



**NOTICE OF  
ELECTORAL AREA SERVICES COMMITTEE MEETING**

Tuesday,  
April 20, 2010  
Regional District Board Room  
175 Ingram Street, Duncan, BC

**3:00 pm**

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11. **PUBLIC/PRESS QUESTIONS**
12. **CLOSED SESSION**  
Motion that the meeting be closed to the public in accordance with the Community Charter Part 4, Division 3, Section 90(1), subsections as noted in accordance with each agenda item.  
  
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13. **NEXT MEETING**  
Tuesday, May 4, 2010 - **2:00 pm start**
14. **ADJOURNMENT**

**NOTE: A copy of the full agenda package is available at the CVRD website [www.cvrld.bc.ca](http://www.cvrld.bc.ca)**

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Director B. Harrison  
Director K. Cossey  
Director I. Morrison

Director M. Marcotte  
Director G. Giles  
Director K. Kuhn

Director L. Iannidinardo  
Director L. Duncan  
Director M. Dorey

M/

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, April 6, 2010 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

**PRESENT**

Director B. Harrison, Chair  
Director M. Marcotte, Vice Chair  
Director L. Iannidinardo  
Director G. Giles  
Director K. Kuhn  
Director I. Morrison  
Director M. Dorey  
Director L. Duncan  
Director K. Cossey

**CVRD STAFF**

Tom Anderson, General Manager  
Rob Conway, Manager  
Mike Tippett, Manager  
Brian Farquhar, Parks and Trails Manager  
Alison Garnett, Planning Technician  
Jill Collinson, Planning Technician  
Brian Duncan, Chief Building Inspector  
Warren Jones, Administrator  
Cathy Allen, Recording Secretary

**APPROVAL OF  
AGENDA**

The Chair noted changes to the agenda which included seven listed items of new business, three additional new items of Business, and one listed new Closed Session item.

It was Moved and Seconded  
That the agenda, as amended, be accepted.

MOTION CARRIED

**M1 - MINUTES**

It was Moved and Seconded  
That the minutes of the March 16, 2010 EASC meeting be accepted.

MOTION CARRIED

**BUSINESS ARISING**

There was no business arising.

00003

## DELEGATIONS

### D1 - Morris

Rob Conway, Manager, presented Application No. 5-B-08RS (Dan and Gail Morris) to rezone 4.124 hectares located on Mountain Road and Humes Road from F-1 to A-2 to allow subdivision into two lots.

Dan Morris, applicant, provided further information to the application.

The Committee directed questions to applicant.

It was Moved and Seconded

That application No. 5-B-08RS (Dan and Gail Morris) be denied, and that a partial refund be given to the applicant in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3275.

MOTION CARRIED

### D2 - Hayward

Jill Collinson, Planning Technician, presented Application No. 1-C-10DVP (Daniel Hayward) to relax side interior parcel line setbacks to allow for an addition to the existing home located at 3616 Vanland Road.

Daniel Hayward, applicant, was present.

The Committee directed questions to the applicant and staff.

It was Moved and Seconded

That application No. 1-C-10DVP by Daniel Hayward for a variance to Section 8.2(b) Zoning Bylaw No. 1405, decreasing the setback to the side interior parcel line from 3.0 metres to 2.4 metres **be approved**, subject to the applicant providing a survey confirming compliance with approved setbacks.

MOTION CARRIED

### D3 - Abbott

Kelly Abbot was present regarding fencing regulations. Ms. Abbott distributed pictures and letters and petition from adjacent neighbours on Kilipi Road.

Ms. Abbot requested that the bylaw fence height restriction be changed to allow for her existing six foot fence located at 3236 Kilipi Road for safety reasons.

The Committee directed questions to the delegate.

**STAFF REPORTS**

**SR1 – Fence Height Regulations**

It was Moved and Seconded

That staff review fence height regulations as part of the South Cowichan OCP (Areas A, B & C), and Areas D and E OCP review process; and in the interim, that fence height variance requests be reviewed on a case by case basis.

MOTION CARRIED

It was Moved and Seconded

That the issue respecting non-conforming fence located at 3236 Kilipi be referred to closed session.

MOTION CARRIED

**SR2 – Bill 27**

Mike Tippet, Manager, and Alison Garnett, Planning Technician, reviewed Staff Report dated March 31, 2010, regarding Bill 27 – Reduction Targets for Greenhouse Gas Emissions.

It was Moved and Seconded

That the draft OCP bylaw amendments regarding Bill 27 requirement to introduce greenhouse gas emission reduction targets, be referred to the respective Advisory Planning Commissions for comments.

MOTION CARRIED

Committee members suggested that a joint APC and OCP Review Committee workshop be held where staff could explain the new Bill and then review the proposed bylaw amendments. Staff will communicate to the Ministry advising of the CVRD's course of action and get clarity respecting the Ministry's deadline.

**SR3 – Dogwood Ridge**

It was Moved and Seconded

That the Staff Report dated March 30, 2010, from Dave Leitch, Manager, regarding Dogwood Ridge Capital Works Upgrades, be received and filed.

MOTION CARRIED

**SR4 – File #1-H-09RS** Rob Conway, Manager, reviewed Staff Report dated March 29, 2010, regarding draft amendment bylaws for Application No. 1-H-09RS (Heart Lake Developments Ltd.).

It was Moved and Seconded

That the draft OCP and Zoning Amendment Bylaws respecting Application No. 1-H-09RS (Heart Lake Developments) be forwarded to the Regional Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> readings; and further that a public hearing be scheduled and that Director M. Marcotte, Director M. Dorey and Director I. Morrison be delegated to the public hearing.

MOTION CARRIED

**SR5 – House Numbering** Brian Duncan, Chief Building Inspector, reviewed Staff Report dated March 31, 2010, regarding House Numbering/street address signage.

General discussion ensued.

It was Moved and Seconded

That the Staff Reported dated March 31, 2010, regarding House Numbering, be received and filed.

MOTION CARRIED

**SR6 – Earth Day Event** It was Moved and Seconded  
That the request from the Earth Week Committee to use select CVRD Community Park locations for their “Green Footprint Challenge” over three weekends between April 9<sup>th</sup> and 25<sup>th</sup>, be approved.

MOTION CARRIED

**SR7 – Boat Signage** It was Moved and Seconded  
That the four missing “Boater Safety” signs at the entrances to Shawnigan and Cowichan Lakes be replaced.

MOTION CARRIED

It was Moved and Seconded

That staff be directed to communicate with the Cowichan Lake Stewardship Committee regarding siting of the replacement “Boater Safety” signs, subject to approval of the location sites by the Ministry of Transportation.

MOTION CARRIED

**SR8 – Gas Tax Fund**

Warren Jones, Administrator, reviewed Staff Report dated revised March 15, 2010, regarding Gas Tax Regionally Significant Projects Fund Extension 2010-2014.

General discussion ensued.

It was Moved and Seconded

That Kerry Park Recreation Centre Water/Sewer Utilities Upgrade Project be recommended for consideration as a Gas Tax program “Regionally Significant Project” and be included into the 2010-2011 priority list.

MOTION CARRIED

It was Moved and Seconded

That Cowichan Lake Recreation Centre – Permanent Paving Project be recommended for consideration as a Gas Tax program “Regionally Significant Project” and be included into the 2010-2011 priority list.

MOTION CARRIED

Committee members provided several suggestions to the Administrator and requested that a priority list be prepared and distributed to Committee members.

**APC**

**AP1, AP2, AP3,  
NB10- Minutes**

It was Moved and Seconded

That the following minutes be received and filed:

- Minutes of Area A APC meeting of March 9, 2010
- Minutes of Area B APC meeting of March 10, 2010
- Minutes of Area D APC meeting of March 19, 2010
- Minutes of Area A APC meeting of March 25, 2010

MOTION CARRIED

**PARKS**

**PK1, PK2 - Minutes**

It was Moved and Seconded

That the minutes of the Area C Parks Commission meeting of March 25, 2010 and March 9, 2010 be received and filed.

MOTION CARRIED

**CORRESPOND-  
ENCE**

**C1 – CRD Boundary  
Change**

It was Moved and Seconded

That a letter be forwarded to the Capital Regional District advising that the Cowichan Valley Regional District has no concerns with their proposed boundary change that relates to CRD watershed lands provided that the CVRD reserves the option to utilize the Sooke watershed if required.

MOTION CARRIED

**C2, C3, C4, C5, NB2  
to NB8 – Grants in  
Aid**

It was Moved and Seconded

That the following grants-in-aid be approved:

- Grant-in-aid to Cowichan Secondary School in the amount of \$1,000 to provide two bursaries (\$500) each to deserving Area C – Cobble Hill graduating students.
- Grant-in-aid to Garden House Foundation in the amount of \$500 to assist with Foundation activities.
- Grant-in-aid to Mill Bay/Malahat Historical Society in the amount of \$10,000 to assist the Society in their efforts to collect, preserve and present the history and heritage of the Mill Bay/Malahat Electoral Area.
- Grant-in-aid to Cowichan Carbon Busters in the amount of \$750 to assist with their Energy Solutions Bus project.
- Grant-in-aid to Cowichan Carbon Busters in the amount of \$500 to assist with their Energy Solutions Bus project.
- Grant-in-aid to LCSS Dry Grad 2010 in the amount of \$1,040 to support the safe and memorable 2010 graduation and prom activities.
- Grant-in-aid to Lake Cowichan Secondary School in the amount of \$500 to support the scholarship and bursary program for deserving graduates.
- Grant-in-aid to Mesachie Lake VFD Association in the amount of \$1,250 to support the Association past service recognition dinner and plaque presentation event.
- Grant-in-aid to Honeymoon Bay Community Society in the amount of \$500 to assist with sponsorship of Heritage Days on May 15, 2010.
- Grant-in-aid to Lake Days Society in the amount of \$400 to assist and co-sponsor Lake Days “Breakfast in the Town” event on June 12, 2010.
- Grant-in-aid to Cowichan Lady of the Lake Society in the amount of \$1,125 to support the Youth Ambassador Program.

MOTION CARRIED

00008



**NEW BUSINESS**

- 1 – May 4 EASC Start**      It was Moved and Seconded  
That the start time for the regular EASC meeting on May 4<sup>th</sup> be changed from 3:00 pm start to 2:00 pm to allow for a special delegation from Economic Development staff respecting the Area Agricultural Plan.

MOTION CARRIED

- 2 –May 18 EASC Start**      It was Moved and Seconded  
That the start time for the regular EASC meeting on May 18<sup>th</sup> be changed from 3:00 pm to 2:00 pm to allow for a special delegation from Landworks Consultants respecting the draft Subdivision Servicing Bylaw.

MOTION CARRIED

- 3 – MOT maintenance concerns**      It was Moved and Seconded  
That a letter be forwarded to the Ministry of Transportation requesting that a centre line and turn lane line be painted at the crosswalk to Frances Kelsey Secondary School due to safety concerns.

MOTION CARRIED

It was Moved and Seconded  
That staff be directed to contact appropriate Ministry of Transportation officials and sub-contractors to arrange a meeting with EASC members to discuss items of concern.

MOTION CARRIED

- 4 – Chevron Agreement**      Director Giles reviewed the devastation at the Mill Bay Marina caused by the recent wind storm and suggested that Chevron should be contacted respecting previous agreement to use their environmental cleanup equipment for future emergencies.

It was Moved and Seconded  
That the CVRD contact Chevron Canada to reaffirm their agreement, made at the time of their rezoning application approval, to provide their on-site environmental clean-up equipment in time of emergencies, and whether or not they are still willing to live up to that agreement and make their equipment available from Cowichan Bay through to Mill Bay and Finlayson Arm.

MOTION CARRIED

**CLOSED SESSION**

It was Moved and Seconded

That the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90(1), subsections as noted in accordance with each agenda item.

**MOTION CARRIED**

The Committee moved into Closed Session at 5:30 pm.

**RISE**

The Committee rose and reported as follows:

It was Moved and Seconded

That bylaw enforcement action NOT be taken respecting existing fence located at 3236 Kilipi Road which exceeds the maximum allowed fence height.

**MOTION CARRIED**

**ADJOURNMENT**

It Was Moved and Seconded

That the meeting be adjourned.

**MOTION CARRIED**

The meeting adjourned at 5:50 pm.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary



D1

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE OF APRIL 20, 2010

**DATE:** April 13, 2010 **FILE NO:** 4-A-09RS  
**FROM:** Dana Leitch **BYLAW NO:** 2000  
Planner, Development Services Division  
Planning and Development Department  
**SUBJECT:** Proposed Zoning and OCP Amendment Bylaw (J.E.  
Anderson & Associates for Baranti Developments)

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#### **Recommendation:**

That staff be directed to prepare OCP and Zoning amendment bylaws for Application No. 4-B-09RS (Baranti Developments) that would permit a bare-land subdivision of 40 lots.

That a public hearing be scheduled with Directors Harrison, Cossey, and Giles appointed as Board delegates, following submission of draft covenant by the applicants committing to the dedication 4.39 ha of land on the southern portion of the property at the time of subdivision.

That application referrals to the Ministry of Transportation and Infrastructure, the Vancouver Island Health Authority, the Ministry of Environment, the Ministry of Community and Rural Development, School District No. 79, Malahat First Nation, Cowichan Tribes, Mill Bay Waterworks District, CVRD Public Safety Department, CVRD Parks and Trails Division, and the CVRD Water Management Division be accepted.

#### **Purpose:**

To consider an application to amend the Electoral Area A Zoning Bylaw No. 2000 to change the zoning on the south 8.0 hectares of Parcel A (DD 36099<sup>1</sup>) of District Lots Lot 77 and 80, Malahat District from Primary Forestry (F-1) to Urban Residential Limited Height (R-3A) to allow a bare-land subdivision of 40 lots.

**Financial Implications:** N/A

**Interdepartmental / Agency Implications:** N/A

#### **Background:**

**Location of Subject Property:** South end of Rozon Road, Mill Bay BC

00011

Legal Description: Parcel A (DD 36099<sup>1</sup>) of District Lots Lot 77 and 80, Malahat District

Date Application and Complete Documentation Received: June 29, 2009

Owner: Baranti Developments Ltd. (Barry Bickford)

Applicant: Danny Carrier/Peter Wittstock, J.E. Anderson & Associates

Size of Parcel: ± 16.0 ha (± 39 ac.)

Size of parcel to be rezoned: ± 8.0 ha (± 197.7 ac.)

Current Zoning: Primary Forestry (F-1)

Proposed Zoning: Urban Residential Limited Height (R-3A)

Minimum Lot Size Under Existing Zoning: 80.0 hectares (197.67 ac.)

Minimum Lot Size Under Proposed Zoning: 0.1675 ha for parcels served by a community water and sewer system;  
0.2 ha for parcels served by a community water system only; and  
1.0 ha for parcels served by neither a community water nor sewer system.

Existing Plan Designation: Forestry

Proposed Plan Designation: Urban Residential

Existing Use of Property: The 8.0 ha portion of the subject property is vacant.

Existing Use of Surrounding Properties:

Parcels that immediately surround the property are urban residential lots with average parcel sizes that range between .12 ha and .23 ha (.29 and .56 acres). The comprehensive development lots to the south permit single family and multiple family residential lots with sizes that range between 0.074 ha and 0.1 ha (.18 and .24 acres).

Zoning in the area is predominantly urban residential, although there is some comprehensive development zoning immediately south of the property and some suburban residential lands west of the property.

Services:

Road Access: Two newly created strata roads will be constructed onsite and will be accessed from the south end of Sangster Road and Rozon Road

Water: Community water is being proposed

Sewage Disposal: Community sewage is being proposed

Agricultural Land Reserve Status: The subject property is outside of the ALR.

00012

Contaminated Sites Regulation: Declaration pursuant to the *Waste Management Act* signed by the property owner. No "Schedule 2" uses noted.

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas (2000) identifies a trim stream with possible fish presence on the subject property. According to the applicant one wetland and several watercourses are present on the property. During a site visit of the in January 2009, staff observed several smaller watercourses and one wetland.

Archaeological Site: There are no confirmed archaeological sites on the property.

### **Property Context:**

The subject property is located approximately 75 metres west of the Trans Canada Highway south of the Sentinel Ridge subdivision. The property is long and narrow and the entire property is approximately 16.0 ha in size. The applicant is only applying to rezone the south 8.0 ha of the property as the northern half is already zoned R-3A. A majority of the property is heavily treed, vegetated, and vacant.

This area in Mill Bay is characterized by a mixture of residential densities and a majority of the land immediately surrounding the property are urban residential lots that were created within the last 5 years. An urban residential subdivision of 40 lots has already been approved on the northern portion of the property with lot sizes ranging from 0.1 ha to 0.16 ha (.25 to .39 acres). The Sentinel Ridge subdivision to the north contains lots that range in size from .12 ha to 0.23 ha (.32 to 0.57 acres). Land to the south is zoned for comprehensive development use which includes both single family and multiple family residential uses. The minimum parcels sizes for a single family residential dwelling within the CD-2 zone is .074 ha (0.18 acres). To the immediate west of the subject property is a mix of R-3 lands and R-2 lands. The R-3 land permits residential parcels that are 0.1675 ha (0.41 acres) in size with connections to a community water and a community sewer system. The R-2 parcels to the west range in size from approximately .12 ha to .69 ha (.29 to 1.5 acres). The Malahat Indian Reserve No. 11 to the east is approximately 37 ha (91 acres) in size. The only other zoning designations evident in the area are some blocks of Primary Forestry land beyond the residential lands to the west and the south, which have a minimum parcel area of 80 ha. (197.7 ac.).

Rozon Road and Sangster Road access the property to the north and Sangster Road will be built during the last phase of the development on the northern half of the property. Both Rozon Road and Sangster Road begin at Noowick Road, the roads are slightly less than half of a kilometre in length and are paved public roads. Both roads terminate at the northern boundary of the subject property.

The subject property is located south of Mill Bay village and is relatively close to local shopping facilities by vehicle. The property is approximately 2.0 km from Mill Bay village and about 1.2 km from Frayne Centre. There is a transit bus that takes passengers from Frayne Centre to Mill Bay village and other local shopping venues in the valley. The properties are about a 10 minute walk from Frayne Centre and about 20-30 minutes walking distance from Mill Bay village.

### **The Proposal:**

The southern 8.0 ha portion of the property is vacant and contains no buildings or structures. The applicant is applying to rezone so that the property can be subdivided into urban residential lots. The zoning amendment requested would allow the property to be subdivided into approximately 40 bare-land strata lots. The applicants have used the density averaging provisions under the *Bare Land Strata Subdivision Regulation* to permit lot sizes smaller than specified in the zoning. The total parcel area of the site has been averaged to achieve an average lot size of 756 m<sup>2</sup>. (.07 ha or .18 ac) and the overall density prescribed in the R-3A zone has not been exceeded.

A schematic subdivision plan for the southern half of the property was provided with the application and illustrates the overall subdivision concept including the layout of the lots, lot configurations, and the location of roads, walkways, environmentally sensitive areas, and park land. This plan also illustrates the subdivision plan for the northern half of the property which is already zoned R-3A. This plan indicates that the applicant is proposing to dedicate 4.39 ha of land to the CVRD for both park land and environmental protection. This land dedication represents approximately 55% of the total land area on the southern portion of the property. Roughly 28% of the total site area on the northern portion of the property is being dedicated as green space. A copy of the conceptual subdivision plan has been attached for your reference.

### **Policy Context:**

#### ***Area A Official Community Plan:***

The Area A OCP designates the southern portion of the subject property as Forestry and the northern portion is already designated as Urban Residential.

The OCP contains both forestry and residential policies that relate to the development application, they include:

*Policy 6.3.1 – Except where specifically prohibited by other policies contained within this Plan or the policies of the provincial government, forestry related uses shall be given priority in the forestry designation.*

*Policy 7.3.1 – Infilling shall be encouraged in existing residential areas, with further designation of land for residential purposes being conditional on a review of residential land availability in the general area.*

*Policy 7.3.2 – Rezoning proposals for residential development will be considered based upon the following criteria:*

- a) protection of hazard lands and environmentally sensitive areas;*
- b) impact on surface water and ground water;*
- c) sewage disposal impacts and pollution potential;*
- d) relationship to the natural resource management policies in this Plan;*
- e) integration with natural surroundings and adjacent land uses;*
- f) provision of green space and parkland;*
- g) provisions for public safety; and*
- h) other criteria which encourage the creation of a sustainable community.*

*Policy 7.3.4 – Cluster forms of development may be permitted through the use of a density averaging formula where it would facilitate more efficient use of the land while protecting the amenities and features of a site. Where a subdivision is created by means of density averaging, maximum densities (excluding all roads, parks, and schools) shall not exceed those permitted through conventional subdivision, and all residual lands necessary for the establishment of the permitted overall density shall be protected from further subdivision and development by restrictive covenant registered against the title or by dedication of the land for park/or greenway purposes.*

*Policy 7.3.6 – Where a proposed development would result in the creation of five or more dwellings, a neighborhood plan and other illustrative plans or diagrams shall be required in order to facilitate the review of the proposal. The neighborhood plan will indicate:*

- a) an overall subdivision concept;*
- b) layout for lots, showing buildings, setbacks, roads, walkways, and trail, parks, playgrounds and community buildings;*
- c) connections with the surrounding community, including walkways, trails and community linkages;*
- d) any impacts on the surrounding neighborhood, indicating how potentially negative impacts will be mitigated; and*
- e) any other information required to determine the suitability of the proposed development with regard to the policies of this Plan.*

*Policy 7.3.8 – Development shall be integrated with natural surroundings. The style and finish should complement the surrounding community design, landscape, and vegetation.*

*Policy 7.6.1 – For lands designated as Urban Residential, a maximum density (excluding all roads, parks, and schools) shall not exceed one dwelling unit per 1.0 hectare (2.47 acres), where community water is not provided. Where community water is provided and community sewage disposal is not provided, the maximum density shall not exceed one dwelling unit per 2000 square metres (0.5 acres). Where community water and community sewage disposal are provided, the maximum density shall not exceed one dwelling unit per 1675 square metres (0.4 acres).*

*Policy 7.6.7 – Lands designated as Urban Residential shall be located within the Urban Containment Boundary shown on Figure 3.*

*Policy 7.8.5 – In considering applications for rezoning of land to a zone that would permit a higher density, the applicant may be required to submit a marketing profile that will identify the housing needs of the community and the anticipated costs of the proposed land or housing.*

*Policy 7.9.4 – Urban residential densities shall not be permitted outside of the urban containment boundary.*

### **Area A Zoning Bylaw:**

The Area A zoning bylaw presently has two zones applicable to the Forestry designation – Primary Forestry (F-1) and Secondary Forestry (F-2). Permitted uses in the two forestry zones are quite similar in that they both permit the management and harvesting of forest products, silviculture, agriculture, home occupation, bed and breakfast accommodation, and single family dwelling as permitted principal uses. The key difference between the zones is the minimum lot size. The minimum lot size of the F-2 zone is 4.0 ha which is considerably smaller than the 80 hectare minimum in the F-1 zone.

The Urban Residential (R-3A) zone requested by the applicant is a residential zone and does not permit forestry related uses. Some of the permitted uses in the R-3A zone are similar to the F-1 zone in that they both permit horticulture, daycare, home occupation, secondary suite or small suite, and a single family dwelling. A copy of the F-1 and R-3A zones, including a complete list of permitted uses, is attached to this report.

### **Advisory Planning and Parks Commission Comments:**

The Area A Advisory Planning Commission reviewed this application at their February 9, 2010, meeting where the following motion was passed:

*That the rezoning application be deferred for consideration until the OCP review for Mill Bay/Malahat is complete.*

The minutes from the February 9, 2010 APC meeting are attached.

### **Government Agency Comments:**

This application was referred to government agencies on January 26, 2010. The following is a list of agencies that were contacted and the comments received.

- Ministry of Transportation and Infrastructure – *Interests unaffected.*
- Malahat First Nation – *No comments received.*
- Cowichan Tribes – *We have looked at this referral again, and have put this on our medium – low priority. Because of this we will not be responding to this referral.*
- School District 79 – *No comments received.*
- Mill Bay Waterworks District – *Approval recommended subject to the developer reaching an agreement with Mill Bay Water and the developer meeting MBWD specifications.*
- Vancouver Island Health Authority – *This office has no objections to this proposal, provided it is serviced by a community sewage system and a community water system. The applicant should be aware that if a supplemental water source(s) is required by the Mill Bay Water District, the source(s) location and quality will have to be approved through this office.*
- Ministry of Community and Rural Development –
  - *Thank you for referring bylaw 4-A-09RS (J.E. Anderson and Associates for Baranti Development Ltd) to MCD for comment.*
  - *Due to our role in the bylaw approval process, the Ministry does not generally offer comments at the referral stage. However, we would like to provide you with some considerations that may facilitate your future request for the Minister of Community and Rural Development's approval.*



- *Please ensure that you have referred this bylaw to the appropriate ministries and agencies and that you provide a record of the results of your referral efforts with your bylaw submission.*
- *The information you provide with your bylaw approval request will be reviewed for First Nations consultation. The Ministry recently sent the Interim Guide to First Nations Engagement on Local Government Statutory Approvals (Guide) to all local governments, which I have attached for your reference.*
- *You may also wish to consider the commitment your regional district has made by signing the Climate Action Charter, specifically in the area of developing compact, complete communities. If this is an OCP update or amendment, please ensure that the bylaw meets the requirements of section 877(3)—targets for the reduction of green house gas emissions.*
- *Finally, prior to submitting your bylaw for approval, you may also wish to review the legislation and the related exemption regulation to ensure that Ministerial approval is needed—here is a link to the planning circular on this exemption [http://www.cd.gov.bc.ca/lgd/intergov\\_relations/planning\\_circulars/cir0301.htm](http://www.cd.gov.bc.ca/lgd/intergov_relations/planning_circulars/cir0301.htm).*
- **CVRD Parks, Recreation and Culture Department –**
  - *The Parks and Trails Division has reviewed the potential rezoning application for the southern portion of the Bickford property and has forwarded the information on to the Area “A” Parks and Recreation Commission for information purposes to remind the Commission of their earlier parks commitments for the overall property made in 2006 during the rezoning process for the northern portion of the property.*
  - *It is the Parks and Trails Divisions’ understanding that the Park dedication will occur at the time of subdivision and for this potential rezoning of the southern portion there will be 0.4 hectares of park dedicated that will be part of the section 941 of the Local Government Act for subdivision and 3.99 hectares of additional land to be dedicated to the CVRD along the riparian corridors with a covenanted “Environmental Protection Area” registered on the riparian area. A public trail will be constructed by the CVRD in the Special Management Zone portion of the riparian area with one creek crossing allowed. An adjustment to the RAR was done to ensure a public trail could be constructed within this Riparian area.*
  - *As per the proposed subdivision plan, the CVRD Parks and Trails Staff agree to the location of the parkland and note that the land must be transferred to the CVRD as a separately titled lot so that it can be registered on Land Titles concurrent with subdivision approval.*
- **CVRD Public Safety Department –**
  - *Minimum two points of access/egress to the proposed development should be considered to provide citizenry and emergency services personnel secondary evacuation.*
  - *The proposal is within the Shawnigan Lake RCMP Detachment area.*
  - *Proposal is within the British Columbia Ambulance (Station 137 Mill Bay) response area.*
  - *Proposal is within the Mill Bay Fire Improvement District response area.*

- *Public Safety does not object to consideration of the proposed zoning subject to the Mill Bay Water Improvement District confirming that the water in the area is compliant with “NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting” to ensure necessary firefighting water flows.*

### **Planning Division Comments:**

The OCP does not support the development of forestry lands, however, this property is a bit of an anomaly as it is an F-1 zoned parcel located in the midst of higher density residential lands. A majority of the land in this area of Mill Bay is located within the urban containment boundary and is designated for urban residential use, including the northern 8.0 ha of the subject property. Over the past few years this area of Mill Bay has transitioned as many larger residential lots have been redeveloped for higher density use. For example, urban residential zoning was introduced on properties to the west which permit small lot single family residential development and comprehensive development zoning was introduced on land to the south which permits smaller lot single family residential, multiple family residential, and duplex uses.

In accordance with OCP Policy 7.3.6 the applicant has submitted a conceptual subdivision plan. The plan illustrates the overall subdivision concept, lot layouts, lot configuration, location of roads, walkways, environmentally sensitive areas, and the location of the proposed land dedication. As part of the rezoning and subsequent subdivision application, the applicant is proposing to transfer approximately 55% of the land on the southern portion of the property to the CVRD so that it can remain undeveloped and be maintained as park land and green space.

Section 14.1 of the Zoning Bylaw and OCP Policy 7.3.4 enables cluster forms of development through the use of a density averaging formula where it would facilitate the more efficient use of the land while protecting amenities and features onsite. The policy further states where a subdivision is created by means of density averaging, maximum densities (excluding all roads, parks, and schools) shall not exceed those permitted through a conventional subdivision, and all residual lands necessary for the establishment of the permitted overall density shall be protected from further subdivision and development by a restrictive covenant registered against the title or by land dedication for park and/or greenway purposes. OCP Policy 7.6.1 prescribes the maximum permitted density within the R-3A zone. This policy states that for lands designated as Urban Residential, a maximum density (excluding all roads, parks, and schools) shall not exceed one dwelling unit per 1675 square metres (0.4 acres). In accordance with OCP Policy 7.3.4 the applicant is proposing that all residual lands used within the overall density calculation be gifted to the CVRD as fee simple lots and in accordance with OCP Policy 7.6.1 the parcel area of the south portion of site has been density averaged to achieve an average lot size of 756 m<sup>2</sup> which does not exceed the overall density prescribed in the R-3A zone.

OCP Policy 7.3.2 establishes criteria for residential development proposals. This criteria includes:

- a) *protection of hazard lands and environmentally sensitive areas;*
- b) *impact on surface water and ground water;*
- c) *sewage disposal impacts and pollution potential;*
- d) *relationship to the natural resource management policies in this Plan;*
- e) *integration with natural surroundings and adjacent land uses;*
- f) *provision of green space and parkland;*

- g) *provisions for public safety; and*
- h) *other criteria which encourage the creation of a sustainable community.*

Regarding criterion a and f, the applicant is proposing to dedicate approximately 28% of land on the northern portion of the property and an additional 55% of land on the southern portion of the property for park land and greenspace so that environmentally sensitive areas can be protected.

Regarding criterion b and c, the land owner is proposing to connect to Mill Bay Waterworks, a community water system. Mill Bay Waterworks has recommended approval of the development proposal subject to the land owner entering into an agreement and meeting their specifications. For sewage disposal, the land owner intends on connecting to the Sentinel Ridge community sewer system. The CVRD Water Management Division has confirmed that the land is included within community sewer system and the existing sewer treatment plant and disposal system is capable of treating and disposing sewage from this development.

Regarding criterion e, the proposed use and lots sizes integrate with the uses and lots sizes on surrounding parcels. Small lot urban residential uses exist to the north, west and south of the property.

Although the property is designated Forestry and the OCP does not support the further development of forestry lands or lands outside the Urban Containment Boundary, staff feel that the proposed use is appropriate and are recommending it proceed to the bylaw drafting stage and a public hearing.

The reasons for this are:

- This property is surrounded by higher density urban residential lands to the north, west, and south. The property is also located within an area of Mill Bay that has been transitioning from larger lot residential lands to smaller lot urban residential lands over the last 5 years with development approvals on lands to the immediate west and south of the property;
- Community water and sewer servicing is available to the property and there is confirmed capacity in both the community water system and community sewer system to accommodate the development;
- There is substantial land dedication being proposed with the development with approximately 55% of land being dedicated on the southern portion of the property;
- The property is relatively close to commercial and community services including Frayne Centre, Mill Bay village and schools;
- The property is surrounded by urban residential lands that are located in the urban containment boundary; and
- There is fire protection, ambulance, and police services provided to the property.

#### **Options:**

1. That staff be directed to prepare OCP and Zoning amendment bylaws for Application No. 4-B-09RS (Baranti Developments) that would permit a bare-land subdivision of 40 lots.

That a public hearing be scheduled with Directors Harrison, Cossey, and Giles, appointed as Board delegates, following submission of draft covenant by the applicants committing to the dedication 4.39 ha of land on the southern portion of the property at the time of subdivision.

That application referrals to the Ministry of Transportation and Infrastructure, the Vancouver Island Health Authority, the Ministry of Environment, the Ministry of Community and Rural Development, School District No. 79, Malahat First Nation, Cowichan Tribes, Mill Bay Waterworks District, CVRD Public Safety Department, CVRD Parks and Trails Division, and the CVRD Water Management Division be accepted.

2. That application 4-A-09RS be presented at a public meeting to obtain community input and that the application be reviewed at a future EASC meeting with a report documenting public input and draft bylaws.
3. That application 4-A-09RS be deferred for consideration until the OCP review for Mill Bay/Malahat is complete.
4. That application 4-A-09RS be denied, and that a partial refund be given to the applicant in accordance with CVRD Development Applications Procedures and Fees Bylaw No. 3275.

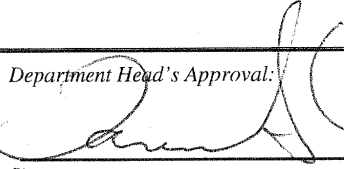
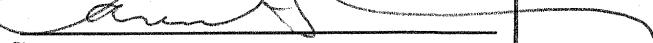
Option 1 is recommended.

Submitted by,



Dana Leitch,  
Planner  
Development Services Division  
Planning and Development Department

DL/ca

<p>Department Head's Approval:</p> 
<p>Signature</p> 



Cowichan  
Valley  
Regional  
District

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

The Regional District does not warrant the accuracy.

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

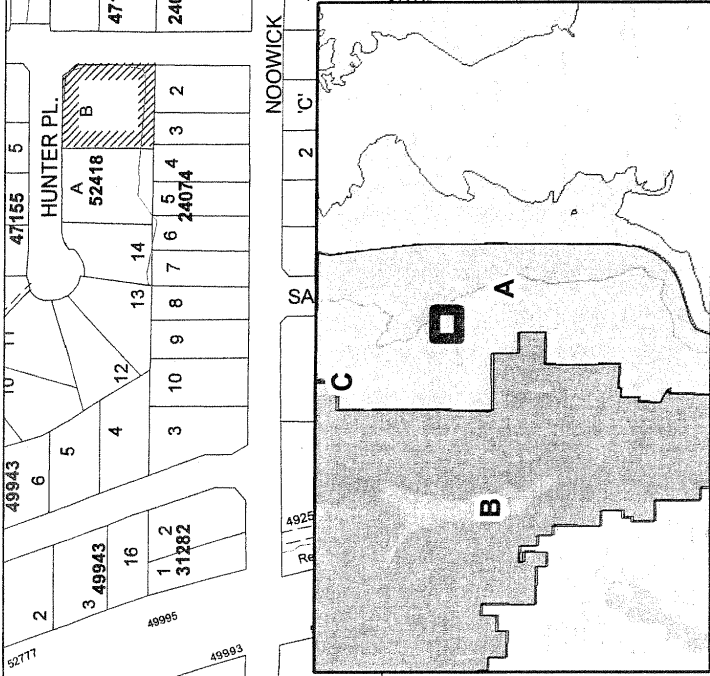
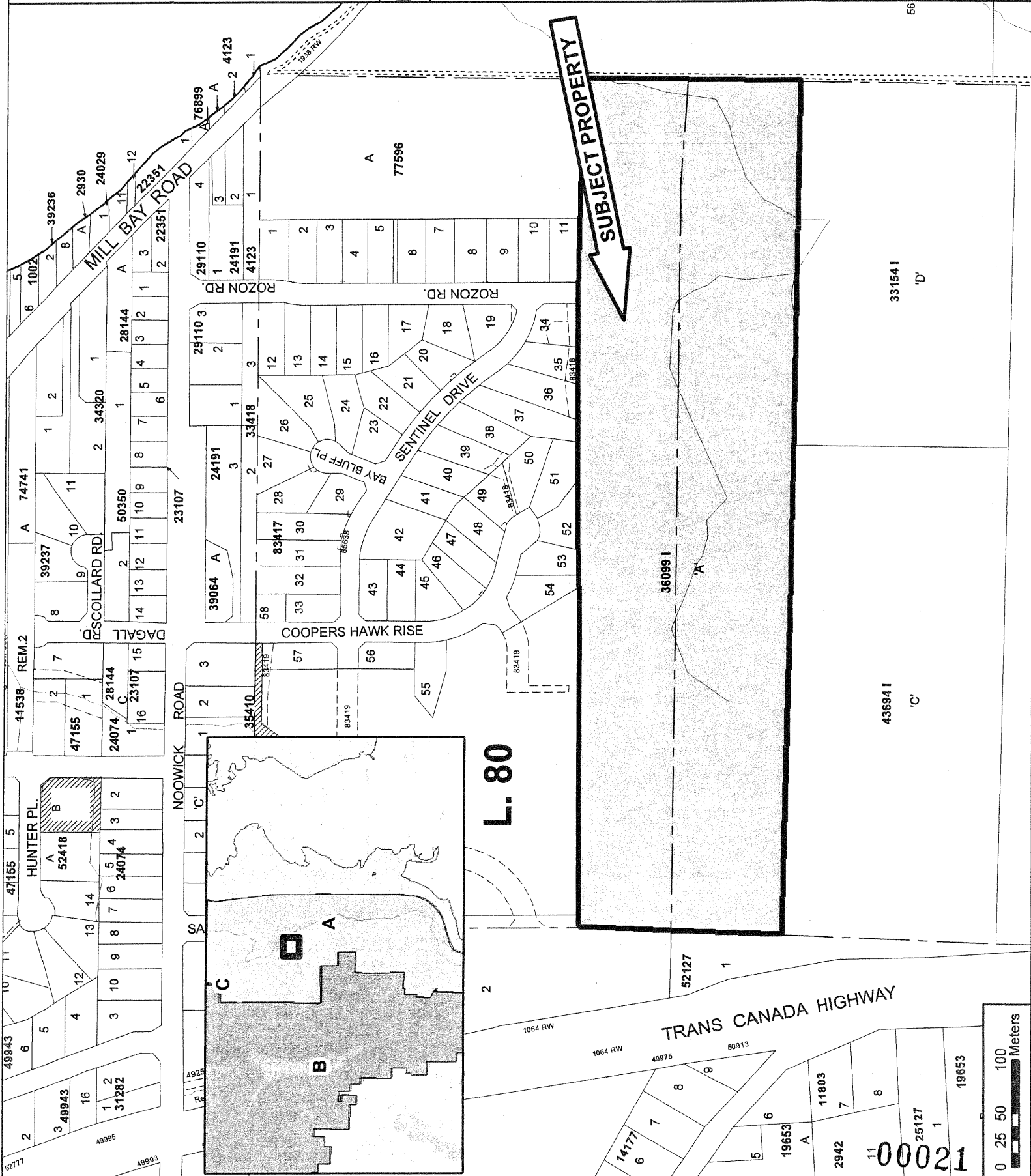
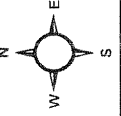
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws

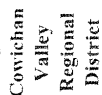
FILE: 04-A-09-RS

Legend



Subject Property





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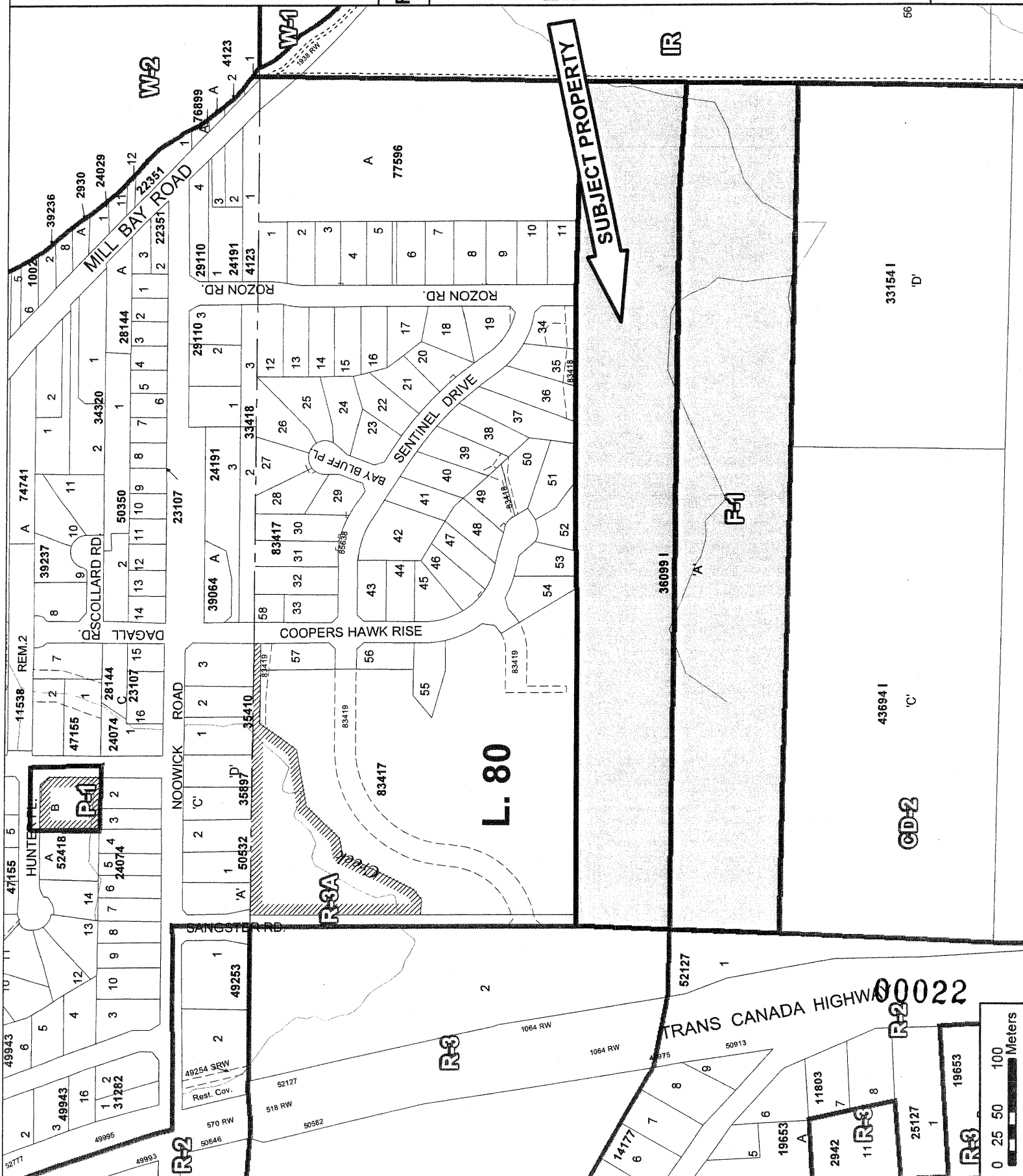
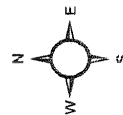
**FILE: 04-A-09-RS**

# ZONING

### Legend



Subject Property  
Zoning Electoral A





Cowichan  
Valley  
Regional  
District

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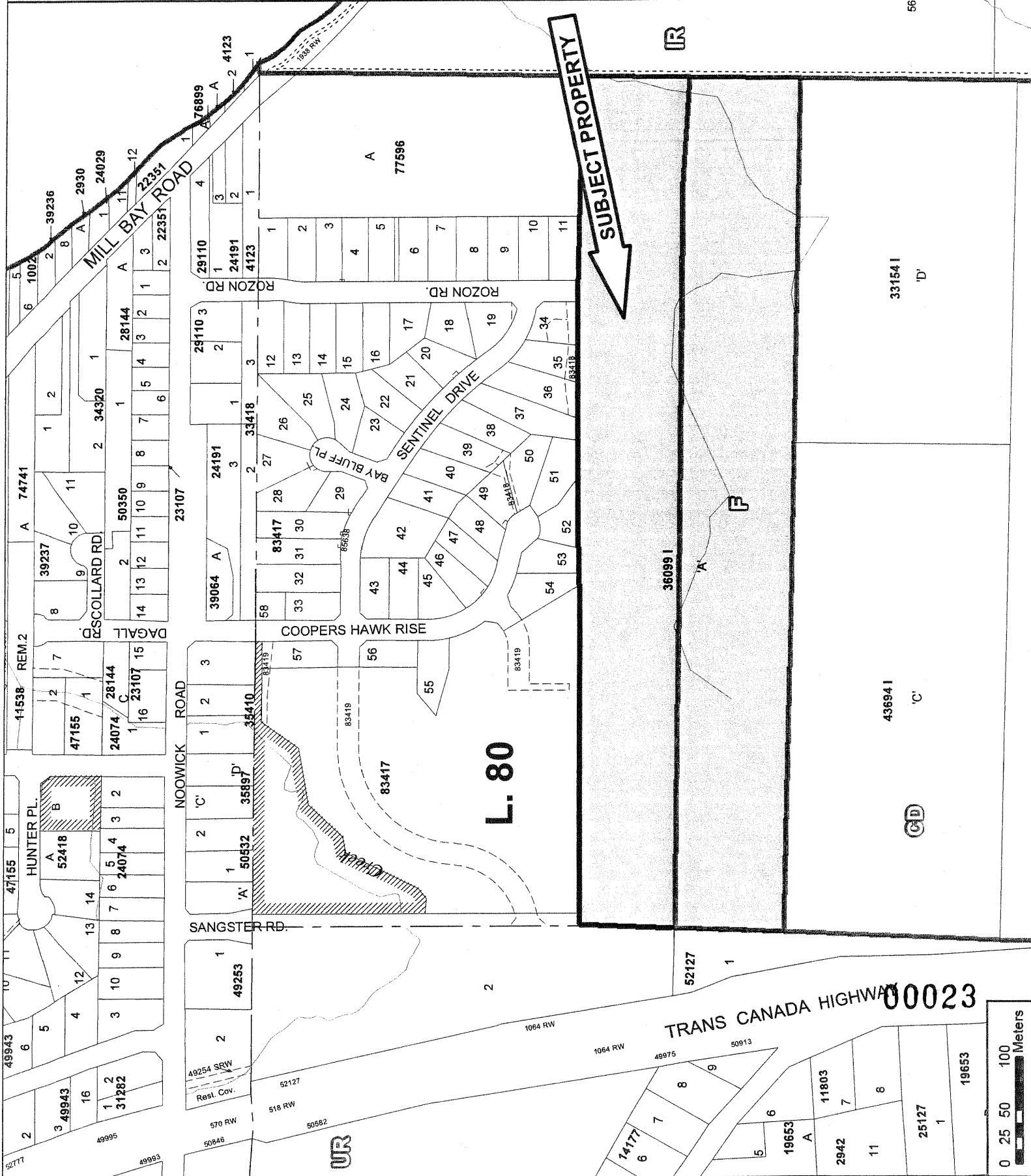
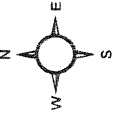
FILE: 04-A-09-RS

OCP

Legend



Subject Property  
OCP Electoral Area A



**SUBJECT PROPERTY**

**L-80**



00023





Covichan  
Valley  
Regional  
District

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

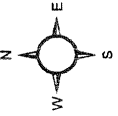
The Regional District does not warrant the accuracy.

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

FILE: 04-A-09-RS

Orthophoto  
(2002)



00024



## 7.0 FORESTRY AND AGRICULTURAL ZONES

Subject to compliance with the general requirements detailed in Parts 4 and 5 of the Bylaw, the following regulations shall apply in the F-1 Zone:

7.1 F-1 ZONE - PRIMARY FORESTRY(a) Permitted Uses

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

- (1) Management and harvesting of primary forest products, excluding: sawmilling, manufacturing, and works yards\*;
- (2) *Agriculture, silviculture, horticulture*;
- (3) *Bed and breakfast accommodation\**;
- (4) Daycare, nursery school accessory to a residential use\*;
- (5) *Home occupation\**;
- (6) *One secondary suite, or one small suite per parcel\**;
- (7) *One single family dwelling*;

\* use may require approval of Forest Land Commission

(b) Conditions of Use

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

- (1) The *parcel coverage* shall not exceed 20 percent for all *buildings and structures*;
- (2) The *height* of all *buildings and structures* shall not exceed 10 m;
- (3) The following minimum *setbacks* shall apply:

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

(c) Minimum Parcel Size

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

#### 8.4.A R-3A ZONE – URBAN RESIDENTIAL (LIMITED HEIGHT)

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

##### (a) Permitted Uses

The following uses and no others are permitted in an R-3A Zone:

- (1) One single family dwelling;
- (2) Bed and breakfast accommodation;
- (3) Daycare, nursery school accessory to a residential use;
- (4) Home occupation;
- (5) Horticulture;
- (6) Secondary suite or small suite.

##### (b) Conditions of Use

For and parcel in an R-3A Zone:

- (1) The parcel coverage shall not exceed 25 percent for all buildings and structures;
- (2) The height of all buildings and structures shall not exceed 7.5 m, except accessory buildings, which shall not exceed a height of 6 m;
- (3) The following minimum setbacks apply:

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

##### (c) Minimum Parcel Size

Subject to Part 13, the minimum parcel size in the R-3 Zone is:

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

00026

# TENTATIVE PLAN OF REZONING OF PART OF PARCEL A OF DISTRICT LOTS 77 AND 80 MALAHAT DISTRICT

J. B. Anderson and Associates

SURVEYORS ENGINEERS  
VICTORIA NANAIMO PARKSVILLE

Mr. Barry Bickford

40 LOT BARE LAND STRATA - NORTH  
40 LOT BARE LAND STRATA - SOUTH

DRAWN BY: PJW	PROJECT SURVEYOR: DRC
SCALE: 1:1000	DATE: Nov 29, 2008
PARTS OF PARCEL A DISTRICT LOTS 77 & 80 - MALAHAT DISTRICT	
OUR FILE: 23036	REVISION: April 28, 2009

**Northerly Development**  
(Using Strata Averaging)  
8,1635 Sq M (Total Site Area)  
-4,0817 (5% park)  
-10,492 (roads + access)  
-67,061 / 1675 = 40 Lots  
18,962 Environmental Protection Area  
28% Total Green Area

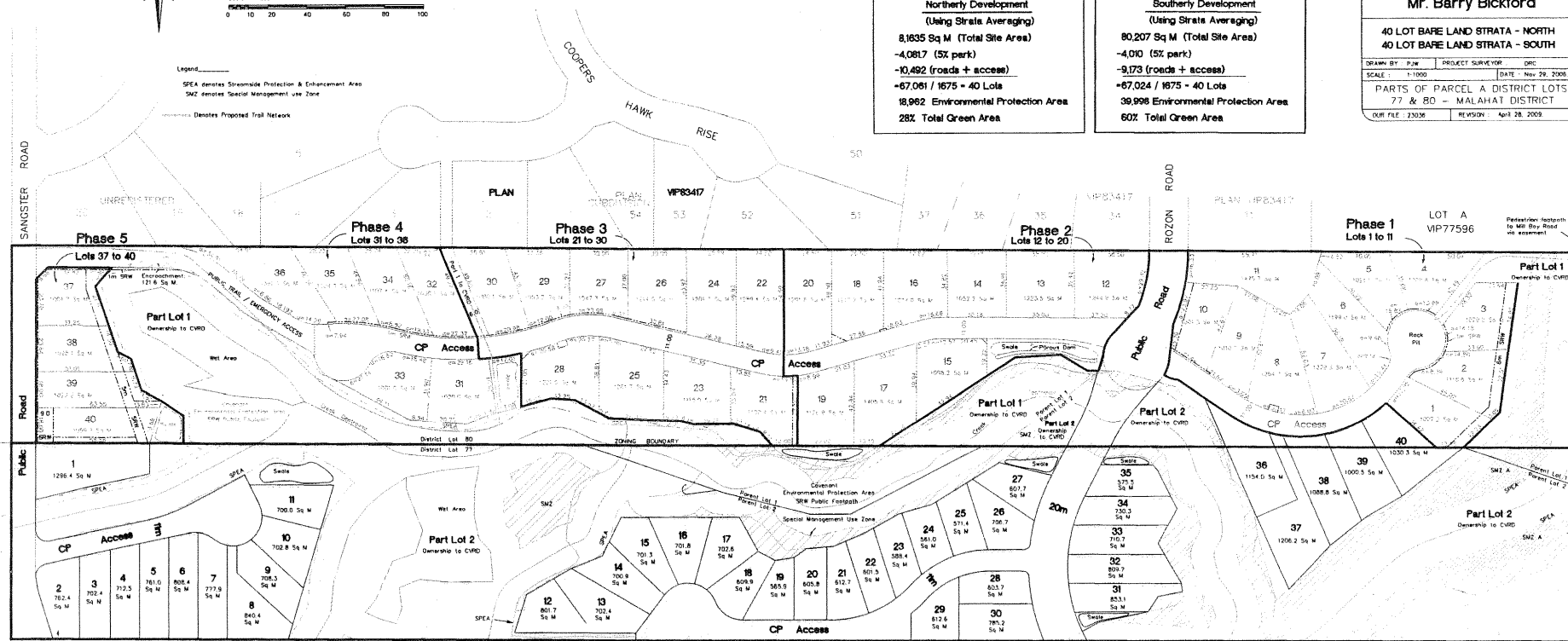
**Southerly Development**  
(Using Strata Averaging)  
80,207 Sq M (Total Site Area)  
-4,010 (5% park)  
-9,173 (roads + access)  
-67,024 / 1675 = 40 Lots  
36,998 Environmental Protection Area  
60% Total Green Area



Scale 1:1000  
0 10 20 40 60 80 100

Legend  
SPEA denotes Streamside Protection & Enhancement Area  
SMZ denotes Special Management Use Zone  
--- Denotes Proposed Trail Network

LOT 1 PLAN VP52127  
REMAINDER 2 PLAN 19329



Minimum Lot size (South development): 560 Sq M

PARCEL C ( DD 43694-1 )

PARCEL D ( DD 33154-1 )

J. B. ANDERSON & ASSOCIATES  
B.C. Land Surveyors - Consulting Engineers  
Victoria, Nanaimo & Parksville, B.C. phone 277-2274  
File: 23036  
2:VPJW/L0892008/23036.DWG (2009 PLAN SOUTH)

MALAHAT INDIAN RESERVE NO. 11

00027

**Area A Advisory Planning Commission Meeting  
9 February 2010  
Held at Mill Bay Fire Hall  
Minutes**

**Present:** June Laraman, Deryk Norton, David Gall, Margo Johnston, Cliff Braaten, Ted Stevens, Brian Harrison (Director Area A), Roger Burgess (Alternate Director Area A)

**Regrets:** Dola Boas, Geoff Johnson, and Archie Staats

**Audience:** Brian Bickford of Baranti Developments and Danny Carrier of J.E Anderson & Associates for Baranti Developments.

Tom Shadlock and Clyde Ogilvie representing Brentwood College

Meeting called to order at 6:30 pm

**Previous minutes:**

It was moved and seconded the minutes of 12 January 2010 meeting be adopted.

MOTION CARRIED

**New Business:**

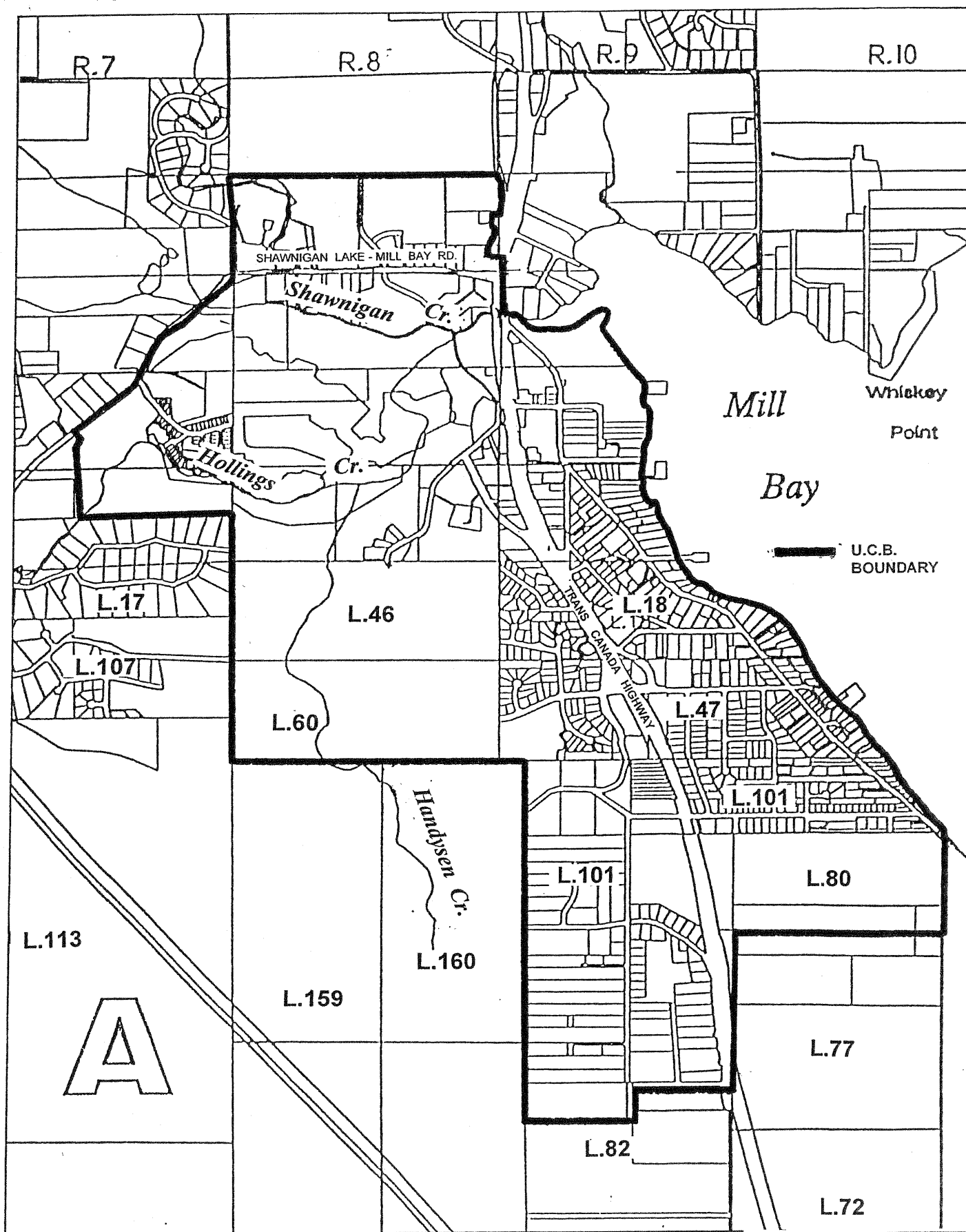
Rezoning Application No. 4-A-09RS (Baranti Developments)

Danny Carrier (J.E. Anderson & Associates) presented an overview of the proposed F1 rezoning of 8.0 hectares on the southern portion of the subject property to R3A to permit an urban residential bare-land subdivision of 40 lots.

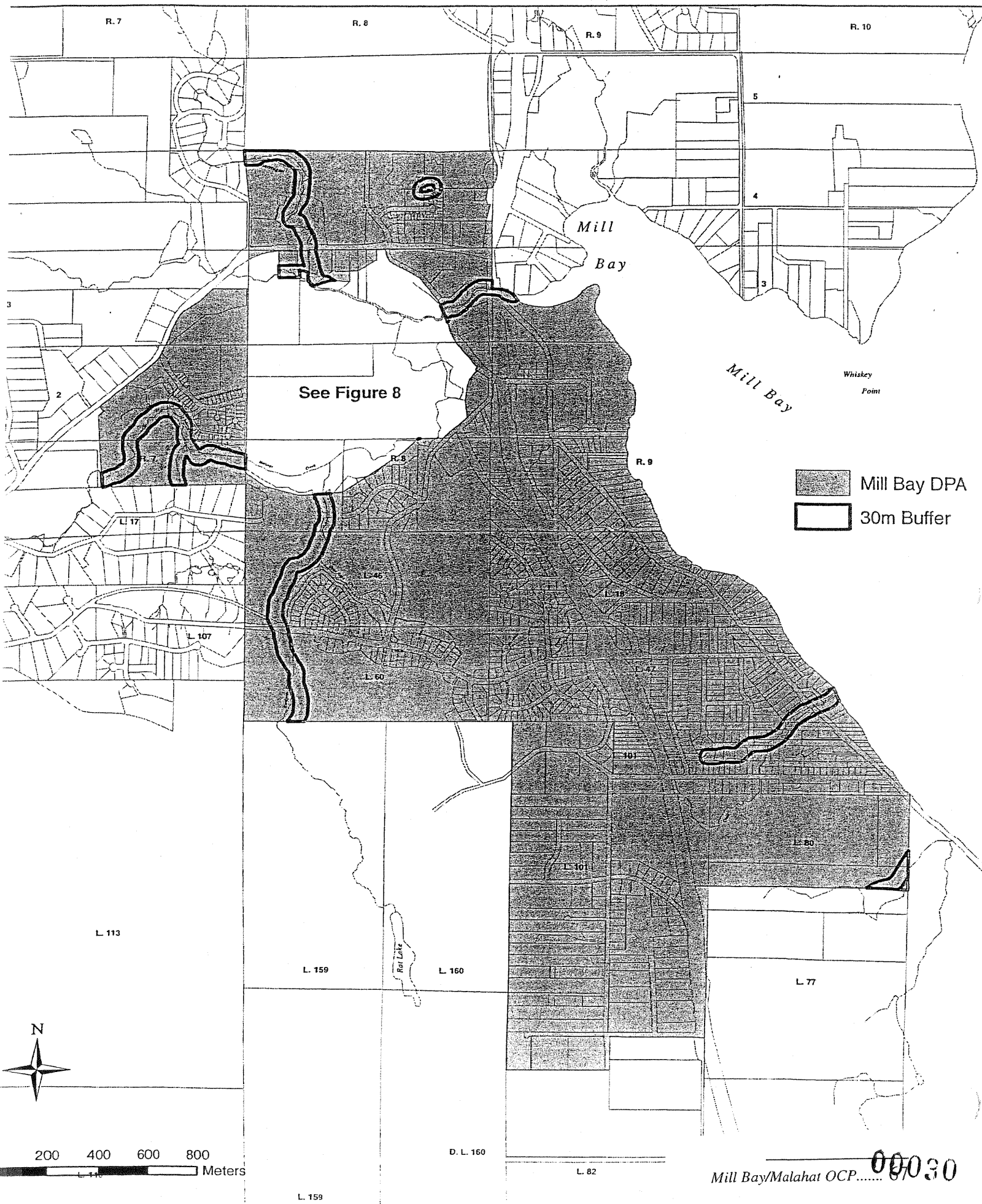
**APC Questions and Concerns:**

- Parkland will not be part of the strata and will be deeded to the CVRD as fee simple.
- Strata roads do not need to meet the MoT standard of 66 feet wide and the slopes can be steeper e.g. 12% instead of 8-10% - large vehicles (Fire trucks, etc.) would be able to turn around- emergency access provided
- No roads with direct access to the Trans Canada highway. Butterfield Road not connected yet and Sangster Road to be built as an access road to the development from Noowick Rd. Closest access to the highway would be Frayne Road. Intersection for Butterfield Rd has been designed but will not come into play until the Ocean Terraces development is underway. Access to Trans Canada would mean another traffic light.
- The north half of the property has been approved for strata development.
- Build out will be slow – 10-15 homes a year.
- No suites – average home size 1200 to 1500 sq. ft.
- No sidewalks are planned; however, there will be no parking on roads.
- Ground lighting will be utilized.
- There will be curbs with catch basin
- Underground wiring will be utilized.
- No plans to utilize natural gas.
- Diversity of lifestyle available with smaller homes.
- Sewer and water: Plans to become part of Sentinel Ridge system and Mill Bay Water has approved all 80 lots.
- Tot lot has not been recommended for the development – will come to the consideration of Parks and Recreation Commission.
- Concern that this development is more single family homes when what community needs is mixed use housing.

Figure 3 : Urban Containment Boundary ( UCB )



# Figure 7 - Mill Bay Development Permit Area





***DRAFT***

## **COWICHAN VALLEY REGIONAL DISTRICT**

### **BYLAW No.**

#### **A Bylaw For The Purpose Of Amending Zoning Bylaw No. 2000 Applicable To Electoral Area A – Mill Bay/Malahat**

---

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

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

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

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

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

#### **1. CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. - Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Baranti Developments), 2010**".

#### **2. AMENDMENTS**

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

.../2

00031

- a) That Schedule B (Zoning Map) to Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 be amended by rezoning a part of Parcel A (DD 36099<sup>1</sup>) of District Lots Lot 77 and 80, Malahat District as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-X, from F-1 (Primary Forestry) to R-3A (Urban Residential – Limited Height).

### 3. **FORCE AND EFFECT**

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

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

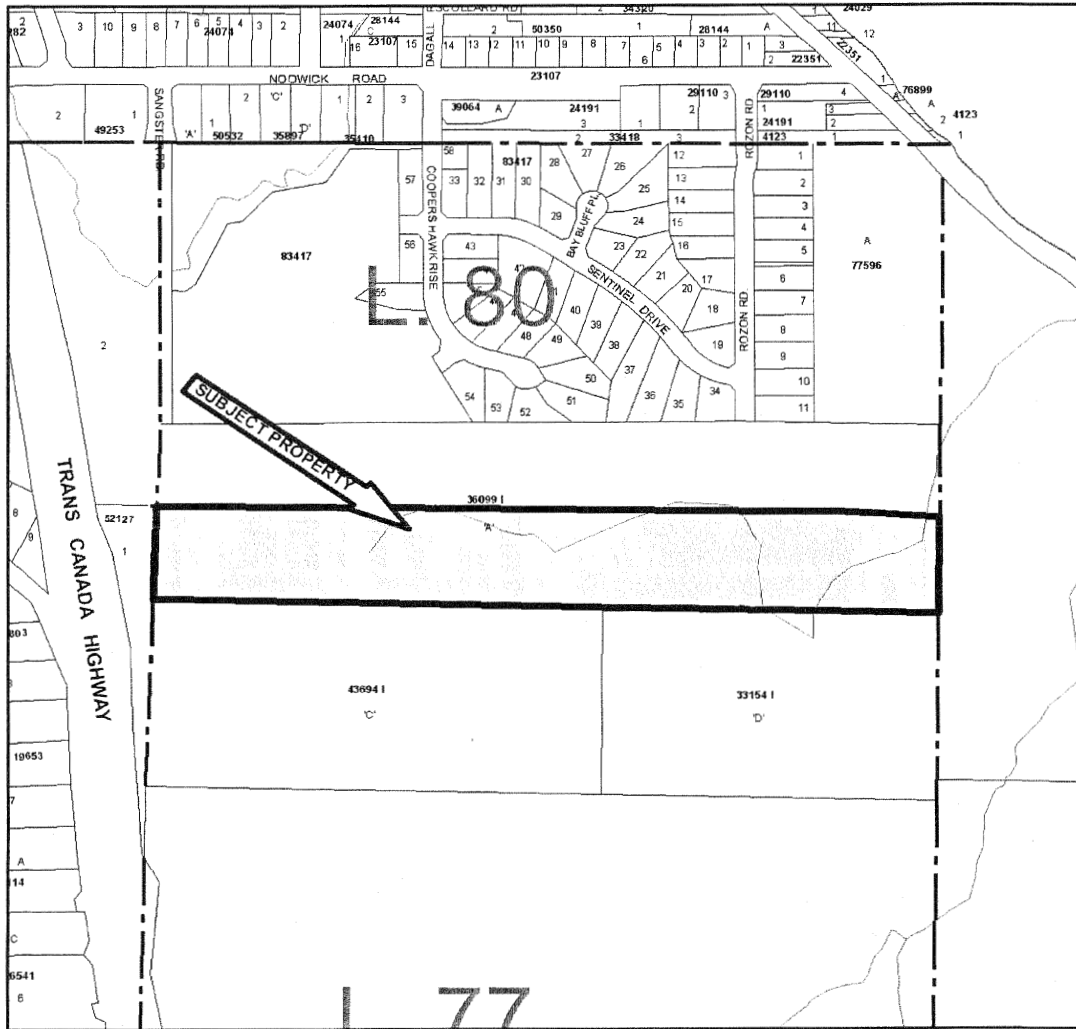
\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



PLAN NO.     Z-    

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



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

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

**R-3A (Urban Residential – Limited Height)  
APPLICABLE**

**TO ELECTORAL AREA A**



**DRAFT**

## **COWICHAN VALLEY REGIONAL DISTRICT**

### **BYLAW NO.**

#### **A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1890 Applicable To Electoral Area A – Mill Bay/Malahat**

---

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

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

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

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

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

#### **1. CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. - Area A – Mill Bay/Malahat Official Community Plan Amendment Bylaw (Baranti Developments), 2010**".

#### **2. AMENDMENTS**

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

**3. CAPITAL EXPENDITURE PROGRAM**

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

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

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

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



**C·V·R·D**

**SCHEDULE "A"**

**To CVRD Bylaw No.**

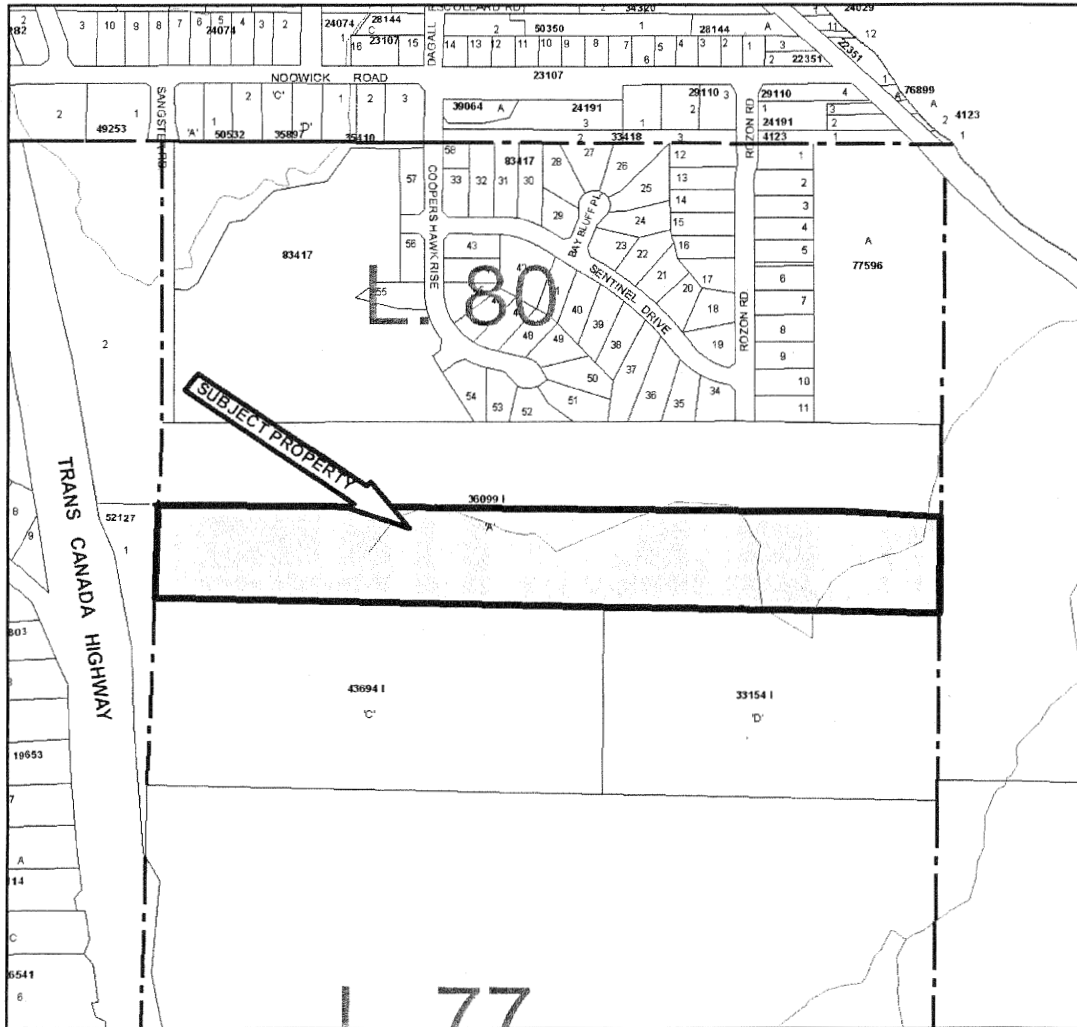
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That Official Community Plan Bylaw No. 1890, is hereby amended as follows:

1. That a part of Parcel A (DD 36099<sup>1</sup>) of District Lots Lot 77 and 80, Malahat District, as shown outlined in a solid black line on Plan number Z-      attached hereto and forming Schedule B of this bylaw, be redesignated from Forestry to Urban Residential; and that Schedule B to Official Community Plan Bylaw No. 1890 be amended accordingly.
2. That a part of Parcel A (DD 36099<sup>1</sup>) of District Lots Lot 77 and 80, Malahat District, as shown outlined in a solid black line on Plan number Z-      attached hereto and forming Schedule B of this bylaw, be added to the Urban Containment Boundary as shown in Figure 3 of Official Community Plan Bylaw No. 1890.
3. That a part of Parcel A (DD 36099<sup>1</sup>) of District Lots Lot 77 and 80, Malahat District, as shown outlined in a solid black line on Plan number Z-      attached hereto and forming Schedule B of this bylaw, be added to the Mill Bay Development Permit Area as shown in Figure 7 of Official Community Plan Bylaw No. 1890.

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

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



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM**

## Forestry

**\_TO**

## Urban Residential

**APPLICABLE**

**TO ELECTORAL AREA A**

250-746-2621

D2

COWICHAN VALLEY REGIONAL DISTRICT  
ADMINISTRATIVE SERVICES DEPARTMENT

REQUEST FOR DELEGATION

APPLICATION DATE: 04.12.2010 Leslie Goberg  
NAME OF APPLICANT: Cowichan Music Festival  
ADDRESS OF APPLICANT: 450 Arbutus Ave., W. Duncan V9L1J2  
PHONE NO.: 250-748-8833  
REPRESENTING: Cowichan Music Festival  
Name of Organization  
MEETING DATE: April 20, 2010  
COMMITTEE/BOARD NAME: Electoral Area Services  
NO ATTENDING: 10  
NO WISHING TO MAKE A PRESENTATION: 1

TOPIC TO BE PRESENTED:

Provincial Finals of Performing Arts B.C.  
Host: Cowichan Music Festival now  
in our 61<sup>st</sup> Year.

NATURE OF REQUEST/CONCERN:

Support of a donation-in-kind as  
there are no provincial funds to host  
and the C.M.F. does not receive any  
grants either provincially or locally

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

00038



SRI

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 20, 2010

DATE: April 14, 2010 FILE NO: 1-E-08DP  
FROM: Rob Conway, Manager  
SUBJECT: Landscape Security for Development Permit Application No. 1-E-08DP (The Brick)

---

**Recommendation:**

That staff be directed to draw on the irrevocable letter of credit provided for Development Permit 1-E-08DP.

**Purpose:**

To consider options with respect to unfulfilled development permit requirements.

**Financial Implications:** None identified.

**Interdepartmental/Agency Implications:** None identified.

**Background:**

On May 14, 2008 the CVRD Board authorized the issuance of development permit to Parhar Property Management Ltd. for a commercial building and associated works (The Brick). The building was completed in August, 2009, and is now occupied. However, some of the development permit requirements for signage and landscaping remain incomplete. As the applicant does not appear to be actively working to address outstanding development permit requirements, staff believe that some action may be necessary to prompt compliance.

**Issues:**

*Landscaping:*

A landscape plan was approved as part of the development permit application that identified new landscaping along much of the property frontage facing the Trans Canada Highway (see attached plan). Although landscaping has been installed, much of it is not in accordance with the approved plan and landscaping in the northwest corner of the site is entirely absent.

*Refuse Containers:*

The approved development permit plans show the garbage enclosures that are presently located in the north west corner of the property, near the entrance to the Cowichan News Leader Pictorial building relocated to the rear of the building and screened in a fenced compound. Although a fenced compound for refuse containers has been constructed at the rear of the site, there are two unenclosed refuse containers that remain at a very prominent location at the front of the property.

00039

*Free Standing Sign:*

One of the development permit conditions was that an existing free standing sign was to be removed and replaced with a lower, pylon-type sign. Although the sign specifications were not included in the development permit, the General Manager of the Planning and Development Department was authorized to approve the new sign. To date the existing sign has not been removed, nor has a sign permit been issued for the new sign.

**Development Permit Compliance**

The primary means of encouraging compliance with development permit conditions for landscaping is through landscape security. In this case, the owner provided an irrevocable letter of credit for \$6,950, which represents 120% of the estimated cost of landscaping. Provision of security typically encourages compliance, based on the assumption that owners wish to recover the security by completing the landscape obligations. Since holding the irrevocable letter of credit has not achieved compliance to date, compliance could be further encouraged by drawing on the letter of credit. Staff do not propose to use the landscape security to have the CVRD complete outstanding landscaping at this time, but this may be an option should the outstanding development permit requirements remain incomplete.

**Options**

1. That staff be directed to draw on the irrevocable letter of credit provided for Development Permit 1-E-08DP.
2. Direct staff to continue to pursue compliance with Development Permit 1-E-08DP without drawing on landscape security.

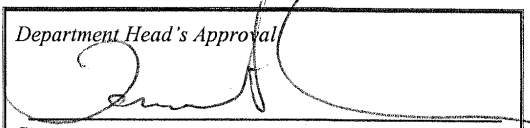
Submitted by,



Rob Conway, MCIP,  
Manager, Development Services Division  
Planning and Development Department

RC/ca

Attachments

Department Head's Approval

Signature

00040





CVRD

COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT PERMIT

NO: 1-E-08DP

DATE: JUNE 9, 2008

TO: PARHAR PROPERTY MANAGEMENT LTD.

ADDRESS: 320 FESTUBERT STREET

DUNCAN, BC V9L 3S9

1. This Development Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit applies to and only to those lands within the Regional District described below (legal description):  
*That Part of Lot 1, Section 14, Range 6, Quamichan District, Plan 4077 Shown outlined in Red on Plan 1500R Except that part shown in red on Plan 1688 OS and Except part in Plan 40941*
3. Authorization is hereby given for the development of the subject property in accordance with the conditions listed in Section 4, below.
4. The development shall be carried out subject to the attached site plans and amendments, and subject to the following conditions:
  - a) *Conformance with the Landscape Plan, Parking Plan, and Main Floor Plan from Ellins Architects Inc. dated February 25, 2008.*
  - b) *Subsequent amendment of the Parking Plan, which clearly indicates the location of parking stalls for the disabled in front of each of the buildings.*
  - c) *Subsequent amendment to the Landscape and Parking Plans which incorporate garbage bins that are screened and located to the north side of the building along the property line.*
  - d) *Approval of the sign by the Manager of Development Services, in accordance with the provisions of CVRD Development Application and Procedures and Fees Bylaw No. 2255.*
  - e) *Receipt of an irrevocable letter of credit in a form suitable to the CVRD, equivalent to 120% of the landscape costs, to be refunded after two years if the plantings are successful and to the satisfaction of the CVRD Planning Department; and landscaping to be in accordance with the BC Society of Landscape Architects Standards.*
5. The land described herein shall be developed in substantial compliance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.
6. The following Schedule is attached:
  - Form 1, Main Floor Plan by Ellins Architect Inc, dated February 25, 2008
  - Form 2, Site Plan by Ellins Architect Inc, dated April 28, 2008.
7. This Permit is not a Building Permit. No certificate of final completion shall be issued until all items of this Development Permit have been complied with to the satisfaction of the Development Services Department.

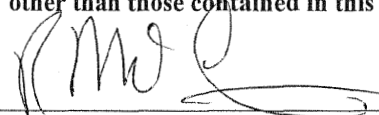
ISSUANCE OF THIS PERMIT HAS BEEN AUTHORIZED BY RESOLUTION NO. 08-322(8) PASSED BY THE BOARD OF THE COWICHAN VALLEY REGIONAL DISTRICT THE 14<sup>TH</sup> DAY OF MAY 2008.

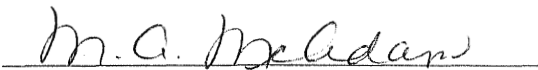
Tom Anderson, MCIP  
Manager, Development Services

00041


**NOTE:** Subject to the terms of this Permit, if the holder of this Permit does not substantially start any construction within 2 years of its issuance, this Permit will lapse.

I HEREBY CERTIFY that I have read the terms and conditions of the Development Permit contained herein. I understand and agree that the Cowichan Valley Regional District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with PARHAR PROPERTY MANAGEMENT LTD. other than those contained in this Permit.

  
Signature

  
Witness

Owner/Agent

  
Occupation

JUNE 9, 2008  
Date

JUNE 9/08  
Date

BRICK WAREHOUSE  
DUNCAN B.C.

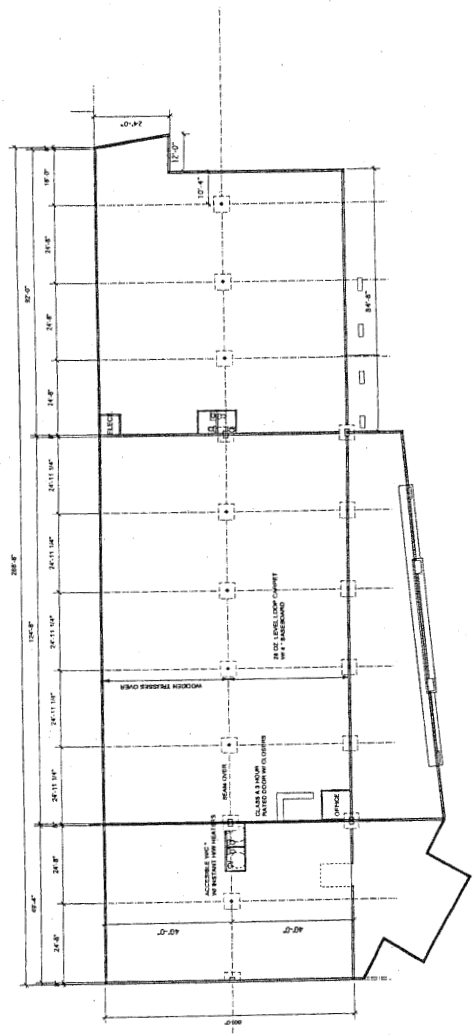
ellins architect inc.  
architectural & interior design

DATE: FEBRUARY 25, 2008  
SCALE: AS NOTED  
PROJECT: 08-003  
DRAWING NO.: A2

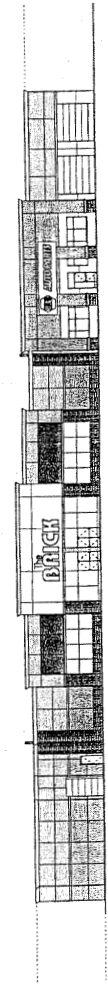
MAIN FLOOR PLAN  
FRONT ELEVATION

DESIGNED BY: J.E. AK  
DATE: FEBRUARY 25, 2008  
SCALE: AS NOTED  
PROJECT: 08-003  
DRAWING NO.: A2

NOTES:  
1. SEE ARCHITECTURAL SPECIFICATIONS FOR MATERIALS AND FINISHES.  
2. SEE MECHANICAL AND ELECTRICAL SPECIFICATIONS FOR SYSTEMS AND EQUIPMENT.  
3. SEE STRUCTURAL SPECIFICATIONS FOR FOUNDATION AND FRAMING.  
4. SEE LANDSCAPE ARCHITECTURE FOR EXTERIOR PLANTING AND HARDSCAPE.  
5. SEE INTERIOR DESIGN SPECIFICATIONS FOR FURNITURE AND FIXTURES.  
6. SEE CIVIL ENGINEERING SPECIFICATIONS FOR SITEWORK AND UTILITIES.  
7. SEE HISTORIC PRESERVATION SPECIFICATIONS FOR RESTORATION AND REPAIRS.  
8. SEE ENVIRONMENTAL SPECIFICATIONS FOR AIR QUALITY AND SOUND.  
9. SEE SAFETY SPECIFICATIONS FOR EGRESS AND FIRE PROTECTION.  
10. SEE ACCESSIBILITY SPECIFICATIONS FOR COMPLIANCE WITH ADA REQUIREMENTS.



FLOOR PLAN  
SCALE 1/16"=1'-0"



FRONT ELEVATION  
SCALE 1/16"=1'-0"

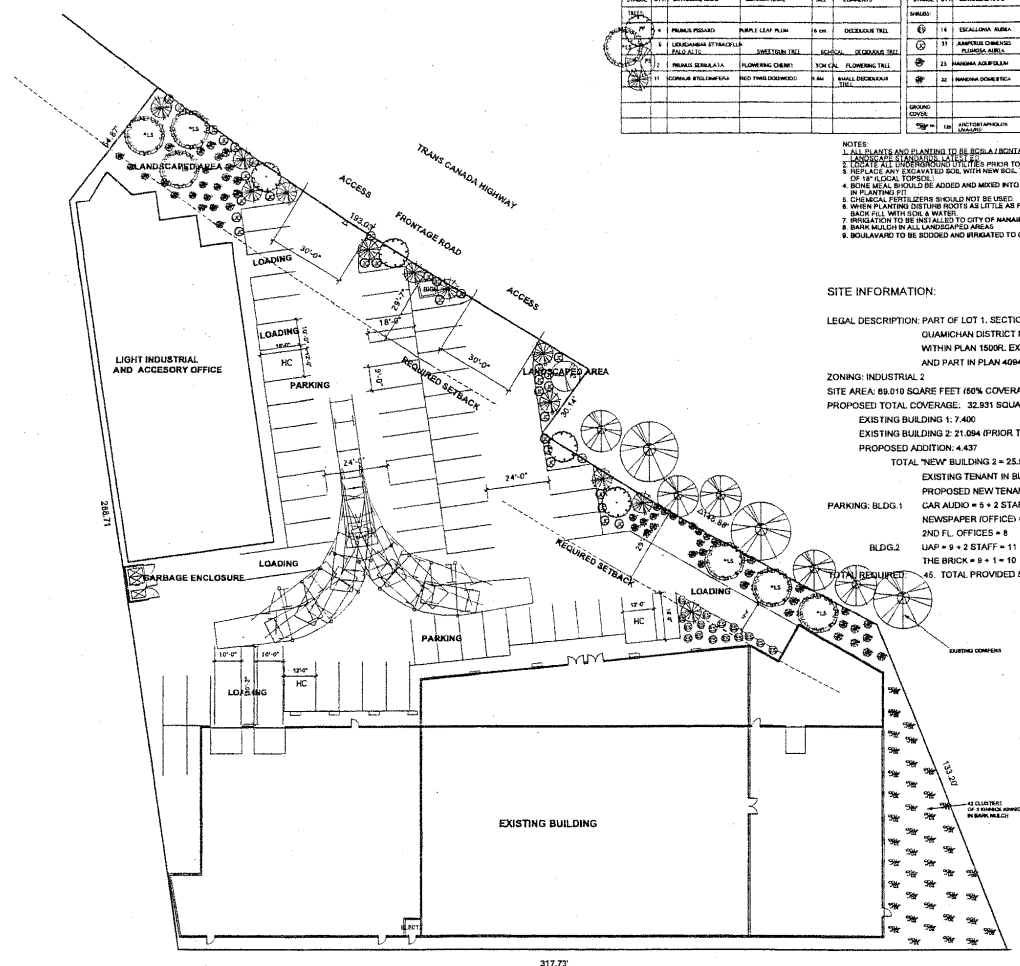
NOTES:

1. ALL PLANTS AND PLANTING TO BE SOIL-BONITA.
2. LOCATE ALL UNDERGROUND UTILITIES PRIOR TO DIGGING.
3. REPLACE ANY EXCAVATED SOIL WITH NEW SOIL TO A DEPTH OF 18" (LOCAL TOPSOIL).
4. BONE MEAL SHOULD BE ADDED AND MIXED INTO LOOSE SOIL IN PLANTING PIT.
5. CHEMICAL FERTILIZERS SHOULD NOT BE USED.
6. WHEN PLANTING DISTURB ROOTS AS LITTLE AS POSSIBLE.
7. BACK FILL WITH SOIL & WATER.
8. IRRIGATION TO BE INSTALLED TO CITY OF HANAMA STANDARDS.
9. SOIL TO BE COLLECTED IN UNDISTURBED AREAS.
10. SOIL ANALYST TO BE SUBMITTED AND REFERRED TO CITY STANDARDS.

## SITE INFORMATION:

LEGAL DESCRIPTION: PART OF LOT 1, SECTION 14, RANGE 6.  
QUAMICHAN DISTRICT PLAN 4077  
WITHIN PLAN 1500R, EXCEPT PART IN PLAN 1688 OS  
AND PART IN PLAN 40841

ZONING: INDUSTRIAL 2  
 SITE AREA: 89,010 SQUARE FEET (60% COVERAGE ALLOWED) (34,505 SQUARE FEET):  
 PROPOSED TOTAL COVERAGE: 32,931 SQUARE FEET  
 EXISTING BUILDING 1: 7,400  
 EXISTING BUILDING 2: 21,094 (PRIOR TO FIRE)  
 PROPOSED ADDITION: 4,437  
 TOTAL "NEW" BUILDING 2 = 25,531  
 EXISTING TENANT IN BUILDING 2: (UAP) = 7,054  
 PROPOSED NEW TENANT IN BLDG. 2 + ADDITION (THE BRICK) = 18,477  
 PARKING: BLDG. 1 CAR AUDIO = 5 + 2 STAFF = 7  
 NEWSPAPER OFFICES = 9  
 2ND FL. OFFICES = 4  
 BLDG. 2 UAP = 9 + 2 STAFF = 11  
 THE BRICK = 9 + 1 = 10  
 TOTAL REQUIRED = 46  
 TOTAL PROVIDED 57.



317.73°

brick warehouse



DRAWN  
G:  
SITE PLAN

DRAWN BY:	JDEAK
DATE:	APRIL 28, 2008
SCALE:	1/8" = 1'

PROJECT NO. 08-003	DRAWING NO. A1
-----------------------	----------------------

Concrete research. These books will enable you to determine the structure of the economy to be used for the broad theme, support material to research part of the subject before you research. Concrete to study all the basic, current, and general information, section of basic and the, and section of all the basic and general information. All parts to be able to determine with the B.C. Business Guide, current edition, and all the basic information.

NO.	DATE.
REVISION	
	FEB 18, 2008 ORIGINAL
	FEB 25, 2008 ELEVATION
	APR 28, 2008 ELEVATION
	MAY 30, 2008



SR2

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 20, 2010

DATE: April 7, 2010

BYLAW NO: 3380

FROM: Kathleen Harrison, Legislative Services Coordinator, Legislative Services Division

SUBJECT: Bylaw No. 3380 – A Bylaw to Create an Annual Financial Contribution Service for the Mill Bay/Malahat Historical Society.

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#### **Recommendations:**

1. That it be recommended to the Board that an annual financial contribution service be created for the Mill Bay / Malahat Historical Society with a maximum requisition limit of \$10,000.00 to assist with costs associated with the collection, preservation, restoration and presentation of historical artifacts and archives of Mill Bay/Malahat and the surrounding South Cowichan area.
2. That "CVRD Bylaw No. 3380 – Mill Bay/Malahat Historical Society Annual Financial Contribution Service Establishment Bylaw, 2010", be forwarded to the Board for consideration of first three readings, and following provincial and voter approval, be considered for adoption.
3. That it be recommended to the Board that voter approval to establish the Mill Bay/Malahat Historical Society Annual Financial Contribution Service be obtained through an alternative approval process.

**Purpose:** To introduce Bylaw No. 3380 that provides for an annual financial contribution to the Mill Bay/Malahat Historical Society to assist with costs associated with the collection, preservation, restoration and presentation of historical artifacts and archives of Mill Bay/Malahat and the surrounding South Cowichan area; and to confirm the *Alternative Approval Process* as the means of obtaining voter approval for the establishment of this service.

**Financial Implications:** The maximum amount of money that may be requisitioned annually in support of this service is the greater of \$10,000. or \$.01181 per \$1,000 of net taxable land and improvements. The average costs to taxpayers within the proposed service area with property assessed at \$100,000. would be approximately \$1.06 annually.

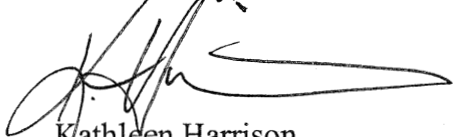
**Interdepartmental/Agency Implications:** This bylaw requires the approval of the service area voters and the Inspector of Municipalities before it can be adopted. Pursuant to Section 797.5 of the *Local Government Act* and Section 84 of the *Community Charter*, voter approval may be obtained through an alternative approval process for the establishment of this proposed service.

**Background:**

In late 2007 the Electoral Area A Director requested that staff investigate the possibility of establishing a service for an interest group in the south end for the preservation of historical artifacts and archives, similar to those services established in 2007 for Electoral Areas B – Shawnigan Lake and C – Cobble Hill. At that time staff advised the then Director that the interest group did not meet the legislative criteria for receiving a “grant” from local government and that a contribution service could not be created until such time as they obtained “society” status.

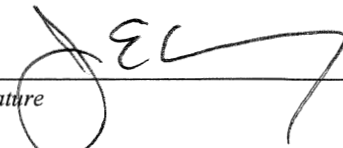
Legislative Services Staff have recently received copies of the Incorporation papers from the Mill Bay/Malahat Historical Society confirming that they now meet the criteria for receiving a grant. Therefore, at the request of the current Electoral Area A – Mill Bay/Malahat Director, an annual financial contribution service bylaw, in the amount of \$10,000.00, has been drafted and is attached for consideration.

Submitted by,



Kathleen Harrison  
Legislative Services Coordinator  
Legislative Services Division

*Division Manager's Approval:*



*Signature*

Attachment:

Bylaw No. 3380



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 3380

#### **A Bylaw to Establish a Service to Provide an Annual Financial Contribution to the Mill Bay/Malahat Historical Society**

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**WHEREAS** pursuant to Sections 796 and 800 of the *Local Government Act*, a Regional District may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the Regional District;

**AND WHEREAS** the Board of the Cowichan Valley Regional District wishes to establish a service for the purpose of assisting with costs associated with the collection, preservation, restoration and presentation of historical artifacts and archives of Mill Bay and the surrounding South Cowichan area by the Mill Bay/Malahat Historical Society, within Electoral Area A – Mill Bay/Malahat;

**AND WHEREAS** the Board of the Cowichan Valley Regional District has obtained the approval of the service area electors in accordance with Section 801.3 of the *Local Government Act* and Section 86 of the *Community Charter*;

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3380 – Mill Bay/Malahat Historical Society Annual Financial Contribution Service Establishment Bylaw, 2010**".

2. **SERVICE BEING ESTABLISHED**

The service being established under the authority of this bylaw is a service for the purpose of providing an annual financial contribution to assist the Mill Bay/Malahat Historical Society with costs associated with the collection, preservation, restoration and presentation of historical artifacts and archives of Mill Bay and the surrounding South Cowichan area. The service shall be known as the "Mill Bay/Malahat Historical Society Annual Financial Contribution Service".

3. **SERVICE AREA BOUNDARIES**

The boundaries of the service area are the boundaries of Electoral Area A – Mill Bay/Malahat.

**4. PARTICIPATING AREA**

Electoral Area A – Mill Bay/Malahat is the only participating area for this service.

**5. METHOD OF COST RECOVERY**

The annual cost of providing this service shall be recovered by one or more of the following:

- a) property value taxes requisitioned and collected on the basis of the net taxable value of land and improvements within the service area;
- b) revenues raised by other means authorized by the *Local Government Act*, or any other Act.

**6. MAXIMUM REQUISITION**

The maximum amount of money that may be requisitioned annually in support of this service shall be the greater of \$10,000. or an amount equal to the amount that could be raised by a property value tax of \$.01181 per \$1,000. of net taxable value of land and improvements within the service area.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 3380 as given Third Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Corporate Secretary

\_\_\_\_\_  
Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Secretary





SR3

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING APRIL 20, 2010

**DATE:** March 30, 2010 **FILE NO:** 0540-20-EASC/07  
**FROM:** Daniel Derby, Manager, Public Safety  
**SUBJECT:** Replacement Fire Tender #2 for Malahat Fire Protection Service Area

---

#### **Recommendations:**

1. That staff be authorized to obtain the services of Bob Hamilton Enterprises Inc. to undergo negotiations, inspection and purchase of a used fire tender on behalf of the CVRD Malahat Fire Rescue Service.
2. That the Board approve the sole source purchase of a used fire tender for the Malahat Volunteer Fire Rescue Service, the overall expenditure of which will not exceed \$100,000.
3. That staff be directed to prepare the necessary Reserve Fund Expenditure Bylaw authorizing the expenditure of a maximum of \$36,308 and that the Bylaw be forwarded to the Board for consideration of 3 readings and adoption.

#### **Financial Implications:**

Working with the Volunteer Fire Department, it has been determined that the maximum funding available to purchase a fire tender is \$100,000. This purchase will be achieved through the use of \$54,419 surplus funds (from 2009), \$36,308 reserve funds and the remainder from the 2010 requisition. The current balance in Reserve Fund #1301 (Malahat Fire Protection Specified (Local Service) Area Machinery and Equipment Reserve Fund Establishment Bylaw #1, 1990), is approximately \$ 99,910.

#### **Background:**

In October 2009, after the annual inspection of Tender #2 (1980 Western Star), the Malahat Fire Rescue service was advised that cracks were found and repaired in the frame. As well, the Fire Underwriters' Survey states that apparatus over 30 years of age will not be recognized for fire service insurance grading purposes. Household insurance ratings are based on a number of factors including the age and maintenance records relating to primary fire response vehicles. The tender must be updated due to its condition and to ensure continuity of insurance premiums for the Malahat area residents.

The 2010 budget included a transfer of \$36,308 from reserve funds, and that the 2009 surplus of \$54,419 be allocated for the replacement of this tender.

00049

Mr. Bob Hamilton, a retired Master Mechanic of the Victoria Fire Department secured a very good replacement fire engine for Mesachie Lake last year. He has been approached and has advised that he is willing to inspect and negotiate the purchase of a replacement fire tender for the Malahat Fire Rescue. The overall expenditure of \$100,000 will be procured through a sole source purchase because a used vehicle is being sought (i.e. a tender will not be issued). The purchasing policy requires that all items over \$75,000 purchased through sole source be approved by the Board. Once a replacement fire tender is purchased, Tender #2 will be disposed of in accordance with CVRD policies.

Submitted by,



Daniel J. Derby  
Manager, Public Safety

/bw



SR4

## STAFF REPORT

### ELECTORAL AREA SERVICES COMMITTEE MEETING OF APRIL 20, 2010

DATE: April 14, 2010

Bylaw No. 3384

FROM: J.E. Barry, Corporate Secretary

SUBJECT: Electoral Area I – Nature and Habitat Fund Establishment

---

#### **Recommendation:**

That CVRD Bylaw No. 3384 – Nature and Habitat Fund Establishment Bylaw, 2010 be forwarded to the Board for consideration of three readings and adoption.

#### **Purpose:**

To introduce CVRD Bylaw No. 3384 – Nature and Habitat Fund Establishment Bylaw, 2010 for Electoral Area I – Youbou/Meade Creek.

#### **Background:**

On March 2, 2010, the EASC passed the following recommendation:

*“That staff be directed to prepare a report providing background information and intent behind the creation of CVRD Bylaw No. 2805 (Protection of Waters and Riparian Areas on Cowichan Lake Fund Establishment Bylaw, Areas F & I), and that the report also include options to address concerns of Area I and a draft replacement bylaw that would address those concerns.”*

CVRD Protection of Waters and Riparian Areas on Cowichan Lake Fund Establishment Bylaw No. 2805 was adopted in 2006. This fund was established for the purpose of receiving voluntary contributions from developers in Electoral Areas F & I in order to fund projects that environmentally enhance Cowichan Lake through the protection of waters and/or riparian areas in the service area.

To date, a total of \$75,000 has been voluntarily contributed to the Fund from developers in Electoral Area I. The bylaw requires that this principal be retained as an endowment which cannot be spent. Only the interest can be spent. As of March 31, 2010, the total estimated amount of accumulated interest is \$6,547.

00051

Director Kuhn has raised a few concerns about the focus of Bylaw No. 2805. These concerns include:

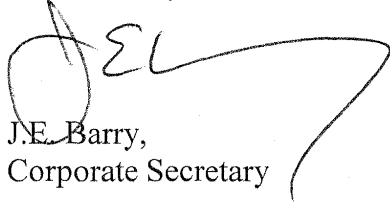
- The narrow focus of the bylaw only allows funds to be expended on the protection of waters and/or riparian areas.
- There are other worthwhile environmental projects related to nature and habitat that would not qualify under Bylaw No. 2805.
- Large projects are not possible since only the accumulated interest can be spent.
- While Bylaw No. 2805 allows money to be spent in both Electoral Areas I & F, there are developers in Electoral Area I that would prefer to keep their voluntary contributions in the local community where their development occurred.

As a result, CVRD Bylaw No. 3384 – Nature and Habitat Fund Establishment Bylaw, 2010 has been prepared (copy attached). This bylaw includes the following objectives:

- To fund Nature and Habitat projects which environmentally enhance Electoral Area I – Youbou/Meade Creek.
- To allow the expenditure of the principal and interest.
- To create a Nature and Habitat Fund Advisory Committee consisting of electors from Area I to provide recommendations to the Board regarding the expenditure of funds.

It is important to note that CVRD Protection of Waters and Riparian Areas on Cowichan Lake Fund Establishment Bylaw No. 2805 will continue to exist in addition to the new bylaw. This will allow developers to contribute voluntarily to either fund.

Submitted by,



J.E. Barry,  
Corporate Secretary



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 3384

#### **A Bylaw to Establish a Nature and Habitat Fund in Electoral Area I – Youbou/Meade Creek**

---

**WHEREAS** pursuant to Sections 796 and 800 of the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the regional district;

**AND WHEREAS** the Board of the Cowichan Valley Regional District wishes to establish a service for the purpose of creating a Nature and Habitat Fund;

**AND WHEREAS** the Nature and Habitat Fund will be funded from voluntary contributions;

**AND WHEREAS** the availability of funds would enable the Cowichan Valley Regional District to fund Nature and Habitat projects in Electoral Area I – Youbou/Meade Creek;

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

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

#### **1. CITATION**

This Bylaw may be cited for all purposes as "**CVRD Bylaw No. 3384 – Nature and Habitat Fund Establishment Bylaw, 2010.**"

#### **2. SERVICE BEING ESTABLISHED**

The service being established under the authority of this Bylaw is the Nature and Habitat Fund (the "Fund") for the purpose of:

- a) receiving voluntary contributions;
- b) funding Nature and Habitat projects that environmentally enhance Electoral Area I – Youbou/Meade Creek in the service area.

#### **SERVICE AREA BOUNDARIES**

The boundaries of the service area are the whole of Electoral Area I – Youbou/Meade Creek.

.../2

**00053**

**3. PARTICIPATING AREA**

Electoral Area I – Youbou/Meade Creek is the participating area for this service.

**4. METHOD OF COST RECOVERY**

As provided in Section 803 of the *Local Government Act*, the annual cost of providing the Fund shall be recovered by one or more of the following:

- (a) revenues received by way of agreement, enterprises, gift, grant or otherwise;
- (b) revenues raised by other means authorized under this or another *Act*.

**6. MAXIMUM REQUISITION**

There is no annual requisition for this service.

**7. EXPENDITURE OF FUNDS**

- a) The principal of the Fund, the interest and other income derived from investment of the principal shall be used, applied, devoted and accumulated for the benefit of funding Nature and Habitat projects that environmentally enhance Electoral Area I – Youbou/Meade Creek in the service area.
- b) Any proposed expenditure of funds must be referred to the Nature and Habitat Fund Advisory Committee for review.
- c) A recommendation from the Nature and Habitat Fund Advisory Committee shall be forwarded to the Board for consideration. An expenditure of funds must be approved by Board resolution.

**8. ESTABLISHMENT OF ADVISORY COMMITTEE**

There is hereby established a Committee known as the Nature and Habitat Fund Advisory Committee.

**9. COMMITTEE MEMBERSHIP**

The Nature and Habitat Fund Advisory Committee shall consist of the following five members:

- a) The Area Director for Electoral Area I – Youbou/Meade Creek, who shall serve as Chair and call meetings as required.
- b) Four qualified electors from Electoral Area I – Youbou/Meade Creek appointed by the Board. Nominations for Committee appointments are to be advertised in two consecutive issues of a local community newspaper and on the Regional District website.

**10. TERM OF MEMBERSHIP**

The term of office for members appointed under 9(b) shall be up to 3 years. All appointments shall expire on December 31 in the year of a General Local Election

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 3384 as given Third Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this

\_\_\_\_\_ day of \_\_\_\_\_ 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

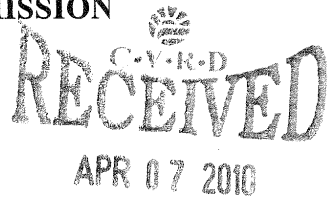
\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

PK 1

# MINUTES OF THE AREA F PARKS ADVISORY COMMISSION

Honeymoon Bay Hall March 4, 2010



**Called to Order** at 19:02. David Lowther in the chair,

**Present:** Ray Wear, David Lowther, Shirley Burden, Sharon Wilcox, Dave Darling, Carolyn LeBlanc, Brian Peters, Peter van Buiten, Ian Morrison, Bill Bakkan.

**MSC:** to accord voice and vote to new members awaiting confirmation.

**MSC:** to approve the agenda.

**MSC:** to accept the Previous Minutes.

**2010 Budget:** the proposed budget was reviewed and discussed.

## **Report from the Chair:**

This year we will be using the rules of order in an effort to improve the function of the Commission. I will be keeping a speaker's list and calling on members in order.

Reports will be in writing (like this one) for the convenience of the Secretary and for the purposes of accuracy. The reports will be made and acceptance thereof moved before questions are asked or amendments suggested.

This month we will be assigning individual parks to individual committee members under business arising from this report. We will also be establishing a few committees to examine specific projects that have been suggested.

A Bowling Green Committee to be chaired by Shirley Burden.

A Boat Launch Committee to be chaired by Brian Peters..

An Ongoing Projects Committee to be chaired by Ray Wear.

These committees will be expected to report from time to time, and will take direction from the Commission. Membership is not restricted to commissioners, and the Chair of each committee is encouraged to recruit from the community at large. The Chair (that's me!) and the Secretary will be ex officio members of each committee.

As other projects are identified we will establish committees for them as well. The mandate of these committees is to determine public desire and consider ways to satisfy them. We need to remember that staff cannot do what we want unless we make it clear. It also helps if what we ask is possible.



Channels of communication are very important. Our CVRD Director has undertaken to provide us with the support and information we need, and commissioners should approach him or their Chairperson rather than directly contacting the staff unless there is an emergency. We need to remember that we are an advisory group whose main concern is policy and direction.

That being said, a little action would be nice. I hope that at the end of this year we will be able to look back on a successful year of definite progress.

**MSC:** to adopt the report.

**Report from the Regional Director:**

Taxes will be going up substantially this year. The CVRD will be hiring a new human resources representative, an emergency planning person and someone to come out to our Community Halls when there is work to be done.

**MSC:** to accept the report.

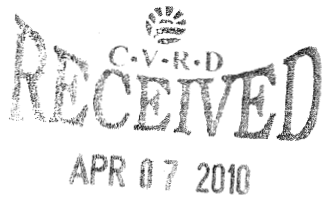
**Unfinished Business:**

**MSC:** to allow Myrna Moffett to dedicate a tree in Memory Lane to her husband Wally.

**MSC:** that the Circle Route pullout at Mesachie Lake be referred to the Ongoing Projects Committee for immediate action.

**MSC:** to raise the Area F tax requisition by 10,000 (ten thousand) dollars.

**MSC:** to **adjourn** at 21:05.



PK 2

## MINUTES OF THE AREA F PARKS ADVISORY COMMISSION

**Honeymoon Bay Hall April 1, 2010**

**Called to Order** at 19:02. David Lowther in the chair,

**Present:** David Lowther, Sharon Wilcox, Dave Darling, Carolyn LeBlanc, Brian Peters, Peter van Buiten, Ian Morrison, Bill Bakkan.

**MSC:** to approve the agenda.

**MSC:** to accept the Previous Minutes.

### **Correspondence**

From: Brian Farquhar 03/18/10 re request from Lake Cowichan for signage and sanitary facilities at Little Beach.

**MSC:** to receive and table until the May meeting.

### **Report from the Chair:**

The expansion of the Mesachie Lake ball field is under way, resulting in the driveway being cut off on either side of Community Hall. We need to have individual project plans into staff by mid September to go forward for 2011, as well as a longer term plan.

Park assignments: Central Park North: Bill Bakkan and Brian Peters  
Central Park South: Shirley Burden  
Bear Lake Park: Sharon Wilcox and Carolyn LeBlanc  
Mesachie Park: David Darling and David Lowther  
Lily Beach: Ray Wear and Peter van Buiten

**MSC:** to adopt the report.

### **Report from the Regional Director:**

Was not submitted in writing.

**MSC:** to accept the report.

### **Lawn Bowling Committee:**

The committee is in the early stages of refurbishing the present **Lawn Bowling Green** at the north end of the playground in **Central Park**. We are attempting to stimulate local interest and will be seeking advice and local support to organize a club.

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The soil condition at the location has been checked. The top 6 to 8" is a good basis to install new greens. The present surface would have to be removed and top soil added. Additional projects would include lighting for evening use, upgrading of the existing bowling hut, chain link fencing for security and safety reasons and wooden benches.

**MSC:** to accept the report.

**Boat Launch Committee:**

We have read and studied the history of this project and have visited the site numerous times including the taking of offshore soundings. In consultation with the other committee members, we now believe a new direction is more feasible based on the following factors:

- Most environmental concerns would be alleviated by installing a pier only without a boat launch
- Committee concern that only the smallest boats will be able to launch
- Inadequate Area F Parks project funding for some years to come

Proposal (revised): Pier only situation should be pursued. If the desire is still there for a launch ramp in the future, that can be a separate project at that time.

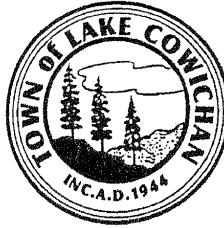
In conjunction with installation of a pier up grading of the facilities at Central Beach should be addressed:

- Lighting for security and for evening use of the park
- Grading and re-gravelling the parking area
- Plantings along the north side of South Shore Rd. to enhance the 'green' nature of the park
- Signage facing the water informing boaters of the limits on docking and for the listing of local businesses and sites

**MSC:** to accept the report

**MSC:** to **adjourn** at 20:07.

Town of Lake Cowichan  
39 South Shore Road  
PO Box 860, Lake Cowichan  
Vancouver Island, BC, V0R 2G0



www.town.lakecowichan.bc.ca  
Phone: (250) 749-6681  
Fax: (250) 749-3900

March 8, 2010

File: 1120-150-15

Cowichan Valley Regional District  
175 Ingram Street  
Duncan, BC  
V9L 1N8

RECEIVED  
MAR 09 2010

**ATTENTION: Brian Farquhar**

Dear Mr. Farquhar:

**Re: Request for Appropriate Signage and Facilities for Visitors**

You can probably appreciate that the subject of the Cowichan River and its use gets its fair attention by the public at large and both the Regional District and the Town. The issue we both face is appropriate signage and public facilities in both local jurisdictions for recreational users.

It's our hope that we collectively can make a difference. It takes the combined efforts of all affected residents in the Town and Areas "F" and "I" to come up with effective and common solutions for the Cowichan Lake and the Cowichan River. With that end in mind, we are also requesting that consideration be given to the installation of portable toilet units in areas that are easily accessible to users of the Cowichan River especially Little Beach. Appropriate signage to indicate these facilities would also be useful.

We look forward to a favourable response from you and hope we can jointly address the needs of the recreational users of Cowichan River and Cowichan Lake.

Yours truly,

Joseph A. Fernandez  
Chief Administrative Officer

:rlr

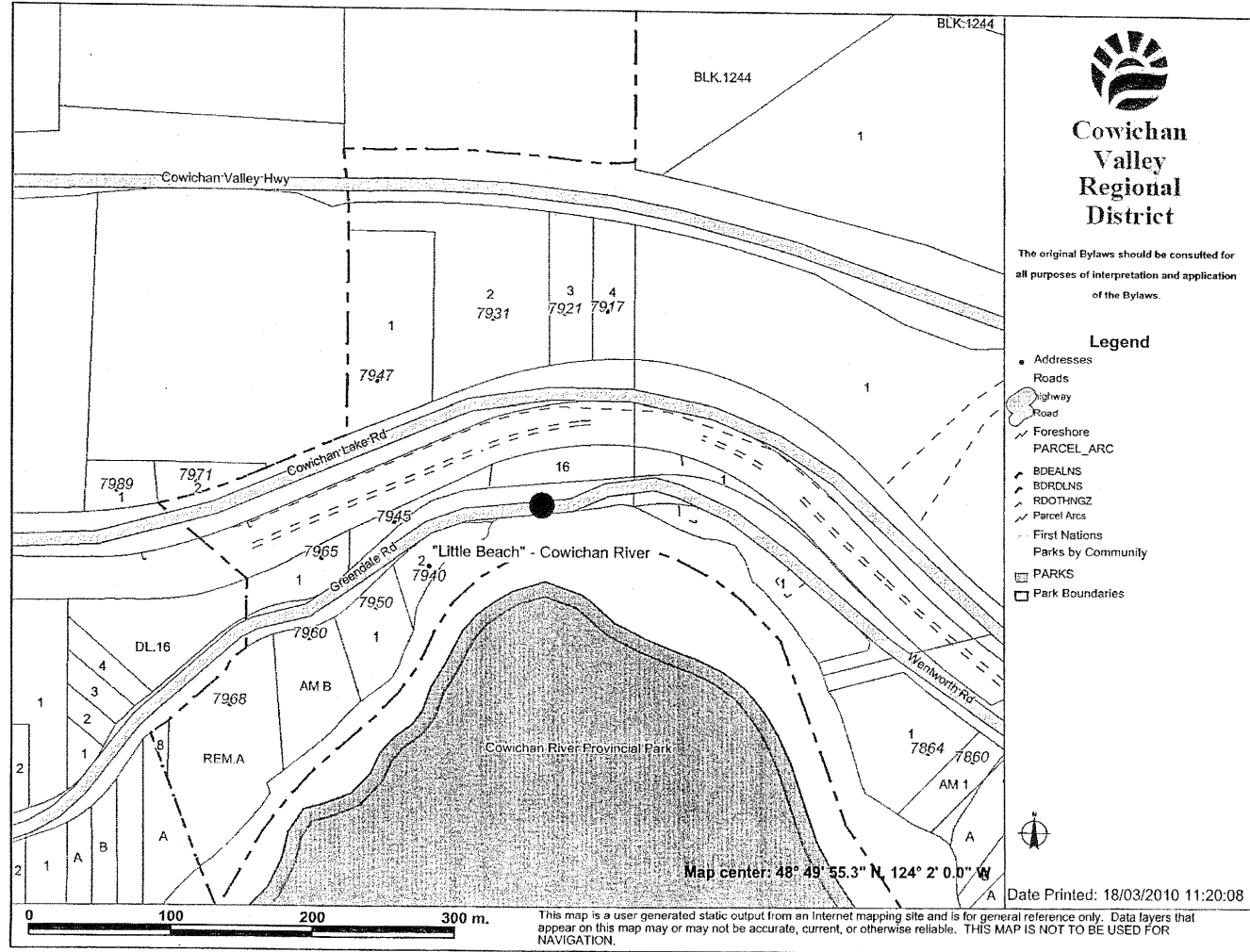
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Municipal Hall  
749-6681

lake  
**cowichan**

Public Works  
749-6244

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Mr. John Krug  
Chairman, Cobble Hill Parks Board

April 8, 2010

PK 3  
1  
APR 12 2010

Dear John and Members of the Cobble Hill Parks Board,

I am sorry to inform you that I must resign my position with the Parks Board at this time. I realize that you need members that you can count on to attend regularly and my work and family obligations make it increasingly difficult to make the meetings.

I enjoyed working with all of you toward the creation of the wonderful bike park, upgrades to the dog park, and particularly the upgrading of the cenotaph. You are a truly dedicated, talented and hard working group. Cobble Hill is lucky to have you!

Please keep me on your list for leaf raking, brush hauling and other glamorous volunteer jobs as needed on weekend.

Warm regards,

Linden Collette

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CVRD

REC

APR 14 2010

COWICHAN VALLEY REGIONAL DISTRICT

SUBMISSION FOR A GRANT-IN-AID (ELECTORAL AREAS) Financial Services Department

Submitted by Director IANNIDINARDO Area D

Grantee:

Grant Amount \$ 500.00

NAME: CBIA

ADDRESS: \_\_\_\_\_

Contact Phone No:

250-709-5971

PURPOSE OF GRANT:

SUPPORT THE 2<sup>nd</sup> ANNUAL  
PRAWN FESTIVAL

REQUESTED BY:

Lou L. Iannidinardo  
Director Requesting Grant

ACCOUNT NO.	AMOUNT	GST CODE
<u>01-2-1950-0108 - 114</u>	<u>500.00</u>	<u>10.0</u>

FOR FINANCE USE ONLY

BUDGET APPROVAL ✓

VENDOR NO. \_\_\_\_\_

Disposition of Cheque:

Mail to above address: \_\_\_\_\_

Return to \_\_\_\_\_

Attach to letter from \_\_\_\_\_

Other \_\_\_\_\_

Approval at Regional Board Meeting of \_\_\_\_\_

Finance Authorization \_\_\_\_\_

-----Original Message-----

**From:** McAlister Hylton [mailto:dhmcalister@shaw.ca]

**Sent:** Thursday, April 08, 2010 8:16 AM

**To:** Iannidinardo Lori

**Subject:** May 15 ..... 2nd Annual Prawn Festival in Cowichan Bay

Hi Lori:

Take a look below at the next major event in Cow Bay. Grant-in-aid for \$500?

Thanks

Last year the Prawn Festival was a resounding success. Hundreds of people were eagerly waiting to buy live prawns from the Government Dock.

This year is even bigger and better. Dockside, we are supplying over the shoulder coolers ( black with the following prawn logo emblazened n the pocket ) and ice for the paltry amount of \$5.00. The first 25 customers will receive a free cooler . Two 4X4 signs

will be installed on the Island Hwy; five 4X3 signs at each roundabout in Duncan and a street banner with more signage as you enter and leave Cow Bay.

We will advertise in the South Cowichan Life and also the Pictorial / News Leader.

Further, we will produce and circulate 100 posters advertising the event

whereby customers and tourists alike, will receive a map and itinerary of the day's events which will include, special menus by all Cow Bay eateries , music and dancing at Bo's in the heart of Cowichan Bay village, continuous cooking demos by internationally renowned chefs, free samples at the Maritime Centre, outdoor BBQ's and much more.

This festival is in part sponsored by the Cowichan Bay Improvement Area ( CBIA ). All proceeds

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after expenses will be donated to a local worthwhile charity or not-for-profit organization.

We are looking for a total of 6 sponsors of the event. You can participate as a sponsor for as little as \$500.00. For this "donation" to the CBIA, you will receive recognition as a sponsor through exposure of your Company logo on all signage at the roundabouts and in Cowichan Bay. We anticipate several thousand viewings each day.

Additionally, sponsors will be recognized on all posters and in the event itinerary. For a further \$500.00 you will also have your Company name or logo included in all newspaper advertising.

Not only is this great exposure for your Company at a very reasonable cost but you are also helping us promote and perpetuate a very popular community event.

Please respond with your support to myself, Hylton McAlister ( Director CBIA ) at this email address and I shall be in touch directly.

Thanking you in advance,

Hylton

250 709-5971

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C.V.R.D.

MEMORANDUM

DATE: April 7, 2010

TO: Tom R. Anderson, General Manager, Planning and Development Department

FROM: Brian Duncan, Chief Building Inspector

SUBJECT: BUILDING REPORT FOR THE MONTH OF MARCH, 2010

There were 49 Building Permits and 5 Demolition Permit(s) issued during the month of March, 2010 with a total value of \$ 5,666,560

Electoral Area	Commercial	Institutional	Industrial	New SFD	Residential	Agricultural	Permits this Month	Permits this Year	Value this Month	Value this Year
"A"				845,250	67,450		9	18	912,700	1,939,873
"B"		175,840		1,150,580	42,320		12	36	1,368,740	3,386,205
"C"				788,330	117,140		7	24	905,470	2,867,367
"D"	1,000			576,560	39,130		6	12	616,690	863,040
"E"				236,840	234,360	115,500	6	17	586,700	2,108,870
"F"					78,260		2	6	78,260	426,860
"G"				508,020	180,540		7	9	688,560	1,021,140
"H"	25,000			162,720			2	6	187,722	419,182
"I"				308,760	12,960		3	5	321,723	483,623
Total	\$ 26,000	\$ 175,840	\$ -	\$ 4,577,060	\$ 772,160	\$ 115,500	54	132	\$ 5,666,560	\$ 13,516,160

B. Duncan, RBO

Chief Building Inspector

BD/db

NOTE: For a comparison of New Housing Starts from 2007 to 2010, see page 2

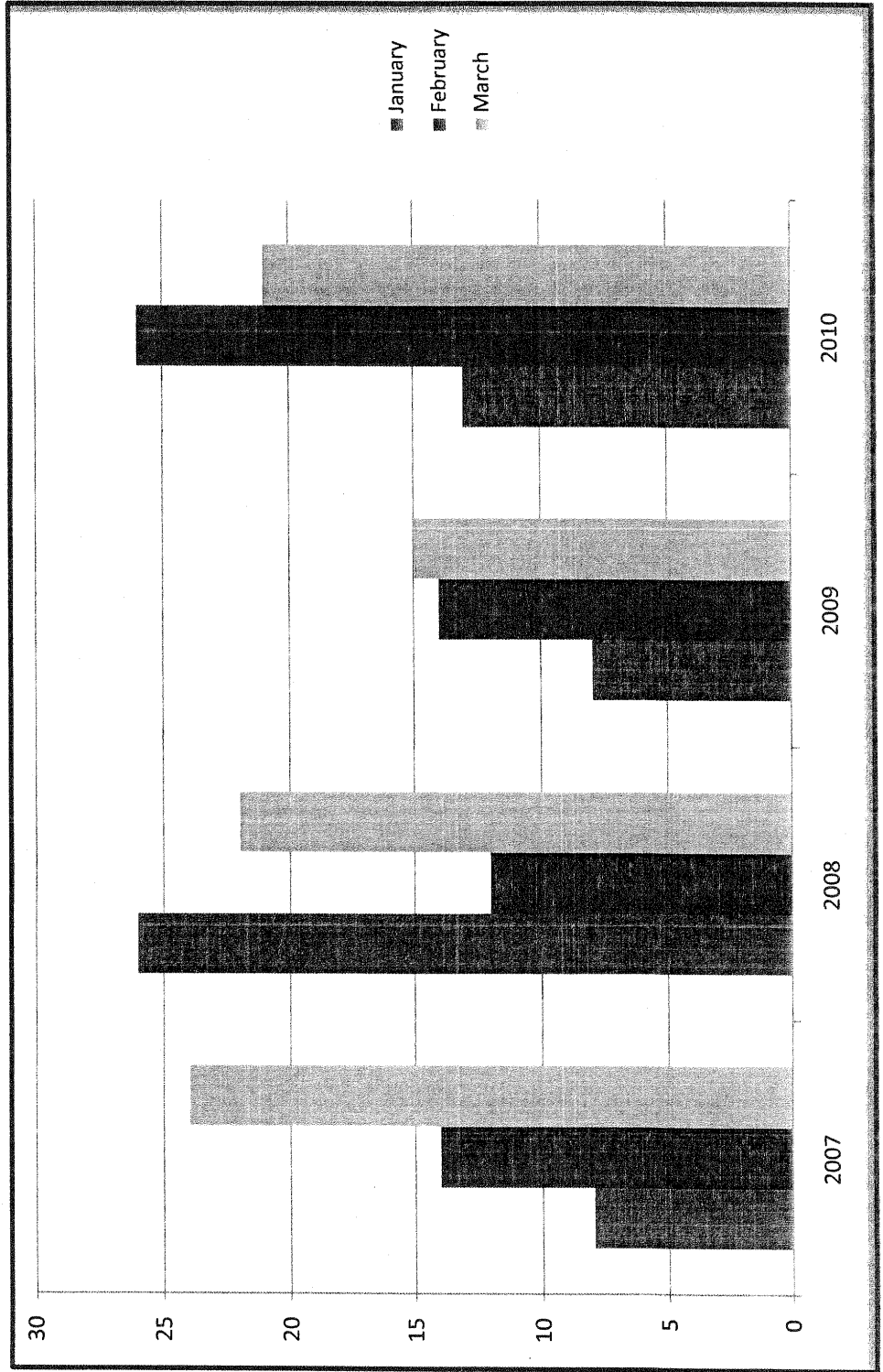
For a comparison of Total Number of Building Permits from 2007 to 2010, see page 3



C.V.R.D

Total of New Housing Starts

	2007	2008	2009	2010
January	8	26	8	13
February	14	12	14	26
March	24	22	15	21



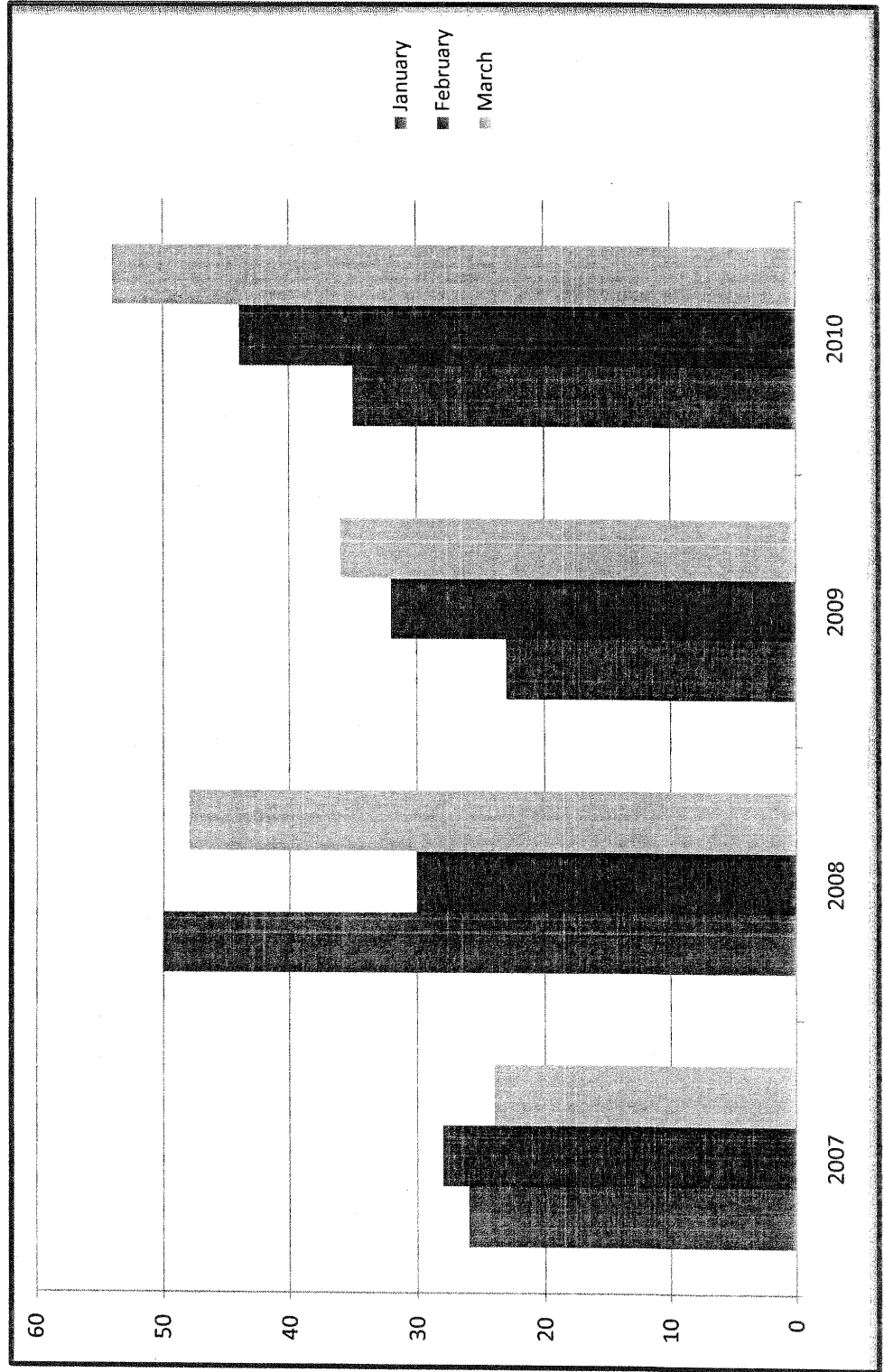
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CVRD

Total Building Permits Issued

	2007	2008	2009	2010
January	26	50	23	35
February	28	30	32	44
March	24	48	36	54



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