



**PUBLIC HEARING REPORT**  
**Bylaws No. 3564 and 3565**

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Following is a summary of the proceedings of the Public Hearing for Official Community Plan Amendment Bylaw No. 3564 and Zoning Amendment Bylaw No. 3565 (Van Isle Waterfront Development Corp.), applicable to Electoral Area I – Youbou/Meade Creek, held on Thursday, October 18, 2012, at the Youbou Community Hall (Lower Hall), 8550 Hemlock Street, Youbou, B.C. at 7:02 p.m.

**HEARING  
DELEGATES**

Director P. Weaver, Electoral Area I – Youbou/Meade Creek, Chairperson  
Director I. Morrison, Electoral Area F – Cowichan Lake South/Skutz Falls  
Director M. Dorey, Electoral Area G – Saltair/Gulf Islands

**CVRD STAFF  
PRESENT**

Mr. R. Conway, Manager, Planning & Development Department  
Ms. Dana Leitch, Planner II, Planning & Development Department  
Mr. Dave Leitch, Manager, Water Management, Engineering & Environmental  
Services Department  
Ms. J. Hughes, Recording Secretary, Planning & Development Department

Members of the Public:

There were approximately 30 members of the public present.

**CALL TO ORDER**

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

**PROCEDURES**

Ms. Leitch explained the requirements under Section 890 of the *Local Government Act*. She advised that notice of the Public Hearing was advertised in two consecutive issues of the *Lake Cowichan Gazette* (Wednesday, October 3, 2012 and Wednesday, October 10, 2012) and *Leader Pictorial* (Wednesday, October 10, 2012 and Friday, October 12, 2012) and letters had also been sent to adjacent owners and occupiers of the property as required by the *Local Government Act*.

Official Community Plan Amendment Bylaw No. 3564 proposes to amend Youbou/Meade Creek Official Community Plan Bylaw No. 2560 by adding a new Tourist Recreational Commercial Policy to the Official Community Plan that would permit the occupancy of the Cottages at Marble Bay to occur on a year-round basis. Bylaw No. 3564 would also add new development permit guidelines for the upland portion of the property that is currently undeveloped.

Zoning Amendment Bylaw No. 3565 proposes to amend Electoral Area I – Youbou/Meade Creek Zoning Bylaw No. 2465 by creating a new zone, the Lakeview Recreational Zone (LR-11), adding definitions for building footprint and recreational residence, and amending Schedule A (Zoning Map) to rezone Strata Plan VIS 5772, Block 180, Cowichan Lake District and Remainder of Lot 1, Block 180, Cowichan Lake District, Plan VIP78710, from C-4 (Tourist Commercial 4 Zone) to Lakeview Recreational 11 Zone.

If approved, OCP Amendment Bylaw No. 3564 and Zoning Amendment Bylaw No. 3565 would permit both seasonal and year-round residency on the subject properties. Under the existing zoning, the cottages can only be

occupied by any one individual or family for up to a maximum of 22 weeks in a calendar year.

A covenant would be registered as a condition of rezoning that would prohibit further subdivision of the remainder of the lands until such a time as the subject properties become incorporated into a CVRD Community Sewer System and a CVRD Community Water System. A covenant would also be in place regarding the establishment of an east-west trail corridor on the upland portion of the property that is undeveloped.

Ms. Leitch stated that 12 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, October 18, 2012, at 4:30 p.m.

Ms. Leitch gave a Power Point Presentation (EXHIBIT 1) and stated the following:

**Slide 1**

- Van Isle Waterfront Development Corporation applied for rezoning January 7, 2010.
- Applicant is requesting year-round occupancy of the Cottages at Marble Bay, which are comprised of 50 strata lots as well as the undeveloped upland remainder.
- Site is currently zoned Tourist Recreational Commercial 4, which allows high density if tourist accommodation is developed.
- The CVRD wishes to ensure that any zoning approval given also rationalizes the servicing.
- Sewer service to the existing 50 lots is presently by a private utility (which was intended to be transferred to CVRD but has not).
- Water service to the existing 50 lots is also a private utility.
- The CVRD has previously stated in writing to the applicant that no lots beyond 50 lots may be created until the existing and proposed lots are connected to a CVRD sewer system.
- This application provides an opportunity to resolve servicing issues as well as normalize the zoning with the actual use on the subject properties.

**Subject Properties Map – Slide #2**

- Subject properties are located approximately 2 kilometres from Youbou Road and are located in the Marble Bay area.
- Subject properties include 50 strata lots that range in size from 940 m<sup>2</sup> (1/4 acre) to 5700 m<sup>2</sup> (1.0 acre) and an upland undeveloped remainder that is approximately 20 acres in size.
- To the north of the properties there are residential uses and some park uses; south is the Lake and some parkland; east is some residential lands and forestry lands and to the west there is some parkland and the Woodland Shores Residential Development.

**Current Zoning - Slide #3**

- Current zoning of the property is C-4 (Tourist Commercial 4) Zone, this zoning permits a wide variety of uses including: a recreation facility, hotel, motel, campground, a resort among other uses.
- Generally this type of zoning is designed for tourists and recreational users and limits the occupancy of the users, in this case, the Cottages at Marble Bay to a maximum of 22 weeks per calendar year. This means that a family or persons that visit or stay at any one time is limited to 22 weeks in

a calendar year, and then a new family or person can occupy the cottages for 22 weeks and so on.

- An application has been made to change the zoning on these lands so that the occupants at the Cottages at Marble Bay can occupy their cottages for longer than 22 weeks in a calendar year, up to 52 weeks per calendar year if they wish to do so.
- A new zone, called the Lakeview Recreational 11 Zone is being proposed for the properties.

#### **Official Community Plan Map – Slide #4**

- Subject properties are designated Tourist Commercial in the Official Community Plan (OCP).
- With this rezoning application Planning Staff is proposing that the OCP designation for the subject properties remain Tourist Commercial and a new policy within the Tourist Commercial Policy Section be included within the OCP that would recognize year round occupancy at the Cottages at Marble Bay.

#### **Proposed Draft Covenants - Slide #5**

- Two covenants are being proposed with this rezoning application.
- One covenant is in regards to the dedication of a trail corridor on the northwest portion of the site that would connect lands in Marble Bay to the Woodlands Shores development which is located to the west of the subject properties.
- This land will be gifted to the CVRD as a separately titled lot prior to future subdivision of the lands.
- A second covenant is proposed that would restrict subdivision and development on any remaining lands until these lands are brought within the boundaries of a community sewer service and a community water service area that are both owned and operated by the Cowichan Valley Regional District, with the exception of one recreational residence.

#### **Amendment Bylaws – Slide #6**

Bylaw No. 3564 is the Official Community Plan Amendment Bylaw that proposes the following:

- Add a new Policy to the existing list of Tourist Commercial Policies that would recognize occupancy of the cottages on a year-round basis.
- Also proposed is a new development permit area called Water Management Development Permit Area in order to protect the environment and protect surrounding lands from impacts associated with the development of vacant undeveloped upland portion of the site.

Bylaw No. 3565 is the Zoning Amendment Bylaw that proposes the following:

- To rezone the existing 50 strata lots along with the vacant upland area lands to a new zone called the Lakeview Recreational 11 Zone.
- This zone is a recreational zone that would permit occupancy of the cottages on both a seasonal or year round basis beyond the 22 weeks per calendar year so the occupancy of the cottages at Marble Bay would not be limited to 22 weeks in a calendar year if this zoning was implemented on the site.

A couple of key things about the new proposed zoning:

- This is a recreational zone, not a residential zone. This zone would permit occupancy of the cottages at Marble Bay for longer than 22 weeks for a person or family in a calendar year.
- We define Recreational Residence as a building similar to single family residences which may be occupied both seasonally and on a year round

basis.

- The new Zone also contains a servicing excerpt that states that all parcels in the LR-11 Zone shall be connected to a community water and community sewer system.

### **Process to Date and Next Steps – Slide #7**

#### **Process to date**

- Application was reviewed by the Electoral Area I - Youbou/Meade Creek Advisory Planning Commission (APC) in March and April, 2012.
- The Electoral Area I – Youbou/Meade Creek APC recommended that the application be moved to a public hearing.
- The Electoral Area Services Committee (EASC) reviewed the application in May, 2012 and recommended that the application be referred to a public meeting.
- A public meeting was held on this application on May 24, 2012.
- The application was referred back to the EASC in June, 2012.
- The EASC recommended that the draft amendment bylaws be forwarded to the Regional Board for first and second reading and that the application move forward to a public hearing.
- Regional Board gave 1<sup>st</sup> and 2<sup>nd</sup> Reading of the Bylaws on July 11, 2012.
- Prior to scheduling the public hearing the preparation of two draft covenants was completed with regards to the trail dedication and the development restrictions (i.e. subdivision and development) placed on the remaining lands until such a time as the lands are connected to a CVRD community water and sewer system.

#### **Next Steps**

- After the public hearing the bylaws will be forwarded to the Regional Board along with the Public Hearing Minutes and the Regional Board will determine if the amendment bylaws receive 3<sup>rd</sup> Reading.

### **Lot 3 Covenant Release**

- In conjunction with the rezoning application the applicants have also applied to discharge a covenant over Lot 3, Block 180.
- Lot 3 is surrounded by the first 50 lots of the Marble Bay development but is not part of the strata plan and is not part of a reserve area under the *Municipal Sewage Regulation* for the 50 lots that already exist.
- This covenant prevents the property's use for anything other than a sewage disposal field.
- Because the proposed zoning for the subject properties requires the Marble Bay development lands to be connected to a Community Water and Sewer system staff feel it is reasonable to approve the removal of the Covenant from Lot 3 if the Amendment Bylaws are eventually adopted by the Regional Board.

Ms. Leitch concluded her presentation by stating that copies of both Amendment Bylaws and the draft covenants were available on the back table.

### **Correspondence**

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

- 1) CVRD Power Point Presentation (EXHIBIT 1);
- 2) Email dated October 12, 2012, from Brian O'Neill (EXHIBIT 2);
- 3) Email dated October 13, 2012, from Vic Brice, President Strata 4663, Bayview Village (EXHIBIT 3);

- 4) Email dated October 13, 2012, from Brian & Louise Granton (EXHIBIT 4);
- 5) Email dated October 13, 2012, from Brian & Louise Granton (EXHIBIT 5);
- 6) Email dated October 14, 2012, from Denny & Gail Bacon (EXHIBIT 6);
- 7) Email dated October 15, 2012, from Craig & Debbie Rencher (EXHIBIT 7);
- 8) Email dated October 15, 2012, from Warren & Marilyn Little (EXHIBIT 8);
- 9) Email dated October 18, 2012, from Greg Whynacht (EXHIBIT 9);
- 10) Email dated October 18, 2012, from Wendy Chang (EXHIBIT 10);
- 11) Email dated October 18, 2012, from Cindy & Rick Balfour (EXHIBIT 11);
- 12) Email dated October 18, 2012, from Alan Case & Rosemary Morris (EXHIBIT 12);
- 13) Email dated October 18, 2012, from Derrice & John Knight (EXHIBIT 13);
- 14) Email dated October 18, 2012, from Catheryn Stewart (EXHIBIT 14);
- 15) Letter dated October 18, 2012, from Catherine Willows Woodrow (EXHIBIT 15);
- 16) Letter dated October 18, 2012, from Brooke Hodson (EXHIBIT 16).

#### **Location of the File**

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

#### **APPLICANT, Rick Bourque/Van Isle Waterfront Development Corp.**

Joe Bourque and Rick Bourque, applicants, were present with regard to Rezoning Application No. 1-I-09RS.

- Joe Bourque, President, Van Isle Waterfront Development Corp. stated the following:
- Has received copies of the correspondence sent to the CVRD regarding the rezoning application and stated that the amendment bylaws will not in any way nullify the usage agreement that is in place with Strata 4663 as those agreements are private documents between them and the Strata and have nothing to do with the CVRD or rezoning application;
- Proposed amendments will bring the zoning into conformance with the current land use, as there have been some landowners who have been living on the site full time;
- No new subdivision is being created, no changes in number of lots in Strata 5772 will occur and there will be no new groups of people on the beaches and wharves at Marble Bay;
- If rezoning is approved the cottage owners will be permitted to use their recreational cottages on a year-round basis rather than be limited to 22 weeks per year.

Rick Bourque stated the following:

- Development at Marble Bay has taken a long time to get to the Public Hearing stage and the people enjoy the area.
- Cottages at Marble Bay were approved by the CVRD and have been brought forward in phases.
- The current C-4 Zone is defined as a commercial operating facility for transient guests used as a hotel/motel and the term of temporary accommodation is 22 weeks per year. Parcel could technically be used for an entire year as occupancy is for 22 weeks for one family and after that 22 weeks a different family could then use the property for another 22 weeks and so which leads the parcel to be used for an entire year.
- Have lost hundreds of sales due to the 22 week occupancy time limit.
- Contacted the CVRD and inquired about having the bylaw definition amended for occupancy and the CVRD stated they would entertain a

rezoning application for that change;

- Rezoning application is to amend the 22 week occupancy timeframe for the existing 50 lots to year round occupancy;
- No additional impacts on existing waterfront as anyone who purchases and builds can use the waterfront. Easement allows a total of 65 lots to have access but noted in reality it likely is no more than 50 lots created;
- Anticipates lot sales to families that want to use the lot as recreational property or to retirement people who want to use it as their recreational home base.

#### **QUESTION PERIOD**

Director Weaver opened the public question period of the Public Hearing. She 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.

**Cathy Woodrow,  
10072 Lakeshore  
Terrace**

- Will the uplands be developed at this time or some other time in the future?

**Joe Bourque**

- Uplands will not be developed at this time but will likely at some time down the road.

**Cathy Woodrow**

- Will there be a sewer and water system that will look after the entire development?

**Rick Bourque**

- Part of the development process is they will have to bring sewer and water from the Woodland Shores development to their remainder parcel.
- They would also have to register a covenant that stated the development could only happen once that sewer and water from Woodland Shores was brought to that site.
- They also have to hook up the existing Cottages at Marble Bay lots to the sewer and water at Woodland Shores.

**Cathy Woodrow**

- Do they have an agreement with Woodland Shores?

**Dave Leitch**

- Existing Woodland Shores development has the capacity for approximately 400 homes and after he spoke with the Woodland Shores developer they advised it was going to be a very slow build out. The Marble Bay development can purchase some of that capacity and the money would go to the CVRD as it is a CVRD system and when Woodland Shores required that capacity back the money would be reinvested into the plant to bring their capacity back.
- An arrangement has been made between the Marble Bay development and Woodland Shores.

**Cathy Woodrow**

- If the Woodland Shores development needs the capacity who pays for the new development?

**Dave Leitch**

- If the new development is from the Marble Bay development then it is the Marble Bay developer who will pay for it and if it is a property located outside of the Marble Bay and Woodland Shores developments it would be up to that individual homeowner to pay their own costs to get onto the systems.

**Cathy Woodrow**

- Is there extra capacity for other parcels in the area to get on that system?

- Dave Leitch** ➤ At present there is capacity for the Marble Bay development but noted that there was limited capacity on site.
- Cathy Woodrow** ➤ How is it going to affect Woodland Shores?
- Dave Leitch** ➤ Presently the only request received was from the Marble Bay development.
- Bill Dixon,  
Lot 37, Marble Bay** ➤ The confusing part for persons is not knowing that Woodland Shores is already CVRD administered.
- Dave Leitch** ➤ Confirmed the CVRD owns and operates the Woodland Shores water and sewer systems.
- Bill Dixon** ➤ Will the CVRD administer the increased capacity required for the plant if the Marble Bay development is included in the Woodland Shores plant?
- Dave Leitch** ➤ Woodland Shores is a phased development that will slowly progress and the funds collected from the Marble Bay development will be placed in trust. When Woodland Shores requires it back, the funds collected would be reinvested in the treatment plant to create the capacity back for Woodland Shores.
- Joe Allan** ➤ Asked for the reason for the draft covenant wording regarding one recreational residence?
- Dana Leitch** ➤ On the upland area only one recreational residence would be permitted.
- Joe Allan** ➤ Do people in the development have to vote to get onto that sewer and water system and how will that be structured?
- Dave Leitch** ➤ There is a formal process that has to be followed but noted that the Bourques own the new development and they would be required to sign a petition to get onto it. If the strata owners adjacent to the Bourque's wanted to also get onto it they would all have to support going onto the system.
- Joe Allan** ➤ Does Woodland Shores have to agree to let others onto the system?
- Dave Leitch** ➤ CVRD Board has the authority to give the approval or non-approval for the expansion, the existing users do not have a say.
- Lorne Scheffer,  
7769 Sunset Drive** ➤ Knows the general area and sewer field very well and noted there is not much room to expand that area due to the trails and roads in the area. The next addition to the Woodland Shores development is the multi-family units and what concerns him is when the developer wants to move forward on that project what will happen at that time to the system?
- Dave Leitch** ➤ The capacity in the system is limited to the existing field.  
➤ When the sewer system was designed a mechanical plant was put in place along with a disposal area and the field is built to its maximum hydraulic capacity.  
➤ The limiting factor is the field as there will never be an expansion to that field and capacity can never go beyond the field's capacity.  
➤ Presently the capacity of the field is greater than what Woodland Shores

has and it cannot go beyond that field's capacity meaning there would be no more expansion to the sewer system.

**Brian O'Neill,  
Bayview Village**

- Is there a timeframe in which the developer at Marble Bay has to hook-up to the Woodland Shores sewer system?

**Dave Leitch**

- No timeframe in place but noted that the CVRD cannot capacity or space for Marble Bay either.

**Brian O'Neill**

- What if the Woodland Shores development proceeds before the Cottages, who will then get priority?

**Dave Leitch**

- There is enough capacity for the build-out of Woodland Shores and Marble Bay.
- There will be no development of the upland development of Marble Bay without joining the sewer system and to join the sewer they would have to pay for it.
- If the zoning is approved but they do not join into the sewer system and somebody else comes forward and pays for it they can take that capacity.

**Speaker**

- Is it a requirement that the upland area cannot start development until they connect into the system?

**Dave Leitch**

- Correct, the covenant states upland area must be connected prior to being developed.

**Speaker**

- What if development does not fit the number of lots required for the zone, can development proceed with its own water and sewer systems?

**Dave Leitch**

- If the development occurred prior to the Zoning Bylaw the developer would have to meet the municipal sewer and VIHA regulations in place.
- The Marble Bay development existed prior to the Zoning Bylaw.

**Speaker**

- Concerned if the zoning is changed there could be 50 cottages on full time residency under a septic system that would not be managed by the CVRD.
- Looking at full time residency on the site should be reviewed carefully with regard to impact on water, sewer and roads.

**Rob McCowan,  
Lot 10, Cottages at  
Marble Bay**

- President of Marble Bay.
- If the zoning changes they would be permitted to occupy their properties for 52 weeks per year but noted that he felt that would not likely happen.
- They are limited to the septic treatment system on site; it is a good, modern functioning system with low flush facilities.
- Speaking on behalf of the Marble Bay owners they do not feel that anything would change on site if the zoning was approved.
- Wants to see the zoning pass but does not want to upset their Bayview neighbours.

**Lorne Scheffer**

- Telephoned the Fire Chief and asked if a fire tanker truck could get into the area as it is unpaved gravel roads. His response was that the development could be accessible in the summer but not sure about winter months as he was not sure if the roads would be plowed or salted.
- Is the CVRD aware that the fire hydrants have not been approved by the Fire Underwriters Association?

**Dave Leitch**

- It is a privately owned utility and not a CVRD system so he could not



answer questions regarding the Marble Bay water utility as he has no involvement in their water and sewer facilities.

**Rick Bourque**

- When the development was created they had to receive approval from the Province for their water utility and at that time all regulations were in compliance.

**Lorne Scheffer**

- Read something that was located on their site that the developer could not guarantee to the water users the cleanliness of the water or health reports.
- Do they have a water licensed purveyor for the site?

**Rick Bourque**

- They do have a licensed water purveyor who has all the credentials and runs the system and takes samples.
- Has a letter from the previous Fire Chief that was forwarded to the Province that stated all conditions were met.

**Lorne Scheffer**

- Asked if they have fire underwriters for the site?

**Rick Bourque**

- The system had been previously approved but it is not a requirement that they do that.

**Dana Leitch**

- It was referenced in one of the Staff Reports that a fire hydrant on Nighthawk Road was underperforming and may not work in case of an emergency. The applicant was requested to have the hydrant tested and the CVRD has received the formal testing documentation that states the hydrant is working fine.

**Speaker**

- Concerned about the zoning and wording changes that are in conflict with the existing easement in place.

**George deLure,  
9808 Miracle Way**

- Not a property owner in the development but is a concerned citizen.
- May 1, 2012, he appeared before the EASC regarding transportation issues in the Bald Mountain area. Concerns go back to 1988 where road issues and promises were made in the past.
- Is there any update to the questions he presented to the EASC at the May 1<sup>st</sup> meeting regarding upgrades to Youbou Road and Meades Creek Road intersection as well as improving the widths of the access roads in the area?

**Director Weaver**

- Public Hearing is in the question section and formal comments should be made during the official comment section.

**George deLure**

- Has anything happened with the Ministry of Transportation regarding the existing roads?

**Dana Leitch**

- Met with Ross Deveau, Ministry of Transportation (BC MoT), regarding concerns at the Meades Creek Road and Youbou Road intersection. One previous recommendation during the Woodland Shores development was that the intersection be upgraded. After further research it was determined that improvements to the intersection would require the purchase of private property as there was not enough public road right-of-way to upgrade the intersection.
- BC MoT only owns the road where the tires hit the asphalt and they have no right-of-way land to work with as that is private property.

**George deLure**

- Safety aspect and due diligence to expropriate property must be

addressed as those were promises made to the community during development discussions and those commitments need to be upheld.

- Dana Leitch** ➤ Has been advised that BC MoT does not expropriate land anymore.
- Cathy Woodrow** ➤ How do the safety issues get resolved on that Road as they need to be addressed?
- Director Morrison** ➤ Pressure would have to be made on BC MoT by going higher up in the Ministry.
- Lorne Scheffer** ➤ Has a copy of the Public Meeting Minutes for the Woodland Shores rezoning and on just about every page road safety issues were brought up and asked how the CVRD can entertain any other development proposals when the road has not yet been upgraded?
- Brooke Hodson** ➤ Asked if the money was received from Woodland Shores for the road upgrades?
- Dana Leitch** ➤ Does not know about money being received from Woodland Shores as she did not personally work on that rezoning file.
- Brooke Hodson** ➤ The community does not have trust because what was said in the past was not carried out.  
➤ How do we know the CVRD will exercise the covenants, as he is aware of a covenant that was passed by CVRD Board resolution and not implemented by staff and asked how that happen?
- Rob Conway** ➤ Hard to answer that question because he does not know what covenant he was speaking about.  
➤ Covenants are put in place and the CVRD Board has the power to enforce them.
- Brooke Hodson** ➤ Can a covenant be modified without the public's knowledge?
- Rob Conway** ➤ Covenants are associated with rezoning and if there was an amendment the appropriate process would be to take it back to a public hearing.
- Brooke Hodson** ➤ Can a covenant be modified after the public hearing stage?
- Rob Conway** ➤ Yes, covenants are usually in draft stage at a public hearing, but noted that after a hearing the Board can also put on additional terms and conditions.
- Brooke Hodson** ➤ Would a riparian area protection covenant have to go back to a public hearing?
- Rob Conway** ➤ Not aware that a riparian area covenant is proposed as part of the subject rezoning proposal.
- Speaker** ➤ Asked for further clarification between the two proposed Amendment Bylaws and if they were both proposed to be changed?
- Dana Leitch** ➤ OCP designation was not being changed only a new policy was being added and the zoning was being proposed to change from C-4 (Tourist Commercial 4 Zone) to Lakeview Recreational 11 Zone.

- Diana Gunderson, Meades Creek Road**
- Increased traffic on the road has made it very dangerous.
  - Development has occurred over the years in the Meade Creek/Marble Bay area and there have been no road improvements.
  - Wants to know when the transportation infrastructure is going to be put in place as she is not against development but has concerns about more development impacting the existing transportation infrastructure that is in place.
  - Existing road is not safe for more traffic and when will it be upgraded?
- Director Weaver**
- Roads fall under BC MoT's jurisdiction.
- Rick Bourque**
- Throughout their development process they have gone through MoT, received their Preliminary Layout Approvals and have addressed all their concerns on Marble Bay Road.
- Diana Gunderson**
- Meades Creek Road is her issue not Marble Bay Road.
- Rick Bourque**
- When they have carried out development in the past they have also had to do infrastructure improvements.
- Diana Gunderson**
- More development should not proceed until the road improvements have been carried out.
- Cathy Woodrow**
- Why is a new zone being created?
- Dana Leitch**
- The applicant applied for rezoning because they wanted to keep the property in a recreational zone and not rezone to a strict residential zone.
- Cathy Woodrow**
- Proposed rezoning would make it residential.
- Dana Leitch**
- A residential zone was not being proposed for the property.
- Cathy Woodrow**
- New zone would allow residents living on site 52 weeks a year making it residential.
- Dana Leitch**
- If approved the new zone would permit residency up to 52 weeks a year.
  - Under the present zoning only one person can live on a property for 22 weeks but noted then another person could come onto that same property for another 22 weeks and so on.
  - Applicant did not apply for residential rezoning they applied for a recreational zone.
- Rob Conway**
- In a residential zone people are not be permitted to occupy a residence for a recreational purpose, it can only be occupied as a residential use.
  - The developer asked to rezone in order to have occupancy up to 52 weeks per year in a recreational zone.
- Cathy Woodrow**
- Does that mean because she is not a full time resident she cannot be on her property part time?
- Rob Conway**
- Anyone can have a second home but it cannot be rented out on a weekly basis in a residential zone.
- Brooke Hodson**
- Is the reason the present utility system is not a community water system is because it does not meet the CVRD standards?

- Dave Leitch** ➤ Correct.
- Brooke Hodson** ➤ Is it possible to hold the development in abeyance until it is hooked up into the Woodland Shores water and sewer system?
- Rob Conway** ➤ Yes it could, but noted that presently the occupancy on site has been more than 22 weeks by one person.
- Brooke Hodson** ➤ Wants an assurance that the sewer and water issues are addressed.
- Dave Leitch** ➤ That could be a condition of the permit and could possibly be enforced by Ministry of Environment (MoE).
- Rick Bourque** ➤ Sewer system was designed and approved with a reserve field and the water system has fire hydrants and is governed by the Province of BC.
- Rob McCowan** ➤ Jurisdiction falls between the MoE and CVRD and they are in a limbo spot and if they can one day hook up into Woodland Shores that would solve their issues.  
➤ All the cottages are their second homes and are used as a recreational property but they do pay residential taxes.
- Lorne Scheffer** ➤ How many properties do they plan on developing in the future?
- Joe Bourque** ➤ Not sure at the present time. They still have 20 acres that they could apply to rezone in the future.
- Cathy Woodrow** ➤ Is short term rentals permitted in the LR-11 Zone?
- Rob Conway** ➤ Short term rentals are permitted under the current C-4 zoning and under the proposed LR-11 zoning.
- Bill Nixon, Whiterock, BC** ➤ Understands that it would be the renters who would not be entitled to beach access?
- Rick Bourque** ➤ It would be the lot that is infracting the easement that would lose the easement over the waterfront.
- Joe Allan** ➤ Why does the CVRD not just change the restriction on the 22 week restriction time limit in the existing zone?
- Rob Conway** ➤ If the restriction is changed that would affect all other C-4 zoned properties in Area I – Youbou/Meade Creek not just this development making it a bigger impact to the area.
- Joe Allan** ➤ How many C-4 zoned parcels would be affected in Area I?
- Dana Leitch** ➤ Did not know the exact number but felt it was approximately six C-4 parcels in Area I.
- Rob Conway** ➤ Other C-4 zoned parcels that permit campgrounds might not want to see 52 weeks occupancy.  
➤ That issue could be reviewed when the OCP is reviewed in the future.

- Director Weaver** Asked for further questions from the public present three times regarding Official Community Plan Amendment Bylaw No. 3564 and Zoning Amendment Bylaw No. 3565.
- BREAK** The Chair declared a five minute break at 8:25 p.m. and reconvened the Public Hearing at 8:30 p.m.
- 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 Weaver reminded the public that the Information Binder was available for review located on the back table along with copies of the proposed Amendment Bylaws and draft covenants, and that all submissions must be received at the head table prior to the close of the Public Hearing.
- Director Morrison**
- Stated that there is public frustration with the Ministry of Transportation. He explained that for four years he has tried to get some paving work carried out on South Shore Road and with the Town's road upgrade contract he was hoping they might get approximately 3.4 km of paving out of the 13 km stretch done but noted he was advised the paving would be only 1.2 km. Unfortunately that paving has now been delayed until the Spring of 2013. He then put in a request that Mainroad carry out patching and hole repairs but noted that to his surprise paving crews recently arrived in Mesachie Lake and carried out upgrades and that he had no idea how all that came about so he too also feels the public's frustration with the Ministry of Transportation.
- Floyd Augustine,  
10214 Youbou Road**
- No approvals should be granted until all road improvements are carried out.
- Brooke Hodson,  
10680 Lake  
Boulevard**
- Opposed to Bylaws 3564 and 3565.
  - If the application is to be considered an irrevocable Letter of Credit should be posted with the CVRD prior to any further work being carried out.
- Lorne Scheffer,  
7769 Sunset Drive**
- Opposed to the project due to traffic issues that have not been carried out on Meades Creek and Marble Bay Roads.
  - Previous rezoning commitments and covenants were placed on the rezoning and they should be kept.
  - Expressions of the public need to be addressed prior to rezoning approval.
- Keith Nelson,  
7440 Nantree Road**
- Supports the proposed application and has lived in the area for 35 years.
  - What the developer is requesting in the rezoning is that people be permitted to stay on site for more than the existing 22 week time limit.
  - Road issues should have been dealt with during the Woodland Shores development process and not now during this rezoning process.
- George Delure,  
9808 Miracle Way**
- Project should not go forward until the Ministry of Transportation has upgraded and fixed Marble Bay Road, Meades Creek Road and the Youbou Road intersection.
- Roy Chambers**
- General Contractor in the Lake Cowichan area and rezoning is about the economy.
  - Wants to see people coming to the area as they support the area.
  - Does not want to see kids having to leave the area due to no jobs.
- Catherine Woodrow,**
- Opposed to the proposed Bylaws until all previous conditions have been

- 10072 Lakeshore Terrace** met with regard to water and sewer issues and road access safety.
- Noni Bannstra,  
10050 Youbou Road**
- Has been a weekender for 47 years and she does support the area.
  - Does not want to see taxes raised in the area to fix the problems that have been created as that would not be fair.
- Vic Brice  
Lot 2, Marble Bay Road**
- President Strata 4663
  - Many of their members are concerned about extra traffic being generated from a residential zoning in their recreational neighbourhood.
- Dan**
- Opposed to the proposed development although he does support changing the 22 week time limit.
  - Does not support the zoning change with the water and sewer issues at hand and thought should be given to the long term.
- Brian O'Neill,  
146 Bayview Village**
- Opposed to the development as there are lots of residential zoned land around the Lake for sale for full time residents. The existing zoning does not need to be changed to make that happen.
- Diana Gunderson,  
8816 Meades Creek Road**
- If the application is approved it will at some time in the future increase traffic and the narrow roads need to be improved.
- Joe Allan,  
Skutz Falls**
- Not very often there is a rezoning where there is no increase in density.
  - Does see a problem with the water and sewer proposal and there must be another way to go about that.
- Bill Dixon,  
Whiterock,  
Lot 37**
- His wife does not want to live on their recreational lot all year round but he would love to but noted he was happy with the 22 weeks per year.
  - Why he came to the meeting was to hear what issues are and what he has heard is that the road issues need to be addressed.
  - It is important to appreciate the fact that by changing the 22 week time limit that would make the remaining unsold lots more attractive to sell and that would also help them to get onto the CVRD's system which would also be a benefit for the community.

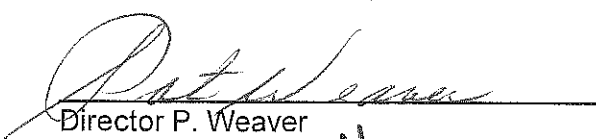
**ADJOURNMENT**

Chairperson Weaver asked for public comments or submissions three times from the public present regarding Official Community Plan Amendment Bylaw No. 3564 and Zoning Amendment Bylaw No. 3565.


Chairperson Weaver declared the Public Hearing closed at 8:47 p.m.

CERTIFICATION:

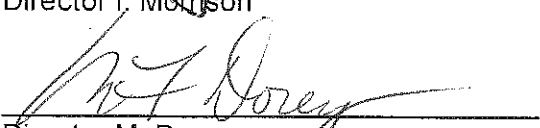
We attended the Public Hearing on Thursday, October 18, 2012, and hereby certify that this is a fair and accurate report of the Public Hearing.

  
Director P. Weaver


Date

Nov. 20/12  
Director I. Morrison

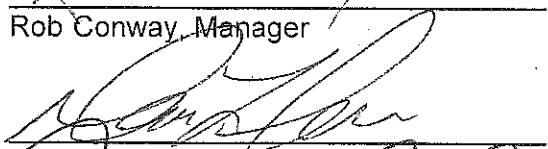
Date

Nov. 27, 2012  
Director M. Dorey

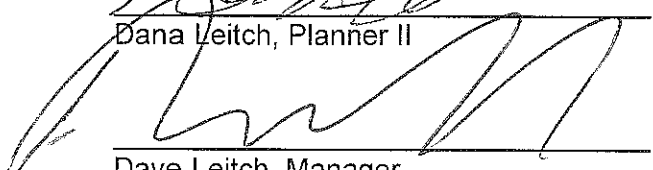
Date

November 20, 2012  
Rob Conway, Manager

Date

Nov. 22, 2012  
Dana Leitch, Planner II

Date

November 29, 2012  
Dave Leitch, Manager

Date

Nov 20 / 2012  
Jennifer Hughes, Recording Secretary

Date

November 20, 2012