



PUBLIC HEARING REPORT
Bylaws No. 3680, 3681 and 3682

Following is a summary of the proceedings of the Public Hearing for Official Community Plan Amendment Bylaw No. 3680 (Bill 27), Official Community Plan Amendment Bylaw No. 3681 (Conservation, Species at Risk & Social Sustainability) and Zoning Amendment Bylaw No. 3682 (Parkland, Wetland, Trail Acquisition), applicable to Electoral Area E and Part of Electoral Area F, held on Wednesday, May 1, 2013, at the Eagles Hall, 2965 Boys Road, Duncan, B.C. at 7:01 p.m.

**HEARING
DELEGATES**

Present:

- Director L. Duncan, Electoral Area E – Cowichan Station/Sahtlam/Glenora, Chair
- Director B. Fraser, Electoral Area B – Shawnigan Lake
- Director I. Morrison, Electoral Area F – Cowichan Lake South/Skutz Falls

Absent:

- Director L. Iannidinardo, Electoral Area D – Cowichan Bay

**CVRD STAFF
PRESENT**

Mr. M. Tippet, Manager, Planning & Development Department
Ms. A. Garnett, Planner I, Planning & Development Department
Ms. J. Hughes, Recording Secretary, Planning & Development Department

Members of the Public:

There were approximately 36 members of the public present.

CALL TO ORDER

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

Director Duncan stated that at a Public Hearing there is a Code of Conduct that must be followed and advised that everyone in attendance would be permitted to provide their comments either for or against the proposed Amendment Bylaws in a safe manner.

Director Duncan further stated that:

- Bill 27 was passed in 2009 by the Provincial Legislature and passed onto the local governments to implement and Amendment Bylaw No. 3680 proposed to address greenhouse gasses and climate change.
- The other two Amendment Bylaws deal with a broad spectrum of different issues and some were specific to identifiable communities like Wake Lake and Busy Place Creek.
- The Cowichan Koksilah Official Community Plan (OCP) covered all of Area E and part of Area F and that part of Area F was identified as the Sahtlam community. Some of the policies in proposed Bylaws proposed to cover that area and some of the policies did not.
- Proposed Zoning Amendment Bylaw No. 3682 was for all of Electoral Area E and does not apply to Area F.

PROCEDURES

Ms. Garnett explained the requirements under Section 890 of the *Local Government Act*. She advised that notice of the Public Hearing was

advertised in two consecutive issues of the *Citizen* (Wednesday, April 24, 2013 and Friday, April 26, 2013) and *Leader Pictorial* (Wednesday, April 24, 2013 and Friday, April 26, 2013) and letters had also been sent to adjacent owners and occupiers of the specific properties that are affected by the amendments as required by the *Local Government Act*.

Official Community Plan Amendment Bylaw No. 3680 (Bill 27) proposes to amend Electoral Area E and Part of F – Cowichan-Koksilah Official Community Plan Bylaw (OCP) No. 1490 in order to:

1. Provide information on climate change and an inventory of locally produced greenhouse gas emissions.
2. Add policies, targets and actions for reducing greenhouse gas emissions into several sections of the OCP such as Agriculture, Residential, and Forestry.
3. Introduce the Wetland Protection Development Permit Area, which would require a development permit when a wetland is located on a parcel of land proposed for subdivision. This DPA forms part of the Bill 27/Climate Change amendment bylaw because wetlands function as storage for greenhouse gases, in addition to providing numerous other ecological functions.

Official Community Plan Amendment Bylaw No. 3681 (Conservation, Species at Risk & Social Sustainability) proposes to amend Electoral Area E and Part of F – Cowichan-Koksilah Official Community Plan Bylaw (OCP) No. 1490 in order to:

1. Update the “Environmentally Sensitive Areas and Hazard Lands”, “Forestry” and “Parks and Institutional” sections of the OCP, to include policies that are supportive of a regional conservation strategy, watershed planning initiatives, flood protection, species at risk and biodiversity protection.
2. Draw attention to the significance of Wake Lake, and add policy supportive of a conservation zoning for land within 1000 metres of Wake Lake.
3. Propose a new land designation and zone near Chemainus River Park, for the purpose of allowing a caretaker's residence to oversee the Park.
4. Introduce a policy framework for community amenity contributions.

Zoning Amendment Bylaw No. 3682 (Parkland, Wetland, Trail Acquisition) proposes to amend Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 in order to:

- Rezone Lot A, Section 7, Range 9, Sahtlam District, Plan VIP 88170, and Lot 1, Section 7, Range 9, Sahtlam District, Plan 83485 (shown outlined below with a solid black line – Map A) from R-2 (Suburban Residential) to P-2 (River Corridor Conservation) to reflect the current park use.
- Rezone Legal Lot Poly 15927 VIP 64839 (subject property shown outlined below with a solid black line – Map B) from I-1 (Light Industrial) to P-2 (River Corridor Conservation) to reflect the current park use.
- Increase the minimum lot size in the R-2 Zone for lots served by a community water system, from 0.4 hectares to 0.8 hectares.
- Include a bylaw provision that would allow subdivision along the boundary created by a park or trail dedicated to the CVRD, subject to specific criteria. Land eligible for subdivision along a dedicated trail or road must be previously identified in the Zoning Bylaw's appendix.
- Remove wetlands and watercourses from the land area eligible for use in calculating minimum parcel size requirements (applicable to subdivision applications).

Ms. Garnett stated that 22 pieces of correspondence had been received from the date the advertising was placed within the local newspapers to the opening of the Public Hearing.

Ms. Garnett provided further background information noting that it is a challenge to summarize the Amendment Bylaws because they contained a lot of information and they are quite lengthy, but summarized as follows:

Bylaw No. 3680 (Bill 27)

- This Bylaw Amendment is focused on climate change and greenhouse gas reduction targets. It's called Bill 27 because that is the Bill the Provincial Government passed a few years ago which requires all local governments to include in their Official Community Plans (OCP)'s greenhouse gas emissions reduction targets, and actions and policies designed to meet those targets.
- The policies in this Amendment Bylaw are based in part on an inventory of greenhouse gas emissions, produced by the Province, which gives us a rough estimate of the sectors that are the largest local producers of greenhouse gases. This inventory tells us that transportation is responsible for nearly 80% of the greenhouse gases produced in the region. The policies in Bylaw 3680 focus not just on transportation networks, but also on agriculture and the need to increase local food production, the important role of forested lands and forestry practices, the way residences are built and the location of new residential development, and in the future requiring increased energy performance in buildings.
- A major component of Bylaw 3680 is the Wetland Protection Development Permit Area. We know that wetlands provide important ecological functions, they provide habitat for wildlife, mitigate flooding, store greenhouse gases, purify and recharge groundwater. If the Bylaw Amendment is adopted, it would require that subdivision applications involving parcels of land where a wetland is located should be designed in such a way to completely avoid impacting wetlands. The land owner would be responsible for hiring a professional to identify and provide a map of the wetland on the property, and include the wetland in the subdivision layout. This development permit will only apply at subdivision, not to construction or development of existing lots.

Bylaw No. 3681 (Conservation, Species at Risk & Social Sustainability)

- This Bylaw Amendment includes many policies that were initiated by the CVRD Board and the Area Director, is intended to update the OCP with policies focused on Conservation and Species at Risk. Much of what is written in this bylaw is simply adding to existing policies in the OCP.
- Some of the "stand-out" policies relate to protection of Wake Lake and the surrounding wetland systems. Wake Lake is located near the intersection of Barnjum and Riverbottom Road, in Sahtlam. A proposed policy says that forestry lands within 1000 metres of Wake Lake may be considered for the Rural Residential/Forestry Conservation Zone. This is a zone that was used in second phase of Inwood Creek subdivision in Sahtlam. It basically allows for a 1 hectare parcel size for residential subdivision along with a significant dedication of public land for conservation purposes. The map on the wall identified the 1000 metre radius around Wake Lake. There are only a few forestry zoned parcels that are potentially affected by this policy.
- Another policy states that the CVRD would consider rezoning land along Hillcrest Road to allow subdivision of two lots, one of which would be used

for a caretaker's residence for Chemainus River Park. The purpose of this amendment is to protect Chemainus River Park from ecosystem damage and wildfire.

- The Social Sustainability policies outline the expectations that new developments proposed in a rezoning application contribute to the community. The rationale for these policies is that new development proposed in rezoning applications has a cumulative impact on the community and should provide some form of contribution which is called amenity contributions. Depending on the size, scope or location of the development, amenity contributions could include community centres, community gardens, affordable housing, firefighting equipment, trails, and transit shelters.
- The CVRD Board has acknowledged that these Social Sustainability Policies apply to land in Electoral Area E only, and not to the portion of Area F that is covered by the Area E Plan.

Bylaw No. 3682 (Parkland, Wetland, Trail Acquisition)

- The first change proposed is the minimum lot size of the R-2 Zone for lots that are serviced by a community water system, from 0.4 hectares to 0.8 hectares.
- Secondly, a new regulation is proposed that would allow the CVRD Board to accept a public road or trail through a parcel, in exchange for the ability to subdivide that parcel into two along the boundary of the road or trail. Not just any parcel can qualify for this regulation; the Board must identify priority areas for trail or road connections in the Zoning Bylaw's Appendix. Only one parcel is identified and that is a forestry zoned parcel west of Wake Lake which could connect Hanks Road from the Caromar subdivision to Riverbottom Road.
- The third change affects subdivision. This new regulation says that the part of a parcel that contains a wetland or watercourse cannot be included in the area of parcel for the purpose of calculating the number of lots that can be created by subdivision. For example, a 10 acre parcel that is capable of being subdivided into 1 acre lots could theoretically create 10 lots. This new regulations proposes that if there is a wetland that is 2 acre in size located on the property that would mean that only 8 lots could be created.

Three (3) parcels of land are proposed for rezoning to a Parks Zone:

- The first two lots (Lot A, Section 7, Range 9, Sahtlam District, Plan VIP 88170, and Lot 1, Section 7, Range 9, Sahtlam District, Plan 83485) are CVRD owned parcels around Wake Lake that are currently used as park, which is proposed to be rezoned from R-2 (Suburban Residential) to P-2 (River Corridor Conservation).
- The third parcel (Legal Lot Poly 15927 VIP 64839) is a Crown owned parcel near Polkey Road in the Koksilah Industrial park, which is proposed to be rezoned from I-1 (Light Industrial) to P-2 (River Corridor Conservation).
- The parcels are identified on the subject property maps on the walls, and the purpose of the amendment is to make sure that the zoning of the parcels reflects their use as public parks.

Correspondence

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

- 1) Email dated April 30, 2013, from Rose Rogan (EXHIBIT 1);
- 2) Email dated April 29, 2013, from Justin Straker, M.Sc., P.Ag., Soil

- Scientists, Forest Ecologist, Principal, Integral Ecology Group (EXHIBIT 2);
- 3) Email dated April 30, 2013, from R.E. Wall, Cowichan Valley Naturalists (EXHIBIT 3);
 - 4) Email dated April 30, 2013, from Robert Nation (EXHIBIT 4);
 - 5) Email dated April 30, 2013, from Dianne & George Kolenosky (EXHIBIT 5);
 - 6) Email dated April 30, 2013, from Jan Whitehead, MA, BC Parks Ecological Reserve Warden (EXHIBIT 6);
 - 7) Email dated May 1, 2013, from Warrick Whitehead (EXHIBIT 7);
 - 8) Email dated May 1, 2013, from Jenny, George, Belle, Emerald, Lavender, Poppy, Honey and Joy White (EXHIBIT 8);
 - 9) Email dated May 1, 2013, from Eric Marshall (EXHIBIT 9);
 - 10) Email dated May 1, 2013, from Eric Marshall, President, Cowichan Valley Naturalists' Society (EXHIBIT 10);
 - 11) Email dated May 1, 2013, from Hilary Stead (EXHIBIT 11);
 - 12) Email dated May 1, 2013 and attached letter dated April 30, 2013, from Trystan Willmott, B.Sc., A.Sc.T., Fish and Wildlife Biologist (EXHIBIT 12);
 - 13) Letter dated May 1, 2013, from Anne and Gordon Wilkinson (EXHIBIT 13);
 - 14) Email and attached letter dated May 1, 2013, from Helen Reid, RPBio (EXHIBIT 14);
 - 15) Email dated May 1, 2013, from Lorna Medd (EXHIBIT 15);
 - 16) Email dated May 1, 2013, from Dan Ferguson (EXHIBIT 16);
 - 17) Email dated May 1, 2013 and attached photograph from John and Gayle Gordon (EXHIBIT 17);
 - 18) Email and attached letter dated May 1, 2013, from Genevieve Singleton, B.Sc., M.Ed., Environmental Educator, Biologist (EXHIBIT 18);
 - 19) Letter dated May 1, 2013, from Michael and Linda Lees (EXHIBIT 19);
 - 20) Letter dated May 1, 2013, from Howard Heyd (EXHIBIT 20);
 - 21) Letter dated May 1, 2013, from F.R. McCorkell (EXHIBIT 21);
 - 22) Letter dated May 1, 2013, from Andy Stewart (EXHIBIT 22);
 - 23) Letter dated April 1, 2013, and attached photograph from Heather Barnfield (EXHIBIT 23);
 - 24) Letter dated May 1, 2013, from Paul Slade , Drillwell Enterprises (EXHIBIT 24);
 - 25) Letter dated May 1, 2013, from Paul Slade (EXHIBIT 25);
 - 26) Letter dated May 1, 2013, from Kathy O'Donnell, Koksilah School Sh-hwuykwselu Streamkeepers Co-ordinator (EXHIBIT 26);
 - 27) Letter dated May 1, 2013, from Susan Lowther (EXHIBIT 27);
 - 28) Letter dated May 1, 2013, from David Aldcroft CVNS Conservation Committee Chair (EXHIBIT 28);
 - 29) Letter dated May 1, 2013, from Blaise Salmon (EXHIBIT 29);
 - 30) Letter dated May 1, 2013, from Alex and Catherine Miller (EXHIBIT 30);
 - 31) Email and attached letter dated May 1, 2013, from Ron Smith (EXHIBIT 31);
 - 32) Letter dated May 1, 2013, from Judy Hershman, Howard Ross, Robert King and Gwyneth King (EXHIBIT 32).

Location of the File

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

APPLICANT, CVRD

Director Duncan stated that the CVRD has brought forward the proposed Amendments and is the applicant.

He also introduced, sitting in the audience, Rob Conway, Manager/Acting GM, Planning & Development Department and Alternate Director Keith

Williams for Electoral Area E – Cowichan Station/Sahtlam/Glenora.

QUESTION PERIOD

Director Duncan 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.

Bob King

- President of Wake Lake Enterprises Limited.
- At least 15 public agencies were consulted regarding the proposed Amendments but no private landowners who have a vested interest in the Amendments were consulted and asked why the landowners and title owners were not notified of the proposed Amendments?

Director Duncan

- Most of the Bylaw policies apply to all of Electoral Area E.
- Requirements under Bill 27 are part of a Provincial statute and are applicable to everyone in the Province.
- Consultation takes place with the Area E Parks and Recreation Commission and Advisory Planning Commission (APC) and those members are comprised from the Area E community. CVRD is obligated to consult with Crown Agencies for example, Ministry of Health and Ministry of Transportation (BC MoT) along with consulting with the local Police, School Board and First Nations and that is part of the normal CVRD business that is carried out.
- Public Hearing is being held as per the *Local Government Act* regulations, notification of the Hearing was placed in the local newspapers and prior to the Hearing the public could contact CVRD staff or him for information on the proposed Amendments.

Bob King

- Heard about the Amendments nine days ago when he saw it in the newspapers, concerned that prior to that there was no information available.
- Are CVRD Directors working on behalf of other government agencies or are they working for the residents they represent?

Director Duncan

- Yes to both, Bill 27 is legislated by the Province and the Directors are working for the public as he felt there is fairly broad public support for the proposed bylaws.
- Asked for further questions from the public present regarding the proposed Amendment Bylaws.

Judy Hershman

- Lives on Sunrise Road and owns property south of Wake Lake
- Asked for specific details regarding the significant land dedication component regarding Inwood Creek?

Director Duncan

- The Inwood Creek lands were rezoned from Primary Forestry to a new zone called the Rural Residential/Forestry Conservation Zone. Approximately 118-128 acres were designated as lands to be turned over to the Regional District to be preserved and managed for Elk habitat as Elk were previously identified as a significant ecological value on those lands. It was agreed during a previous Public Hearing process that approximately 53% of those lands would be turned over to the CVRD for Elk habitat and noted that trails would also be built on those lands. Also agreed during that Hearing process was that \$100,000. from the sale of the first lot of the subdivision was to be turned over to the local Fire Department and noted that to date they have received \$50,000. with the other \$50,000. still to come. Another bonus the CVRD received from that Hearing process is

that when 50% of the lots have been sold, one of those 1 hectare lots would be turned over to the Area E Parks Commission to either sell or manage.

- Amenities through a rezoning process could include contributions to community halls, existing parks features, building tot lots, trailways, etc.

Leo Kasbergen

- Wilson Road
- One of the proposed Amendments proposes a caretaker's residence off Hillcrest Road at Chemainus River and asked how much more recreation area do we need, how much recreation do we want and how much can we afford as his taxes went up this year and asked if there would be a stop to it in the future.

Director Duncan

- Chemainus River Provincial Park at the Forestry Pools is a very significant feature on the Chemainus River. The Park is under the CVRD's management but the title resides with the Crown as a Provincial Class "C" Park. Property is located at the end of Hillcrest Road and unfortunately that area gets beat up terribly with property abuse, abuse to the trees, partying and fire risks. It has been identified the best way to look after that property is to have a caretaker living on the road and a gate that can be closed at night so there would be some control over that area.
- CVRD does not own any land on Hillcrest Road and all the Policies state that is not an area for development. The proposal being put forward is that two lots can be created on forestry land and one lot created would belong to the CVRD and the other lot would belong to the forest company.
- CVRD's purpose for the lot is to have a caretaker's residence located on it in order that the public assets could be better managed rather than being abused and it is a scheme to create a lot at no cost to the taxpayer.

Leo Kasbergen

- Who will be putting up that dwelling?

Director Duncan

- CVRD would be putting it up.

Leo Kasbergen

- Who will be paying for it?

Director Duncan

- Chemainus River Provincial Park is designated as a Regional Park feature and that would be paid for under the Regional Park Function which includes every taxpayer in the Regional District and includes the Municipalities paying into it.
- Use of the caretaker, while at no cost, is very effective and allows for the Park to be very stable.
- Have a caretaker's residence at Bright Angel Park and at Glenora Trailhead Park and they would not be great Parks without that management regime in place.
- Caretaker is a methodology to manage a public asset so it is preserved and protected and it also keeps other costs down.

Susan Lowther

- Marshall Road
- Supports the caretaker idea as she spends a lot of time in Bright Angel and at Glenora Trailhead and has never seen anything ever vandalised.
- Caretaker also addresses liability issues with preventing atv's from entering into the parks area.

Bob King

- What is the minimum defined size of a wetland?

Director Duncan

- That is something a Biologist would identify and define. There is some

terminology in the Bylaws that also try to broadly address it.

- Bob King** ➤ Term is included in the Bylaws and asked why does it not define what it is?
- Alison Garnett** ➤ Wetland is defined in the existing Zoning Bylaw so there is no need to re-write that definition in the OCP.
- Bob King** ➤ Proposed Bylaw at this point is substantially incomplete?
- Director Duncan** ➤ Not incomplete as wetlands have been defined in the zoning for decades.
➤ Read verbatim the definition of "wetland" from the Area E Zoning Bylaw.
- Bob King** ➤ How big?
- Director Duncan** ➤ It could be very small and a Biologist would be asked to identify and quantify that.
- Tom Gierc** ➤ One of the occupants in the Koksilah Industrial Park.
➤ Over the years consultation did not exist with the CVRD but noted that they did receive notice about the proposed changes.
➤ Concerned that today's intents might not be the intents of the near future and noted that he understands the objective but what will happen if extensive trails and park benches are built in the area. Current work on the wetlands has brought down bramble and blackberries and has opened the area up to be a very easy gateway for very dishonourable people to come onto the landowner's properties and businesses.
➤ Landowners will be carrying the brunt of it into the future as they will be in community far beyond any CVRD staff or elected officials and they do not want to be stuck with a not so good decision in the future.
➤ Does not want to see a whole lot of money spent to create these new zones.
➤ Relabeling is only opening up the area for lots of change without future consultation.
➤ Has been affected previously with CVRD policies in the Industrial Park.
- Director Duncan** ➤ Unfamiliar with what policies he was speaking about.
- Tom Gierc** ➤ OCP, riparian zones and reports generated in advance of being granted a building permit.
- Director Duncan** ➤ OCP was adopted in 1994 and the regulations regarding wetlands, stream courses, waterways and lakes have changed very little from 1994.
➤ Riparian Areas Regulations were brought down onto local government from the Province for implementation. The Riparian Areas Regulations created development permit areas that state any work within 30 metres from a waterway or fish bearing stream required a registered Biologist's report be prepared. It is a law that has been brought down by the Province and the CVRD has to implement it. He was not impressed on how the regulations were brought down onto the CVRD but does support the regulations.
- Tom Gierc** ➤ Has gone through the development permit process but noted that his concern was no consultation or information sent to the landowners regarding the proposed changes to the OCP.
➤ Concerned about how things are going to possibly change in the future in the Industrial Park as he does not want to see the proposed Policies

bringing huge repercussions with them.

- How lands are drained and treated concerns him but noted that bringing more walking trails through the area brings people, cars and drinking parties also into the area and he does not want to see more activity brought down into the Industrial Park.

Director Duncan

- Is he speaking about Hykaway Park?

Tom Gierc

- Does not know about Hykaway Park but knows that young people come down onto the Industrial Park property under the covered area and they are drinking on site.
- They see the current problem possibly getting bigger in the future.

Director Duncan

- A possible response would be to contact the RCMP.
- There is an intention to build a trailway and viewing platform over the habitat that was recently created in Busy Place Creek.
- There is an active streamkeepers group working on Busy Place Creek and they work in conjunction with the Ministry of Environment to remediate previous fish habitat damage which had previously taken place.
- When the Industrial Park was originally zoned approximately 35 years ago the CVRD did not take proper care of those ecological features and the fish habitat was damaged.
- CVRD is meeting the Riparian Areas Regulations that have been brought down by the Province.
- It is proposed to be river corridor conservation and it does not mean it will be an area with picnic tables or an area that encourages people to drink and party on.

Tom Gierc

- Does not think anyone in the room will not say that it is not a good project for the fish and understands there are local clubs involved with the fish habitat but his question comes back to what purpose does it serve to rezone the Industrial Park to park. It will have repercussions in the future as to how those properties can be used.
- When he bought his property he bought it as industrial land and changing the title of the property is only the first stage of a possible many stages of change that may not be welcome in the future.

Bob King

- Under 10.2, page 53, of the CVRD Bylaws the minimum parcel size for P-2 zoning is 10 hectares and the CVRD owns property around Wake Lake that is less than 8 hectares and asked how that land qualified for P-2 zoning when it is in contravention of the CVRD Bylaws?

Director Duncan

- Asked how many people in the room own a parcel that was smaller than the minimum parcel size that they were in?
- Parcels can be less than the minimum parcel sizes.

Mike Tippet

- Minimum parcel sizes in Zoning Bylaws are subdivision regulations and are not a minimum site area requirement. If 8 ha was a site area requirement then Mr. King would have been correct but noted the minimum parcel size is purely a subdivision regulation and if the minimum parcel size was 8 ha, all it means is that a person would need to have 16 ha in order to subdivide.

Bob King

- Proposed Amendment is not a subdivision, it is a rezoning.

Mike Tippet

- Clarified it is a subdivision regulation he was quoting.

- Bob King** ➤ Was reading from P-2 River Corridor Conservation, Part 10.2.
- Director Duncan** ➤ Still not sure what his question was and stated the CVRD Board has the authority to rezone that property to the River Corridor Conservation Zone.
- Judy Hershman** ➤ Does Bill 27 specifically suggest or recommend the creation of the Wetland Protection Development Permit Area?
- Director Duncan** ➤ Does not believe Bill 27 spoke to that they leave it to the local government to do what they choose to do and the Province instructed that local governments to develop policies and that has been done.
- Paul Budding** ➤ Lives on Akira Road.
➤ Existing properties that are already developed, is there any intent to put more requirements on those properties and will it affect those properties?
➤ He cannot subdivide smaller than 5 acres as he has a covenant registered on his property.
- Director Duncan** ➤ No, will not be coming down his driveway and tell him about new stuff.
- Paul Budding** ➤ Gun Club property has a large creek running through it and asked why the protection zone did not go up into that area. Why the only the lower section was targeted and it did not include the upper parcels?
- Director Duncan** ➤ He consulted with staff and that 1,000 metre was chosen and noted that it could be bigger. Most of the regulations are broadly across Electoral Area E and Part of Area F.
➤ If someone thinks it should be a larger or smaller catchment area that should be brought forward during the Minutes and it should be stated what was preferred and then it would be in the Minutes.
- Paul Budding** ➤ Is in a personal conflict as he does like the Gun Club and he personally wanted to see it included and not just the people targeted below it.
- Director Duncan** ➤ Riparian Areas Regulations also apply to the Gun Club property.
- Alison Garnett** ➤ Proposed Wetland Protection Development Permit Area that would apply to subdivision would apply to all lands in Electoral Area E and that also included the Gun Club property.
- Leo Kasbergen** ➤ Wilson Road
➤ Does not understand why the CVRD wants to create more recreational park?
- Director Duncan** ➤ That park property is proposed to be zoned as P-2 River Corridor Conservation and there would be no development of recreation features and it is not a recreation piece of land.
➤ Wake Lake has a small viewing platform for the public to view the habitat; there will be a habitat information kiosk on the site along with one picnic table and three parking spaces.
- Leo Kasbergen** ➤ Does he not think there will be vandalism there?
- Director Duncan** ➤ Hopes not but noted that vandalism occurs everywhere and it gets fixed.

Dave Aldcroft

- Cowichan Valley Naturalists Society and he has been working on Busy Place Creek.
- The Naturalists have raised approximately \$15,000. to go towards trees, future trails and helps build a release platform for children to release salmon and trout that they have raised in the classroom.
- Sorry that there has been vandalism and theft experienced in the area but noted that is a symptom of society and hoped by educating children there will be more respect for the land.

Director Duncan

Asked for further questions from the public present three times regarding Official Community Plan Amendment Bylaws No. 3680 and 3681 and Zoning Amendment Bylaw No. 3682.

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

Kathy O'Donnell

- Is a retired teacher and started the Sh-hwuykwselu Busy Creek Streamkeepers 11 years ago and works with the children on it.
- Read her letter (EXHIBIT 26) verbatim noting concerns regarding the rezoning from I-1 to P-2 in the Sh-hwuykwselu Busy Place Stream area.
- Hopes that some of the previous comments made at the Hearing regarding consultation in the OCP with the local businesses in the area, also people in agriculture and people who fish will be addressed. Has talked with the BC MoT and the local businesses regarding flooding concerns and stated that all those things need to get started soon.

Heather Barnfield

- Read her letter (EXHIBIT 23) regarding water quality concerns and quality of fish habitat on Busy Place Creek.

Evelyn

- Lives on Polkey Road as security and mows the lawns in front of the stream and would like to help clean up the stream more but she has been asked not too and she does not know why.

Warrick Whitehead

- Riverbottom Road
- Looking at the future for generations to come in the Cowichan Valley for creeks, rivers, lakes, wetlands and boglands all need to be protected right now as they might not be able to be passed onto the next generation.
- Happy that all of Area E and Part of Area F have taken this on as it is setting a good example for all of the other areas in the Cowichan Valley.
- Need to look at the future generations and what will be passed onto them and the wetlands areas should be set aside and protected.

Rose Rogan

- Jordan's Lane
- Supports all three proposed Amendments.
- Last fall had the opportunity with Biologists on tracking the Western Toads in her area and noted she had one Toad they tracked very closely. That species is unbelievable and there are many more species in the wetlands and they need to be protected too.
- Swamps and ponds have been previously filled in and the species are disappearing and they now need to be saved before they are gone and they cannot come back.
- Also supports the protection of the Chemainus River with a proposed

caretaker's residence as that would help out with the vandalism that occurs in that area.

Keith Williams

- Is the Alternate Director for Area E but noted is at the meeting as a concerned Valley resident.
- Supports the proposed Bylaw Amendments with public consultation.
- APC is a group of people who represent the citizens in the area they live in and they help give a broad scope of consideration to all things they are reviewing. Suggested that people contact the Area Director or APC members to find out what is going on in the community.
- Walks in the back country and it is heartbreaking to see what the forest companies have been doing in the creeks and watersheds.
- Encourages people working on the OCP and the CVRD to use wording and influence to put pressure on the Provincial Government to put some teeth back in the regulations over the forest companies because if logging continues there will be no streams left.

Judy Hershman

- Lives on Sunrise Road and owns property south of Wake Lake and has lived in the area for 22 years.
- Has concerns with all three proposed Bylaws and in many ways does not support them as noted within her letter (EXHIBIT 32) that she read verbatim.

Mike Lees

- Hoped the previous speaker also submitted her letter in order for all of the Electoral Area Directors to review it.
- Wetlands should be preserved and protected now.
- As a Volunteer Fire Chief over the years he fought with developers to have them help pay with the infrastructure that people had already put in place and supports a bylaw that will make developers aware that they will have to pay to help support the social part of the community.

Frank McCorkell

- Fully supports the proposed Bylaws Amendments.
- Chemainus River Park needs to have something done at it before there is a forest fire or before someone is killed there and someone patrolling it would be beneficial.
- Wake Lake is a gem and the wetlands have to be saved.

Speaker

- Lives on Sunrise Road and supports the three proposed Bylaws.
- Is involved with various stewardship groups in the Cowichan Valley and their goal is to have a healthy watershed and maintaining wetlands is crucial to having a healthy watershed.
- Proactive step coming forward with stewardship in the watersheds.

Paul Budding

- His property is the best piece of property in his subdivision due to the covenant that is on his property. Has a buffer and trees on his site and he treasures his covenant area as it is the most peaceful piece of his property.
- Very aware of the wildlife in the area and hopes the proposed plan does not sound a little excessive to the people in the area.
- Does not want to see retired people affected by the proposed amendments.

Kate Miller

- She and her Husband live on Riverbottom Road below the escarpment that was damaged by some of the previous developments.
- Both she and her husband support the proposed Bylaw Amendments as they will protect the resources in the area.

- Wetlands are a valuable resource and they need to be recognized and supported.
- Supports the creative solution for the Chemainus River Park issue as it is a real jewel and needs to be protected. Creating a caretaker's residence will also help the community who live in that area.

David Aldcroft

- Cowichan Valley Naturalists Society.
- Fully supports all three proposed Bylaw Amendments.
- Presently the Western Toads are Yellow Listed and the Red Legged Frogs are Red Listed and asked what is the Government doing to protect them and his answer is nothing. The proposed amendments are a starting point in the protection process and applauds them.
- For information the DFO Habitat Biologist for this area is based out of Salmon Arm and noted he was pleasantly surprised and happy to see the proposed legislation coming forward.

Jan Whitehead

- Lives and owns 20 acres on Riverbottom Road
- Her property will be more valuable with the preservation of wetlands and wildlife.
- Wetlands provide freshwater and if more subdivisions occur sources of freshwater will be lost.
- Bylaws should go through.

ADJOURNMENT

Chair Duncan asked for public comments or submissions three times from the public present regarding Official Community Plan Amendment Bylaws No. 3680 and 3681 and Zoning Amendment Bylaw No. 3682.

Chair Duncan declared the Public Hearing closed at 8:50 p.m.

CERTIFICATION:

We attended the Public Hearing on Wednesday, May 1, 2013, and hereby certify that this is a fair and accurate report of the Public Hearing.


Director Loren Duncan, Chair


Date June 4, 2013

Absent
Director Lori Iannidinardo

Date _____


Director Bruce Fraser

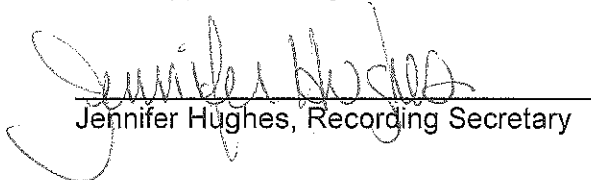
Date June 4 2013


Director Ian Morrison

Date June 4, 2013


Mike Tippett, Manager

Date June 4, 2013


Jennifer Hughes, Recording Secretary

Date May 30, 2013