



PUBLIC HEARING REPORT
Bylaw No. 3605

Following is a summary of the proceedings of the Public Hearing for Area D – Cowichan Bay Official Community Plan Bylaw No. 3605, applicable to Electoral Area D – Cowichan Bay, held on Monday, March 25, 2013, at the Oceanfront Suites at Cowichan Bay, 1681 Cowichan Bay Road, Cowichan Bay, B.C. at 7:01 p.m.

**HEARING
DELEGATES**

Director L. Iannidinardo, Electoral Area D – Cowichan Bay, Chairperson
Director G. Giles, Electoral Area C – Cobble Hill
Director L. Duncan, Electoral Area E – Cowichan Station/Sahtlam/Glenora

**CVRD STAFF
PRESENT**

Mr. M. Tippet, Manager, Community & Regional Planning Division
Ms. A. Kjerulf, Senior Planner, Community & Regional Planning Division
Ms. J. Hughes, Recording Secretary, Planning & Development Department

Members of the Public:
There were approximately 50 members of the public present.

CALL TO ORDER

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

PROCEDURES

Ms. Kjerulf explained the requirements under Section 890 of the *Local Government Act*. She advised that notice of the Public Hearing was advertised in two consecutive issues of the *Citizen* (Friday, March 15, 2013 and Wednesday, March 20, 2013) and *Leader Pictorial* (Friday, March 15, 2013 and Wednesday, March 20, 2013) as required by the *Local Government Act*.

Official Community Plan (OCP) Bylaw No. 3605 is proposed to be in effect for all lands and water surfaces within the Plan Area identified on Schedule B to Bylaw No. 3605, within Electoral Area D – Cowichan Bay, of the Cowichan Valley Regional District (CVRD).

In accordance with Section 875 of the *Local Government Act*, the purpose of Official Community Plan Bylaw No. 3605 is to provide a statement of objectives and policies to guide decisions on planning and land use management, within the area covered by the plan, respecting the purposes of local government.

Proposed Bylaw No. 3605 is intended to replace and repeal Electoral Area D Cowichan Bay Official Settlement Plan Bylaw No. 925, as amended.

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

OCP Purpose & Scope

* Bylaw 3605 is intended to replace and repeal Electoral Area D Cowichan

Bay Official Settlement Plan Bylaw No. 925, as amended.

- * The purpose of an OCP is *"To provide a statement of objectives and policies to guide decisions on planning and land use management, within the area covered by the plan, respecting the purposes of local government"*. [LGA, s. 875].
- * A long term (25-year) planning framework.
- * Applies to all lands within the "Plan Area" except First Nations lands.
- * Has no authority over matters of provincial or federal jurisdiction.
- * Does not commit CVRD Board to any works but implementing bylaws, works must be consistent with the Plan.

Bylaw 3605: Schedule A

- * Statements and Map Designations:
 - * Residential, commercial, industrial, institutional, agricultural, recreational and public utility land uses
 - * Sand and gravel deposits
 - * Restrictions on land that is environmentally sensitive or subject to hazardous conditions
 - * Road, sewer and water systems
 - * Public facilities including schools and parks
- * Policies relating to:
 - * Affordable, rental and special needs housing
 - * Social needs, social well-being
 - * Maintenance and enhancement of farming
 - * Natural environment, ecosystems and biodiversity
- * Targets, policies and actions for greenhouse gas emissions reduction

Bylaw 3605: Map Schedules

- * Schedule B: Land Use Designations
- * Schedule C-1: Environmentally Sensitive Areas
- * Schedule C-2: Sensitive Lands map
- * Schedule C-3: Transportation and Mobility
- * Schedule C-4: Community Sewer Service
- * Schedule C-5: Community Water Service
- * Schedule D-1: Aquatic Resources and Critical Habitat Protection DPA
- * Schedule D-2: Sensitive Lands DPA
- * Schedule D-3: Agricultural Protection DPA
- * Schedule D-4: Rural Character and Marine Village DPA

OCP Process

Phase 1: March-May 2010

- * Community Dialogue & Research

Phase 2: June-September 2010

- * Visioning & Goal Setting

Phase 3: October 2010-August 2011

- * Exploring Options

Phase 4: August 2011-December 2012

- * Plan Drafting & Review
- * Agency Referrals

OCP Adoption: 2013

* OCP Bylaw Readings & Public Hearing

OCP Goals

- * Restore, protect and enhance the Cowichan Estuary and foreshore
- * Enhance rural community character
- * Carefully manage growth
- * Support productive agriculture and food self-sufficiency
- * Improve transportation and mobility
- * Enhance the environment, ecosystems and biodiversity
- * Create an inclusive community with strong social infrastructure
- * Encourage meaningful economic development and employment
- * Enhance connections to the waterfront
- * Recognize heritage, cultural values and identity
- * Improve public and environmental health
- * Reduce greenhouse gas emissions

Land Use Designations

- * Agricultural Resource
- * Rural Resource
- * Rural Commercial
- * Rural Residential
- * Cluster Residential
- * Rural Village Residential
- * Village Residential
- * Mixed Use
- * Four Ways Rural Village
- * Koksilah Village
- * Marine Village
- * Marine Industrial
- * Marine Residential
- * Marine Resource
- * Community Institutional
- * Parks

Natural Environment

- * Environmentally Sensitive Areas and biodiversity
- * Intertidal and marine environments
- * Education and stewardship
- * Development and land use support the hydrologic cycle
- * Water resources protection
- * Hazard mitigation
- * Minimize air and noise pollution
- * "Dark sky" community
- * Energy conservation and GHG emissions reductions

Community Social Infrastructure

- * Safe, affordable access to community facilities and services
- * Community benefits from development
- * Protecting existing affordable housing
- * Encouraging new affordable housing
- * Local food production
- * Community safety/emergency preparedness

Economy

- * Local economic development; employment generation; linkages
- * Emphasis on light-industrial, value-added activities
- * Agricultural productivity, diversity
- * Marine working harbour – balanced with environment
- * Vibrant village waterfront
- * Environmentally-friendly, low-impact tourism
- * Home-based businesses that complement neighbourhoods

Transportation & Mobility

- * Establish well-integrated alternative transportation network; promoting walking & cycling
- * Reduce public safety risks related to vehicular transportation
- * Ensure adequate parking available to serve existing and new development
- * Provide safe, efficient access to businesses, facilities and services in Cowichan Bay Village

Servicing

- * Community water and sewer services in Village/Rural Village areas
- * Ensure adequate capacity to serve existing and planned development
- * Priority in Lambourn Area for Edgewater Terrace Mobile Home Park
- * Integrated stormwater management planning
- * Support zero waste objectives
- * Ensure sufficient water supplies for fire protection
- * Promote responsible development to reduce risk of fire

Development Permit Areas (DPA)

- * Aquatic Resource Protection DPA
- * Critical Habitat Protection DPA
- * Sensitive Lands DPA
- * Agricultural Protection DPA
- * Rural Character DPA
- * Marine Village DPA

Development Permit Areas

- * DPA intended to complement zoning; site-specific rather than generic
- * Intended to result in higher quality development
- * Can be varied (DVPs)
- * Many minor and routine activities are exempt
- * If multiple DPAs apply, only one application is required

OCP Bylaw Process

- * Bylaw 1st & 2nd Readings: February 13, 2013
- * Referral to Agricultural Land Commission (ALC) & School District No. 79
- * Community Meeting (non statutory): February 25, 2013
- * 2nd Reading as Amended: March 13, 2013
- * Public Hearing: March 25, 2013
- * 3rd Reading and Adoption (Date determined by Board)

Correspondence

- * One letter of response was received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the

CVRD office today, March 25, 2013 at 4:30 p.m. from Roger Cheetham, Regional Planner, Provincial Agricultural Land Commission

- * One email was received from Janice and Leonard Orrico, dated March 25, 2013, regarding a watercourse mapping discrepancy on their property. There is an opportunity to correct this discrepancy prior to adoption of the OCP.
- * Two phone calls were received concerning the WestCan Terminal and the marine industrial designation. There was a concern that the OCP is trying to remove industry from the Bay. The OCP supports a working harbor and recognizes the importance of marine industry. The Terminal is also protected by the Cowichan Estuary Environmental Management Plan (CEEMP), a Provincial Order in Council.
- * Outside of the advertising dates a letter was received from Gravel Hill Supplies dated March 5, 2013 concerning permitted uses in the current I4 Zone. The OCP is not intended to preclude activities such as aggregate processing and batch plants which are currently permitted in the I4 Zone.

Implementation

- * Implementation occurs through subdivision, development and rezoning activities.
- * 50 action items (short, medium, long term, continuing and advocacy actions).
- * Implementation a shared responsibility of CVRD staff, Board and community members.
- * The Official Community Plan (OCP) is a "living document" and it should be reviewed every 5–10 years to ensure it remains current.

Correspondence

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

- 1) CVRD Power Point Presentation (EXHIBIT 1);
- 2) Letter dated March 19, 2013, from Roger Cheetham, Regional Planner, Provincial Agricultural Land Commission (EXHIBIT 2);
- 3) Email dated March 25, 2013, from Janice and Leonard Orrico (EXHIBIT 3);
- 4) Letter dated March 25, 2013, from Janice and Leonard Orrico (EXHIBIT 4).

Location of the File

Director Iannidinardo advised that the Information Binder was available for review on the side table 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.

QUESTION PERIOD

Director Iannidinardo opened the public question period. 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.

Jenny Ferris

- Cobble Hill
- What water testing has been carried out and has it been on a regular basis?

Director Iannidinardo

- Ministry of Environment (BC MoE) has carried out some water testing in the Bay and they have reported it out and those results can be found within the CVRD's Information Binder located on the side table. Some of those results were not very good.

- Ann Kjerulf** ➤ CVRD's Information Binder on the side table includes all of the information relating to the proposed OCP. It also contains information on the float home study that was being carried out, the completed consulting study and water quality testing that was undertaken by BC MoE.
- Mike Hayhoe** ➤ 10022 Victoria Road, Chemainus
➤ What does the OCP cover concerning the Joint Utilities Board sewer discharges into the Bay?
- Director Iannidinardo** ➤ Those lands are not under the CVRD's jurisdiction, it is North Cowichan's jurisdiction.
- Loren Duncan** ➤ Jurisdictions of the south-end of North Cowichan, City of Duncan, Areas D and E and Cowichan Tribes fall under the guidance of a Central Sector Liquid Waste Management Plan and advised that Plan was being reopened for major review and that work was mandated by BC MoE.
➤ \$95,000. has been placed into the CVRD Budget from all of the jurisdictions covered by it to do some of the work.
➤ Outfall into the River will be once again discussed as the original Plan mentioned an Ocean outfall and that option will be revisited during that review.
➤ It will cost millions of dollars and there will be dialogue with the community.
- Mike Hayhoe** ➤ At one time oysters in the Bay were very good to eat and then it went bad.
- Director Iannidinardo** ➤ It has been since 1972 that people have not been able to eat shellfish in the Bay and one of the targets of the Water Board is to be able to eat the shellfish by 2020.
- Joyce Benson** ➤ 3201 Gilana Place, Duncan
➤ Thanked Director Duncan for the previous review and noted that the Joint Utility Board does contain the CVRD. Asked what the proposed timeline would be?
➤ Would prefer to see some modern type technology for the sewage treatment not including water outfall?
- Loren Duncan** ➤ Plan must be done and that will be a separate exercise under BC MoE requirements and there will be public meetings over the next year or two with regard to that subject.
- Len Mayea** ➤ #48-1540 Cowichan Bay Road
➤ How binding is the OCP as he lived for 29 years on Youbou's waterfront and the Lake's OCP was broken several times for new development along the Lake.
- Ann Kjerulf** ➤ *Local Government Act* states that any bylaws that are implemented must be consistent with the OCP.
- Jeff Quinton** ➤ Lanes Road
➤ What is the process and timeline for the new Area D Zoning Bylaw?
- Ann Kjerulf** ➤ Identified as a short term action item in the Plan and it will occur within 6 months after the OCP has been adopted.
➤ Preliminary work has already been carried out and public consultation will

also take place on the proposed Zoning Bylaw after the OCP is adopted.

Joyce Benson

- Western Forest Products is one example of industry in the Bay and asked how much respect has been given to the existing industry in the Bay?
- Is there a move to switch out business and long-term industry for a marine park approach and have they also been consulted and included within the future of Cowichan Bay through the OCP process?

**Director
Iannidinardo**

- Yes, consultation has taken place and they are part of the CEEMP which is a legislated plan.
- Supports industry in the Bay as it is very valuable and there is no intention to take living wage jobs out of Cowichan Bay.

Joyce Benson

- Hopes that is not the case as it seems there is a move to purchase land for more parks and trails. Does not want to see industry and jobs being pushed out and there must be a good strong balance.

**Director
Iannidinardo**

- Industry does not have a lot to do with the parks and off road walking trails.

John Bryant

- Superintendent of Western Stevedoring and stated that they have not been consulted during the OCP process and noted that they would like to be involved and part of the process.

Ann Kjerulf

- Did attempt on numerous occasions during the early stages of the OCP to contact Western Stevedoring and was unsuccessful but was successful speaking with Brian Thacker several times regarding the OCP.
- Numerous community meetings and workshops have been held and they were advertised in the local newspapers along with being emailed to the subscriber list and the billboard advertising within the community.

**Director
Iannidinardo**

- Looking for people to sit on an Implementation Committee and asked that people to put their names forward as it is very valuable to the community.

**Director
Iannidinardo**

Asked for further questions from the public present three times regarding Area D – Cowichan Bay Official Community Plan Amendment Bylaw No. 3605.

**PUBLIC
COMMENTS**

The Public Hearing was then opened to those members of the public present who deemed themselves affected by proposed Area D – Cowichan Bay Official Community Plan Amendment Bylaw No. 3605. Chair Iannidinardo reminded the public that the Information Binder was available for review located on the side table and that all submissions must be received at the head table prior to the close of the Public Hearing.

Leonard Orrico

- 4421 Kingscote Road
- Attending the Public Hearing with his Wife, Janice, as they have discovered a watercourse mapping discrepancy on their property that has come forward through the OCP process.
- Submitted a letter and two pieces of information (EXHIBIT 4) they have obtained from Provincial Government sources that support their case to have the watercourse identified on their property removed.

Kerrie Talbot

- 1810 Pritchard Road
- Chair of the Electoral Area D – Cowichan Bay Parks Commission and

thanked all the OCP Committee members for their time and effort they put into the new OCP.

- Although people might not get everything they want or need from the new OCP it has been a very democratic process to go through and she has not seen another process like the Area D OCP.


ADJOURNMENT

Chairperson Iannidinardo asked for public comments or submissions three times from the public present regarding Area D – Cowichan Bay Official Community Plan Bylaw No. 3605.

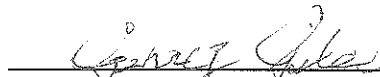
Chairperson Iannidinardo declared the Public Hearing closed at 7:49 p.m.

CERTIFICATION:

We attended the Public Hearing on Monday, March 25, 2013, and hereby certify that this is a fair and accurate report of the Public Hearing.


Director L. Iannidinardo

Date March 28/2013


Director G. Giles

Date March 28/2013


Director L. Duncan


Date April 2/2013


Mike Tippett, Manager

Date March 27, 2013


Ann Kjerulf, Senior Planner

Date Mar. 27/13


Jennifer Hughes, Recording Secretary

Date March 27/13