acceptable to the Regional District, is provided at no cost.
 - (3) Despite Section 8.10(c) (1) and (2), the number of residential parcels that may be created by subdivision in the R-5 zone may be increased to 50 if the conditions in Sections 8.10(7) are met.
 - (4) The minimum parcel area for the purposes of s. 946(4) of the *Local Government Act* is 25 hectares.
 - (5) The minimum residential parcel size is 400 square metres.
 - (6) The maximum residential parcel size is 460 square metres.
 - (7) In order to develop any residential lot in excess of 18, a strata-owned amenity building and grounds must be constructed that will include:
 - i) A minimum gross floor area of 650 square metres;
 - ii) Interior improvements and furnishings, including a common kitchen and dining room, workshops, dance studio and meeting rooms;
 - iii) A minimum of 20 paved parking spaces;
 - iv) Site landscaping.
- c) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by adding the following definition to Part Three, between “manufactured home park” and “motel”:

“**modular home**” means a factory built dwelling that:

- (a) conforms to CSA A277 series standard;
- (b) has a pitched roof with a minimum slope of 4:12; and
- (c) is assembled on a permanent foundation.

- d) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is amended by adding Bare Land Strata Residential Zone (R-6) to the legend.
- e) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by rezoning Part of Lot 1, Section 8, Range 6, Sahtlam District, Plan 12309, Except Those Parts in Plans 22890, 23708, 25003 and 29157 as shown outlined in a grey tone on Schedule A attached hereto and forming part of this bylaw, numbered Z-3285 from Heavy Industrial (I-2) to Bare Land Strata Residential (R-6).
- f) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by rezoning Part of Lot 1, Section 8, Range 6, Sahtlam District, Plan 12309, Except Those Parts in Plans 22890, 23708, 25003 and 29157 as shown outlined in a grey tone on Schedule B attached hereto and forming part of this bylaw, numbered Z-3285 from Heavy Industrial (I-2) to Parks and Institutional (P-1).

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this 12th day of August, 2009.

READ A SECOND TIME this 12th day of August, 2009.

READ A THIRD TIME this 9th day of December, 2009.

THIRD READING RESCINDED this _____ day of _____, 2012.

SECOND READING RESCINDED this _____ day of _____, 2012.

SECOND READING AS AMENDED this _____ day of _____, 2012.

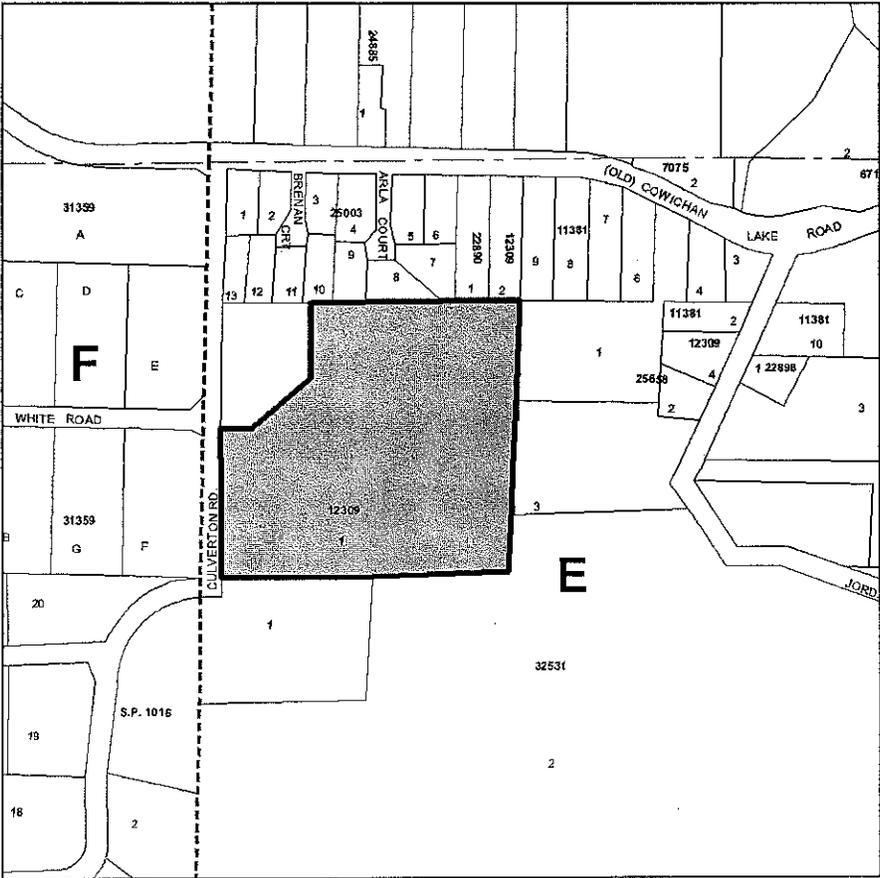
THIRD READING this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Corporate Secretary

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



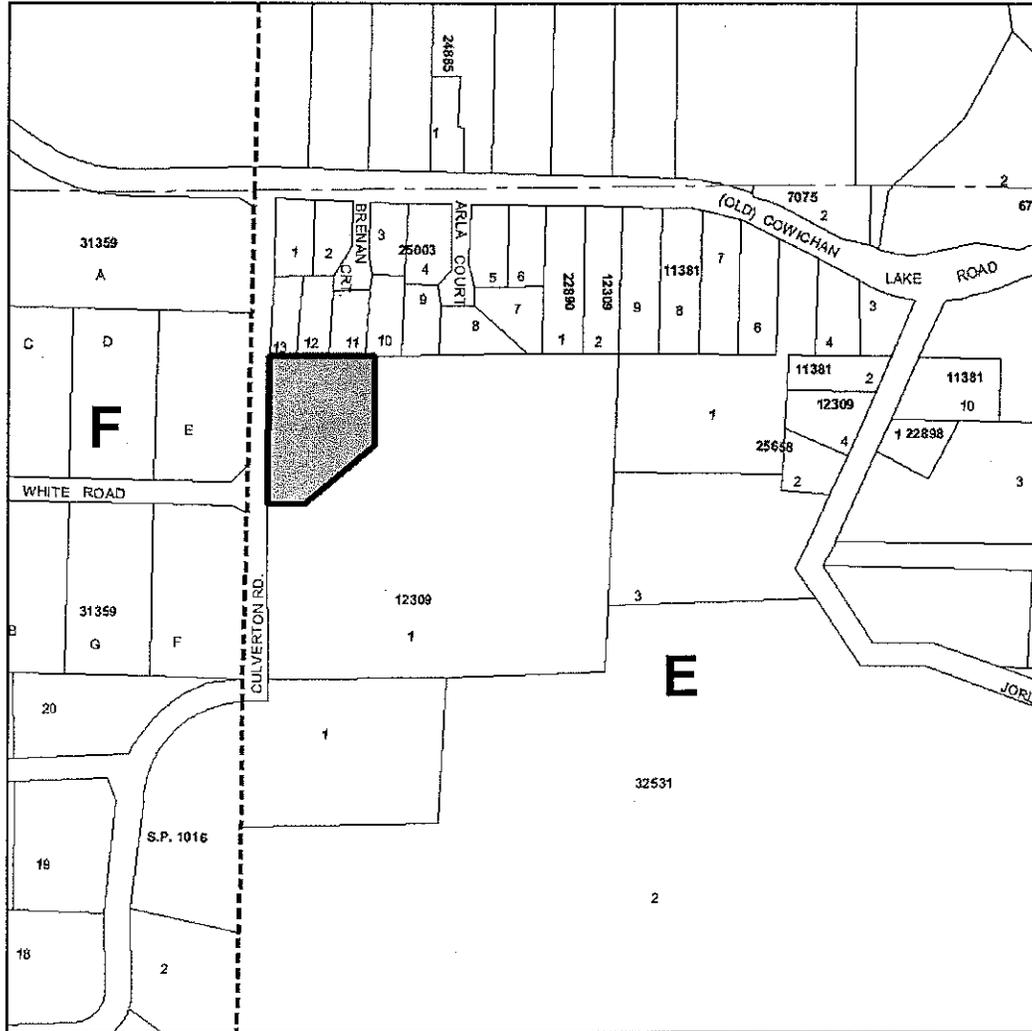
THE AREA IN A GREY TONE IS REZONED FROM

Heavy Industrial (I-2) TO

Bare Land Strata Residential (R-6) APPLICABLE

TO ELECTORAL AREA E

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



THE AREA IN A GREY TONE IS REZONED FROM

 Heavy Industrial (I-2) TO

 Parks and Institutional (P-1) APPLICABLE

TO ELECTORAL AREA E



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3511

A Bylaw for the Purpose of Amending South Cowichan Official Community Plan Bylaw No. 3510, Applicable to Electoral Area A – Mill Bay/Malahat, Electoral Area B – Shawnigan Lake and Electoral Area C – Cobble Hill

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, Electoral Area B – Shawnigan Lake and Electoral Area C – Cobble Hill, that being South Cowichan Official Community Plan Bylaw No. 3510;

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. 3510;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3511 – South Cowichan Official Community Plan Amendment Bylaw (Bamberton Business Park/Industrial), 2011**".

2. **AMENDMENTS**

South Cowichan Official Community Plan Bylaw No. 3510, 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 22nd day of June, 2011.

READ A SECOND TIME this 22nd day of June, 2011.

SECOND READING RESCINDED this 13th day of July, 2011.

SECOND READING AS AMENDED this 13th day of July, 2011.

READ A THIRD TIME this _____ day of _____, 2012.

Exempt from approval by the Minister of Community, Sport and Cultural Development under Section 2 (a) and (b) of the *Cowichan Valley Regional District Approval Exemption Regulation* pursuant to Ministerial Order No. MO36, February 21, 2011.

ADOPTED this _____ day of _____, 2012.

Chairperson

Corporate Secretary



C·V·R·D

SCHEDULE "A"

To CVRD Bylaw No. 3511

Schedule A to Official Community Plan Bylaw No. 3510, is hereby amended as follows:

1. The following is added after Policy 12.23:

POLICY 12.24

Notwithstanding other policies in this Plan to the contrary, lands in the Rural Resource designation that are also identified on Figure 10A may be zoned for light industrial and outdoor recreational uses while remaining in the Rural Resource designation, and such lands, other than for lease purposes, will remain subject to a 80 hectare minimum parcel size requirement, similar to that of the Rural Resource designation. However, long-term leases may be registered over such lands. In the event that these lands are eventually proposed to be redesignated and rezoned for subdivision for industrial, commercial or residential purposes, the CVRD Board expects that a zoning for amenities provision would be enacted which would entail the permanent protection in the public realm of sensitive ecosystem lands to the immediate south of the lands subject to redesignation and rezoning.

POLICY 12.25

Notwithstanding other policies in this Plan to the contrary, lands in the Rural Resource designation that are within a 1 kilometre radius of the Bamberton Highway interchange, and are on the west side of the Trans Canada Highway, may be eligible to be redesignated and rezoned for light industrial and business park uses, and for subdivision to lot sizes suitable for the proposed uses. In considering whether to apply this policy to any particular site, the Board will have regard for:

- a) the suitability of the site for light industrial and business park uses;
 - b) the availability of similar sites in the existing business and light industrial park in the immediate vicinity and the likelihood that an expansion will be needed to meet market demand;
 - c) the availability of community sewer and water services;
 - d) the possibility of capturing new economic development opportunities for the region;
 - e) Protection sensitive environmental features from development and protection of the appearance of this area from vantage points within the Cowichan Valley.
2. Schedule B to the South Cowichan Official Community Plan – the Plan Map – is amended by redesignating part of Block 176, Malahat District, as shown shaded in grey on the Schedule Z-3511 attached hereto and forming part of this Bylaw, from Rural Resource to Industrial.

3. The following is added to the guidelines of the South Cowichan Rural Development Permit Area:

24.4.16A Industrial/Business Park Guidelines

The Industrial/Business Park Guidelines apply to the subdivision of land and construction of buildings or structures or landscaping for all industrial zoned lands in the Plan Area as follows:

- (a) *the guidelines regarding environmental protection (guidelines a) 1 to 4 and b) 1 to 3), natural hazards (guideline a) 5) and views (guideline b) 5) shall apply to all lands that are zoned I-2.*
- (b) *all guidelines shall apply to all other industrial zoned lands.*

Where these guidelines collide with those in other Sections, these guidelines shall prevail.

a) Land Subdivision Guidelines

Environmental Protection

1. Lands in a proposed subdivision plan that contain or are adjacent to riparian features should respect the existence of the riparian area by having a substantial additional usable site area beyond the Streamside Protection and Enhancement Area (SPEA). Ongoing protection of the riparian areas generally and the SPEAS in particular is strongly encouraged through mechanisms such as dedication of these lands to the CVRD or the use of covenants in favour of the CVRD. This should minimize the likelihood of difficult-to-develop industrial parcels being created and protect the riparian areas from damage.
2. Buffer areas beyond the SPEA should be landscaped with naturalized plantings. Orientation and positioning of driveways and potential building envelopes on proposed parcels should be sensitive to these features. A development permit may specify additional setbacks from a Streamside Protection and Enhancement Area (SPEA) as required in the zoning bylaw, where such additional setback would be required to offer adequate protection to the riparian area due to the nature of the proposed land use.
3. Infiltration systems, constructed wetlands, and other features in open spaces that are forested should be designed and planted with species that require minimal irrigation and/or have a role in supporting indigenous birds and other small fauna.
4. The site grading of all proposed parcels should be designed at the subdivision stage to direct rainfall that will be collected on roofs and paved surfaces into infiltration systems wherever feasible. These systems should be engineered to allow slow infiltration of rainwater into the ground in locations that will reduce the effect of increased flows on existing watercourses and wetlands.

Natural Hazards

5. A report concerning potential natural hazards to the subdivision will be submitted along with an application, and the report will contain the following:
 - a) Assessment of the risk of geotechnical hazards by an appropriately qualified professional engineer or professional geoscientist with experience in natural hazard assessment and mitigation.
 - b) Assessment of the risk of wildland/urban fire transfer by a qualified professional in the field. The report will contain advice for the subdivision layout and describe in its recommendations the appropriate protective measures to mitigate any risk.

Lot Layout

6. A report on the proposed measures for rainwater management should be prepared by a appropriately qualified professional engineer as part of each DP application for subdivision.
7. Lots should front on roads that have been laid out in response to the topography in order to minimize grades by following contour lines where feasible and appropriate.
8. The subdivision plan should indicate the parcel lines, the potential building envelope reflecting required setbacks and other siting constraints.
9. If appropriate, parcel lines should not be symmetrical across the street in all locations. Lot sizes should vary occasionally to take advantage of environmental features and for variety and to encourage visual interest.

Local Roads

10. Local roads should be designed with rights-of-way and paved lanes to the narrowest width that would still be suitable for business park and light industrial traffic, with a view to minimizing the disruption to the landscape on sloped areas.
11. Preference will be given to main local roads with a surface swale of adequate capacity to collect rainwater from the development sites uphill from it.
12. Where permitted by the Road Authority, street trees should be planted within the right-of-way along streets where they will not affect driveways, sight lines or other infrastructure features, except where a road traverses an area of retained or replaced natural forest. The street tree planting scheme should use a variety of tree types chosen from a range of native and drought-tolerant species and planted in informal rhythms and clusters rather than in regularly spaced lines. To achieve the desired integration with the natural forest context, a minimum of 20% of trees planted should be coniferous species.
13. The local road network should be adapted to the requirements of local transit service, including, for example, transit stops.

Landscape Character

14. Street tree planting, if permitted by the Road Authority, should use a variety of tree species. The Development Permit application for subdivision should include a conceptual street tree planting scheme prepared by a registered Landscape Architect that sets out the species selection for each street from among appropriate drought-tolerant and climate compatible species.

Streetscape Furniture

15. As part of the development permit application for subdivision, the project Landscape Architect shall identify a suite of furnishings for the public realm: bench, light standards, waste receptacle, bike rack, and bollard for use throughout the Business Park and adjacent Industrial Park. This suite of furnishings should be integrated in terms of materials and design expression and should express a contemporary, industrial character. Lighting selections shall be made that have low light emissions into the night sky. Site furnishing specifications of metal, concrete, stone and/or wood should be used to express the Pacific Northwest theme yet blend into the background landscape; aluminum, stainless steel, or painted / powder coated in natural tones (including grey) should be considered; wood, wood-like materials, concrete or metal are suitable as a trim especially for the seating surface of benches.

Visual Buffers

16. A visual natural buffer comprised of natural forest should be provided along the majority of the Trans-Canada Highway to a minimum depth of 10 metres. It should be comprised of retained existing forest vegetation to the greatest extent feasible.
17. Limited gaps in the visual landscape buffers along the Trans-Canada Highway will be provided to achieve visual recognition of the presence of the Business Park. Additional gaps may be provided for specific users in both the Business Park and the adjacent Light Industrial Park, subject to consideration of the quality of building design, landscaping proposed and the resultant overall appearance of the land use.

Signs

18. Pylon signs may be used along the Trans-Canada Highway to identify the Business Park site, which generally should not be backlit and will not contain LCD/LED elements or video/scrolling message elements. The sign should be mounted on a well engineered base and be up to 6 metres in height, allowing visibility to drivers along the highway for an appropriate distance before the exit ramp from the Trans-Canada Highway, while still being below the height of the background trees in the highway buffer strip.

b) Site Development and Building/Structure Form and Character Guidelines**Environmental Protection**

1. Where feasible, the use of "green" roof structures is encouraged, to reduce heating and cooling needs and to buffer rainwater flows. Total site imperviousness figures will be submitted with any application and the measures utilised to reduce the effective impervious areas will be described in material accompanying the application.
2. Applications for development permits for buildings and development generally on the parcels for which a development permit application is made must take account of the industrial processes that will occur within the buildings and on the land, and where the proposed uses involve potential contaminants of land or water, sufficient containment measures to prevent spills of potential contaminants shall be taken in the design of both buildings and the site upon which such activities will take place. A report by a qualified professional respecting the measures to be taken in this regard may be required as a precondition to consideration of development permit issuance, and where the report makes recommendations concerning the measures required to contain such potential risks, these shall be made a requirement of the development permit. Air emissions are regulated directly by the Province of British Columbia.
3. Parking areas and any other portions of the parcel that would have machinery and other equipment parked or installed on it should be surfaced in a way that intercepts potential contaminants and separates them from rainwater, allowing for their regular removal or treatment.

Building Form, Character and Signs

4. Building façade articulation, such as recessed window and door penetrations, is encouraged to create variation and visual interest. Front entries should be marked with architectural features and where more than one entry point is proposed, the main entry should be most prominent. Entrances should be illuminated in keeping with their hierarchy of importance at levels to achieve safety and security for users. Large expanses of building façade without windows are discouraged, but where necessary, these should be oriented to side and rear yards or, if facing the front yard, should be given an architectural treatment to achieve visual interest. Building lighting must be designed to avoid overspill into the public realm or the night sky.
5. Particular attention must be paid, in the building and landscape design, to the appearance from the Trans-Canada Highway and the surface waters of Saanich Inlet. Buildings and structures which blend into the landscape by virtue of careful colour palette control and appropriate form, materials and scale are preferred to those which would present a visually imposing presence more typical of an urban area, which would be at odds with the generally scenic rural resource lands in this area.

6. Finishing materials of buildings and structures should be appropriate to local climatic conditions and durable so as not to require frequent replacement over the building's lifespan. Acceptable exterior materials include: wood, brick, stone, stucco, concrete slab or block, and metal, fiberglass, cementitious and composite panels. Wherever possible building colours should be selected from a palette of natural tones that express the intention of integrating the Business Park into the surrounding natural environment.
7. Using landscape strategies to reduce the need for heating and cooling including: using deciduous trees on the southern and western facing side of a building to maximize the warming effect of solar radiation in winter months and the cooling effect of shade in the summer, locating evergreen trees so they block winter winds without blocking solar access.
8. Signs should be designed in coordination with the site and any buildings on it. Signage for individual industrial or commercial development sites should be either integrated with the building architecture or freestanding within the front yard landscaped area. Consideration should be given to coordinating new signs with the style of the prevailing informational and directional signage for the business area.

Landscape and Parking Area Standards

9. A comprehensive landscaping plan should be prepared by a Landscape Architect to BCSLA/BCNTA standards, and be submitted along with the application form. Plantings should consist of a variety of plant species, dominated by native and drought tolerant types appropriate to this biogeoclimatic zone.
10. Site imperviousness figure shall be calculated by the applicant. Effective impervious surfaces of paved areas should be reduced through the use of mitigating measures such as infiltration wells for cleansed rainwater where feasible, such measures collectively being designed to reduce the surface runoff in rainfall events to a level that approaches that of the site before it was developed.
11. Fences should be constructed of wood, stone, brick, black coloured chain-link, ornamental metal work or suitable alternative materials of similar appearance.
12. Garbage and recycling containers, utility boxes, fans, vents, and outdoor storage areas should be screened from viewers in the adjacent public realm.
13. End-of-trip facilities for cyclists, including bike lockers or at a minimum, bike racks, should be provided.

24.4.16B Industrial/Business Park Guideline Exemptions

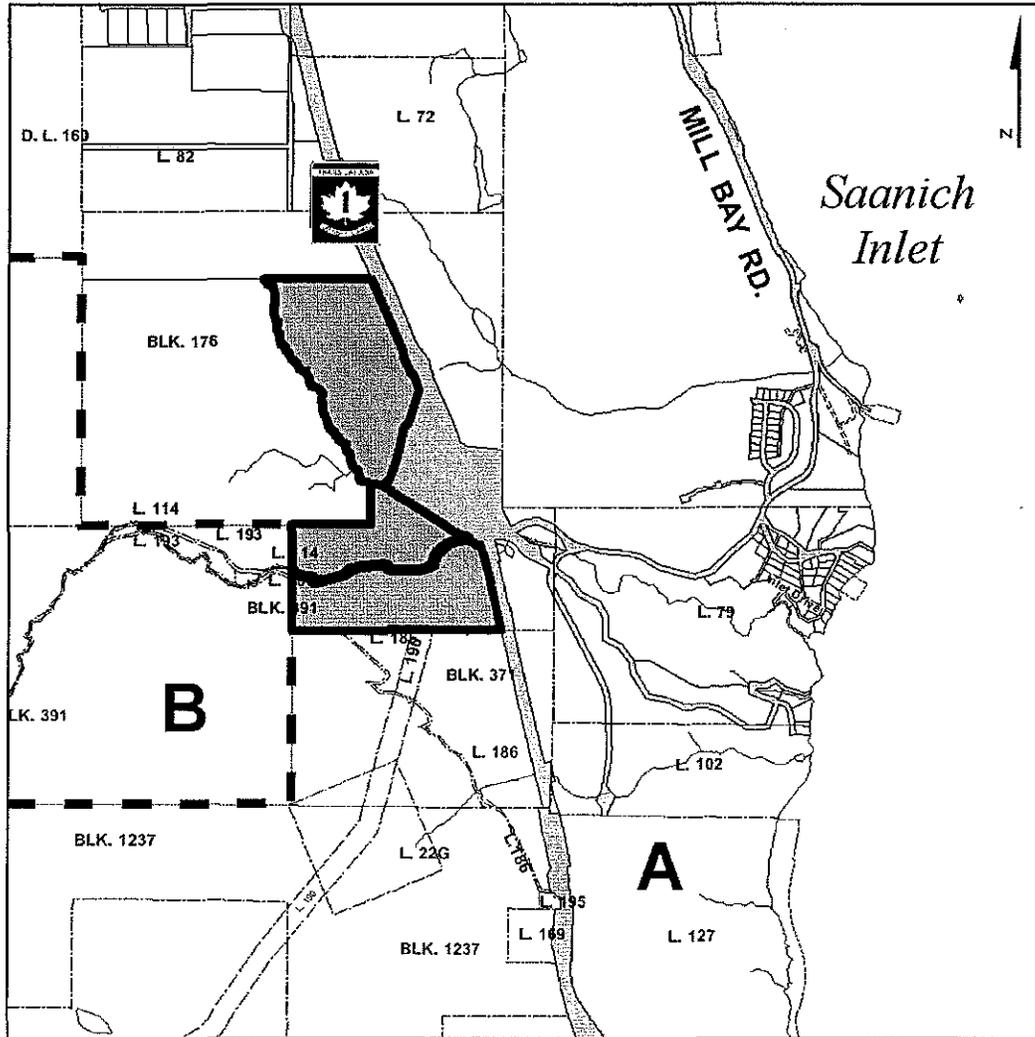
The Industrial/Business Park Guidelines do not apply to:

- a. Interior renovations to existing buildings;
- b. Minor exterior alterations to existing buildings;
- c. Changes to the logo, words or other information on an existing sign;
- d. A boundary adjustment between two or more existing parcels of land, provided all provisions of the otherwise applicable guidelines can be maintained following the adjustment (e.g. Buffer Area).

PLAN NO. Z-3511

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

3511



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Rural Resource

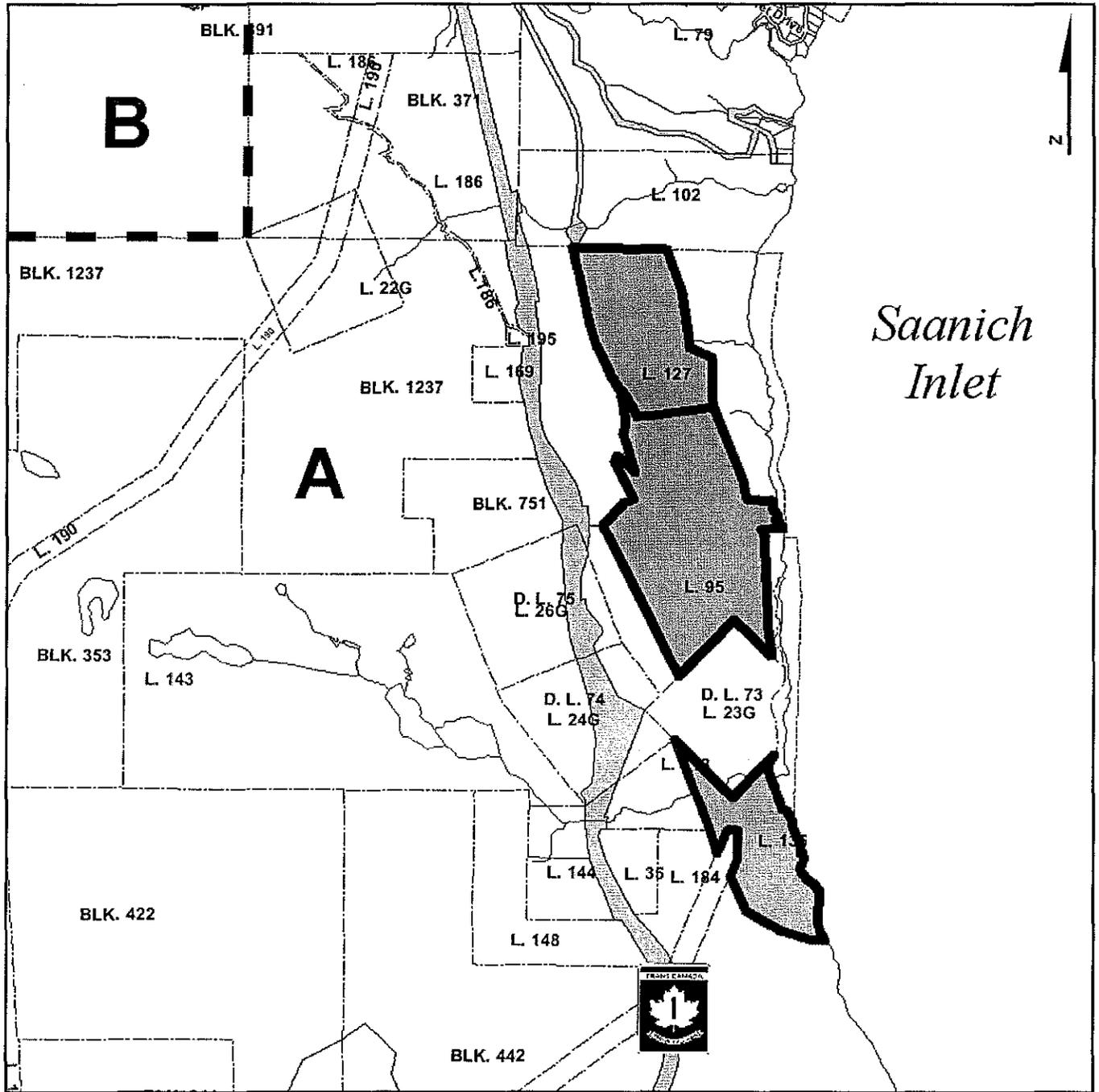
TO

Industrial

APPLICABLE

TO ELECTORAL AREA A

FIGURE 10A





COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3498

**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, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3498 – Electoral Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Bamberton Business Park Industrial), 2011**".

2. **AMENDMENTS**

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

a) The following is added after Section 11.2:

I-3 ZONE – BAMBERTON LIGHT INDUSTRIAL 3

Subject to compliance with the general requirements detailed in Parts 4 and 5 of this Bylaw, the following regulations apply in the I-3 Zone:

(a) **Permitted Uses**

The following principal uses and no others are permitted in an I-3 zone:

- (1) Agriculture, horticulture, silviculture;
- (2) Aquaculture, depuration of shellfish;
- (3) Assembly;
- (4) Boat and/or watercraft building, sales and repair and storage, marine services;

- (5) Building and construction material supply;
- (6) Commercial parking;
- (7) Concrete batch plant and concrete products manufacturing;
- (8) Contractor's workshop and yard;
- (9) Convenience store;
- (10) Equipment sales, repair, storage and rental;
- (11) Electronic equipment manufacturing and repair with accessory sales;
- (12) Feed, seed and agricultural supplies, sales and storage;
- (13) Food preparation and catering, including culinary education services;
- (14) Food and beverage manufacturing, processing, packaging, distribution, and storage, bakery, brewery, excluding fish cannery and abattoir;
- (15) Funeral services;
- (16) Indoor recreational facilities;
- (17) Laboratory, research and development centre;
- (18) Lumber and storage yards, sale of wholesale and retail building supplies;
- (19) Manufacturing;
- (20) Motor vehicle sales, service and repair, including autobody restoration and repair but excluding wrecking or salvaging;
- (21) Modular home, mobile home, truss and prefabricated home manufacturing;
- (22) Offices;
- (23) Outdoor recreation;
- (24) Personal services establishment;
- (25) Port facilities;
- (26) Printing and publishing;
- (27) Processing and sale of gardening and landscaping supplies and materials;
- (28) Recreational vehicle manufacturing, with accessory sales;
- (29) Research and development centre;
- (30) Restaurant, coffee shop including take-out, but not including a drive-through;
- (31) Retail sales, unrelated to any other principal permitted use, limited to a maximum of 250 m² in total retail floor area;
- (32) Secondary processing and manufacturing of wood products;
- (33) Software engineering office and accessory uses;
- (34) Technical services;
- (35) Trade/vocational school;
- (36) Warehousing, including mini-warehousing, distribution and forwarding of freight;
- (37) Welding shop, steel and metals fabrication, extrusion, finishing and accessory sales;
- (38) Wholesale sales;

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

- (39) Retail sales accessory to a principal permitted use;
- (40) Single family dwelling unit accessory to a principal permitted use, subject to Section 11.3(b)(3) below.

(b) Conditions of Use

For any lease area in an I-3 zone:

1. The coverage shall not exceed 60 percent of total lease area for all *buildings and structures*;
2. The *height* of all *buildings and structures* shall not exceed 20 m;
3. Not more than three single family residences are permitted per lease area of land, only in conjunction with a principal permitted use under Section 11.3(a) above;
4. Buildings and structures shall be set back not less than 7.5 metres from any lease area boundary or lot line that abuts a non-industrial zone.
5. Buildings and structures shall be set back not less than 7.5 metres from a Streamside Protection and Enhancement Area (SPEA) as designated in a Riparian Assessment Report.
6. A convenience store shall not be larger than 230 m² in floor area.

(c) Minimum Parcel Size for Subdivision

Subject to Part 13, the minimum *parcel* size in the I-3 Zone is 80 hectares. Notwithstanding this regulation, where a subdivision in the I-3 Zone is proposed to follow a land use zone boundary on an existing parcel that is split-zoned, any area within a single zone may be subdivided below the usual 80 hectare minimum, so long as the subdivision only isolates the entirety of the different zones on that parcel.

(d) Lease Areas

Areas of land in the I-3 Zone may be leased, including leases registered in the Land Title Office by Explanatory Plan, of any size, provided each lease area is of sufficient size to accommodate the other regulations of this Zone and provided it also has a source of water and sewage disposal system that are suitable to the Provincial authorities having jurisdiction. For the purposes of the I-3 Zone only, the regulations concerning use, density and other matters apply to each leased area.

(e) Definition

The definition of "parcel" in Section 3.1 does not apply to lease areas in the Bamberton Light Industrial 3 Zone.

(f) Parking

Notwithstanding CVRD Off-Street Parking Bylaw No. 1001, or any other CVRD bylaws that may require off-street parking spaces, the minimum number of off-street parking spaces required on a parcel in the I-3 Zone is 1 space per 48 m² of gross floor area, plus one space per accessory residential dwelling.

11.3A I-3A ZONE – LIGHT INDUSTRIAL 3A

Subject to compliance with the general requirements detailed in Parts 4 and 5 of this Bylaw, the following regulations apply in the I-3A Zone:

(a) Permitted Uses

The following principal uses and no others are permitted in an I-3A zone:

- (1) Agriculture, horticulture, silviculture;
- (2) Aquaculture, depuration of shellfish;
- (3) Assembly;
- (4) Boat and/or watercraft building, sales and repair and storage, marine services;
- (5) Building and construction material supply;
- (6) Commercial parking;
- (7) Contractor's workshop and yard;
- (8) Convenience store;
- (9) Equipment sales, repair, storage and rental;
- (10) Electronic equipment manufacturing and repair with accessory sales;
- (11) Feed, seed and agricultural supplies, sales and storage;
- (12) Food preparation and catering, including culinary education services;
- (13) Food and beverage manufacturing, processing, packaging, distribution and storage, bakery, brewery, excluding fish cannery and abattoir;
- (14) Funeral services;
- (15) Furniture manufacturing with accessory sales;
- (16) Indoor recreation;
- (17) Laboratory, research and development centre;
- (18) Lumber and storage yards, sale of wholesale and retail building supplies;
- (19) Manufacturing;
- (20) Motor vehicle sales, service and repair, including autobody restoration and repair but excluding wrecking or salvaging;
- (21) Modular home, mobile home, truss and prefabricated home manufacturing;
- (22) Offices;
- (23) Outdoor recreation;
- (24) Personal services establishment;
- (25) Printing and publishing;
- (26) Processing and sale of gardening and landscaping supplies and materials;
- (27) Recreational vehicle manufacturing, with accessory sales;
- (28) Research and development centre;
- (29) Restaurant, coffee shop including take-out, but not including a drive-through;
- (30) Retail sales, unrelated to any other principal permitted use, limited to a maximum of 250 m² in total retail floor area;
- (31) Secondary processing and manufacturing of wood products;
- (32) Software engineering office and accessory uses;
- (33) Technical services;
- (34) Trade/vocational school;
- (35) Warehousing, including mini-warehousing, distribution and forwarding of freight;

- (36) Welding shop, steel and metals fabrication, extrusion, finishing and accessory sales;
- (37) Wholesale sales;

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

- (38) Retail sales accessory to a principal permitted use;
- (39) Single family dwelling unit accessory to a principal permitted use, subject to Section 11.3A(b)(3) below.

(b) Conditions of Use

For any *parcel* in an I-3A zone:

1. All parcels shall be connected to a community water and community sewer system;
2. The coverage shall not exceed 60 percent of total parcel area for all *buildings* and *structures*;
3. The *height* of all *buildings* and *structures* shall not exceed 20 m;
4. Not more than three single family residences are permitted per parcel of land, only in conjunction with a principal permitted use under Section 11.3A(a) above;
5. A convenience store shall not be larger than 230 m² in floor area;
6. The following setbacks apply in the I-3A Zone:

COLUMN I Type of Line	COLUMN II Setback for Buildings and Structures
Front Parcel Line	4.5 metres
Interior Side Parcel Line	0 metres where the abutting parcel is zoned Industrial 7.5 metres where the abutting parcel is not zoned Industrial
Exterior Side Parcel Line	4.5 metres
Rear Parcel Line	0 metres where the abutting parcel is zoned Industrial 4.5 metres where the abutting parcel is not zoned Industrial
Streamside Protection and Enhancement Area (SPEA)	7.5 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the I-3A Zone is 0.1 ha for *parcels* served by a *community water and sewer system*.

(d) Parking

Notwithstanding CVRD Off-Street Parking Bylaw No. 1001, or any other CVRD bylaws that may require off-street parking spaces, the minimum number of off-street parking spaces required on a parcel in the I-3A Zone is 1 space per 48 m² of gross floor area, plus one space per accessory residential dwelling.

11.4 I-4 ZONE – BUSINESS PARK INDUSTRIAL-COMMERCIAL 4

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

(a) Permitted Uses

The following principal uses and no others are permitted in an I-4 zone:

- (1) Assembly use;
- (2) Auction sales;
- (3) Cabinet making, home improvement products manufacturing and accessory sales;
- (4) Clothing manufacturing, cleaning, repair and storage, with accessory sales;
- (5) Commercial parking;
- (6) Convenience store;
- (7) Day care and nursery school;
- (8) Educational institution;
- (9) Equipment sales, repair, storage and rental;
- (10) Electronic equipment manufacturing and repair with accessory sales;
- (11) Feed, seed and agricultural supplies, sales and storage;
- (12) Food preparation and catering, including culinary education services;
- (13) Food and beverage manufacturing, storage, processing, packaging, frozen food locker, cold storage plant, bakery, brewery, excluding fish cannery and abattoir;
- (14) Funeral services, excluding crematorium;
- (15) Furniture manufacturing with accessory sales;
- (16) Indoor recreation;
- (17) Laboratory, research and development centre;
- (18) Light manufacturing;
- (19) Lumber and storage yards, sale of wholesale and retail building supplies;
- (20) Motor vehicle sales, service and repair, including autobody restoration and repair but excluding wrecking or salvaging;
- (21) Modular home, mobile home, truss and prefabricated home manufacturing;
- (22) Office use;
- (23) Outdoor recreation;
- (24) Personal services establishment;
- (25) Printing and publishing;
- (26) Professional offices;
- (27) Recreation facility, including martial arts, boxing and yoga studio;
- (28) Recreational vehicle manufacturing, with accessory sales;
- (29) Research and development centre;

- (30) Restaurant, café, coffee shop including take-out and catering, but not including a drive-through;
- (31) Retail sales, unrelated to any other principal permitted use, limited to a maximum of 250 m² in total retail floor area per enterprise;
- (32) Secondary processing and manufacturing of wood products;
- (33) Software engineering office and accessory uses;
- (34) Technical services;
- (35) Warehousing, including mini-warehousing, self-storage distribution and forwarding of freight;
- (36) Wholesale sales;

The following accessory uses are permitted in the I-4 Zone:

- (37) Retail sales accessory to a principal permitted use;
- (38) Single family dwelling unit accessory to a principal permitted use, subject to Section 11.4(b)(3) below.

(b) Conditions of Use

For any *parcel* in an I-4 zone:

1. All parcels shall be connected to a community water and community sewer system;
2. The *parcel coverage* shall not exceed 60 percent for all *buildings and structures*;
3. The *height* of all *buildings and structures* shall not exceed 18 m;
4. Not more than three single family residences are permitted per parcel of land, only in conjunction with a principal permitted use under Section 11.4(a) above;
5. A convenience store shall not be larger than 230 m² in floor area;
6. The following minimum *setbacks* apply:

COLUMN I Type of Line	COLUMN II Buildings & Structures
Front Parcel Line	4.5 metres
Interior Side Parcel Line	0 metres where the abutting parcel is zoned Industrial 5 metres where the abutting parcel is not zoned Industrial
Exterior Side Parcel Line	4.5 metres
Rear Parcel Line	0 metres where the abutting parcel is zoned Industrial 4.5 metres where the abutting parcel is not zoned Industrial
Streamside Protection and Enhancement Area (SPEA)	7.5 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel size* in the I-4 Zone is 0.1 ha for *parcels* served by a *community water and sewer system*.

(d) Parking

Notwithstanding CVRD Off-Street Parking Bylaw No. 1001, or any other CVRD bylaws that may require off-street parking spaces, the minimum number of off-street parking spaces required on a parcel in the I-4 Zone is 1 space per 48 m² of gross floor area, plus one space per accessory residential dwelling.

b) The following is added after Section 7.1:

7.1A F-1A ZONE - FORESTRY / OUTDOOR RECREATION(a) Permitted Uses

The following *uses* and no others are permitted in an F-1A zone:

- (1) *Agriculture, silviculture, horticulture;*
- (2) *Bed and breakfast accommodation;*
- (3) *Daycare, nursery school accessory to a residential use;*
- (4) *Home occupation;*
- (5) *Management and harvesting of primary forest products, excluding: sawmilling, manufacturing, and works yards;*
- (6) *Outdoor recreation;*
- (7) *Secondary suite, or small suite;*
- (8) *Single family dwelling;*
- (9) *Office, retail sales and cafeteria accessory to an outdoor recreation use.*

(b) Conditions of Use

For any *parcel* in an F-1A zone:

- (1) The *parcel coverage* shall not exceed 20 percent for all *buildings and structures*;
- (2) The *height* of all *buildings and structures* shall not exceed 10 m;
- (3) Not more than one single family dwelling shall be permitted on a parcel of land, plus one of either a small suite or secondary suite;
- (4) The following minimum *setbacks* shall apply:

COLUMN I Type of Line	COLUMN II Residential, Recreational & Accessory Buildings & Structures	COLUMN III Forestry, Agricultural and Other Permitted Buildings & Structures
Front Parcel Line	7.5 metres	30 metres
Interior Side Parcel Line	3.0 metres	15 metres
Exterior Side Parcel Line	4.5 metres	15 metres

Rear Parcel Line	7.5 metres	15 metres
Streamside Protection and Enhancement Area (SPEA)	7.5 metres	7.5 metres

(c) Minimum Parcel Size

Subject to Part 13, the minimum *parcel* size in the F-1A Zone is 80 hectares.

c) The following definitions are inserted into Section 3.1:

“light manufacturing” means the manufacturing, processing, fabricating, assembling, testing, packaging, servicing, repair, distribution, and storage of retail or wholesale consumer products;

“manufacturing” means the manufacturing, processing, fabricating, assembling, testing, packaging, servicing, repair, treatment, distribution, and storage of products, materials, fabric, substances or compounds;

d) The definition of “outdoor recreation” under Section 3.1 of Zoning Bylaw 2000 is deleted and replaced with the following:

“outdoor recreation” means a recreational activity undertaken where the outdoor setting and landscape is a significant element in the activity, and the density of recreational users is not a significant element and includes adventure tourism, archery, *park* or open space, playing field, botanical garden and arboretum, but does not include a golf course;

e) Section 11.2 (a) is deleted and replaced with the following:

(a) Permitted Uses

The following *uses* and no others are permitted in an I-2 zone:

- (1) Boat buildings, repair and storage;
- (2) Clothing cleaning, manufacture, repair and storage;
- (3) Contractor's workshop, yard and storage;
- (4) Dry land log sorting;
- (5) Equipment repair, sales, storage and rental;
- (6) Feed, seed and agricultural supplies, sales and storage;
- (7) Food and candy products manufacturing, storage, processing, packaging, frozen food locker, cold storage plant, but excluding fish cannery and abattoir;
- (8) Forest products processing, milling and storage, excluding pulp and paper mill;
- (9) Industrial manufacturing, repair, storage and packaging;
- (10) Kennels for the keeping, boarding, raising, training and/or breeding of cats and dogs and animal hospital;
- (11) Lumber and storage yards, sale of wholesale and retail building supplies;
- (12) Manufacturing, repair, treatment and storage of products, materials, fabric or compounds;
- (13) Motor vehicle repair, sales, body repair, painting, wrecking, storage, salvage;
- (14) Modular or prefabricated home structure, and truss manufacturing;
- (15) Outdoor recreation;

- (16) Parking garage;
- (17) Processing and sale of gardening and landscaping supplies and materials;
- (18) Retail and wholesale sale of petroleum products and accessory storage of petroleum products not exceeding 455,000 litres;
- (19) Secondary processing and manufacturing of wood products;
- (20) Recycling, sorting and storage of any substance or material, and excluding external storage of any type of septage, animal material or animal substance;
- (21) Residential suite;
- (22) Restaurant;
- (23) Warehousing, including mini-warehousing;
- (24) Welding shop;
- (25) Wholesale sales;
- (26) Office accessory to a principal use permitted in Section 11.2(a)(1-25);
- (27) Retail sales accessory to a principal use permitted in Section 11.2(a)(1-25);
- (28) One single family dwelling unit per parcel accessory to a use permitted in Section 11.2(a)(1-25).

- f) Section 6.1 (Creation of Zones) is amended by adding the following to the existing table:

	ZONE	ZONE TITLE
<i>Forestry</i>	F-1A	Forestry/Outdoor Recreation
<i>Industrial</i>	I-3	Bamberton Light Industrial
	I-3A	Light Industrial
	I-4	Business Park Industrial/Commercial

- g) Schedule B (Zoning Map) is amended by rezoning Part of Block 176, Part of District Lot 95, Part of District Lot 127, District Lot 135, Part of District Lot 118 and a small part of District Lot 183, all of Malahat Land District, being those areas shown outlined in a thick black line on the Schedule Z-3498 attached hereto and forming part of this Bylaw, from Primary Forestry (F-1) to Bamberton Light Industrial 3 (I-3), Light Industrial 3A (I-3A), Business Park Industrial/Commercial 4 (I-4) and Forestry/Outdoor Recreation (F-1A) as indicated on Schedule Z-3498 and adding these new zones to the legend.

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this 22nd day of June, 2011.

READ A SECOND TIME this 22nd day of June, 2011.

SECOND READING RESCINDED this 13th day of July, 2011.

READ A SECOND TIME AS AMENDED this 13th day of July, 2011.

SECOND READING RESCINDED this 9th day of November, 2011.

READ A SECOND TIME AS AMENDED this 9th day of November, 2011.

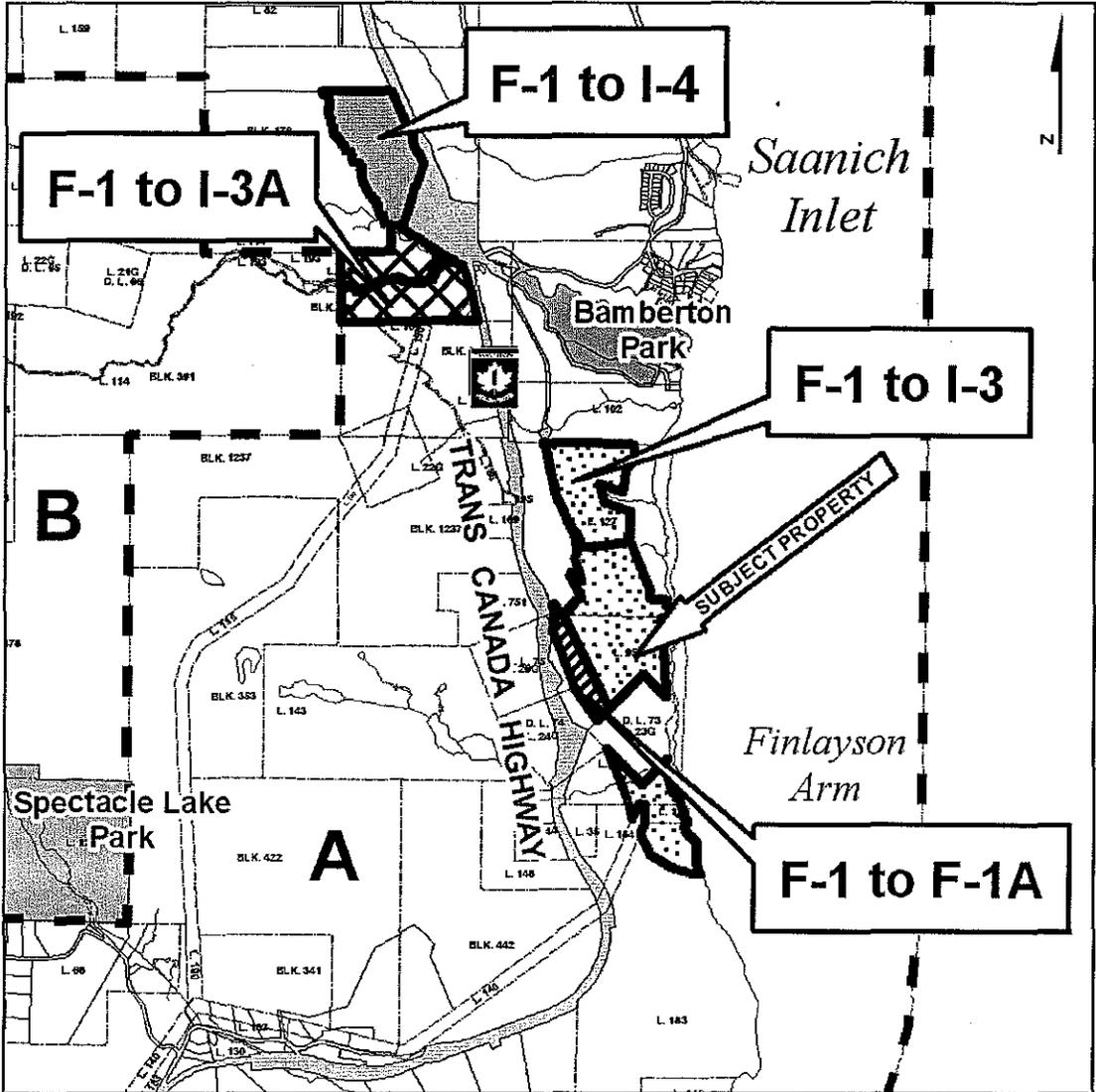
READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Corporate Secretary

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



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

Primary Forestry (F-1) **TO**

Bamberton Light Industrial 3 (I-3), Light Industrial 3A (I-3A), Business Park Industrial/
Commercial 4(I-4) and Forestry/Outdoor Recreation (F-1A) **APPLICABLE**

TO ELECTORAL AREA A



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3584

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

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

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

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

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

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

1. CITATION

This bylaw shall be cited for all purposes as "CVRD Bylaw No. 3584 - Area B – Shawnigan Lake Zoning Amendment Bylaw (Creelman), 2012".

2. AMENDMENTS

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

- a) That Schedule A (Zoning Map) to Electoral Area B – Shawnigan Lake No. 985 be amended by rezoning Lot 2, Section 1, Range 6, Shawnigan District, Plan 43946 as shown outlined in black and shaded in gray on Schedule Z-3584, attached hereto and forming part of this Bylaw, from R-1 Zone (Rural Residential) to R-2 Zone- (Suburban Residential).

3. FORCE AND EFFECT

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

READ A FIRST TIME this _____ day of _____, 2012.

READ A SECOND TIME this _____ day of _____, 2012.

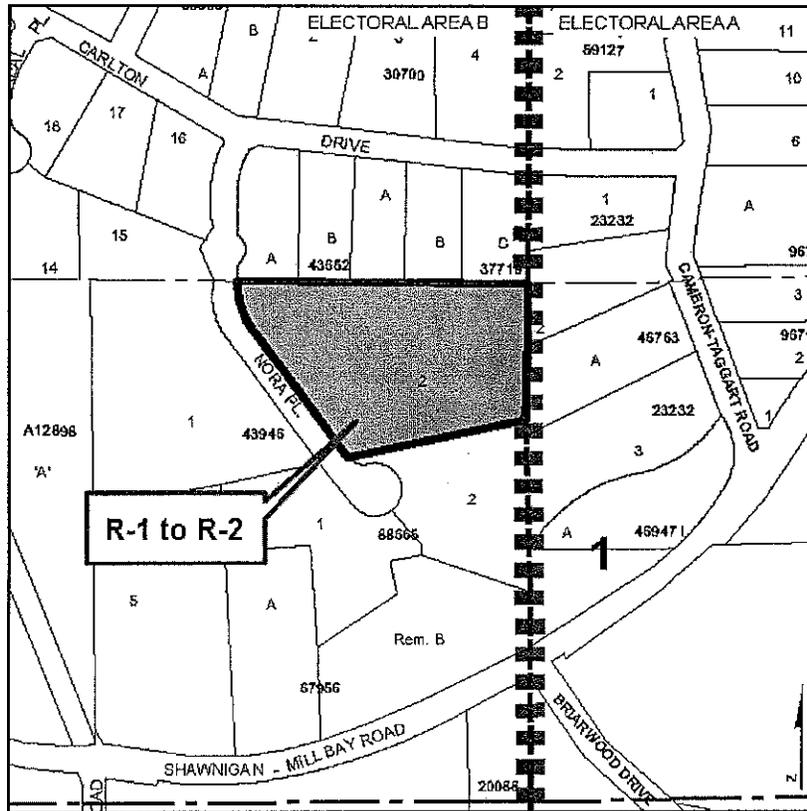
READ A THIRD TIME this _____ day of _____, 2012.

ADOPTED this _____ day of _____, 2012.

Chairperson

Corporate Secretary

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



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

R-1 (Rural Residential) **TO**
R-2 (Suburban Residential) **APPLICABLE**
TO ELECTORAL AREA B



RES1

APPOINTMENTS

**BOARD MEETING
OF FEBRUARY 8, 2012**

DATE: January 31, 2012
FROM: Director Duncan
SUBJECT: **Electoral Area E - Cowichan Station/Sahtlam/Glenora Parks and Recreation Commission**

Recommendation:

That the following appointments to the Electoral Area E - Cowichan Station/Sahtlam/Glenora Parks and Recreation Commission be approved:

Elected for a Term to Expire November 30, 2012:

Jeff Hunter
Patty John
Frank McCorkell
Paul Slade
Ron Smith

Appointed for a Term to Expire November 30, 2012:

Irene Evans
Howard Heyd
Mike Lees
Larry Whetstone



RES2

APPOINTMENTS

**BOARD MEETING
OF FEBRUARY 8, 2012**

DATE: January 31, 2012
FROM: Director Dorey
SUBJECT: **Electoral Area G - Saltair/Gulf Islands Parks Commission**

Recommendation:

That the following appointments to the Electoral Area G - Saltair/Gulf Islands Parks Commission be approved:

Appointed for a Term to Expire December 31, 2012:

**Paul Bottomley
Harry Brunt
Tim Godau
Glen Hammond
Dave Key
Jackie Rieck
Kelly Schellenberg
Hans Nelles
Christine Nelles**



RES3

APPOINTMENTS

**BOARD MEETING
OF FEBRUARY 8, 2012**

DATE: January 31, 2012
FROM: Director Dorey
SUBJECT: Electoral Area G - Saltair/Gulf Islands Advisory Planning Commission

Recommendation:

That the following appointments to the Electoral Area G - Saltair/Gulf Islands Advisory Planning Commission be approved:

Appointed for a Term to Expire November 30, 2012:

**Ruth Blake
Ted Brown
Gary Dykema
Karen Porter
John Silins**



RES4

APPOINTMENTS

**BOARD MEETING
OF FEBRUARY 8, 2012**

DATE: January 31, 2012
FROM: Director Marcotte
SUBJECT: Electoral Area H - North Oyster/Diamond Advisory Planning
Commission

Recommendation:

That the following appointment to the Electoral Area H - North Oyster/Diamond Advisory Planning Commission be approved:

**Appointed for a Term to Expire November 30, 2012:
Ted Kaesse**

UB1 UNFINISHED BUSINESS

SMART METERS - RESOLUTION PATH

Resolution No. 11-119, adopted March 9, 2011:

WHEREAS BC Hydro without the consent of, or consultation with residents intends to spend \$1 Billion Dollars beginning in mid-2011 to install "Smart Meters" in homes throughout British Columbia;

AND WHEREAS many residents have expressed grave concern about the privacy, health and security impacts associated with Smart Meters;

NOW THEREFORE BE IT RESOLVED that the UBCM request the Province of British Columbia and BC Hydro to delay the installation of Smart Meters until privacy, health and security issues can be resolved.

Resolution No. 11-520-4, adopted October 12, 2011:

4. That the CVRD send a letter to BC Hydro, with a copy to the Premier, requesting a moratorium on the mandatory installation of Smart Meters.

B174 BC HYDRO WIRELESS SMART METERS

Colwood

WHEREAS significant and serious health, privacy and other concerns have been identified regarding the installation of wireless smart meters in British Columbia;

AND WHEREAS BC Hydro is proceeding with its program to install wireless smart meters in British Columbia although it recognizes there is active discussion and ongoing research into the possible health and environmental effects related to radio frequency signals and it is aware the World Health Organization has called for further investigation on this matter in its press release issued on May 31,2011:

THEREFORE BE IT RESOLVED that a moratorium be placed on the mandatory installation of wireless smart meters until the major issues and problems identified regarding wireless smart meters are independently assessed and acceptable alternatives can be made available at no added cost to the consumer.

NOT PRESENTED TO THE ASSOCIATION OF VANCOUVER ISLAND & COASTAL COMMUNITIES

UBCM RESOLUTIONS COMMITTEE RECOMMENDATION: *No Recommendation*

UBCM RESOLUTIONS COMMITTEE COMMENTS:

The Resolutions Committee advises that UBCM members have not previously considered a resolution on smart meters.



NEW BUSINESS SUMMARY

BOARD MEETING FEBRUARY 8, 2012

- NB1** Appointments - Electoral Area A - Mill Bay/Malahat Parks & Recreation Commission
- NB2** Appointments - Electoral Area C - Cobble Hill Parks and Recreation Commission
- CSNB1** Potential Appointments {Sub (1) (a)}
- CSNB2** Law Enforcement {Sub (1) (f)} and Land Acquisition {Sub (1) (e)}



NB1

APPOINTMENTS

REGULAR BOARD MEETING OF FEBRUARY 8, 2012

DATE: February 2, 2012

FROM: Director Walker

SUBJECT: **Electoral Area A - Mill Bay/Malahat Parks & Recreation Commission
Appointments**

Recommendation:

That the following appointments to the Electoral Area A - Mill Bay/Malahat Parks & Recreation Commission be approved:

Appointed for a Term to Expire December 31, 2013:

**David Gall
Clyde Ogilvie
Joan Pope**



NB2

APPOINTMENTS

**REGULAR BOARD MEETING
OF FEBRUARY 8, 2012**

DATE: February 2, 2012
FROM: Director Giles
SUBJECT: **Electoral Area C - Cobble Hill Parks and Recreation Commission**

Recommendation:

That the following appointments to the Electoral Area C - Cobble Hill Parks & Recreation Commission be approved:

Appointed for a Term to Expire December 31, 2013:

**Alan Seal
Al Garside
Jennifer Symons**