



**COWICHAN VALLEY REGIONAL DISTRICT**

**NOTICE OF REGULAR BOARD MEETING**

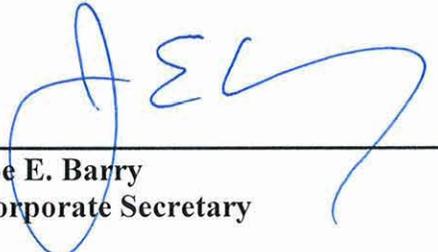
**DAY: WEDNESDAY**

**DATE: MAY 12, 2010**

**TIME: → REGULAR SESSION  
6:00 P.M.**

**PLACE: BOARD ROOM**

**175 INGRAM STREET**

  
\_\_\_\_\_  
**Joe E. Barry  
Corporate Secretary**



**REGULAR BOARD MEETING**  
**WEDNESDAY, MAY 12, 2010**  
**6:00 PM - CVRD BOARD ROOM**

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

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12. **RESOLUTIONS:**13. **UNFINISHED BUSINESS:**14. **NOTICE OF MOTION:**15. **NEW BUSINESS:**16. **QUESTION PERIOD:**

- a) Public
- b) Press

**17. CLOSED SESSION:**

CSM1	Adoption of Closed Session Minutes of April 14, 2010	166-167
CSM2	Adoption of Special Closed Session Minutes of April 28, 2010	168-169
CSCR1	Land Acquisition {Sub (1) (e)}	170

**18. ADJOURNMENT:**

The next Regular Board meeting will be held June 9, 2010 at 6:00 p.m., in the Board Room, 175 Ingram Street, Duncan BC.

Minutes of the Regular meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, April 14, 2010 at 6:06 pm.

**PRESENT:** Chair G. Giles,  
Directors K. Cossey, M. Dorey, L. Duncan,  
D. Haywood, R. Hutchins, L. Iannidinardo,  
P. Kent, K. Kuhn, T. McGonigle, M. Marcotte,  
I. Morrison, G. Seymour, T. Walker,  
and Alternate Director R. Burgess

**ALSO** Warren Jones, Administrator  
**PRESENT:** Joe Barry, Corporate Secretary  
Dan Derby, General Manager Public Safety  
Brian Dennison, General Manager  
Engineering & Environmental Services  
Kate Miller, Manager, Regional Environmental Policy  
Rob Conway, Manager, Development Services Division  
Brian Farquhar, Manager, Parks and Trails Division  
Bob McDonald, Manager,  
Recycling & Waste Management  
Jim Wakeham, Manager,  
Facility, Fleet & Transit Management

**ABSENT:** Director B. Harrison

## **APPROVAL OF AGENDA**

**10-182**

**It was moved and seconded that the agenda be amended with the addition of New Business items:**

**NB1 Staff Report from the Manager, Development Services Division re: Youbou Lands Rezoning - Board Conditions**

**NB2 Correspondence from the City of Richmond re: Nomination for Richmond Chamber of Commerce 911 Awards - Grant Keefer - Area H - North Oyster/ Diamond**

**NBCS1 Personal Information {Sub (1) (a)}**

**NBCS2 Freedom of Information {Sub (1) (j)}**

**and the deletion from the Agenda of CR4 Island Savings Centre Commission Report and Recommendations**

**and that the agenda, as amended, be approved.**

**MOTION CARRIED**

**ADOPTION OF MINUTES**

10-183                    It was moved and seconded that Resolution No. 10-170 be changed from "Area F" to Area I" and that the minutes of the March 10, 2010 Regular Board meeting be adopted as amended.

**MOTION CARRIED**

**BUSINESS ARISING FROM MINUTES**

There was no business arising.

**DELEGATIONS**      There were no Delegations.

**REPORT OF CHAIRPERSON**

**RC1**                    Appointment to the Community Safety Advisory Committee.

The Chair advised that she has appointed Councillor Jillian Dashwood, Town of Ladysmith and Councillor Jayne Ingram representing the Town of Lake Cowichan to the Community Safety Advisory Committee for a term to expire November 30, 2010.

**RC2**                    The Chair acknowledged National Volunteer Week which is being held April 18<sup>th</sup> to April 24<sup>th</sup> and the many volunteers who serve in the Cowichan Region.

**CORRESPONDENCE**

**C1**                    Correspondence from the Capital Regional District dated March 22, 2010 re: Proposed Boundary Change.

The Corporate Secretary advised that a recommendation regarding this request is dealt with in Electoral Area Services Committee Report of April 6, 2010, item 7.

**INFORMATION**      There were no information items.

**COMMITTEE REPORTS**

**CR1**                    The report and recommendations from the Electoral Area Services Committee meeting held March 16, 2010 listing nine items were considered.

10-184                    It was moved and seconded:

1. That the request to release Restrictive Covenant J17198 (Silver Catch Processing Inc.) registered against Lot 1, Section 7, Range 4, Cowichan District, Plan 28681 (1838 Cowichan Bay Road, File #1-D-08DP), be approved, and that the CVRD proceed to have the covenant removed from title.

2. That the resignation of June Laraman from the Area A Parks Commission be accepted, and that a letter of appreciation be forwarded to Ms. Laraman.
3. That the following grants-in-aid be approved:
  - Grant-in-aid request, Area D – Cowichan Bay, in the amount of \$2,000 to Cittaslow Cowichan Bay Society, to augment their fundraising efforts.
  - Grant-in-aid request, Area D – Cowichan Bay, in the amount of \$1,500 to Koksilah School Historical Society, to help with costs to paint their building.
  - Grant-in-aid request, Area A – Mill Bay/Malahat, in the amount of \$350 to Bard@Brentwood to assist with their 2010 performing arts program.
4. That Director's expenses occurred related to the one day UBCM elections task force session on March 12<sup>th</sup> be approved, and that submitted expenses for Director I. Morrison and Director M. Marcotte be taken from budget function 250.

MOTION CARRIED

10-185

It was moved and seconded that Application No. 3-A.09RS (Koutougos) be referred back to the Area A Advisory Planning Commission for their review.

MOTION CARRIED

10-186

It was moved and seconded:

7. That Application No. 1-C-09DVP by Marilyn Gourley for a variance to Section 5.3(a) of Zoning Bylaw No. 1405, by decreasing the setback from watercourse from 15 metres down to 12.6 metres, on Strata Lot 429, Section 14, Range 10, Shawnigan District, Strata Plan 1601 (Phase 13) PID: 017-559-553, be approved, subject to the applicant providing a survey confirming compliance with the reduced setback.
8. That Application No. 1-I-10DP/VAR be approved, and that a Development Permit, with a Variance, be issued to Robert and Susan Thackeray for the construction of an accessory building 4.5 metres from the front parcel line, subject to compliance with the measures and recommendations outlined in RAR Assessment Report No. 1342 by Kelly Schellenberg, B.Sc.F., R.P.F.
9. 1. That the proposed planning and consultation process for the Area D Official Community Plan be approved in principle; and
  2. That the following individuals be confirmed as members of the Area D Official Community Plan Steering Committee:
    - Hilary Abbot
    - Don Bright
    - Dan Butler
    - Larry George

- Peter Holmes
- Danica Rice
- Robert Stitt

**MOTION CARRIED**

**6:24 pm** Director Marcotte declared a conflict of interest due to a long-term family relationship with the applicants and left the Board Room at 6:24 pm.

**10-187** It was moved and seconded:

6. That Application No. 3-H-09 DP be approved, and that a development permit be issued to Angela YP Quek Architecture on behalf of Peggy and Doug Kolossoff, for Parcel 1 (DD14733N) of Parcel B (DD3329N) of District Lot 22, Oyster District, except part in Plan 18087, to permit the construction of a 24 unit residential care facility, subject to:
  - a. The facility is licensed pursuant to the *Community Care and Assisted Living Act*,
  - b. The facility receives the appropriate water system approval from the Vancouver Island Health Authority pursuant to the *Drinking Water Protection Act*,
  - c. The development complies with the recommendations noted in Lewkowich Engineering Aquifer Impact Assessment report dated November 13, 2009,
  - d. The development complies with the recommendations noted in Lewkowich Engineering Geotechnical Hazard Assessment, dated September 11, 2009, including:
    - *The volume of storm discharge to the foreshore culvert is not increased substantially. This can be accomplished by providing a recharge facility (rock pit/trench) with an overflow to the storm system leading to the foreshore,*
    - *The building site soils are adequately drained to a depth of at least 0.5 m within the building footprint,*
    - *Foundations are extended to suitable undisturbed bearing soil*
  - e. The development is in substantial compliance with the attached Kiwi Manor Care Facility plans, dated May 7, 2009 by AYPQ Architecture. And furthermore, that these plans include paving the staff parking area and installing an oil/water separator.

**MOTION CARRIED**

**6:25 pm** Director Marcotte returned to the Board Room at 6:25 pm.

**CRI** The report and recommendations from the Electoral Area Services Committee meeting held April 6, 2010 listing ten items, were considered.

10-188

It was moved and seconded:

1. 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.
3. 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.
4. 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.
5. That bylaw enforcement action NOT be taken respecting existing fence located at 3236 Kilipi Road which exceeds the maximum allowed fence height.

6. 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.
7. 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.

Opposed: Director Marcotte

**MOTION CARRIED**

Resolution No. 2 was not proceeded with upon advice of the Administrator.

10-189

It was moved and seconded:

8. 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.
9. 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.
10. 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**

6:28 pm

Director Duncan left the Board Room at 6:28 pm.

CR2

The report and recommendations from the Engineering and Environmental Services Committee meeting held March 24, 2010 listing nine items, were considered.

10-190

It was moved and seconded:

2. That "CVRD Bylaw No. 3360, Cowichan Valley Regional District Garbage and/or Recyclable Materials Collection Amendment Bylaw, 2010" be forwarded to the Board for three readings and adoption.
3. .1 That "CVRD Bylaw No. 3368 – Arbutus Ridge Water System Management Amendment Bylaw, 2010 be forwarded to the Board for three readings and adoption.

RESCINDED  
April 28, 2010  
Res. 10-233

- .2 That "CVRD Bylaw No. 3369 – Arbutus Ridge Sewer System Management Amendment Bylaw, 2010 be forwarded to the Board for three readings and adoption.
- .3 That "CVRD Bylaw No. 3370 – Dogwood Ridge Water System Management Amendment Bylaw, 2010" be forwarded to the Board for three readings and adoption.
5. That the Cowichan Valley Regional District enter into sole source recycling depot servicing contract extensions, as negotiated, for the period of June 1, 2010 to December 31, 2010.
6. That a *critical location* streetlight be installed at the corner of Gregory Road and McKean Road in Electoral Area B – Shawnigan Lake, as requested in a petition from local residents.
7. .1 That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting establishment of a Water System Service Area and authorizing the borrowing of up to \$150,000.00, be received.
- .2 That Service Establishment and Loan Authorization bylaws for the Douglas Hill Water System Service Area be prepared.
- .3 That, following adoption of the Service Establishment and Loan Authorization Bylaws, a Capital Reserve Fund Establishment Bylaw, a Parcel Tax Roll Bylaw and a Management Bylaw be prepared for the Douglas Hill Water System, and that these be bylaws forwarded to the Board for consideration of three readings and adoption.
- .4 That Staff be authorized to negotiate the transfer of assets agreement with the current owner of the system.
- .5. That the service area residents be given the option of paying their portion of the borrowing cost up front.
8. That the Board approve the removal of the “no-build” covenant on Lot 7 and add a covenant restricting “use” and “no-build” for Lot 11 within the Hiles Subdivision of the Lambourn Estates Sewer and Water Systems Service Areas. Six lots of ten in the development will retain their “no-build” covenants.
9. That "CVRD Bylaw No. 3366 – Cowichan Bay Sewer System Management Amendment Bylaw" be forwarded to the Board for three readings and adoption.

**MOTION CARRIED**

10-191

It was moved and seconded:

1. That the Cowichan Valley Regional District enter into a sole source Curbside Collection contract extensions for the period of June 1, 2010 to May 31, 2011.

**MOTION CARRIED**

10-192 It was moved and seconded:

4. That the CVRD support application of an infrastructure planning grant for a Honeymoon Bay Micro Hydro Energy Recovery Program to be funded to a maximum cost of \$15,000, with \$5,000 from the CVRD Electoral Area Feasibility Study Function and \$10,000 through a Provincial Feasibility Study Grant; and that, upon completion of a successful business plan, an energy recovery service area for this utility be created.

**MOTION CARRIED**

6:36 pm Director Duncan returned to the Board Room at 6:36 pm.

CR3 The report and recommendations from the Transit Services Committee meeting held April 14, 2010 listing four items were considered.

10-193 It was moved and seconded:

1. That the following CVRD Conventional Transit service rates be implemented July 1<sup>st</sup>, 2010:

		<u>Current</u>	<u>July 1, 2010</u>
Cash Fare	Adult	\$ 1.75	\$ 2.00
	Student/Senior	\$ 1.50	\$ 1.75
	Children under 5	Free	Free
Tickets (book of ten)	Adult	\$ 14.00	\$ 16.00
	Student/Senior	\$ 11.50	\$ 13.50
Monthly Pass	Adult	\$ 43.00	\$ 48.00
	Student/Senior	\$ 32.50	\$ 36.00
	College Student	\$ 32.50	\$ 36.00
	College semester	\$100.00	\$112.00

2. That the CVRD HandyDART service rates be increased for one fare from \$2.00 to \$2.25 effective July 1, 2010.

3. That the CVRD Commuter Service rates be changed as follows effective July 1, 2010 to replace the two zone fare structure with a one zone fare:

Cash Fare	Zone 1	\$ 6.00	\$ 7.00
	Zone 2	\$ 8.00	\$ 7.00
Tickets (book of ten)	Zone 1	\$ 54.00	\$ 63.00
	Zone 2	\$ 72.00	\$ 63.00
Monthly pass	Zone 1	\$150.00	\$165.00
	Zone 2	\$200.00	\$165.00
Monthly South Island pass	Zone 1	\$185.00	\$200.00
	Zone 2	\$235.00	\$200.00

4. That the Board support BC Transit's recommendation to close the Park & Ride at Hutchinson Road effective July 1, 2010, and further that customers be encouraged to use either the Valley View or Frayne Road Park & Ride sites.

**MOTION CARRIED**

The Corporate Secretary advised that it would be appropriate to bring forward Agenda Item NBCS2 from the Closed portion of the agenda since it pertains to Transit and should have been reported out at the Transit Committee meeting.

NBCS2  
10-194

It was moved and seconded:

1. That the Board Chair and Corporate Secretary be authorized to sign the following Annual Operating Agreements between BC Transit, the CVRD and the corresponding operating companies, commencing April 1, 2010 to March 31, 2011:
  1. Cowichan Valley Conventional System - FirstCanada ULD
  2. Custom Transit - Handy-DART - Volunteer Cowichan
  3. Youbou Transit System - Cowichan Lake Community Services Society

**MOTION CARRIED**

CR4

Deleted upon Adoption of the Agenda.

CR5

The report and recommendations from the Cowichan Lake Recreation Commission of meeting held March 25, 2010 listing one item was considered.

- 10-195            It was moved and seconded that a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of a maximum of \$94,541 from Reserve Fund Bylaw No. 505 (Cowichan Lake Recreation Reserve Fund Establishment Bylaw, 1979) for the purpose of partially funding the replacement of the arena ice resurfacers (i.e. Zamboni) located at the Cowichan Lake Arena, and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

**MOTION CARRIED**

#### **STAFF REPORTS**

- SR1            The Staff Report from the Legislative Services Coordinator dated March 23, 2010 re: Amendment to Shawnigan Creek Drainage System Service Establishment Bylaw was considered for information.
- SR2            The Staff Report from the Corporate Secretary dated April 6, 2010 re: North Cowichan - No Further Borrowing under CVRD Security Issuing Bylaw No. 3048, 2008 was considered.
- 10-196            It was moved and seconded that the following Council resolution passed by the Municipality of North Cowichan on February 3, 2010: *"That Council resolve to no longer borrow using Bylaw No. 3301, being the "Maple Bay Fire Hall Authorization Bylaw, 2007", be accepted and received.*

**MOTION CARRIED**

- SR3            The Staff Report from the Planner, Development Services Division, dated April 6, 2010 re: Zoning Amendment Bylaw No. 2981 (CVRD for Ministry of Environment/Gordon Bay Provincial Park - Area F) was considered for information.
- SR4            Staff Report from the Planning Technician dated April 6, 2010 re: Proposed adjustment to Official Community Plan Amendment Bylaw No. 3378 (Koutougos 3-A-09-RS) was referred back to the Area A Advisory Planning Commission as a result of Resolution No. 10-186.
- SR5            The Staff Report from the Manager, Development Services Division dated April 7, 2010 re: Adoption of Zoning Amendment Bylaw 3233 (Nicholson) was considered for information.

#### **PUBLIC HEARINGS**

- PH1            The Public Hearing Report and Minutes re: Official Settlement Plan Amendment Bylaw No. 3324 and Zoning Amendment Bylaw No. 3325 (Parhar Holdings), applicable to Electoral Area D - Cowichan Bay were considered.

10-197            It was moved and seconded that the Public Hearing Report and Minutes re: Official Settlement Plan Amendment Bylaw No. 3324 and Zoning Amendment bylaw No. 3325 (Parhar Holdings), applicable to Electoral Area D - Cowichan Bay be received.

MOTION CARRIED

BYLAWS

B1  
10-198            It was moved and seconded that "CVRD Bylaw No. 3344 - Shawnigan Creek Drainage System Service Establishment Bylaw, 2010", 3<sup>rd</sup> reading be RESCINDED.

MOTION CARRIED

B1  
10-199            It was moved and seconded that "CVRD Bylaw No. 3344 - Shawnigan Creek Drainage System Service Establishment Bylaw, 2010, be amended by deleting tax rate \$0.04485 in Section 6 - Maximum Requisition of Bylaw. No. 3344 and replacing it with \$0.05051".

MOTION CARRIED

B1  
10-200            It was moved and seconded that "CVRD Bylaw No. 3344 - Shawnigan Creek Drainage System Service Establishment Bylaw, 2010, be granted 3<sup>rd</sup> reading as amended.

MOTION CARRIED

B2  
10-201            It was moved and seconded that "CVRD Bylaw No. 3360 - Cowichan Valley Regional District Garbage and/or Recyclable Materials Collection Amendment Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MOTION CARRIED

B2  
10-202            It was moved and seconded that "CVRD Bylaw No. 3360 - Cowichan Valley Regional District Garbage and/or Recyclable Materials Collection Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

B3  
10-203            It was moved and seconded that "CVRD Bylaw No. 3366 - Cowichan Bay Sewer System Management Amendment Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MOTION CARRIED

B3  
10-204            It was moved and seconded that "CVRD Bylaw No. 3366 - Cowichan Bay Sewer System Management Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

B4  
10-205            It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3368 - Arbutus Ridge Water System Management Amendment Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MOTION CARRIED

B4  
10-206            It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3368 - Arbutus Ridge Water System Management Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

B5  
10-207            It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3369 - Arbutus Ridge Sewer System Management Amendment Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MOTION CARRIED

B5  
10-208            It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3369 - Arbutus Ridge Sewer System Management Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

B6  
10-209            It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3370 - Dogwood Ridge Water System Management Amendment Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MOTION CARRIED

B6  
10-210            It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3370 - Dogwood Ridge Water System Management Amendment Bylaw, 2010", be adopted.

MOTION CARRIED

B7  
10-211            It was moved and seconded that "CVRD Bylaw No. 3376 - Saltair Community Parks Park Land Acquisition Reserve Fund Expenditure (\$50,000) Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MOTION CARRIED

B7  
10-212            It was moved and seconded that "CVRD Bylaw No. 3376 - Saltair Community Parks Park Land Acquisition Reserve Fund Expenditure (\$50,000) Bylaw, 2010", be adopted.

MOTION CARRIED

B8  
10-213            It was moved and seconded that "CVRD Bylaw No. 3377 - Cowichan Lake Sports Arena Capital Improvements (Physically Handicapped Accessibility) Reserve Fund Expenditure Bylaw, 2010", be granted 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.

MOTION CARRIED

B8  
10-214            It was moved and seconded that "CVRD Bylaw No. 3377 - Cowichan Lake Sports Arena Capital Improvements (Physically Handicapped Accessibility) Reserve Fund Expenditure Bylaw, 2010", be adopted.

MOTION CARRIED

B9  
10-215 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 2981 - Area F - Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (CVRD for Ministry of Environment), 2009", be granted 3<sup>rd</sup> reading.

MOTION CARRIED

B9  
10-216 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 2981 - Area F - Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (CVRD for Ministry of Environment), 2009", be adopted.

MOTION CARRIED

B10  
10-217 It was moved and seconded that "CVRD Bylaw No. 3233 - Area F - Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Polaris/Nicholson), 2008", be adopted.

MOTION CARRIED

B11  
10-218 It was moved and seconded that "CVRD Bylaw No. 3324 - Area D - Cowichan Bay Official Settlement Plan Amendment Bylaw (Parhar), 2010", be amended by adding the following:

Section 1.6 Site planning will incorporate the principles of Crime Prevention Through Environmental Design (CPTED);

Section 3.7 Landscape security in the form of an irrevocable letter of credit equivalent to 125% of the estimated cost of all proposed hard and soft landscaping shall be provided prior to issuance of a development permit. The cost estimate shall be prepared by a member of the BC Society of Landscape Architects;

Section 3.8 Up to fifty percent of landscape security may be released upon completion of required landscaping in accordance with approved plans. The remaining security shall be released following successful completion of a three year maintenance period.

and changing Section 3.6 by deleting "*or BC Nursery Trades Association*";

and further, that "CVRD Bylaw No. 3324 - Area D - Cowichan Bay Official Settlement Plan Amendment Bylaw (Parhar), 2010", be granted 3<sup>rd</sup> reading as amended.

MOTION CARRIED

B12  
10-219 It was moved and seconded that "CVRD Bylaw No. 3325 - Area D - Cowichan Bay Zoning Amendment Bylaw (Parhar), 2010", be granted 3<sup>rd</sup> reading.

MOTION CARRIED

B13  
10-220 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3371 - Area H - North Oyster/Diamond Official Community Plan Amendment Bylaw (Heart Lake Developments), 2010", be granted 1<sup>st</sup> and 2<sup>nd</sup> reading.

MOTION CARRIED

B14  
10-221 It was moved and seconded that "Cowichan Valley Regional District Bylaw No. 3372 - Area H - North Oyster/Diamond Zoning Amendment Bylaw (Heart Lake Developments), 2010", be granted 1<sup>st</sup> and 2<sup>nd</sup> reading.

MOTION CARRIED

B15 Referred back to the Area A Advisory Planning Commission as a result of Resolution No. 10-185.

B16 Referred back to the Area A Advisory Planning Commission as a result of Resolution No. 10-185.

## RESOLUTIONS

RES 1  
10-222 It was moved and seconded that the following appointment to the North Oyster Fire Service Commission be approved:

Elected:

Jim Jackson

Term to expire March 31, 2012:

MOTION CARRIED

UNFINISHED  
BUSINESS No unfinished business

## NEW BUSINESS

NB1 The Staff Report from the Manager, Development Services Division and Manager, Parks and Trails Division, dated April 14, 2010 re: Youbou Lands Rezoning - Board Conditions (Bylaws No. 3213, 3214 and 3242) was considered.

10-223 It was moved and seconded that conditions (a) and (b) be amended as follows:

- a) That a Section 219 Covenant be prepared and registered on the subject property in favour of the Cowichan Valley Regional District with conditions that both a Statutory Right of Way and Restrictive Covenant be registered in favour of the Regional District on the lands to be subdivided to create the proposed boat launch prior to commencement of Phase II of the proposed PDA, with such conditions including but not limited to:

- The boat launch site to be created as a separately titled parcel
  - The lands are to be limited to boat launch purposes only
  - The CVRD and public will have unrestricted access to use the SRW area to launch and retrieve boats
  - The CVRD retains the right to enter the lands to construct or maintain or expand the works at its costs in the event any facilities previously constructed are not in good repair, etc.
  - Prohibiting the owner from physically obstructing lake access, etc.
  - That the terms and conditions of the Statutory Right of Way and Restrictive Covenant be agreeable to the CVRD.
- b) That a *Land Title Act* Section 219 Covenant be registered against the Youbou Lands to establish a process and criteria for the construction of waterfront lot docks.

Opposed: Director Cossey

**MOTION CARRIED**

NB2 Correspondence from the city of Richmond dated April 9, 2010 re: Nomination for Richmond Chamber of Commerce 911 Awards - Grant Keefer - Area H - North Oyster/Diamond was considered.

10-224 It was moved and seconded that a congratulatory letter be sent to Mr. Keefer wishing him luck in the nomination and award process.

**MOTION CARRIED**

**RESOLVING INTO  
CLOSED SESSION**

10-225 It was moved and seconded that the meeting be closed to the public in  
7:15 pm accordance with the Community Charter Part 4, Division 3, Section 90,  
Subsection (1) (a) Personal Information, (e) Land Acquisition and (j)  
*Freedom of Information.*

**MOTION CARRIED**

**RISE FROM  
CLOSED SESSION**

10-230 It was moved and seconded that the Board rise with report on Items  
8:21 pm CSSRI Board of Variance Appointments and NBCS1 Economic  
Development Commission Appointments, and return to the Regular  
portion of the meeting.

**MOTION CARRIED**

CSSRI  
Personal  
Information  
{Sub (1) (j)}  
10-227

It was moved and seconded that Tom Earl, R.J. (Bob) Brooke and Dalu Peng be appointed for a three year term to the Board of Variance to expire at the end of December, 2013.

MOTION CARRIED

NBCS1  
Personal  
Information  
{Sub (1) (a)}  
10-228

It was moved and seconded that the following appointments to the Economic Development Commission be approved:

Appointed to Fill Remainder of Vacated Positions:

Jane Worton  
Marsha Stanley

Term to expire December 31, 2010

John Plas  
Pat Foster  
Mike Kelly  
John Morris

Term to expire March 31, 2012

MOTION CARRIED

ADJOURNMENT

10-231  
8:21pm

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

MOTION CARRIED

The meeting adjourned at 8:21 pm

Certified Correct:

\_\_\_\_\_  
Chairperson

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

Dated: \_\_\_\_\_

Minutes of the Special meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, April 28, 2010 at 6:11 pm.

**PRESENT:** Chair G. Giles  
Directors K. Cossey, M. Dorey, L. Duncan, P. Kent  
B. Harrison, D. Haywood, L. Iannidinardo, K. Kuhn,  
M. Marcotte, I. Morrison, G. Seymour and T. Walker  
Alternate Directors S. Arnett and B. Day

**ALSO**

**PRESENT:** Warren Jones, Administrator  
Joe Barry, Corporate Secretary  
Mark Kueber, General Manager, Corporate Services  
Brian Dennison, General Manager, Engineering and  
Environmental Services  
Bob McDonald, Manager, Recycling and Waste  
Management

**ABSENT:** Directors R. Hutchins and T. McGonigle

Chair Giles acknowledged that today is National Day of Mourning and the Board held a moment of silence for workers who have been killed or injured on the job.

**APPROVAL OF  
AGENDA  
10-232**

**It was moved and seconded that the agenda be amended with the addition of the following New Business items:**

**NB1 Staff Report from Harmony Huffman, Environmental Technologist  
Re: Rescinding of April 14, 2010 Board Resolution No. 10-190.5 Correction of Recycling Depot Servicing Contract Extension Dates; and**

**NB2 Staff Report from the Corporate Secretary  
Re: 2010/11 Treaty Advisory Committee Operation Funding Grant;**

**and further that the agenda, as amended, be approved.**

**MOTION CARRIED**

**NEW BUSINESS**

**NB1** Staff Report from Harmony Huffman, Environmental Technologist dated April 27, 2010, regarding rescinding of April 14, 2010 Board Resolution No. 10-190.5 Correction of Recycling Depot Servicing Contract Extension Dates, was considered.

**10-233** It was moved and seconded:

1. That Board Resolution No. 10-190.5, adopted April 14, 2010, be rescinded;
2. That the Cowichan Valley Regional District enter into sole source recycling depot servicing contract extensions, as negotiated, for the period of May 1, 2010 to December 31, 2010; and further
3. That the Chair and Corporate Secretary be authorized to sign the recycling depot servicing contract extensions for the period of May 1, 2010 to December 31, 2010 on behalf of the CVRD.

**MOTION CARRIED**

**NB2** Staff Report from the Corporate Secretary dated April 28, 2010, regarding 2010/11 Treaty Advisory Committee Operational Funding Grant, was considered.

**10-234** It was moved and seconded that the Board supports the submission of an application to the Union of British Columbia Municipalities for Treaty Advisory Committee (TAC) Operational Funding of \$10,000 under the Supporting Treaty Implementation Program for the 2010/11 fiscal year.

**MOTION CARRIED**

**RESOLVE INTO 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, Subsection (1)(e) Land Acquisition.

**10-235**  
**6:17 pm**

**MOTION CARRIED**

**RISE FROM CLOSED SESSION** It was moved and seconded that the Board rise without report and return to the Special Board meeting.

**10-240**  
**8:41 pm**

**MOTION CARRIED**



**Request to Appear as a Delegation**

**Meeting Information**

Request to Address:\*

CVRD Board

Committee

If Committee, specify the Committee here:\*

Board

Meeting Date:\* 05/12/2010

Meeting Time:\* 6:00 pm

**Applicant Information**

Applicant Name: Rodger Hunter

Representing: Cowichan Watershed Board

(Name of organization if applicable)

As:

(Capacity / Office)

Number Attending: 1

**Applicant Contact Information**

Applicant Mailing Address: 3961 Riverside Road

Applicant City: Duncan, BC

Applicant Telephone: 250-701-0143

Applicant Fax:

Applicant Email: visavis@uniserve.com

**Presentation Topic and Nature of Request:**

Request for CVRD Support to Implement Specific Elements of the Cowichan Basin Water Management Plan (the Plan)

The Cowichan Watershed Board (CWB) has reviewed the Plan and developed recommended actions to make progress on its implementation. The CWB does not have regulatory authority and its budget is very limited. It requires assistance from partner organizations in order to implement the Plan.

The CWB is seeking CVRD leadership, cooperation and support to implement and coordinate steps that will lead to the implementation of the Plan and achieve long term benefits for the watershed and the region.

\* indicates required fields.



CITY OF DUNCAN

April 22, 2010

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

Dear Mr. Barry:

Re: Lower Cowichan - Koksilah River Integrated Flood Management Plan

Please be advised that the following resolution was adopted by City Council at the April 19, 2010 Council meeting:

That the City write to the CVRD, Cowichan Tribes, and the District of North Cowichan requesting that, in the interest of public safety, the Final Report of the Lower Cowichan / Koksilah River Integrated Flood Management Plan be presented to the CVRD Board and that the Board determine the next steps to be taken to mitigate the chances of repeat flooding; and to provide long term flood protection;

And That the City fully support an integrated approach to flood management;

And That the City request the CVRD to lead in this process for governance and management."

There are several strategies and recommended actions presented in the Integrated Flood Management Plan that should be seriously considered; and because of the far reaching impacts of any flooding of the Cowichan or Koksilah Rivers their consideration should logically be co-ordinated on a regional basis. If an integrated approach is not taken we risk that the actions of one party may adversely impact the others.

City Council feels that time is of the essence in moving forward as a unified "community of interest" to resolve the complex issues associated with responding to ongoing flood and river management, thus the need to begin this 'process' work as soon as possible.

The working out of the technical and funding details of the works that have been identified to date as high priority in order to protect our communities from immediate impacts, also needs to be addressed immediately.

It cannot be understated how both of the foregoing actions and the potential solutions should be undertaken in such a manner that support an integrated and cumulative impacts analysis to ensure that the works currently proposed to protect our communities do not impact others adversely.

Your favourable consideration of Council's resolution and early reply would be greatly appreciated.

Sincerely,

Lynn Ketch  
Director of Corporate Services

TO:	
DATE:	MAY 12 / 10
BY:	
DATE:	4/28/10



**ELECTORAL AREA SERVICES  
COMMITTEE REPORT**

**OF MEETING HELD APRIL 20, 2010**

**DATE:** April 21, 2010

**To:** Chairperson and Directors of the Board

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Your Electoral Area Services Committee reports and recommends as follows:

1. That the irrevocable letter of credit provided for Development Permit No. 1-E-08DP (Parhar Property Management Ltd.) be drawn upon respecting non-compliance of landscaping requirements.
2.
  1. That an annual financial contribution service be created for the Mill Bay/Malahat Historical Society with a maximum requisition limit of \$10,000 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 three readings and following provincial and voter approval, be considered for adoption.
3. That voter approval to establish the Mill Bay/Malahat Historical Society Annual Financial Contribution Service be obtained through an alternative approval process.
3.
  1. That the services of Bob Hamilton Enterprises Inc. be obtained 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 a Reserve Fund expenditure bylaw be prepared authorizing expenditure of no more than \$36,308 from the Malahat Fire Protection Specified (Local Service) Area Machinery and Equipment Reserve Fund (CVRD Establishment Bylaw No. 1301, cited as the Malahat Fire Protection Specified (Local Service) Area Machinery and Equipment Reserve Fund Establishment By-law No. 1, 1990) for the purpose of purchasing machinery and equipment, and that the reserve fund bylaw be forwarded to the Board for consideration of three readings and adoption.

4. That CVRD Bylaw No. 3384 – Nature and Habitat Fund Establishment Bylaw, 2010 be forwarded to the Board for consideration of three readings and adoption.
5. That the 2010 Major and Minor Capital Work Program revised Schedule dated April 18<sup>th</sup> for Community and Sub-Regional Parks be further revised to remove Area C Manley Creek Box Steps Installation, Area C Beach Accesses Rip Rap Improvements, and Area C Cenotaph Rock Retaining Wall (if funding for the Area C washroom building involves parks), and that the further revised Schedule be adopted as the order and priority list for undertaking completion of capital project work approved in the 2010 budget.
6. That the resignation of Linden Collette from the Area C Parks Commission be accepted and that a letter of appreciation be forwarded to Linden Collette.
7. That the following grant in aid requests be approved:
  - Grant-in-aid (Area D) to Cowichan Bay Improvement Area in the amount of \$500 to support their second annual prawn festival.
  - Grant-in-aid (Area I) to Cowichan Lake Salmonid Enhancement in the amount of \$1,000 to support their Coho south study.
  - Grant-in-aid (Area I) to Lake Days Society in the amount of \$300 to assist with costs to hold the Lake Days dance.
  - Grant-in-aid (Area I) to Lake Days Society in the amount of \$500 to assist with costs to hold the “Breakfast in the Town” event.
  - Grant-in-aid (Area I) to Lake Cowichan Secondary School in the amount of 250to assist with Grad 2010 dry grad costs.
  - Grant-in-aid (Area I) to Cowichan Lake District Chamber of Commerce in the amount of \$4,000 to assist the Tourist Info Centre costs.
  - Grant-in-aid (Area I) to Cowichan Lake Lady of the Lake Society in the amount of \$1,200 to assist with costs related to the Ambassador Programme.
  - Grant-in-aid (Area I) to Wilderness Watch in the amount of \$750 to assist with truck insurance costs.
  - Grant-in-aid (Area I) to Cowichan Lake Secondary School Grad 2010 (Chris Friesen) in the amount of \$500 to assist with prom night costs.
  - Grant-in-aid (Area D) to Cowichan Music Festival Society in the amount of \$500 to assist with hosting the Performing Arts BC Provincial Finals.
  - Grant-in-aid (Area C) to Frances Kelsey School in the amount of \$500 to provide a third bursary to a graduating Cobble Hill student.
  - Grant-in-aid (Area C) to Cowichan Music Festival Society in the amount of \$500 to assist with costs to stage the Performing Arts BC Provincial Finals.
  - Grant-in-aid (Area C) to Cobble Hill LERN Program in the amount of \$250 to assist with costs in developing Cobble Hill’s LERN Program.
  - Grant-in-aid (Area A) to Cowichan Music Festival Society in the amount of \$500 to assist with hosting the Performing Art BC Provincial Finals.
  - Grant-in-aid (Area E) to Cowichan Music Festival Society in the amount of \$500 to assist with hosting the Performing Art BC Provincial Finals.

8. That the resignation of Donna Einarsson from the Area D Parks Commission be accepted and that a letter of appreciation be forwarded to Ms. Einarsson.
9. That a letter be forwarded to the Mayor of Powell River expressing sincere thanks and appreciation for the excellent job hosting the recent AVICC conference.

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

10. 1. That Official Community Plan and Zoning amendment bylaws for Application No. 4-A-09RS (Baranti Developments) be prepared that would permit a bare-land subdivision of 40 lots, and that the bylaws be forwarded to the Regional Board for consideration of 1<sup>st</sup> and 2<sup>nd</sup> readings.
  2. That a public hearing be scheduled with Directors Harrison, Cossey, and Giles appointed as Board delegates, following submission of a 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.
  3. 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.
11. That a letter be forwarded to the Minister of Agriculture and Lands and/or appropriate Minister requesting a meeting with the Minister, Area D Director L. Iannidinardo, and the CVRD Board Chair, to explain the CVRD's position that expiring Lease No. 105062 (Block A of District Lot 160, Cowichan District - Hokensen/boat repair business) not be renewed due to existing OCP review process.



C·V·R·D

CR1

**ELECTORAL AREA SERVICES  
COMMITTEE REPORT**

**OF MEETING HELD MAY 4, 2010**

**DATE:** May 10, 2010

**To:** Chairperson and Directors of the Board

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Your Electoral Area Services Committee reports and recommends as follows:

1. That the Regional District Board establish an Agricultural Advisory Committee comprised of government, community, farmers and other stakeholders to address the issues and actions identified in the Area Agriculture Plan; and to advise the Board on issues of importance to the agricultural community, and on ALR exclusion applications as well as other matters referred to it.
2. That the CVRD contact Cowichan Tribes regarding the dangerous dog situation that exists on Cowichan First Nations lands in order to find an immediate amiable solution to the situation.
3.
  1. That the Regional Board appoint Brian Duncan as a Bylaw Enforcement Official.
  2. That the Regional Board appoint Grant Breckenridge as a Bylaw Enforcement Official.
  3. That the Regional Board appoint Norm Knodel as a Bylaw Enforcement Official.
  4. That the Regional Board appoint Ian McDonald as a Bylaw Enforcement Official.
  5. That the Regional Board appoint Gary Anderson as a Bylaw Enforcement Official.
4. That a grant in aid (Area C) be given to Evergreen Independent School in the amount of \$3,500 to assist with repair and upgrading of the original Cobble Hill School.
5. That the Board Chair and Corporate Secretary be authorized to execute an agreement with the Mill Bay Waterworks District to permit the maintenance and operation of a short section of CVRD's Mill Springs Trail located on property owned by Mill Bay Waterworks District, legally described as Lot 4, District Lots 46&60, VIP 68911, Malahat District to address issues pertaining to liability and indemnification, insurance coverage provisions and use of the lands for community trail purposes.
6. That the Board Chair and Corporate Secretary be authorized to execute the necessary documents to release Covenant FB307700 in favour of the Cowichan Valley Regional District concurrent with the transfer of lands to the Regional District for park purposes, per the conditions of the covenant, at time of registration of the subdivision of Lot 3, District Lot 96, Malahat District, Plan 32725.

.../2

7. That a Reserve Fund Expenditure bylaw be prepared authorizing the expenditure of no more than \$20,000 from the Community Parks General Reserve Fund (Area F – Cowichan Lake South/Skutz Falls) for the purpose of completing the Mesachie Lake Park ball field expansion upgrade; and that the bylaw be forwarded to the Board for consideration of three readings and adoption.

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

8. That Application No. 4-G-10DP be approved, and that a development permit be issued to Brian Tassell, on behalf of, Robert Boscher, for that part of Lot 12, District Lot 34, Oyster District, Plan 2519, shown outlined in red on Plan 298R, except part in Plan 33268, to permit repair of a 10 metre section of a  $\pm 3$  metre tall riprap retaining wall, repair 28 metres of scour protection along the retaining wall footings, and removal of 2-3 trees along the bank subject to the development complying with the recommendations noted in Simpson Geotechnical Ltd report, dated April 12<sup>th</sup>, 2010.
9. That Application No. 1-B-10DVP by Charles and Jill Bell for a variance to Section 8.3(b)(2) of Zoning Bylaw No. 985, by increasing the height limit for an accessory building from 7.5 metres (24.6 ft.) to 9.5 metres (31 ft.) on Lot 1, Shawnigan Lake Suburban Lots, Malahat District, Plan 32805, be approved.
10. That the request by Dwain and Lynda Walerius to allow the accessory building fixture in the workshop located at 5175 Lee Road, be approved, and that one bathing facility (bathtub) and one sink be permitted to remain in the accessory building subject to the land owner registering a covenant re-affirming that the structure will not be used as a dwelling.
11. That Application No. 3-G-10DP be approved and that a development permit be issued to Murray Archdekin and Gwen Robinson, for Lot 1, District Lot 34, Oyster District, Plan 4347, to construct a single family dwelling and garage, subject to complying with the recommendations noted in the Lewkowich Engineering Associates Ltd. report dated April 26, 2010.



## ENGINEERING & ENVIRONMENTAL SERVICES COMMITTEE REPORT

OF MEETING HELD APRIL 28, 2010

DATE: April 30, 2010

To: Chair and Directors of the Cowichan Valley Regional District

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

1. That a *critical location* streetlight be installed at the corner of Cameron Taggart and Lovers Lane in Electoral Area B – Shawnigan Lake, as requested by a local resident, with endorsement from the RCMP.
2.
  - .1 That the *Certificate of Sufficiency*, confirming that a sufficient petition, requesting inclusion into the Shawnigan Lake North Water System Service Area, be received.
  - .2 That the boundaries of the Shawnigan Lake North Water System Service Area be amended to include "*PID 009-480-901, District Lot 12, Shawnigan District except that part in Plans 10129, 24926, 32212 & 37171*".
  - .3 That "CVRD Bylaw No. 1967 – Shawnigan Lake North Water System Service Establishment Bylaw, 1999", be amended to include *PID 009-480-901, District Lot 12, Shawnigan District except that part in Plans 10129, 24926, 32212 & 37171*, and that the amended bylaw be forwarded to the Board for consideration of three readings and adoption.
3.
  - .1 That "CVRD Bylaw No. 3385 – Satellite Park Water System Management Amendment Bylaw, 2010" be forwarded to the Board for three readings and adoption.
  - .2 That billings be sent via e-mail for this pilot project and that customers be given the ability to pay online.
4.
  - .1 That the *Certificate of Sufficiency*, confirming that a sufficient petition requesting inclusion into the Brulette Sewer System Service Area be received.
  - .2 That the boundaries of the Brulette Sewer System Service Area be amended to include "*PID 025-382-667, Lot 1, Section 4, Range 8, Shawnigan District, Plan VIP73512*".
  - .3 That "CVRD Bylaw No. 3296 – Brulette Place Sewer System Service Establishment Bylaw, 2009", be amended to include *PID 025-382-667, Lot 1, Section 4, Range 8, Shawnigan District, Plan VIP73512*, and that the amended bylaw be forwarded to the Board for consideration of three readings and adoption.

.../2

5. That the Board provide first stage approval and authorize staff time to continue with the process of investigating takeover of the water and sanitary sewer systems for a proposed 147 lot manufactured home strata subdivision, described as: *"District Lot 51, Oyster District, Except the Right-of-Way of the Esquimalt & Nanaimo Railway Company, except part coloured red on plan deposited under DD272791 & except part shown outlined in red on plan deposited under DD285551, AND, that part of District Lot 51, Oyster District, shown coloured red on plan deposited under DD272791"*, as requested in a letter from Bruce Muir for Heart Lake Developments Ltd., dated April 13, 2010, subject to the following conditions and without prejudice to the rezoning process
  1. The preliminary concepts, detailed design and installation must be approved by Engineering Services staff to ensure compliance with CVRD Design Standards and Subdivision Bylaw 1215;
  2. The developer must have a qualified professional prepare and submit the Registration of Discharge form, Operation Plan and Environmental Impact Study, and all other necessary documentation, to the Ministry of Environment for the sewage treatment and disposal system;
  3. That the developer provide a two-year warranty on the completed works, backed by an irrevocable Letter of Credit;
  4. All lands on which infrastructure works are located are transferred to the CVRD, except where not practical, in which case will be placed within registered Statutory Rights-of-way using the CVRD's standard charge terms;
  5. All sewage disposal capacities must be confirmed by the developer;
  6. The developer is required to provide a suitable reserve fund to start the water and sewer functions;
  7. The developer is required to provide all water and sewer servicing infrastructure, including but not limited to, pumps, reservoir, SCADA system, fire protection, controls and mainlines, and sewage treatment works, disposal system, pumps, controls, gensets, and mainlines for the proposed development;
  8. The developer shall pay all costs associated with monitoring and sampling requirements for the sewer system for the initial intensive monitoring period;
  9. A utility transfer agreement must be executed between the CVRD and the owner/developer;
  10. That the water source, treatment, reservoir and distribution works have adequate capacity and fire flow and have received approval from the Vancouver Island Health Authority.
  11. That a successful petition process be carried out for establishment of service areas for the water and sewage systems;
  12. This list is not exhaustive and items may be added, deleted or altered prior to a formal agreement being executed.
  13. That the treatment system be designed to meet "effluent re-use standards".
  14. That use of recycled wastewater for irrigation purposes be investigated.

and further that the necessary bylaws be prepared to create water and sewer service areas for these systems.

.../3

6. .1 That staff apply for funding under the Federation of Canadian Municipalities' Green Municipal Fund, to assist in the completion of the Meade Creek Ash Landfill Remediation Project; and further
- .2 That should the application for funding from the Green Municipal Fund be approved, that the Chair and Corporate Secretary be authorized to enter into the funding agreement on behalf of the CVRD.



**COWICHAN LAKE RECREATION COMMISSION REPORT  
OF MEETING HELD ON APRIL 16, 2010**

**DATE:** May 5, 2010

**To:** CVRD and Directors of the Board

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Your Cowichan Lake Recreation Commission reports and recommends as follows:

1. .1 That the CVRD Board request that the Liquor Control and Licensing Branch approve the temporary change of location to Liquor License #300537 so that staff may run the Annual Youbou Regatta Dance on August 14, 2010.
  - .2 That the CVRD has taken into account:
    - The potential for noise if the application is approved: Noise is kept at a minimum as the dance will be held indoors.
    - The impact on the community if the application is approved: This is an annual community event that has been occurring since the 1940s. The community will be involved through participation and volunteer activities.
    - Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose: This facility will still be operated as a liquor primary facility for the purpose of this event.
  - .3 And further, should the CVRD Board give approval to proceed with the application process, that the Chair and Corporate Secretary be authorized to sign a copy of the resolution required to accompany the application form.
2. That the CVRD Board approve and support Cowichan Lake Recreation staff obtaining a Special Occasion License in order to host the Youbou Annual New Year's Eve Dance as the Youbou Bowling Alley Liquor Primary License is not in effect on Fridays.
  3. That the CVRD Board approve the renewal of the Rental Agreement with Canada Post Outlet within the Honeymoon Bay Community Hall for a term of five (5) years commencing on June 1, 2010 and terminating May 31, 2015, and further, that the Chair and Corporate Secretary be authorized to enter into the rental agreement on behalf of the CVRD should the request be approved.



**STAFF REPORT**

**BOARD MEETING  
OF MAY 12, 2010**

**DATE:** May 5, 2010 **BYLAW NO:** 3344  
**FROM:** Kathleen Harrison, Legislative Services Coordinator  
**SUBJECT:** Shawnigan Creek Drainage System Service – Notice of Alternative Approval Process and Elector Response Form

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**Recommendations:**

1. That the *Notice of Alternative Approval Process* and the *Elector Response Form* for CVRD Bylaw No. 3344, be approved.
2. That, due to the large number of Non-resident Property Electors within the proposed Shawnigan Creek Drainage System Service Area, individual distribution of the *Notice of Alternative Approval Process*, *Elector Response Form* and *Backgrounder* also occur by direct mail.

**Purpose:** To set the deadline for *Elector Response Form* submissions for the *Alternative Approval Process* for, "CVRD Bylaw No. 3344 – Shawnigan Creek Drainage System Service Establishment Bylaw, 2010" and advise the Board of an alternative means of public notification.

**Financial Implications:** Pursuant to Section 94 (2)(b) of the *Community Charter*, two notices must be placed in a local paper. Each publication will cost approximately \$250.00 for a total of \$500.00 plus taxes. The current cost for letter mail is \$0.57 per letter and there are a total of 576 properties within the proposed service area. The cost for direct mail to all households within the proposed service area would be a maximum of \$329.00 (taxes included) bringing the total for the combined public notice method to approximately \$829.00 plus tax.

**Interdepartmental/Agency Implications:** The Legislative Services Division is responsible for the coordination and conduct of all Alternate Approval Processes and ensures compliance with the legislative requirements of the *Local Government Act* and *Community Charter*.

**Background:** CVRD Bylaw No. 3344 was granted third reading as amended by the Board of Directors at its meeting held April 14, 2010, and was forwarded to the Inspector of Municipalities for approval. Provincial approval has now been received, and therefore, the Board may now proceed with obtaining elector consent through an alternative approval process.

.../2

Pursuant to Section 801.3 of the *Local Government Act* and Section 86 of the *Community Charter*, the Board must set the deadline for receiving elector responses for an alternative approval process. The attached Notice of *Alternative Approval Process* and *Elector Response Form* set the deadline for responses for Monday, June 28, 2010.

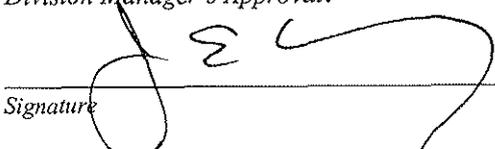
There are a total of 765 eligible electors within the proposed service area, 458 Resident Electors and 307 Non-Resident Property Electors. Due to the large number of Non-Resident Property Electors (40%) within the proposed service area it is reasonable that an alternative means of public notification occur in addition to newspaper notification. Engineering Staff have also compiled a one-page backgrounder (attached) to be included with the AAP materials to provide an unbiased overview of information that was disseminated at community open houses to which the majority of the Non-Resident Property Electors would not have had an opportunity to attend.

Submitted by,



Kathleen Harrison  
Legislative Services Coordinator  
Legislative Services Division

Division Manager's Approval:



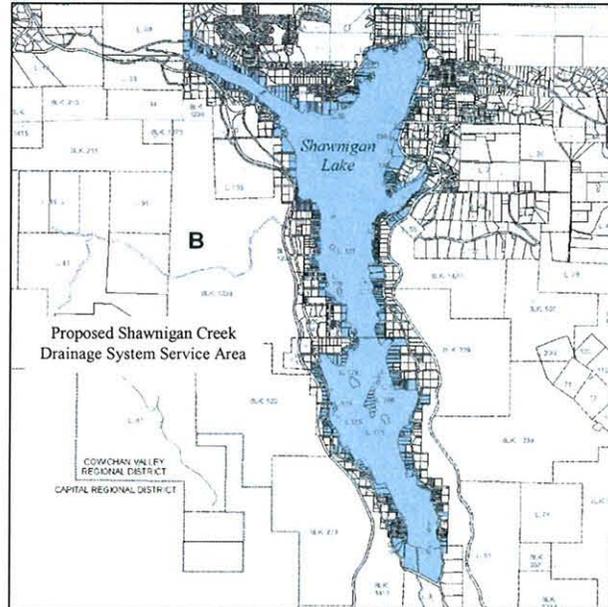
Signature

Attachments:      AAP Notice  
                          Elector Response Form  
                          Backgrounder



**NOTICE TO ELECTORS OF THE PROPOSED  
SHAWNIGAN CREEK DRAINAGE SYSTEM SERVICE AREA  
(Within a Portion of Electoral Area B – Shawnigan Creek)  
OF AN ALTERNATIVE APPROVAL PROCESS OPPORTUNITY FOR  
CVRD SERVICE ESTABLISHMENT BYLAW NO. 3344**

NOTICE IS HEREBY GIVEN that the Board of the Cowichan Valley Regional District proposes to adopt "CVRD Bylaw No. 3344 – Shawnigan Creek Drainage System Service Establishment Bylaw, 2010".



**BYLAW SUMMARY**

If adopted, Bylaw No. 3344 will allow the Cowichan Valley Regional District to operate and maintain a drainage system service within a portion of Electoral Area B – Shawnigan Lake. The maximum cost to property owners within the proposed service area with a residential property assessed at \$100,000.00 would be \$4.98 per annum. The complete bylaw is available for review at the Cowichan Valley Regional District office, located at 175 Ingram Street in Duncan, during regular office hours, Monday to Friday 8:00 a.m. – 4:30 p.m., excluding statutory holidays. A copy of the Bylaw is also available on the CVRD website at [www.cvrld.bc.ca](http://www.cvrld.bc.ca).

**ALTERNATIVE APPROVAL PROCESS AND ELIGIBILITY**

The Regional District may adopt this bylaw unless at least 10% of electors within the proposed service area indicate that a referendum must be held by submitting a signed *Elector Response Form* to the Regional District office **no later than 4:30 p.m., on Monday, June 28, 2010.** *Elector Response Forms* must be in the form established by the Regional District, and only those persons who qualify as electors of the proposed service area are entitled to sign. The service area includes that portion of Electoral Area B – Shawnigan Lake that comprises the Shawnigan Creek Drainage System Service Area, as shown outlined in the map above. Service area electors may qualify as either resident electors or as non-resident property electors, as follows:

**Resident Elector** – You are entitled to submit an *Elector Response Form* as a resident elector if you are age 18 or older on the day of submission, are a Canadian citizen, have lived in BC for at least six months, and have been a resident of the proposed Shawnigan Creek Drainage System Service Area for the past 30 days or more.

**Non-Resident Property Elector** – You are entitled to submit an *Elector Response Form* as a non-resident property elector if you are age 18 or older on the day of submission, are a Canadian citizen, have lived in BC for at least six months, have owned and held registered title to a property in the proposed Shawnigan Creek Drainage System Service Area for the past 30 days or more, and do not qualify as a resident elector. NOTE: Only one non-resident property elector may submit a response form per property, regardless of how many owners there may be. In the event that a non-resident owns multiple properties within the proposed service area, only one elector response form may be submitted in relation to this Alternative Approval Process.

If less than 10% (77) of the service area electors submit an *Elector Response Form*, the Bylaw will be deemed to have the approval of the electors and the Regional District may proceed with adoption. For the purpose of conducting the alternative approval opportunity, the number of service area electors is calculated as 765.

A copy of the Bylaw and *Elector Response Form* is available from the Cowichan Valley Regional District, 175 Ingram Street, Duncan, BC V9L 1N8, Phone 250.746.2500 or 1.800.665.3955, e-mail [kharrison@cvrd.bc.ca](mailto:kharrison@cvrd.bc.ca) OR on the CVRD website at [www.cvrld.bc.ca](http://www.cvrld.bc.ca).



**ELECTOR RESPONSE FORM  
BYLAW NO. 3344**

The Cowichan Valley Regional District is proposing to adopt "CVRD Bylaw No. 3344 – Shawnigan Creek Drainage System Service Establishment Bylaw, 2010" which authorizes the Regional District to operate and maintain a drainage system service within a portion of Electoral Area B – Shawnigan Lake. If you are opposed to the adoption of this bylaw, you may indicate your opposition by signing and returning this *Elector Response Form* to the Regional District office by 4:30 p.m., Monday, June 28, 2010. Only those persons who live or own property within the proposed service area and meet the following qualifications are eligible to submit an *Elector Response Form*.

I hereby certify that:

- I am a Canadian citizen;
- I am an individual who is age 18 or older;
- I have been a resident of British Columbia for at least the past six months;
- I have been a resident of the Shawnigan Creek Drainage System Service Area for the past 30 days **or** I am entitled to register as a non-resident property elector;
- I am not disqualified by the *Local Government Act*, or any other enactment, from voting in an election or am not otherwise disqualified by law.

I understand and acknowledge that I may not sign an *Elector Response Form* more than once in relation to this alternative approval process.

NAME OF ELECTOR:

\_\_\_\_\_ (Please Print Full Name)

ELECTOR STREET ADDRESS:

\_\_\_\_\_

**or**

Address of property in relation to which I am entitled to register as a non-resident property elector (**non-resident property electors only**)

\_\_\_\_\_

\_\_\_\_\_ (contact telephone number including area code)

SIGNATURE OF ELECTOR:

\_\_\_\_\_

**NOTE:** The *Elector Response Form* must be returned to the Cowichan Valley Regional District, 175 Ingram Street, Duncan, BC, V9L 1N8 on or before 4:30 p.m., **Monday, June 28, 2010**. Regular office hours are 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding statutory holidays.

**Section 86(6) of the *Community Charter* requires all electors to submit their response on the form established by the CVRD, or an accurate copy of that form. If this form is altered in any way, including by writing or printing on the back of it, it must and will be rejected by the CVRD.**

40

March 29, 2010

## **BACKGROUNDER**

### **Establishment of Service Area for cleanout of Shawnigan Creek Bottom and Restoration of Natural Function**

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In 1964, Mill Bay Waterworks built a dam on Shawnigan Creek approximately 450 metres downstream of Shawnigan Lake with the intention to store water that would be released in the summer months. In 2008, a new weir was constructed to replace the aging and unsafe dam. The three water license holders, Shawnigan Lake North Water System, Lidstech Holdings and Mill Bay Waterworks, undertook this construction and now are responsible for maintenance and operation of the weir under the Ministry of Environment's rule curve and guidelines.

As water drains from Shawnigan Lake to Shawnigan Creek, vegetation, sediment and debris accumulate at its mouth increasing the potential of flooding of the lakefront properties. A significant flood in 1979 caused public concern that the build-up of sediment and debris at the outlet was the cause. Historically, the clean-out function was undertaken by the Ministry of Environment; however, they no longer have the resources to continue this work.

At the request of the Electoral Area B Director and the Shawnigan Residents Association, the CVRD is proposing creation of a new service area and function for clean-out of the creek bottom at the mouth of Shawnigan Creek to allow drainage and restoration of natural system function. As the flooding risk is greater for Shawnigan lakefront properties, it is felt that these properties should shoulder the associated costs.

The annual cost of providing the service would be recovered through property value taxes to be requisitioned and collected on the basis of the net taxable value of land and improvements within the proposed service area and is estimated at \$18,000 annually, or \$0.04485 per \$1,000 of net taxable land and improvements. Therefore, the average annual cost to residential taxpayers would be approximately \$4.49 per \$100,000 of assessed property value.

At its meeting held July 8, 2009, the CVRD Board endorsed a resolution that a bylaw be prepared to create a service area for Shawnigan Lake waterfront properties to allow drainage and restoration of the natural system function at the mouth of Shawnigan Creek and that an Alternative Approval Process be carried out to obtain consent of the voters to create a service area.



SR2

**STAFF REPORT**  
**REGULAR BOARD MEETING**  
**OF WEDNESDAY, MAY 12, 2010**

**DATE:** May 3, 2010 **FILE NO:**

**FROM:** Daniel J. Derby, General Manager, Public Safety

**SUBJECT:** Application for Grant Funding for an Operational Fuel Treatment Program for Bald Mountain Repeater Site

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**Recommendation:**

That an application to the Union of British Columbia Municipalities for a Grant for a “Community Operational Fuel Treatment Program” for Bald Mountain Repeater Site be approved for submission and further, that should the application for funding to the UBCM be approved, that the Chair and Corporate Secretary be authorized to enter into the funding agreement on behalf of the CVRD.

**Purpose:**

To request Board support for an application for Grant funding for a Community Operational Fuel Treatment Program to, in accordance with our draft Community Wildfire Protection Plan (CWPP), reduce the risk of interface fire through fuel treatment at the Bald Mountain 911 Repeater site.

**Financial Implications:**

The funding program for the Operational Fuel Treatment Program will provide up to 75% of the cost of the project. CVRD staff and resources can be used as in-kind contributions, and it is anticipated that these resources would cover the remaining 25% cost of completing the project. The grant application is requesting \$21,900; the total project budget is \$29,315. Should funding not be received, the project will not be undertaken.

**Interdepartmental/Agency Implications:**

Possible use of Parks and Trails staff.

**Background:**

The purpose of the program is to assist communities in conducting fuel management treatment for sites deemed to be at high/extreme risk of interface fire. The draft Community Wildfire Protection Plan was completed in 2006 for the CVRD. The CVRD Community Wildfire Protection Plan identified all six Central Island 911 Fire Department repeater sites as located within the extreme interface fire hazard. As a result, Strathcona Forestry Consulting was retained to create a Fire Hazard Assessment and Fuel Management plan for the CVRD repeater sites (see attached plan). Elevated hazard ratings resulted from a variety of factors, including moderate to

high fuel loading, inaccessibility, lack of fire flow, rugged terrain, access and risk of human-caused ignition. The fuel management plan proposes mitigative measures to reduce the risk of fire at each of the six CVRD repeater sites. Mitigation should address vegetation management, structural design features and planning tools.

Submitted by,

A handwritten signature in black ink, appearing to read 'D. Derby', with a long horizontal stroke extending to the right.

Daniel J. Derby  
General Manager Public Safety



**STAFF REPORT**

**REGULAR BOARD MEETING  
OF MAY 12, 2010**

**DATE:** May 5, 2010 **FILE NO:** 2-I-07RS

**FROM:** Rob Conway **BYLAW No:** 3213, 3214 and 3242  
Manager, Development Services Division  
Planning and Development Department

Brian Farquhar,  
Manager, Parks and Trails Division  
Parks, Recreation and Culture Department

**SUBJECT:** Youbou Lands Rezoning – Draft Covenants

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**Recommendation:**

**That the Board authorize staff to proceed with the registration of the attached Youbou Lands boat launch and waterfront dock covenants.**

**Purpose:**

To provide an opportunity for the Board to review draft covenants that address conditions the Board established for adoption of the Youbou Lands Bylaws.

**Financial Implications:**

None apparent

**Interdepartmental/Agency Implications:**

None apparent

**Background:**

At the Regular Board meeting of June 10, 2009, the CVRD Board granted third reading of OCP Amendment Bylaw No. 3213, Zoning Amendment Bylaw No. 3214 and Phased Development Agreement Adoption Bylaw No. 3242. Prior to granting third reading, the Board established the following three conditions for adoption of the bylaws:

- a) *That a publicly accessible boat launch be constructed prior to commencement of the Phase 2 development and that public access to the boat launch be protected by means of a statutory right-of-way in favour of the Cowichan Valley Regional District.*

- b) *That an amendment be made to the Phased Development Agreement to establish a process and criteria for the construction of waterfront lot docks.*
- c) *That the developer confirms commitments made at the public hearing regarding establishment of a fish hatchery.*

At the April 14, 2010 Regular Board meeting, the Board modified the first two conditions for adoption of the bylaws as follows:

- a) *That a Section 219 Covenant be prepared and registered on the subject property in favour of the Cowichan Valley Regional District with conditions that both a Statutory Right of Way and Restrictive Covenant be registered in favour of the Regional District on the lands to be subdivided to create the proposed boat launch prior to commencement of Phase II of the proposed PDA, with such conditions including but not limited to:*
  - *the boat launch site to be created as a separately titled parcel*
  - *the lands are to be limited to boat launch purposes only*
  - *the CVRD and public will have unrestricted access to use the SRW area to launch and retrieve boats*
  - *the CVRD retains the right to enter the lands to construct or maintain or expand the works at its costs in the event any facilities previously constructed are not in good repair, etc.*
  - *prohibiting the owner from physically obstructing lake access, etc.*
  - *That the terms and conditions of the Statutory Right of Way and Restrictive Covenant be agreeable to the CVRD*
- b) *That a Land Title Act Section 219 Covenant be registered against the Youbou Lands to establish a process and criteria for the construction of waterfront lot docks.*

Prior to registration of the Section 219 Covenants referred to in conditions a) and b), the Board indicated they would like an opportunity to review them. This report provides an overview of the draft covenants with copies of the draft documents attached to this report for the Board's information and review.

**Boat Launch Covenant:**

The boat launch covenant accomplishes three primary objectives. Firstly, it requires the boat launch to be constructed prior to commencement of the second phase of the project. Secondly, it requires that a statutory right of way to be registered on the boat launch facility lands in favour of the Regional District to secure rights of access and use in perpetuity by the public and CVRD under certain conditions. Thirdly, it requires a covenant to be registered in favour of the CVRD to limit the use of these lands to only a boat launch facility.

Only one covenant is required for registration at this time, which commits the applicant to constructing the boat launch on a separate titled parcel of land specifically subdivided for this purpose, and includes conditions for registration of a further covenant at the time limiting the use

of land parcel created for publicly accessible boat launch purposes only and a statutory right-of-way in favour of the Regional District as noted above granting access to the boat launch facility by the public and CVRD under certain conditions. The covenant document also contains provisions for the Regional District, on behalf of the Youbou community, to operate, maintain and improve the boat launch if the facility is not kept open and in operation by the owner of the lands at the time. This provision is at the sole discretion of the Regional District to enact or not, based on the direction of the Board at the time.

**Waterfront Dock Covenant:**

The purpose of this covenant is to establish a process for controlling and limiting the construction of docks and wharves on Cowichan Lake, fronting proposed waterfront residential lots within the Youbou Lands development.

The draft covenant would be registered against all existing parcels where waterfront residential lots are planned. The covenant would preclude development on the subject lots until the owner has provided a comprehensive plan for docks and related structures and CVRD approval of the plan has been granted. The plan would include survey information on the dock locations, which would allow a subsequent zoning change on the lake surface to limit docks to specific locations. The covenant would also preclude dock construction until the Regional District's zoning bylaw has been amended to designate permitted dock locations and the permitted size and dimensions of docks.

Criteria established in the covenant for the design and construction of docks includes the following;

- o No more than one dock per parcel
- o Docks limited in area to 23.25 square metres in area
- o Walkways shall not exceed a width of 1.5 metres
- o Docks to be secured by anchors rather than pilings

Once the comprehensive plan has been submitted and approved and the necessary zoning amendment has occurred the covenant could be discharged from the affected property titles.

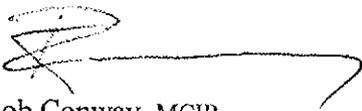
**Conclusion:**

The covenants have been prepared by CVRD legal counsel with a view to protecting the Regional Board's interests that were clearly stated as conditions for adoption. The draft covenants have been provided to the developer and he is having his lawyer review the documents. Staff have asked the developer to submit any comments he may have regarding the covenants and have advised that any comments received will be considered for inclusion in the final version of the document.

It should be noted, however, that the covenants have been drafted to address specific issues raised by the Board, and it may not be possible to address all concerns that may be brought forward by the developer and still fulfill of the Board's objectives. Should irreconcilable concerns be encountered, it may be necessary for staff to obtain further Board direction.

Copies of the draft covenants are attached to this staff report. Should the developer provide any significant concerns regarding the covenants prior to the Board meeting on May 12<sup>th</sup>, Staff will identify these at the Board meeting. Ideally, staff would like some indication if the covenants provided adequately address the Board conditions previously cited in this report or if further changes are necessary. Should the Board feel comfortable with the covenants, staff will request that the developer to sign them and proceed with registration at the Land Titles Office. Once this has occurred the Youbou Lands Bylaws will return to the Board for consideration of fourth reading and adoption.

Submitted by,



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



Brian Farquhar  
Manager, Parks and Trails Division  
Parks, Recreation and Culture Department

**DRAFT**

Boat Launch Covenant

**LAND TITLE ACT**

**FORM C**

(Section 233)

Province of British Columbia

**GENERAL INSTRUMENT-PART 1** (This area for Land Title Office use)

Page 1 of 19 Pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

Applicant

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*

(PID)

(LEGAL DESCRIPTION)

See Schedule

See Schedule

3. NATURE OF INTEREST:\*

Description

Document Reference  
(page and paragraph)

Person Entitled to Interest

Section 219 Covenant

Entire Instrument

Transferee

See Schedule

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms

— D.F. No.

(b) Express Charge Terms

Annexed as Part 2

(c) Release

— There is no Part 2 of this Instrument.

A selection of (a) include any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):\*

**0741817 B.C. LTD.,** (Inc. No. 0741817) as to Covenant  
**BANK OF MONTREAL,** as to Priority

6. TRANSFEREE(S): (including postal address(es) and postal code(s))\*

**COWICHAN VALLEY REGIONAL DISTRICT,** 175 Ingram Street, Duncan, British Columbia V9L 1N8

**LAND TITLE ACT**

**FORM C**

(Section 233)

Province of British Columbia

**GENERAL INSTRUMENT-PART 1**

7. ADDITIONAL OR MODIFIED TERMS:<sup>\*</sup>  
N/A

8. EXECUTION(S):<sup>\*\*</sup>This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature

Execution Date  
Y M D

Transferor Signature

\_\_\_\_\_

2010 \_\_\_\_

**0741817 B.C. LTD.** by its authorized signatories:

\_\_\_\_\_  
Name:

(as to both signatures)

\_\_\_\_\_  
Name:

\_\_\_\_\_

2010 \_\_\_\_

**BANK OF MONTREAL** by its authorized signatory(ies):

\_\_\_\_\_  
Name:

(as to both signatures)

\_\_\_\_\_  
Name:

DRAFT

**OFFICER CERTIFICATION:**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

\* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

\*\* If space insufficient, continue executions on additional page(s) in Form D.

**Land Title Act  
Form E**

**SCHEDULE**

Enter the required information in the same order as the information must appear on the Freehold Transfer Form, Mortgage Form or General Document Form.

**2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\***

(PID)	(LEGAL DESCRIPTION)
002-984-741	Those Parts of Lot 35, Cowichan Lake District, Lying South of Said Plan 172 RW
002-984-679	Parcel "A" (DD 163332 I), of Lot 31, Cowichan Lake District
027-438-708	Lot 5 District Lots 31 and 64 Cowichan Lake District Plan VIP84672 (See Plan as to Limited Access);
027-438-546	Lot 4 District Lots 31 and 64 Cowichan Lake District and Section 46 Renfrew District (Situating in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access)
027-438-538	Lot 3 Section 46 Renfrew District (Situating in Cowichan Lake District) and District Lot 64 Cowichan Lake District Plan VIP84672 (See Plan as to Limited Access)
027-438-520	Lot 2 Section 46 Renfrew District (Situating in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access)
027-438-511	Lot 1 Section 46 Renfrew District (Situating in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access)

**3. NATURE OF INTEREST:\***

Description	Document Reference (page and paragraph)	Person Entitled to Interest
Priority Agreement granting Covenant _____ priority over Mortgage and Assignment of Rents number FB247240 and FB247241 respectively	Pages 9 - 10	Transferee

**LAND TITLE ACT**

**FORM D**

**EXECUTIONS CONTINUED**

8. EXECUTION(S):\*\*This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

\_\_\_\_\_ 2010 \_\_\_\_\_

**COWICHAN VALLEY  
REGIONAL DISTRICT** by its  
authorized signatory(ies):

(as to both signatures)

\_\_\_\_\_  
Chair:

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

DRAFT

**OFFICER CERTIFICATION:**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

\* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

\*\* If space insufficient, continue executions on additional page(s) in Form D.

**TERMS OF INSTRUMENT – PART 2**

**SECTION 219 COVENANT**

THIS COVENANT dated for reference the \_\_\_\_ day of \_\_\_\_\_, 2010

BETWEEN:

**0741817 B.C. LTD.,** (Inc. No. 0741817)

(the “Owner”)

AND:

**COWICHAN VALLEY REGIONAL DISTRICT,** 175 Ingram  
Street, Duncan, British Columbia V9L 1N8

(the “Regional District”)

WHEREAS the Developer is the registered owner of the land in the Cowichan Valley Regional District legally described as:

PID: 002-984-741

Those Parts of Lot 35, Cowichan Lake District, Lying South of  
Said Plan 172 RW

PID: 002-984-679

Parcel “A” (DE 163332 F), of Lot 31, Cowichan Lake District

PID: 027-438-708

Lot 5 District Lots 31 and 64 Cowichan Lake District Plan  
VIP84672 (See Plan as to Limited Access);

PID: 027-438-546

Lot 4 District Lots 31 and 64 Cowichan Lake District and Section  
46 Renfrew District (Situated in Cowichan Lake District) Plan  
VIP84672 (See Plan as to Limited Access);

PID: 027-438-538

Lot 3 Section 46 Renfrew District (Situated in Cowichan Lake  
District) and District Lot 64 Cowichan Lake District Plan  
VIP84672 (See Plan as to Limited Access)

PID: 027-438-520

Lot 2 Section 46 Renfrew District (Situate in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access);

PID: 027-438-511

Lot 1 Section 46 Renfrew District (Situate in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access)

(the "Lands"); and

WHEREAS the Developer has applied to the Regional District for an amendment to CVRD Zoning Bylaw No. 2465 by way of CVRD Bylaw No. 3214 – Area I – Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009 to permit the development on the Land of a range of residential and non-residential uses; and

WHEREAS the Developer has entered into a phased development agreement with the Regional District under s. 905.1 of the *Local Government Act* in respect of the proposed development of the Land (the "PDA"), a copy of which is on file in the offices of the Regional District; and

WHEREAS the PDA contemplates the development of the Land in certain phases and the provision of certain amenities and features of the development more particularly set out in the PDA; and

WHEREAS in addition to the amenities provided for in the PDA the Regional District has required and the Developer has agreed to make provision for a public boat launch on a portion of the Land; and

NOW THEREFORE in consideration of the mutual covenants and agreements hereinafter contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties, the parties hereto agree as follows:

1. The Developer shall not subdivide the Land, except to create the parcel described in this section, or construct any building or structure on that portion of the Land identified as Phase 2a, 2b, or 3a on Schedule A unless the Developer has created by subdivision a parcel of land adjacent to Cowichan Lake in the portion identified as 3b for public boat launch purposes, constructed on the parcel a boat launch facility complying with the specifications in Schedule B, and registered against title to such parcel in favour of the Cowichan Valley Regional District, in priority to all other charges, a statutory right of way substantially in the form of Schedule C to this Agreement and a covenant substantially in the form of Schedule D to this Agreement.
2. The parcel required by section 1 must have public highway access, and must be of a size and configuration and at a location specified in the village core neighbourhood plan described in the PDA.
3. The Owner shall comply with all requirements of this Agreement at its own cost and expense.

4. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
5. The rights given to the Regional District by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the Regional District to anyone, or obliges the Regional District to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement, except that nothing in this section shall affect the contractual rights and obligations of the parties hereto under this Agreement.
6. This Agreement shall restrict use of the Land in the manner provided herein notwithstanding any right or permission to the contrary contained in any bylaw of the Regional District.
7. This Agreement does not
  - (a) affect or limit the discretion, rights or powers of the Regional District under any enactment (as defined in the *Interpretation Act*, on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Land;
  - (b) affect or limit any enactment relating to the use or subdivision of the Land, or
  - (c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land,and the Owner covenants and agrees to comply with all such enactments with respect to the Land.
8. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under s.219 of the *Land Title Act* in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which the Land is subdivided by any means and any parcel into which the Land is consolidated.
9. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
10. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

11. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.
12. The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.
13. Time is of the essence of this Agreement.
14. This Agreement is not intended to create a partnership, joint venture, or agency between the Owner and the Regional District.
15. Any notice or other communication required or contemplated to be given or made by any provision of this Agreement must be given or made in writing and delivered personally (and if so must be deemed to be received when delivered if delivered on a business day prior to 4 p.m. and otherwise on the next business day) so long as the notice is addressed as follows:
  - (a) If to the Owner  
[TO BE INSERTED]
  - (b) If to the Regional District  
**COWICHAN VALLEY REGIONAL DISTRICT**  
175 Ingram Street, Duncan, British Columbia V9L 1N8  
  
Attention: Manager, Parks and Trails Divisionor to such other address to which a party hereto from time to time notifies the other parties in writing.
16. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

## CONSENT AND PRIORITY AGREEMENT

WHEREAS:

A. 0741817 B.C. LTD., (the "Owner") is the registered owner of:

PID: 002-984-741

Those Parts of Lot 35, Cowichan Lake District, Lying South of Said Plan 172 RW

PID: 002-984-679

Parcel "A" (DD 163332 I), of Lot 31, Cowichan Lake District

PID: 027-438-708

Lot 5 District Lots 31 and 64 Cowichan Lake District Plan VIP84672 (See Plan as to Limited Access);

PID: 027-438-546

Lot 4 District Lots 31 and 64 Cowichan Lake District and Section 46 Renfrew District (Situating in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access);

PID: 027-438-538

Lot 3 Section 46 Renfrew District (Situating in Cowichan Lake District) and District Lot 64 Cowichan Lake District Plan VIP84672 (See Plan as to Limited Access)

PID: 027-438-520

Lot 2 Section 46 Renfrew District (Situating in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access);

PID: 027-438-511

Lot 1 Section 46 Renfrew District (Situating in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access)

(the "Lands");

B. The Owner granted Bank of Montreal (the "Prior Chargeholder") a mortgage and assignment of rents which were registered against the title to the Land in the Victoria Land Title Office under numbers FB247240 and FB247241 (collectively, the "Prior Charges");

C. The Owner granted to Cowichan Valley Regional District (the "Subsequent Chargeholder") a covenant which is registered against the title to the Land under number [insert registration number] (the "Subsequent Charge"); and

D. Section 207 of the *Land Title Act* permits the Prior Chargeholder to grant priority over a charge to a subsequent chargeholder.

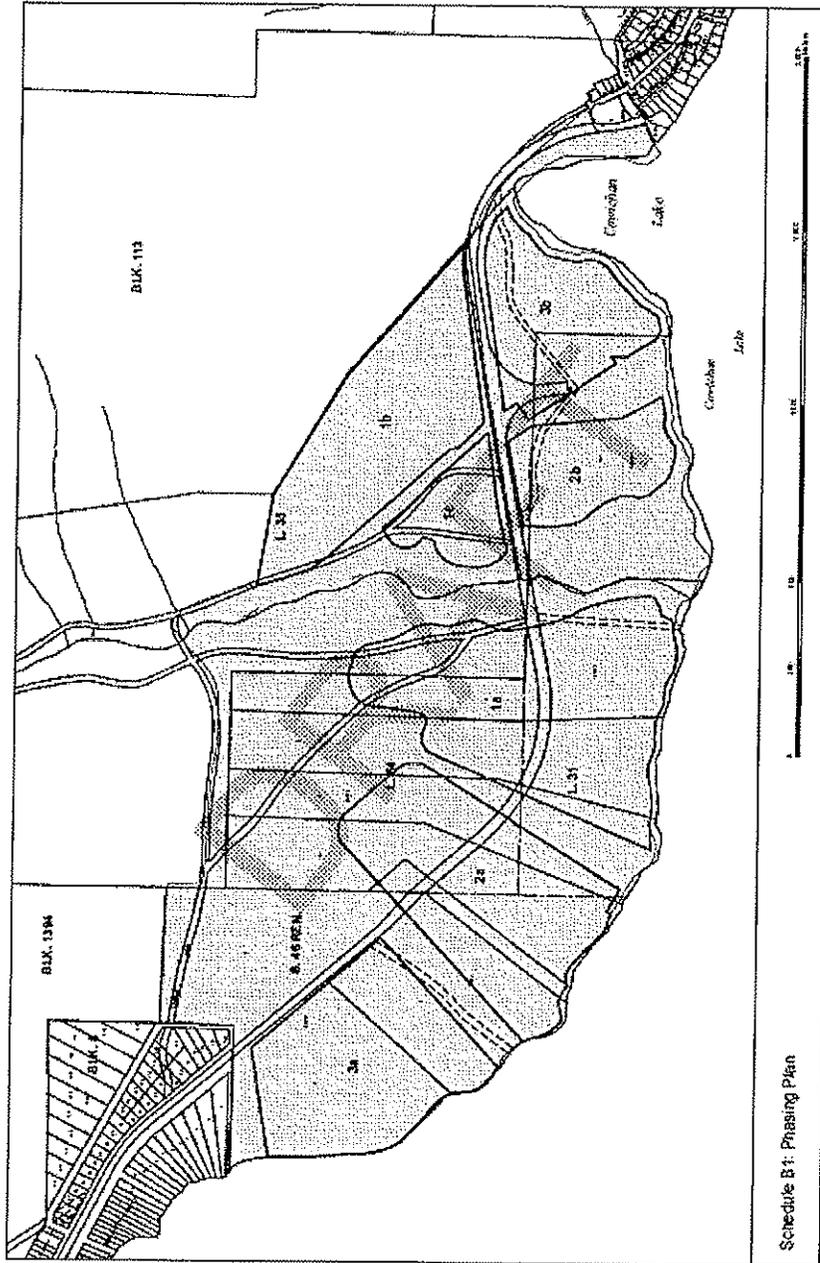
THEREFORE THIS CONSENT AND PRIORITY AGREEMENT WITNESSES THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION RECEIVED BY THE PRIOR CHARGEHOLDER FROM THE SUBSEQUENT CHARGEHOLDER (THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED):

1. The Prior Chargeholder hereby consents to the granting and registration of the Subsequent Charge and the Prior Chargeholder hereby agrees that the Subsequent Charge shall be binding upon its interest in and to the Lands.

2. The Prior Chargeholder hereby grants to the Subsequent Chargeholder priority for the Subsequent Charge over the Prior Chargeholder's right, title and interest in and to the Lands, and the Prior Chargeholder does hereby postpone the Prior Charges and all of its right, title and interest thereunder to the Subsequent Charge as if the Subsequent Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Prior Charges.

As evidence of its agreement to be bound by the above terms of this Consent and Priority Agreement, the Prior Chargeholder has executed and delivered Part 1 of *Land Title Act* Form C Form C which is attached hereto and forms part of this Agreement.

# SCHEDULE A - PHASING PLAN



**SCHEDULE B – BOAT LAUNCH SPECIFICATIONS**

DRAFT

**SCHEDULE C – FORM OF STATUTORY RIGHT OF WAY**

**TERMS OF INSTRUMENT – PART 2**

**STATUTORY RIGHT OF WAY – BOAT LAUNCH ACCESS**

THIS Agreement dated for reference the \_\_\_\_ day of \_\_\_\_\_, 2010

BETWEEN:

(the “Owner”)

AND:

**COWICHAN VALLEY REGIONAL DISTRICT**, 175 Ingram  
Street, Duncan, British Columbia V9L 1N8

(the “Regional District”)

GIVEN THAT:

- A. The Owner is the owner in fee simple of that parcel of land in \_\_\_\_\_, British Columbia, and more particularly described as \_\_\_\_\_ (the “Land”), which parcel was created by subdivision specifically to be used as a public boat launch and for no other purpose;
- B. The Owner has constructed on the Land certain facilities for the launching of watercraft into Cowichan Lake and the removal of watercraft from Cowichan Lake, including a boat ramp, motor vehicle parking areas and related facilities (the “Boat Launch Facilities”);
- C. Section 218 of the *Land Title Act*, R.S.B.C., c. 250 enables the Owner to grant in favour of the Regional District an easement without a dominant tenement to be known as a statutory right of way;
- D. The Owner wishes to grant and the Regional District wishes to accept a statutory right of way over the Lands for the public use of the Boat Launch Facilities;
- E. The Owner agrees on the terms and conditions herein set forth to grant to the Regional District a statutory right of way over the Lands in their entirety;
- F. This Statutory Right of Way is necessary for the operation and maintenance of the Regional District’s undertaking.

NOW THEREFORE this Agreement witnesses that in consideration of the premises and of the mutual promises and undertakings herein contained and the sum of one dollar (\$1.00) now paid by the Regional District to the Owner and other good and valuable consideration, the receipt and

sufficiency of which are hereby acknowledged by the Owner, the parties hereto agree pursuant to section 218 of the *Land Title Act* as follows:

1. The Owner does hereby grant and convey in perpetuity and at all times unto the Regional District, its employees, agents and licensees and all members of the public the full, free and uninterrupted right, license, liberty, privilege, easement and right of way (the "Statutory Right of Way") in common with the Owner:
  - (a) to pass and repass over and upon the Land with or without motor vehicles and boat trailers for the purpose of launching watercraft of all types into Cowichan Lake and removing such watercraft from Cowichan Lake, by means of the Boat Launch Facilities;
  - (b) to park motor vehicles and boat trailers on the Land for such periods of time as a watercraft that has been transported to the Boat Launch Facilities by means of such motor vehicle or boat trailer is on Cowichan Lake, but not to use any such vehicle for overnight accommodation;
  - (c) to use such facilities ancillary to the Boat Launch Facilities as the Owner may have provided on the Land, including public washrooms and garbage and recycling receptacles;
  - (d) to, by its officers, employees, contractors and agents, enter, use, labour, go, return, pass and repass over and upon the Land for the purpose of repairing and replacing the Boat Launch Facilities at the Regional District's cost in the event that the Owner fails to do so;
  - (e) to, by its officers, employees, contractors and agents, enter, use, labour, go, return, pass and repass over and upon the Land for the purpose of maintaining or operating the Boat Launch Facilities at the Regional District's cost in the event that the Owner fails to maintain or operate the facilities at a standard at least equivalent to the standard of maintenance and operation of public boat launch facilities operated at other locations by the Regional District or its contractors, provided that following the Regional District's exercise of its powers under this subsection (e) the Owner may resume maintenance and operation of the facilities and the imposition of fees under subsection 3(b) with the written consent of the Regional District but subject to the Regional District's rights under this subsection (e) in the event of any subsequent failure of the Owner;
  - (f) to do all acts which in the opinion of the Regional District are necessary and incidental to the Statutory Right-of-Way herein granted.
2. The Owner covenants and agrees with the Regional District that:
  - (a) the Regional District shall and may peaceably hold and enjoy the Statutory Right of Way hereby granted without hindrance, molestation or interruption on the part of the Owner or of any person, firm or corporation claiming by, through, under or in trust for the Owner;

- (b) the Regional District and its officers and employees may enter on and pass and repass over the Land during daylight hours for the purpose of inspecting the Boat Launch Facilities and monitoring the operation of the facilities and the use of the facilities by the public; and
  - (c) the Owner will not make, place, erect or maintain on, over or under the Land any building, structure, or other obstruction or do or permit to be done on the Land any act or thing which may in the reasonable opinion of the Regional District interfere with the use by the public of the Boat Launch Facilities or the rights herein granted.
3. It is mutually agreed and declared by and between the parties hereto:
- (a) that this grant of Statutory Right-of-Way to the Regional District does not in any way require the Regional District to maintain, operate, repair or replace the Boat Launch Facilities or any other improvement on the Land;
  - (b) that the Owner may charge a reasonable fee to the public for the use of the Boat Launch Facilities, provided that the Owner is operating the Boat Launch Facilities at the time the fee is charged;
  - (c) that pursuant to section 218 of the *Land Title Act* this Statutory Right-of-Way and the rights hereby granted shall run with the Land and that no part of the fee of the soil shall pass to or be vested in the Regional District by these presents;
  - (d) that this Statutory Right-of-Way, including all the covenants and conditions herein contained, shall extend to and be binding upon and enure to the benefit of the parties and their heirs, executors, administrators, personal representatives, licensees and successors;
  - (e) that wherever the singular or masculine are used in this Statutory Right-of-Way they shall be construed as meaning the plural or feminine or body corporate or politic where the context or the parties so require;
  - (f) that should any provision or provisions of this Agreement be illegal or not enforceable, it or they shall be considered separate and severable from this Agreement and its remaining provisions shall remain in force and be binding on the parties.
4. Nothing contained or implied herein shall prejudice or affect the Regional District's rights and powers in the exercise of its functions pursuant to the *Local Government Act* or the *Community Charter* or its rights and powers under all of its public and private statutes, bylaws, orders and regulations, including its powers of expropriation, all of which may be fully and effectively exercised in relation to the Land as if this Agreement had not been executed and delivered by the Owner.
5. All chattels, equipment, supplies, fixtures or other materials installed by the Regional District over, on, in or under the Land are and shall remain the property of the Regional District, any rule of law or equity to the contrary notwithstanding.

6. The Owner indemnifies, saves harmless, releases and forever discharges the Regional District and its elected officials, officers, employees and agents from and against all manner of actions, causes of action, claims, debts, suits, demands and promises whatsoever at law or at equity, whether known or unknown, which the Owner or any other person now has or may at any time have by reason of the granting or existence of the Statutory Right of Way or the use of the Boat Launch Facilities or any breach or default by the Owner under this Agreement or any wrongful act, omission or negligence of the Owner or those for whom it is responsible in relation to the Boat Launch Facilities.
7. In the event of any default by the Owner under this Agreement, the Regional District may by notice in writing to the Owner identifying the default, require the Owner to remedy the default by the time specified in the notice, failing which the Regional District may, in the case of a building, structure, or other obstruction interfering with the use by the public of the Boat Launch Facilities or the rights herein granted, enter on the Land to remove the building, structure or other obstruction without further notice to the Owner.
8. Waiver of any default by either party shall not be deemed to be a waiver of any subsequent default by that party.
9. Any notice or other communication required or contemplated to be given or made by any provision of this Agreement shall be given or made in writing and either delivered by hand or sent by facsimile transmission (and in either case shall be deemed to be received when delivered) or mailed by prepaid registered mail in any Canada Post Office (and if so shall be deemed to be delivered on the sixth business day following such mailing, except that, in the event of interruption of mail service notice shall be deemed to be delivered only when actually received by the party to whom it is addressed), so long as the notice is addressed as follows:
  - (a) [TO BE INSERTED]
  - (b) and to the Regional District at:  
  
**COWICHAN VALLEY REGIONAL DISTRICT**, 175 Ingram  
Street, Duncan, British Columbia V9L 1N8  
  
Attention: Manager, Parks and Trails Divisionor to such other address as a party from time to time notifies the other party in writing.
10. Any opinion which the Regional District is entitled by virtue of this Agreement to form may be formed on behalf of the Regional District by the Manager, Parks and Trails Division, in which event the opinion of that person shall be deemed to be the opinion of the Regional District for the purposes of this Agreement.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C that is attached to and forms part of this Agreement.

**SCHEDULE D – FORM OF BOAT LAUNCH COVENANT**

**TERMS OF INSTRUMENT – PART 2**

**SECTION 219 COVENANT**

THIS COVENANT dated for reference the \_\_\_\_ day of \_\_\_\_\_, 2010

BETWEEN:

(the “Owner”)

AND:

**COWICHAN VALLEY REGIONAL DISTRICT**, 175 Ingram  
Street, Duncan, British Columbia V9L 1N8

(the “Regional District”)

WHEREAS the Developer is the registered owner of that parcel of land in the Cowichan Valley Regional District legally described as [INSERT NEW LEGAL DESCRIPTION] (the “Land”); and

WHEREAS the Developer or the Developer’s predecessor in title granted a covenant to the Cowichan Valley Regional District registered in the Victoria Land Title Office under No. \_\_\_\_\_ (the “Boat Launch Covenant”) prohibiting the development of certain phases of the Developer’s development on the Land until the Developer has created a parcel for a boat launch on Cowichan Lake and granted to the Regional District a further covenant limiting the use of the parcel to public boat launch uses and a statutory right of way for public boat launch purposes; and

WHEREAS the Land is the parcel contemplated by the Boat Launch Covenant and the Developer wishes to grant the further covenant required by the Boat Launch Covenant;

NOW THEREFORE in consideration of the mutual covenants and agreements hereinafter contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties, the parties hereto agree as follows:

1. The Developer shall not use the Land for any purpose other than the provision of facilities for the launching of watercraft into Cowichan Lake and the removal of such watercraft from Cowichan Lake. For the purposes of this Covenant, facilities for the launching and removal of watercraft include ramps, unenclosed parking facilities for motor vehicles, boat trailers, and watercraft, and washroom facilities, and exclude retail sales of any kind, including the retail sale of fuel or alcoholic beverages, the sale or rental of personal watercraft, and the construction or use of any building or structure directly abutting Cowichan Lake other than a dock, wharf or similar structure required in the operation of the Boat Launch Facilities.

2. The Owner shall comply with all requirements of this Agreement at its own cost and expense.
3. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
4. The rights given to the Regional District by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the Regional District to anyone, or obliges the Regional District to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement, except that nothing in this section shall affect the contractual rights and obligations of the parties hereto under this Agreement.
5. This Agreement shall restrict use of the Land in the manner provided herein notwithstanding any right or permission to the contrary contained in any bylaw of the Regional District.
6. This Agreement does not
  - (a) affect or limit the discretion, rights or powers of the Regional District under any enactment (as defined in the *Interpretation Act*, on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Land;
  - (b) affect or limit any enactment relating to the use or subdivision of the Land, or
  - (c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land,

and the Owner covenants and agrees to comply with all such enactments with respect to the Land.

7. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under s.219 of the *Land Title Act* in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which the Land is subdivided by any means and any parcel into which the Land is consolidated.
8. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

9. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
10. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.
11. The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.
12. Time is of the essence of this Agreement.
13. This Agreement is not intended to create a partnership, joint venture, or agency between the Owner and the Regional District.
14. Any notice or other communication required or contemplated to be given or made by any provision of this Agreement must be given or made in writing and delivered personally (and if so must be deemed to be received when delivered if delivered on a business day prior to 4 p.m. and otherwise on the next business day) so long as the notice is addressed as follows:
  - (a) If to the Owner  
[TO BE INSERTED]
  - (b) If to the Regional District

**COWICHAN VALLEY REGIONAL DISTRICT**  
 175 Ingram Street, Duncan, British Columbia V9L 1N8

Attention: Manager, Parks and Trails Division

or to such other address to which a party hereto from time to time notifies the other parties in writing.

15. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

**END OF DOCUMENT**

**DRAFT**

**LAND TITLE ACT**

**FORM C**

(Section 233)

Province of British Columbia

**GENERAL INSTRUMENT-PART 1** (This area for Land Title Office use)

Page 1 of 10 Pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

Applicant

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*

(PID)	(LEGAL DESCRIPTION)
See Schedule	See Schedule

3. NATURE OF INTEREST:\*

Description	Document Reference (page and paragraph)	Person Entitled to Interest
See Schedule	Entire Instrument	Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

- |                                 |                                     |  |
|---------------------------------|-------------------------------------|--|
| (a) Filed Standard Charge Terms | <input type="checkbox"/>            | D.F. No.                               |
| (b) Express Charge Terms        | <input checked="" type="checkbox"/> | Annexed as Part 2                      |
| (c) Release                     | <input type="checkbox"/>            | There is no Part 2 of this Instrument. |

A selection of (a) include any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):\*

**0741817 B.C. LTD., (Inc. No. 0741817) as to Covenant**  
**BANK OF MONTREAL, as to Priority**

6. TRANSFEREE(S): (including postal address(es) and postal code(s))\*

**COWICHAN VALLEY REGIONAL DISTRICT, 175 Ingram Street, Duncan, British Columbia V9L 1N8**

**LAND TITLE ACT**

**FORM C**

(Section 233)

Province of British Columbia

**GENERAL INSTRUMENT-PART 1**

7. ADDITIONAL OR MODIFIED TERMS:\*

N/A

8. EXECUTION(S):\*\*This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature

Execution Date

Transferor Signature

Y M D

\_\_\_\_\_

2010 \_\_\_\_\_

**0741817 B.C. LTD.** by its authorized signatories

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

(as to both signatures)

DRAFT

\_\_\_\_\_

2010 \_\_\_\_\_

**BANK OF MONTREAL** by its authorized signatory(ies):

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

(as to both signatures)

**OFFICER CERTIFICATION:**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

\* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

\*\* If space insufficient, continue executions on additional page(s) in Form **D 68**

**Land Title Act  
Form E**

**SCHEDULE**

Page 2

Enter the required information in the same order as the information must appear on the Freehold Transfer Form, Mortgage Form or General Document Form.

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*

(PID)	(LEGAL DESCRIPTION)
027-438-571	Lot 7 District Lots 31 and 64 Cowichan Lake District Plan VIP84672 (See Plan as to Limited Access)
027-438-716	Lot 6 District Lots 31 and 64 Cowichan Lake District Plan VIP84672 (See Plan as to Limited Access)
027-438-708	Lot 5 District Lots 31 and 64 Cowichan Lake District Plan VIP84672 (See Plan as to Limited Access);
027-438-546	Lot 4 District Lots 31 and 64 Cowichan Lake District and Section 46 Renfrew District (Situated in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access)
027-438-538	Lot 3 Section 46 Renfrew District (Situated in Cowichan Lake District) and District Lot 64 Cowichan Lake District Plan VIP84672 (See Plan as to Limited Access)
027-438-520	Lot 2 Section 46 Renfrew District (Situates in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access)
027-438-511	Lot 1 Section 46 Renfrew District (Situates in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access)

3. NATURE OF INTEREST:\*

Description	Document Reference (page and paragraph)	Person Entitled to Interest
Priority Agreement granting Covenant _____ priority over Mortgage and Assignment of Rents number FB247240 and FB247241 respectively	Pages 7 - 8	Transferee

**LAND TITLE ACT**

**FORM D**

**EXECUTIONS CONTINUED**

Page

8. EXECUTION(S):\*\*This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

\_\_\_\_\_ 2010 \_\_\_\_\_

**COWICHAN VALLEY  
REGIONAL DISTRICT** by its  
authorized signatory(ies):

\_\_\_\_\_  
Chair:

(as to both signatures)

\_\_\_\_\_  
Corporate Officer

DRAFT

**TERMS OF INSTRUMENT – PART 2**

**SECTION 219 COVENANT**

THIS COVENANT dated for reference the \_\_\_\_ day of \_\_\_\_\_, 2010

BETWEEN:

**0741817 B.C. LTD.,** (Inc. No. 0741817)

(the “Owner”)

AND:

**COWICHAN VALLEY REGIONAL DISTRICT,** 175 Ingram  
Street, Duncan, British Columbia V9L 1N8

(the “Regional District”)

WHEREAS the Developer is the registered owner of the land in the Cowichan Valley Regional District legally described as:

PID: 027-438-571

Lot 7 District Lots 31 and 64 Cowichan Lake District Plan  
VIP84672 (See Plan as to Limited Access);

PID: 027-438-716

Lot 6 District Lots 31 and 64 Cowichan Lake District Plan  
VIP84672 (See Plan as to Limited Access);

PID: 027-438-708

Lot 5 District Lots 31 and 64 Cowichan Lake District Plan  
VIP84672 (See Plan as to Limited Access);

PID: 027-438-546

Lot 4 District Lots 31 and 64 Cowichan Lake District and Section  
46 Renfrew District (Situated in Cowichan Lake District) Plan  
VIP84672 (See Plan as to Limited Access);

PID: 027-438-538

Lot 3 Section 46 Renfrew District (Situated in Cowichan Lake  
District) and District Lot 64 Cowichan Lake District Plan  
VIP84672 (See Plan as to Limited Access)

PID: 027-438-520

Lot 2 Section 46 Renfrew District (Situate in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access);

PID: 027-438-511

Lot 1 Section 46 Renfrew District (Situate in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access)

(the "Lands"); and

WHEREAS the Developer has applied to the Regional District for an amendment to CVRD Zoning Bylaw No. 2465 by way of CVRD Bylaw No. 3214 – Area I – Youbou/Meade Creek Zoning Amendment Bylaw (Youbou Lands), 2009 to permit the development on the Land of a range of residential and non-residential uses; and

WHEREAS the Developer and the Regional District wish to ensure that any development of docks giving access to Cowichan Lake from the Land occurs in accordance with a comprehensive plan approved by the Regional District;

NOW THEREFORE in consideration of the mutual covenants and agreements hereinafter contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties, the parties hereto agree as follows:

1. The Developer shall not construct on any portion of the Land having a boundary on Cowichan Lake any building, structure or other facility providing access to any dock or similar structure on the bed or surface of Cowichan Lake, or alter the natural condition of the Land so as to provide such access, without having first prepared and obtained the Cowichan Valley Regional District's approval of a comprehensive plan for docks and related floats, ramps and similar structures serving the Lands, and shall not alter the natural condition of the Land or construct any dock or facility providing access to any dock pursuant to such approved plan until the Regional District's zoning bylaw has been amended to designate permitted dock locations and the permitted size and dimensions of docks serving the Lands.
2. The Developer agrees that the comprehensive plan required by Section 1 shall be based on the following elements:
  - (a) not more than one dock shall be provided for each parcel on which the Regional District's zoning regulations permit a residential dwelling;
  - (b) docks shall not exceed 23.25 metres in area exclusive of walkways and ramps;
  - (c) walkways and ramps connecting docks to the shore shall not exceed a width of 1.5 metres;
  - (d) docks shall not extend into Cowichan Lake beyond a water depth of 3 metres at the summertime low lake level; and

- (e) docks shall be secured by anchor systems rather than pilings and shall be constructed of fully encapsulated foam, with fir sub-structure and cedar decking.
3. The Owner shall comply with all requirements of this Agreement at its own cost and expense.
  4. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.
  5. The rights given to the Regional District by this Agreement are permissive only and nothing in this Agreement imposes any legal duty of any kind on the Regional District to anyone, or obliges the Regional District to enforce this Agreement, to perform any act or to incur any expense in respect of this Agreement, except that nothing in this section shall affect the contractual rights and obligations of the parties hereto under this Agreement.
  6. This Agreement shall restrict use of the Land in the manner provided herein notwithstanding any right or permission to the contrary contained in any bylaw of the Regional District.
  7. This Agreement does not
    - (a) affect or limit the discretion, rights or powers of the Regional District under any enactment (as defined in the *Interpretation Act*, on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Land;
    - (b) affect or limit any enactment relating to the use or subdivision of the Land, or
    - (c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land,and the Owner covenants and agrees to comply with all such enactments with respect to the Land.
  8. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under s.219 of the *Land Title Act* in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which the Land is subdivided by any means and any parcel into which the Land is consolidated.
  9. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a

breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

10. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
11. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.
12. The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.
13. Time is of the essence of this Agreement.
14. This Agreement is not intended to create a partnership, joint venture, or agency between the Owner and the Regional District.
15. Any notice or other communication required or contemplated to be given or made by any provision of this Agreement must be given or made in writing and delivered personally (and if so must be deemed to be received when delivered if delivered on a business day prior to 4 p.m. and otherwise on the next business day) so long as the notice is addressed as follows:
  - (a) If to the Owner  
[TO BE INSERTED]
  - (b) If to the Regional District

**COWICHAN VALLEY REGIONAL DISTRICT**  
175 Ingram Street, Duncan, British Columbia V9L 1N8

Attention: General Manager, Planning and Development Department

or to such other address to which a party hereto from time to time notifies the other parties in writing.

16. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

**CONSENT AND PRIORITY AGREEMENT**

WHEREAS:

A. 0741817 B.C. LTD., (the "Owner") is the registered owner of:

PID: 027-438-571

Lot 7 District Lots 31 and 64 Cowichan Lake District Plan VIP84672 (See Plan as to Limited Access);

PID: 027-438-716

Lot 6 District Lots 31 and 64 Cowichan Lake District Plan VIP84672 (See Plan as to Limited Access);

PID: 027-438-708

Lot 5 District Lots 31 and 64 Cowichan Lake District Plan VIP84672 (See Plan as to Limited Access);

PID: 027-438-546

Lot 4 District Lots 31 and 64 Cowichan Lake District and Section 46 Renfrew District (Situating in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access);

PID: 027-438-538

Lot 3 Section 46 Renfrew District (Situating in Cowichan Lake District) and District Lot 64 Cowichan Lake District Plan VIP84672 (See Plan as to Limited Access)

PID: 027-438-520

Lot 2 Section 46 Renfrew District (Situating in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access);

PID: 027-438-511

Lot 1 Section 46 Renfrew District (Situating in Cowichan Lake District) Plan VIP84672 (See Plan as to Limited Access)

(the "Lands");

B. The Owner granted Bank of Montreal (the "Prior Chargeholder") a mortgage and assignment of rents which were registered against the title to the Land in the Victoria Land Title Office under numbers FB247240 and FB247241 (collectively, the "Prior Charges");

C. The Owner granted to Cowichan Valley Regional District (the "Subsequent Chargeholder") a covenant which is registered against the title to the Land under number [insert registration number] (the "Subsequent Charge"); and

D. Section 207 of the *Land Title Act* permits the Prior Chargeholder to grant priority over a charge to a subsequent chargeholder.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT WITNESSES THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION RECEIVED BY THE PRIOR CHARGEHOLDER FROM THE SUBSEQUENT CHARGEHOLDER (THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED):

1. The Prior Chargeholder hereby consents to the granting and registration of the Subsequent Charge and the Prior Chargeholder hereby agrees that the Subsequent Charge shall be binding upon its interest in and to the Lands.

2. The Prior Chargeholder hereby grants to the Subsequent Chargeholder priority for the Subsequent Charge over the Prior Chargeholder's right, title and interest in and to the Lands, and the Prior Chargeholder does hereby postpone the Prior Charges and all of its right, title and interest thereunder to the Subsequent Charge as if the Subsequent Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Prior Charges.

As evidence of its agreement to be bound by the above terms of this Consent and Priority Agreement, the Prior Chargeholder has executed and delivered Part 1 of *Land Title Act* Form C Form C which is attached hereto and forms part of this Agreement.

**END OF DOCUMENT**



**STAFF REPORT**

**REGULAR BOARD MEETING  
OF MAY 12, 2010**

**DATE:** May 4, 2010  
**FROM:** Warren Jones, Administrator  
**SUBJECT:** "Gas Tax" Regionally Significant Projects – 2010 to 2014

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**Recommendation:**

**That the Board approve the Tier I and II Regional Gas Tax projects identified in the Report of the Administrator dated May 4, 2010 and that \$385,550 of regional gas tax funding be reserved for future regional gas tax projects.**

**Purpose:**

To update the Board about the extension of the "Gas Tax" funding program and to identify and recommend Regional Gas Tax funding priorities for 2010 to 2014.

**Background:**

The Agreement on the Transfer of Federal Gas Tax Revenues under the New Deal for Cities and Communities ("Gas Tax") program started in 2005. Over the past five years, the fund has provided the CVRD approximately \$5.2 million to fund numerous projects ranging from utility upgrades to trail building. The Regionally Significant Projects portion of that program has funded approximately \$2,251,132 in capital projects. During the 2010/2011 - 2013/2014 round of funding, the CVRD will receive approximately \$2,250,000 through the Regionally Significant Projects Fund.

At the March 10, 2010 meeting the Board directed that the proposed regionally significant gas tax projects be referred to the Electoral Area Services Committee and to the municipalities of Ladysmith, North Cowichan, Duncan and Lake Cowichan for consideration and input. At its April 6, 2010 meeting the Electoral Area Services Committee recommended that the Cowichan Lake Sports Arena parking lot project be included on the 2010 – 2011 priority list. The Committee also requested that staff recommend project priorities to the Board. As of May 4, 2010 no formal input from member municipalities had been received, however, it is understood that some municipalities will have given consideration to the project list prior to the Board's May 12, 2010 meeting.

**Regionally Significant Projects Fund**

The purpose of the Regionally Significant Projects Fund (RSP) is to provide financial support for capital projects that are larger in scale *or* regional in impact. *Larger in scale* projects are those which are difficult for a local government to fund through its own funding sources, by use of its Gas Tax Community Works Fund, or through a combination of these. In other words, the scale of the project is disproportionate to the size of the community.

Projects that are *regional in impact* simply *must have impacts beyond a single local government jurisdiction*. Generally, these are projects undertaken by two or more local governments, or are projects that directly serve more than one municipality or regional district, but are not explicitly required to do so.

**Financial Implications:**

There is no 2010 Requisition impact as a result of the projects currently proposed. Matching funding for projects is generated from current Reserves or in most cases other funding partners. While project funding through the RSP program may cover up to 100% of eligible costs, the CVRD has historically adopted a 1/4 funding policy for RSP projects which requires that the costs of projects supported through the RSP program be at least 1/4 funded through internal or other resources, with the remaining 3/4 funding coming through the Gas Tax program. However, due to economic conditions, the Board may also wish to provide some projects with 100% Gas Tax funding to lessen tax burdens – through the 2010 budget process the Board chose this funding approach for the Regional Sustainability Plan.

**Discussion:**

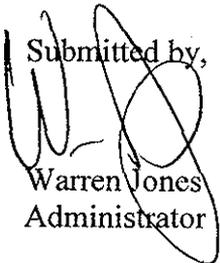
The table below lists regional projects in three tiers with the Tier I being the highest priorities and Tier III the lesser priorities from staff's perspective. It is fully recognized that the Board may view priorities differently. The staff Corporate Leadership has reviewed the projects and current funding envelope and is recommending that the Tier I and II projects be approved, subject to final determination of their funding eligibility.

<b>TIER I</b>	<b>REGIONALLY SIGNIFICANT PROJECTS</b>	<b><u>Est. RSP Funded</u></b>	<b><u>Est. Project Cost</u></b>
	Regional Flood Mitigation Plan	225,000	300,000
	CVRD Facilities "Green" Review	75,000	100,000
	Regional Sustainability Plan <i>(approved in 2010 Budget)</i>	300,000	300,000
	Cowichan Basin Implementation Plan	50,000	50,000
<b>TIER II</b>	<b>PROJECTS</b>		
	Bio-Diesel Building Upgrades	50,000	304,000
	CVRD GHG Plan	56,250	75,000
	Regional LIDAR	375,000	1,750,000
	Regional Water Quality Monitoring	66,200	178,200
	Cowichan Lake Recreation Centre – Paving	367,000	490,000
	Cowichan Valley Trail Completion Initiative	300,000	2,880,000
	<b>SUBTOTAL:</b>	<b>\$1,864,450</b>	<b>\$6,427,200</b>
<b>TIER III</b>	<b>PROJECTS</b>		
	Island Savings Centre West Side Green Parking	375,000	500,000
	Solid Waste Roll-Off Truck plus 30 bins	255,000	340,000
	Regional Environmental Monitoring System	375,000	500,000
<b>(2,250,000 RSP Funds available)</b>	<b>ESTIMATED TOTAL</b>	<b>\$2,869,450</b>	<b>\$7,767,200</b>

In an effort to remain flexible to future needs, it is recommended that a portion of the RSP allotment (\$385,500) remain uncommitted at this time. In future years, these remaining funds can then be allocated according to need, as determined.

Once the Board has determined the Regional Gas Tax priorities and amendment to the Five Year Financial Plan will be brought forward to include the gas tax expenditures.

Submitted by,

A handwritten signature in black ink, appearing to be 'W. Jones', is written over the printed name 'Warren Jones'.

Warren Jones  
Administrator

Attachments

**Appendix A**  
**Project Description Summaries**

**REGIONALLY SIGNIFICANT PROJECTS**

**1. Cowichan – Koksilah River Integrated Flood Mitigation Plan**

In light of the recent flooding in the Cowichan Valley, this funding would support the development of an integrated regional flood mitigation plan, in cooperation with municipal and electoral area partners, Cowichan Tribes and Provincial and Federal partners. This project would build on the recently completed Integrated Floodplain and Planning Analysis and involve both process work and technical studies to support infrastructure upgrading and flood management.

<b>Estimated Project Cost:</b>	<b>\$300,000</b>
Partner Contribution:	\$75,000
Gas Tax Contribution:	\$225,000

**2. CVRD Facilities “Green” Review**

Investigation and analysis is required of all CVRD facilities in order to determine or identify opportunities for energy savings, power, water, etc GHG reduction.

<b>Estimated Project Cost:</b>	<b>\$100,000</b>
CVRD Contribution:	\$25,000
Gas Tax Contribution:	\$75,000

**3. Regional Sustainability Plan**

The regional district has no integrated sustainability plan which is required of all gas tax recipients. A regional sustainability plan will incorporate required elements as contained in the gas tax agreement. This project was approved and funded in the 2010 budget process.

<b>Estimated Project Cost:</b>	<b>\$300,000</b>
CVRD Contribution:	\$0
Gas Tax Contribution:	\$300,000

**4. Bio-Diesel Building Upgrades**

Funding through the first round of the Gas Tax program in the amount of \$100,000 secured a building at Bings Creek Transfer Station for the Bio-Diesel Co-op. The current funding request will be used to upgrade the building with water, sewer, insulation, and other basic amenities.

<b>Estimated Project Cost:</b>	<b>\$304,000</b>
Partner Contribution:	\$254,000
Gas Tax Contribution:	\$50,000

**5. CVRD Greenhouse Gas Emissions Plan**

The rough 2007 GHG analysis identifies a number of areas where the CVRD can potentially reduce GHG emissions through heating upgrades. The funding will be used to identify appropriate infrastructure and leverage BC hydro upgrade funding.

<b>Estimated Project Cost:</b>	<b>\$75,000</b>
CVRD Contribution:	\$18,750
Gas Tax Contribution:	\$56,250

**6. Regional LIDAR**

LIDAR technology captures both high resolution digital photography as well as detailed ground topography. This project is a proposed partnership with the University of Victoria, Terra Remote Sensing and others. The partnership will result in a major reduction to the initial data capture cost from market value as it is collected by the University. The partnership will also result in the opportunity for major reductions in the cost of related work such: as high resolution topography, planning studies and Official Community Plan updates as well as drainage mapping and assessment for member municipalities and CVRD, sewer and water service area base maps and analysis, vegetation and ecological mapping, identification of coastal and estuarine impacts, environmental and climate impacts analysis, etc. This enhanced mapping is of great interest to research organizations who can provide much needed analytical work to local governments at little or no cost as components of graduate and research studies. Time sensitive funding currently exists to enhance the proposed base mapping for the South Cowichan water study and the Regional Energy Analysis. At his time it is proposed that the LIDAR data capture and photography would cover the entire CVRD.

<b>Estimated Project Cost:</b>	<b>\$1,750,000</b>
Partner Contribution:	\$1,375,000
CVRD Contribution:	\$0
Gas Tax Contribution:	\$375,000

**7. Cowichan Basin Implementation Plan**

Funding will be used to support the implementation of the Cowichan Basin Water Management Plan and the evolving needs of the new advisory council. It is anticipated that the new Council will request/require that supporting research and meeting expenses are provided.

<b>Estimated Project Cost:</b>	<b>\$50,000</b>
CVRD Contribution:	\$0
Gas Tax Contribution:	\$50,000

**8. Regional Water Quality Monitoring**

In partnership with the Province of BC this program would result in baseline data acquisition for all the region's major watersheds over the course of 3-4 years. This data is critical in establishing watershed based drinking water parameters and ecosystem health. These watersheds include Cowichan/Koksilah, Cowichan Bay, Chemainus River, Stuart Channel, Shawnigan Lake and Shawnigan Creek. This proposal provides additional partnerships and ongoing data collection not currently proposed or funded by the South Cowichan water planning process or the Cowichan Watershed Board.

<b>Estimated Project Cost:</b>	<b>\$178,200</b>
Partner Contribution:	\$112,000
Gas Tax Contribution:	\$66,200

**9. Cowichan Valley Trail Completion Initiative**

The application of funds for the Cowichan Valley Trail Completion initiative for \$100,000 in each of 2010, 2011 and 2012, in conjunction with other secured grant funding, will be used to complete significant Northern Sections of the Cowichan Valley Trail. This funding would allow additional work to be completed on the Cowichan Valley Trail. This funding is not matching funding required to match grants from other levels of government or agencies.

<b>Estimated Project Cost:</b>	<b>\$2,880,000</b>
CVRD Contribution:	\$788,000
Partner Contribution/Grants	\$1,792,000
Gas Tax Contribution:	\$300,000

**10. Curbside Roll-off Trucks**

Current contract costs for related to recycling collection and transportation are approaching \$500,000 annually. Unfortunately, a built-in inefficiency in the current service results in hauling half full bins, paying to pull trucks away from other jobs, and overall high costs. Funding to purchase our own roll-off truck and a complement of 30 roll-off containers, would allow for full time seven days a week service, with the remainder contracted out. The net result would be a significant annual cost savings. It would mean 1.5 full time personnel added to the 15-plus solid waste management outside operations staff.

This project is listed as a Tier III priority as it is felt that given the future cost savings and operational benefits it is an initiative that the CVRD would be pursuing regardless of the availability of gas tax funding.

<b>Estimated Project Cost:</b>	<b>\$340,000</b>
CVRD Contribution:	\$85,000
Gas Tax Contribution:	\$255,000

**11. Regional Environmental Monitoring System**

This project would develop a region-wide environmental monitoring system which would consist of a series of monitoring stations to provide key information related to: groundwater levels and major aquifers; in-river and major lake gauges; rainfall volume and duration; and low level ozone. The stations would provide real time data and analysis tools that would interface with our existing SCADA systems to provide long-term and critical information for emergency response, management of water resources, land use development, and climate change adaptation. This initiative is regional in nature and provides additional and ongoing information to areas where there is ongoing technical work as well as areas in the region where there are no data programs. Data collected will inform planning processes related climate indexes (temperature & precipitation), flooding, drought, water resource management and climatic adaptation for communities.

Although, this is an important project competing resource demands suggest that it would be a future project, hence it is listed as a Tier III project.

<b>Estimated Project Cost:</b>	<b>\$500,000</b>
CVRD Contribution:	\$125,000
Gas Tax Contribution:	\$375,000

**12. Cowichan Lake Recreation Centre – Green Parking Management**

The existing Cowichan Lake Recreation Centre parking lot is in poor condition and does not deal effectively with oil and chemical waste emitted from vehicles. Given the proximity of the parking lot and recreation facilities to Cowichan Lake a significant environmental benefit may be achieved through an innovative design and approach to parking and traffic flow. If approved, expertise would be retained to design a parking management plan to reduce or eliminate the environmental impact of vehicles utilizing the recreation centre site. Once the design is complete we will need to clarify how much of the project will be eligible for gas tax funding. Also, given that the parking lot itself is owned by the Town of Lake Cowichan some thought will have to be given to how to best proceed with the work as the regional district cannot incur debt for capital works for facilities or lands which it does not own. There is some urgency to this project as the Cowichan Lake Area project is expected to be completed in September 2010.

<b>Estimated Project Cost:</b>	<b>\$490,000</b>
CVRD Contribution:	\$123,000
Gas Tax Contribution:	\$367,000

**13. Island Savings Centre West Side – Green Parking Management**

The existing west side parking lot of the Island Savings Centre is in poor condition and it does not deal effectively with oil and chemical waste emitted from vehicles. The water table at this site is high and runoff from the site enters water courses nearby posing challenges for development and the environment. A unique parking management plan is needed to mitigate the impact of vehicles, roads and parking on ground water and proximate water courses and bodies.

Given the status of the Vancouver Island University project this project is listed as a Tier III project suggesting that it would be prudent to review options following completion of more works currently underway on the site.

<b>Estimated Project Cost:</b>	<b>\$500,000</b>
CVRD Contribution:	\$125,000
Gas Tax Contribution:	\$375,000

**TOTAL (\$2,250,000 Available)**

<b>Estimated Total "Gas Tax" RSP Contribution:</b>	<b>\$2,869,450</b>
Estimated Total CVRD Contribution:	\$1,289,750
Estimated Total Partner/Grant Contribution:	\$3,608,000
Estimated Total Project Cost:	\$7,767,200

**APPENDIX C**

**2005-2009 Regionally Significant Projects Funded Projects**

<b>REGIONALLY SIGNIFICANT PROJECTS</b>	<b><u>RSP Cost</u></b>	<b><u>Project Cost</u></b>
Cowichan Lake Recreation Retrofit	161,000	237,000
Shawnigan Lake Community Centre Heat Pumps	40,000	53,900
Island Savings Centre Utilities Upgrade	413,000	550,000
Frank Jameson Centre Energy Upgrades	274,000	365,000
Cowichan Valley Trail: Northern Completion	400,000	2,650,000
Phase One South Cowichan Eco Depot	730,000	1,014,000
Bings Creek Transfer Station Upgrades	104,000	145,000
Peerless Road and Meade Creek Upgrades	402,000	558,000
(Total of \$2,524,882 in RSP funding was delivered from 2005-2009) <b>TOTAL</b>	2,524,000	5,572,900
<b>IF/GSPF APPLICATION BASED FUNDING</b>	<b><u>IF/GSPF</u></b>	<b><u>Project Cost</u></b>
Cowichan River Floodplain Mapping and Integrated Flood Plan	255,000	350,000
Regional Community Energy Plan	300,000	300,000
<b>TOTAL</b>	555,000	650,000

**APPENDIX D**  
**Eligible Project Categories and Sub-Categories**

<b>Project Categories</b>	<b>Sub-Categories</b>
<b>Public Transit</b>	Develop or improve public transit system (rapid transit, buses, bus ways, sea-buses, commuter rail, ferries, street cars, cycling and pedestrian infrastructure, etc.)
	Road system improvements that encourage a reduction in car dependency (express bus lanes, HOV lanes, park and ride, bike paths, queue, etc.)
	Implement innovative technologies that support environmental sustainability
	Rehabilitation of roads and bridges that enhance sustainability outcomes
	Paths and trails
<b>Community Energy Systems</b>	Improving energy systems through the use of water systems to generate hydro
	Community energy systems - wind, solar, thermal, geothermal, etc.
	Alternative energy systems
	Alternative energy systems that serve local government infrastructure
	Retrofit local government buildings and infrastructure (e.g. water pumps, street lights, etc.)
	Reduce the GHG impact of solid waste (e.g. biogas recovery and conversion of biomass to bio-oil)
	Fleet vehicle conversion
	Implement innovative technologies that support environmental sustainability
<b>Water and Wastewater</b>	Developing or upgrading drinking water systems to improve water quality and reduce water use, increase energy efficiency, and secure water supply in the face of drought
	Developing or upgrading wastewater and storm water systems to improve water quality and improve aquatic habitat
	Implement innovative technologies that support environmental sustainability
	Investments in the enhancement and/or protection of community green space such as streams and natural corridors including habitat protection systems to improve water quality and improve aquatic habitat
<b>Solid Waste Management</b>	Develop or improve solid waste collection, treatment and disposal strategies in ways that reduce resource use, or encourage recycling and re-use
	Support full cost recovery from users through improved application of user charges
	Reduce the environmental impact of solid waste (e.g. composting, bio gas recovery)
	Implement innovative technologies that support environmental sustainability
<b>Capacity Building</b>	Increase local government capacity to undertake integrated sustainability planning including:
	Regional growth strategies
	Community development plans
	Community plans
	Community Energy Planning
	Transportation plans
	Infrastructure development plans
	Liquid waste management plans
	Solid waste management plans
	Long-term cross-modal transportation plans
	Water conservation/demand management plans
	Drought management contingency plans
	Air quality plans
	Greenhouse gas reduction plans
	Energy conservation plans
Implementing/planning innovative environmental technologies that support sustainability	

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



# SUPPLEMENTAL to Agenda Item SR4

May 10, 2010

File: 1120-150-89

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

**ATTENTION: WARREN JONES, Chief Administrative Officer**

Dear Mr. Jones:

**Re: Regionally Significant "Gas Tax" Project Funding**

Council had an opportunity to review your staff report on the various recommended regional projects for which financial support may be sought from the Regionally Significant Projects Fund.

At its meeting of April 27<sup>th</sup>, 2010, Council gave its support to your proposed application for funding under the Gas Tax programme for that part that specifically refers to the permanent-permeable paving of the Cowichan Lake Recreation Centre parking lot for a grant amount of \$367,000. The approval is subject to the provision of a comprehensive parking plan that must include how contaminants from water run-off and vehicle emissions will be remediated, prior to construction of the parking lot.

We trust council's support of your application for funding under the above programme will prove most useful to you. If you should have any questions, please feel free to contact me.

Yours truly,

Joseph A. Fernandez  
Chief Administrative Officer

JAF:rlr

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**PUBLIC HEARING REPORT**  
**Bylaws No. 3354, 3355 and 3356**

Following is a summary of the proceedings of the Public Hearing for Official Community Plan Amendment Bylaw No. 3354 (Area E OCP Maintenance Bylaw) applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora; Zoning Amendment Bylaw No. 3355 (Area E Zoning Maintenance Bylaw), applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora; and Bylaw No. 3356 Subdivision for a Relative Amendment Bylaw (Area E and G Deletion), applicable to Electoral Areas E – Cowichan Station/Sahtlam/Glenora and Electoral Area G – Saltair/Gulf Islands, held on Wednesday, March 31, 2010, at the Eagles Hall, 2965 Jacob Road, Duncan, BC, at 7:05 p.m.

**HEARING DELEGATES** Director L. Duncan, Electoral Area E – Cowichan Station/Sahtlam/Glenora, Chairperson  
Director L. Iannidinardo, Electoral Area D – Cowichan Bay  
Director G. Giles, Electoral Area C – Cobble Hill (arrived at the Hearing at 7:22 pm)

**CVRD STAFF PRESENT** Mr. M. Tippett, Manager, Planning & Development Department  
Ms. J. Hughes, Recording Secretary, Planning & Development Department

Members of the Public:  
There were 15 members of the public present.

**CALL TO ORDER** Director L. Duncan Chaired the Hearing and called the meeting to order. The Chairperson introduced the Hearing Delegates and CVRD Staff present.

Director Duncan further stated that he wanted the Hearing to be considered a safe meeting where people can share their views, ask questions and make comments on the proposed Bylaws in a respectful manner.

**PROCEDURES** Mr. Tippett explained the requirements under Section 890 of the *Local Government Act*. He advised that notice of the Public Hearing was advertised in two consecutive issues of the *Citizen* (Wednesday, March 24, 2010 and Friday, March 26, 2010) and *Leader Pictorial* (Wednesday, March 24, 2010 and Friday, March 26, 2010) as required by the *Local Government Act*.

**Official Community Plan Amendment Bylaw No. 3354** proposes to amend Cowichan-Koksilah Official Community Plan Bylaw No. 1490, applicable to Electoral Area E, by

- a) Changing the policy respecting the setback from the Cowichan, Chemainus and Koksilah Rivers by removing the reference to setbacks being from “natural boundary” and replacing it with “top of bank”.
- b) Deleting the diagram “Figure 3 Leave Strip Setback (Greenway) for Watercourses”.
- c) Adding a new Agricultural Protection development permit area throughout portions of Electoral Area E that are designated Agricultural in the Official Community Plan, zoned as Primary Agricultural A-1 or Agricultural

Conversion A-1C in the Electoral Area E Zoning Bylaw. The guidelines of the proposed development permit area would require information about where on a parcel a residence is proposed to be located, with the goal being to reduce the impact of home, residential accessory building and driveway construction upon agricultural operations either now or in the future.

The purpose of Amendment Bylaw 3354 is to align the river setback policies of the Official Community Plan and Zoning Bylaw, in order to better conform to the Provincial *Riparian Area Regulation*, and to ensure that the construction of homes and related accessory buildings on farmland or potential farmland does not unduly impact the ability either now or in the future to use the subject lands for agricultural purposes. The guidelines will strongly encourage that homes be located on areas of lower agricultural capability and may limit the footprint of a proposed residence if it is so unusually large as to impair agricultural use of the surrounding lands.

**Zoning Amendment Bylaw No. 3355** proposes to amend a number of items within CVRD Zoning Bylaw No. 1840, applicable to Area E – Cowichan Station/Sahtlam/Glenora, by

- a) correcting a pervasive typographical error throughout the entire Bylaw, by replacing the word “principle” by the word “principal”.
- b) removing the redundant floor area limits from the definitions of “secondary suite” and “small suite” because these limits are already in the General Requirements section, and further by revising upward the floor area limit in these Regulations for a “small suite” (a free-standing second dwelling unit) to 90 square metres, in order to match the present floor area limit of 90 square metres for “secondary suite” (a suite within or attached to another residence).

The purpose of these changes is to follow proper bylaw structure, not having regulations within definitions, and to have the same floor area limit for both kinds of suites.

- c) adding a new regulation regarding the subdivision of land to provide a residence for a relative pursuant to Section 946 of the *Local Government Act*, a section that allows lands to be subdivided even if local bylaws would not permit their subdivision. This new regulation would read as follows:

**5.28 Minimum Parcel Area for Section 946 Subdivision**

*Except where a specific S. 946 regulation is contained within a zone under this Bylaw, for the purposes of subdivisions to provide a residence for a relative that may be proposed, the minimum required area of a parent parcel as per Section 946(4) of the Local Government Act is as follows:*

- a) for any parcel located in a zone within which the highest possible minimum lot size is 4 hectares or less, the minimum required area of a parent parcel is 4 hectares;*
- b) for any parcel located in a zone within which the smallest possible minimum parcel size is greater than 4 hectares, the minimum*

*required area of a parent parcel is the same as the minimum parcel size of the zone within which the parcel is located.*

The purpose of this change is to locate the Section 946 subdivision regulations within the zoning bylaw, and – for parcels below 4 hectares in area – to increase to 4 hectares the minimum area a parcel of land must be in order to use Section 946 to subdivide below the lot sizes prescribed in a zoning bylaw.

- d) Sections 5.23 and 5.27 are amended by making it clear that covenants to prevent the subdivision of lands that have small suites added to them will not be required in the event that the parcel receiving the suite is large enough to be subdivided between the main residence and the suite.

The purpose of this amendment is to ensure that people who build small suites on parcels that would be subdividable under the zoning regulations are not required to give up their opportunity to subdivide just because a small suite has been located on the parcel.

- e) A new regulation would be introduced to clarify that the portions of single properties that are partially in two or more different zones may be used and subdivided in accordance with that zone's regulations.

The purpose of this amendment is to enhance the ability of those reading to bylaw to understand how split-zoned parcels will be dealt with.

- f) The Light Industrial 1 Zone that is in the Koksilah Industrial Park is amended by adding "retail stores, including convenience stores, automotive rental, and automotive parts and accessory sales" to the list of permitted uses. This same zone is also amended by permitting one single family residence in this zone per 0.4 hectares of land area, provided the residences are associated with an ongoing industrial use on the land.

The purpose of this amendment is to recognize that retail uses can be complementary to the light industrial uses permitted in the area and the change to the residential regulation is to accommodate the need for more than one accessory dwelling on parcels that have multiple industrial buildings on them.

- g) The landscaping regulation is revised by rewording the landscape screening requirement which will clarify that it will be present between industrial uses and public roads, as well as residential land uses.

The purpose of this amendment is to clarify the present regulation by wording it more clearly.

- h) A new setback from watercourses section is introduced in which buildings and structures must be set back not only from watercourses, but also 7.5 metres or more, depending on the depth of the lot, from a Streamside Protection and Enhancement Area (SPEA) that has been established by a Qualified Environmental Professional under the Riparian Areas Regulation. A new regulation will also be introduced to clarify that sewage treatment infrastructure will not be permitted in a SPEA.

The purpose of this amendment is to require that sufficient area be set aside outside of protected riparian areas (land near fresh waterbodies or watercourses) to allow for a yard between a dwelling and the SPEA.

**Section 946 Amendment Bylaw No. 3356** proposes to amend CVRD Section

946 Bylaw No. 1741, amendment applicable to CVRD Electoral Areas A, B, C, D, E, G and H by deleting the present regulation (specifying that a parcel of land must be at the minimum parcel size for the zone in which it is located in order to use Section 946 of the *Local Government Act* to be used to subdivide it below the size that the zoning would allow) for Electoral Area E– Cowichan Station/Sahtlam/Glenora and Electoral Area G – Saltair/Gulf Islands.

The purpose of Amendment Bylaw No. 3356 is to recognize that the proposed regulation – Section 5.28 of Electoral Area E– Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 – as it is described under (c) above in the description of Zoning Amendment Bylaw No. 3355, would supersede the regulation that is presently in Bylaw 1741 that applies to Electoral Area E. Similarly, the elimination of Electoral Area G – Saltair-Gulf Islands from the purview of Bylaw 1741 is appropriate because a separate Section 946 regulation has been contained within the Electoral Area G Zoning Bylaw, which was adopted in November 2005.

Mr. Tippett stated that one (1) letter of response had been received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the CVRD office today, March 31, 2010, at 4:30 pm.

Mr. Tippett further noted that he would be reviewing the three proposed Amendment Bylaws separately.

**Correspondence**

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

- 1) Letter dated March 30, 2010, from Anne and Gordon Wilkinson (EXHIBIT 1);
- 2) Letter dated March 31, 2010, from Kathy O'Donnell (EXHIBIT 2);
- 3) Letter dated March 31, 2010, from John Campbell (EXHIBIT 3).

**Location of File**

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

**QUESTION PERIOD**

Director Duncan stated that the public question period of the Public Hearing would be opened after each description of the proposed Bylaws. He stated that the Public Hearing Delegates and Staff members could answer questions at this time, and that after the close of the Question Period and the opening of the official Public Hearing there could be no questions taken.

**Mike Tippett**

Stated that Official Community Plan Amendment Bylaw No. 3354 proposes to amend Cowichan-Koksilah Official Community Plan Bylaw No. 1490, applicable to Electoral Area E, by

- a) Changing the policy respecting the setback from the Cowichan, Chemainus and Koksilah Rivers by removing the reference to setbacks being from

“natural boundary” and replacing it with “top of bank”.

- b) Deleting the diagram “Figure 3 Leave Strip Setback (Greenway) for Watercourses”.
- c) Adding a new Agricultural Protection development permit area throughout portions of Electoral Area E that are designated Agricultural in the Official Community Plan, zoned as Primary Agricultural A-1 or Agricultural Conversion A-1C in the Electoral Area E Zoning Bylaw. The guidelines of the proposed development permit area would require information about where on a parcel a residence is proposed to be located, with the goal being to reduce the impact of home, residential accessory building and driveway construction upon agricultural operations either now or in the future.

The purpose of Amendment Bylaw 3354 is to align the river setback policies of the Official Community Plan and Zoning Bylaw, in order to better conform to the Provincial *Riparian Area Regulation*, and to ensure that the construction of homes and related accessory buildings on farmland or potential farmland does not unduly impact the ability either now or in the future to use the subject lands for agricultural purposes. The guidelines will strongly encourage that homes be located on areas of lower agricultural capability and may limit the footprint of a proposed residence if it is so unusually large as to impair agricultural use of the surrounding lands.

**QUESTION  
PERIOD – Bylaw  
No. 3354**

Director Duncan opened the public question period of the Public Hearing for Official Community Plan Amendment Bylaw No. 3354.

**Frank McCorkell,  
3965 John’s Road**

- Asked if the River setback from the bank would be taken from the bank’s 200 year floodplain setback as he noted that each property line along the River does vary?

**Mike Tippett**

- It would be interpreted the same way as what is in the Zoning Bylaw and noted that there is a definition in the Zoning Bylaw with regard to “Top of Bank” and read that definition verbatim to the public present;
- The reason for the setback, which has been in the zoning for some time, is to protect the riparian areas and to also protect the slopes where geotechnical issues could be impacted where there is an active River below.

**Dan Ferguson,  
4064 Vaux Road**

- Are agricultural buildings not hindered at all under the proposed Bylaws?

**Mike Tippett**

- Read verbatim Policy 14.10.6 Exemptions from proposed Amendment Bylaw No. 3354;
- Forestry, agriculture and other general farming activities are all exempt;
- Setbacks for agricultural and accessory agricultural buildings are 30 m from a front lot line and then 15 m from all other lot lines.

**Director Duncan**

- When constructing an agricultural building on agricultural lands a siting

permit is required in place of a building permit.

- Director Duncan** ➤ Welcomed and introduced Director Giles to the Public Hearing (7:22 pm).
- Brock McLeod, 4715 Bench Road** ➤ The highly productive agricultural lands are identified on maps and noted his property is designated as 10 acres of pasture and asked how stringent will the Bylaw be?
- Mike Tippett** ➤ CVRD does have agricultural capability mapping that is at a scale of 1:20,000. The smaller 1-2 hectare parcel sizes are likely not that accurate on the maps but noted that on the larger parcels the information from those maps will be used. Staff also carries out site visits to view a subject property and surrounding parcels as part of the Development Permit Application process.
- Director Duncan** ➤ The CVRD will be viewing parcels in order to ensure that a house and long driveway would not be built right in the middle of a very productive agricultural parcel.
- Brock McLeod** ➤ On the front portion of his property the previous owner stripped all the topsoil off of it and it is not suitable for building or landscaping on that site. He would like to build his new house where the good agricultural land was left on site.
- Director Duncan** ➤ The intent of the proposed Bylaw was to preserve the values of good agriculturally zoned lands.
- Brock McLeod** ➤ He is new to farming and has noted there are a number of lands that do not farm and stated that if a big horse barn was built on a good agricultural portion of land they were considered exempt from the building permit process but if he wanted to build a new house on his property he might not be permitted to construct it where he wanted to locate it and asked how that could be considered fair?
- Mike Tippett** ➤ The whole purpose of having the development permit area is as a guideline based system that is subject to common sense and it is possible, if there was a good reason, to deviate from the guidelines;  
➤ If people have equestrian uses on their parcels Provincial legislation overrides the CVRD and it is an automatic Provincially designated right to do what they consider to be farming;  
➤ The CVRD is trying to work with the tools that the Province has given them to deal with a situation and hoped that the decisions made at the Board level will be common sense based and not rigid.
- Brock McLeod** ➤ If he disagrees with the CVRD's common sense and he is told he cannot build his house where he wants to build it, is there an appeal process in place?

- Mike Tippett** ➤ Bylaw No. 3357 which is a procedural amendment bylaw states that an applicant will deal with a staff person and if the applicant disagrees with the staff person as to where a house is to be located the applicant will then have the opportunity to go before the Electoral Area Directors as the appeal process.
- Dan Ferguson** ➤ Will that application be forwarded to the local Advisory Planning Commission (APC) for review and comment?
- Mike Tippett** ➤ *Local Government Act* allows the CVRD Board of Directors to delegate to staff certain types of development permits which automatically deals with the issue and fast tracks the process rather than going through the full process of going before the APC and the Electoral Area Services Committee (EASC) and the Regional Board. Process is to make it faster and less painful but noted if it is felt there is a dispute with the application it would then go through the full process.
- Dan Ferguson** ➤ Is there room for an applicant to hire a private Agrölogist to review an agricultural site and the mapping?
- Mike Tippett** ➤ Yes, if there is other technical information submitted by from an Agrologist that information would also be reviewed.
- Dan Ferguson** ➤ If a house was built with more permeable features surrounding the house would that also be reviewed?
- Mike Tippett** ➤ Placement on land is reviewed as part of the development permit area process.
- Dan Ferguson** ➤ Would a covenant also be placed against a property for protection in case it was sold halfway through the building or driveway process?
- Mike Tippett** ➤ Those issues are identified and addressed during the development permit area process.
- Jason Whitehead,  
2040 Wilmot Road** ➤ Why does the proposed Bylaw apply to only A-1 lands and not the A-2 lands?
- Mike Tippett** ➤ The development permit area applies to lands that are designated agricultural in the Plan and noted that most A-2 lands are designated Agriculture in the Plan. As well there are some other lands that are not in the ALR that are also covered under this development permit and most A-2 lands are also covered.
- Jason Whitehead** ➤ What fees are associated with the development permit area?
- Mike Tippett** ➤ The proposed Bylaw does not stipulate the fees and that would be covered under the development permit area guidelines.

- Jason Whitehead** ➤ Will the development permit only apply to siting or does it also apply to appearance, form and color?
- Mike Tippett** ➤ Only applies to siting.
- Dan Ferguson** ➤ How much land does the average structure, driveway, shed, garage require either ½ acre or ¼ acre?
- Mike Tippett** ➤ In an unserviced area with a well, septic field, gardens, lawns it would likely be around ½ acre.
- Director Duncan** ➤ He also suggested ½ acre be required.
- Dan Ferguson** ➤ Are there any regulations with regard to width of a driveway?
- Mike Tippett** ➤ CVRD would ask the applicant how wide the driveway would be and if it was felt to be too excessive the CVRD would ask that the footprint be reduced.
- Director Duncan** ➤ A long driveway would impact good farm land and that is why housing was being proposed to be located at the front of parcels. Bylaws are to protect agricultural lands in the area.
- Mike Tippett** ➤ In the Cowichan Valley the impact on good farmland has not been a huge issue yet but noted that in the lower mainland and in Langley it is a huge problem.
- Irene Evans,  
4475 Hillbank Road** ➤ Are the rights of some of the citizens being taken away by telling people where they have to build instead of where they want to build?
- Director Duncan** ➤ Trying to protect the better farmlands and stated that the development permit area only applies to lands that are zoned Agriculture;  
➤ Agricultural Land Reserve also has regulations in place that have to be followed.
- Irene Evans** ➤ Agrees that the agricultural lands have to be protected but the rights of citizens should also not be taken away from them.
- Mike Tippett** ➤ Planning is the intrusion of the public interest into private rights and the challenge is finding the right balance with the regulations that are in place.
- Dan Ferguson** ➤ How is the CVRD going to guard farmer's rights versus public's rights?
- Mike Tippett** ➤ If someone called into the CVRD office to complain about an agriculture use or smell and they live within an agricultural area the complaint would not go that far as the area is zoned for agricultural uses.

- Dan Ferguson** ➤ The *Right to Farm Act* only protects animal generated income and noted that if farm animals are not generating income they do not have any protection under the *Right to Farm Act*.
- Mike Tippett** ➤ Staff would say to a complainant that if land was zoned agricultural any normal agricultural use would be permitted whether it was generating an income or not but noted that unfortunately that does not protect a farmer from a civil claim if a lawsuit was generated;
- If the CVRD Zoning Bylaw zones it agricultural then that is what is permitted.
- Director Duncan** ➤ CVRD does favour farming;
- Asked for further questions from the public present regarding Amendment Bylaw No. 3354.

**Mike Tippett** Introduced Zoning Amendment Bylaw No. 3355:

**Zoning Amendment Bylaw No. 3355** proposes to amend a number of items within CVRD Zoning Bylaw No. 1840, applicable to Area E – Cowichan Station/Sahtlam/Glenora, by

- a) correcting a pervasive typographical error throughout the entire Bylaw, by replacing the word “principle” by the word “principal”.
- b) removing the redundant floor area limits from the definitions of “secondary suite” and “small suite” because these limits are already in the General Requirements section, and further by revising upward the floor area limit in these Regulations for a “small suite” (a free-standing second dwelling unit) to 90 square metres, in order to match the present floor area limit of 90 square metres for “secondary suite” (a suite within or attached to another residence).

The purpose of these changes is to follow proper bylaw structure, not having regulations within definitions, and to have the same floor area limit for both kinds of suites.

- c) adding a new regulation regarding the subdivision of land to provide a residence for a relative pursuant to Section 946 of the *Local Government Act*, a section that allows lands to be subdivided even if local bylaws would not permit their subdivision. This new regulation would read as follows:

5.28 *Minimum Parcel Area for Section 946 Subdivision*

*Except where a specific S. 946 regulation is contained within a zone under this Bylaw, for the purposes of subdivisions to provide a residence for a relative that may be proposed, the minimum required area of a parent parcel as per Section 946(4) of the Local Government Act is as follows:*

- a) *for any parcel located in a zone within which the highest possible minimum lot size is 4 hectares or less, the minimum required area of a parent parcel is 4 hectares;*
- b) *for any parcel located in a zone within which the smallest possible*

*minimum parcel size is greater than 4 hectares, the minimum required area of a parent parcel is the same as the minimum parcel size of the zone within which the parcel is located.*

The purpose of this change is to locate the Section 946 subdivision regulations within the zoning bylaw, and – for parcels below 4 hectares in area – to increase to 4 hectares the minimum area a parcel of land must be in order to use Section 946 to subdivide below the lot sizes prescribed in a zoning bylaw.

- d) Sections 5.23 and 5.27 are amended by making it clear that covenants to prevent the subdivision of lands that have small suites added to them will not be required in the event that the parcel receiving the suite is large enough to be subdivided between the main residence and the suite.

The purpose of this amendment is to ensure that people who build small suites on parcels that would be subdividable under the zoning regulations are not required to give up their opportunity to subdivide just because a small suite has been located on the parcel.

- e) A new regulation would be introduced to clarify that the portions of single properties that are partially in two or more different zones may be used and subdivided in accordance with that zone's regulations.

The purpose of this amendment is to enhance the ability of those reading to bylaw to understand how split-zoned parcels will be dealt with.

- f) The Light Industrial 1 Zone that is in the Koksilah Industrial Park is amended by adding “retail stores, including convenience stores, automotive rental, and automotive parts and accessory sales” to the list of permitted uses. This same zone is also amended by permitting one single family residence in this zone per 0.4 hectares of land area, provided the residences are associated with an ongoing industrial use on the land.

The purpose of this amendment is to recognize that retail uses can be complementary to the light industrial uses permitted in the area and the change to the residential regulation is to accommodate the need for more than one accessory dwelling on parcels that have multiple industrial buildings on them.

- g) The landscaping regulation is revised by rewording the landscape screening requirement which will clarify that it will be present between industrial uses and public roads, as well as residential land uses.

The purpose of this amendment is to clarify the present regulation by wording it more clearly.

- h) A new setback from watercourses section is introduced in which buildings and structures must be set back not only from watercourses, but also 7.5 metres or more, depending on the depth of the lot, from a Streamside Protection and Enhancement Area (SPEA) that has been established by a Qualified Environmental Professional under the Riparian Areas Regulation. A new regulation will also be introduced to clarify that sewage treatment infrastructure will not be permitted in a SPEA.

The purpose of this amendment is to require that sufficient area be set aside outside of protected riparian areas (land near fresh waterbodies or watercourses) to allow for a yard between a dwelling and the SPEA.

- QUESTION PERIOD – Bylaw No. 3355** Director Duncan opened the public question period of the Public Hearing for Zoning Amendment Bylaw No. 3355.
- Dan Ferguson** ➤ Are the former sawmill sites impacted?
- Mike Tippett** ➤ They are zoned I-2 and are not affected by the proposed Bylaw.
- Kathy O'Donnell, 528 Crescent Drive Sahtlam** ➤ Are there any differences in the landscaping regulations with regard to consideration for fish habitat, sight lines, shading, etc.
- Mike Tippett** ➤ No change in the Bylaw that would affect that;  
➤ Riparian Areas Regulation Development Permit Area that is in place within the entire CVRD is intended to address those types of situations;  
➤ Polkey Road area and surrounding industrial area has some very good salmon streams and under the riparian areas regulations a person must apply for a development permit if they are within that 30 m setback for fish bearing streams;  
➤ The CVRD's Environment Manager, Kate Miller, is working on a special regime for the industrial park and Busy Place Creek. If the public was concerned he encouraged them to speak with Kate Miller as she is working on fishery values and riparian areas for that area.
- Kathy O'Donnell** ➤ When weeds are being cut back from the roadway ditches a lot of the native plants are being taken away from the fish habitat.
- Director Duncan** ➤ CVRD is trying to be cognizant and trying to address the watercourse issues but noted that Highways maintenance contractors do come in and disturb some of the fish bearing ditches when carrying out their grass cutting.
- Pam Campbell, 5204 Hykaway Road** ➤ What is meant by landscape screening and is a fence a landscape screen?
- Mike Tippett** ➤ Read the definition of landscape screen from the Zoning Bylaw.
- Pam Campbell** ➤ The recycling site on Boal Road abuts along their property and asked if that property has to do something with regard to landscape screening.
- Mike Tippett** ➤ The regulation comes into effect when new development is being created during the building permit stage or development permit stage.
- Pam Campbell** ➤ She has no faith in that process as something should have occurred some time ago on that Boal Road site;  
➤ How long has landscape screening been in the Zoning Bylaw?
- Director Duncan** ➤ It has been in the Bylaw since 1998 or before and it has not been enforced.

- Mike Tippett** ➤ Asked if they have spoken with the CVRD's Bylaw Enforcement Officer and to Bob McDonald in the CVRD's Engineering Department regarding the Boal Road property.
- Pam Campbell** ➤ For example, just today the dust from that site was very bad.
- Director Giles** ➤ Remembered the previous hearing with respect to that application and noted that she and Director Duncan would follow-up on those issues with the Engineering Department on their behalf and asked if they would also put their comments in writing.
- Kathy O'Donnell** ➤ What is the definition of a yard and is the CVRD specific about what is a yard?
- Mike Tippett** ➤ Bylaw No. 3355 contains three points with regard to the Riparian Areas Regulation noting that it will create an additional setback where a building or structure would have to be setback a certain distance from a watercourse and a streamside protection and enhancement area (SPEA) as determined by a Biologist.
- Director Duncan** ➤ Within a SPEA there is to be no disturbance of any plant, grass, tree, etc., and the proposed regulations will also help to address the SPEA during the building permit stage.
- Mike Tippett** ➤ In the past the CVRD has seen a number of SPEA's at Cowichan Lake that have not been adhered to and the RAR enforcement initiatives that have been brought forward in those areas have helped to try to address the SPEA issues.
- Director Duncan** ➤ Asked for further questions from the public with regard to Amendment Bylaw No. 3355.
- Mike Tippett** Introduced Zoning Amendment Bylaw No. 3356:

**Section 946 Amendment Bylaw No. 3356** proposes to amend CVRD Section 946 Bylaw No. 1741, amendment applicable to CVRD Electoral Areas A, B, C, D, E, G and H by deleting the present regulation (specifying that a parcel of land must be at the minimum parcel size for the zone in which it is located in order to use Section 946 of the *Local Government Act* to be used to subdivide it below the size that the zoning would allow) for Electoral Area E– Cowichan Station/Sahtlam/Glenora and Electoral Area G – Saltair/Gulf Islands.

The purpose of Amendment Bylaw No. 3356 is to recognize that the proposed regulation – Section 5.28 of Electoral Area E– Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 – as it is described under (c) above in the description of Zoning Amendment Bylaw No. 3355, would supersede the regulation that is presently in Bylaw 1741 that applies to

Electoral Area E. Similarly, the elimination of Electoral Area G – Saltair-Gulf Islands from the purview of Bylaw 1741 is appropriate because a separate Section 946 regulation has been contained within the Electoral Area G Zoning Bylaw, which was adopted in November 2005.

**QUESTION  
PERIOD – Bylaw  
No. 3356**

Director Duncan opened the public question period of the Public Hearing for Section 946 Amendment Bylaw No. 3356.

**Frank McCorkell**

➤ If a situation came up for a family member and the property was legally subdivided is there any timeframe that the family member would have to live in that house to prevent it from being a real estate deal?

**Mike Tippett**

➤ The Regional District does not have the right in the legislation to discriminate between who occupies buildings but noted that the Province states in their subdivision legislation that for 5 years after a lot has been created it has to be occupied by a relative. He further noted that the legislation is in place but, unfortunately, nobody enforces it. The question then comes forward: Are people using the legislation legitimately? The answer is “no”, a lot of them are not;

➤ CVRD has brought concerns to the attention of the Regional Approving Officer who approves the Section 946 subdivisions;

➤ Electoral Area B – Shawnigan Lake has had many of those types of subdivisions occur in the past which created entire clusters of development all being the result of a Section 946 subdivision.

**Frank McCorkell**

➤ He felt the Regional Board has no powers in place regarding screening as over the past 6 years the APC have reviewed development, bonds were put in place and as a result nothing has been met or addressed.

**Director Duncan**

➤ There are a few developments in the Area that have met the screening requirements.

**Frank McCorkell**

➤ A timeframe should also be put in place with regard to bonding of screening.

**Mike Tippett**

➤ That issue could be brought forward during the development permit stage.

**Jason Whitehead**

➤ How are the bonds that are collected for landscaping determined?

**Director Duncan**

➤ 125 percent of the landscaping costs and under the *Local Government Act* the Regional District is limited for asking for more.

**Jason Whitehead**

➤ Who provides the landscaping costs?

**Director Duncan**

➤ The applicant provides the landscaping costs but noted that is under review.

**Jason Whitehead**

➤ If an applicant does not stick to the plan what is the CVRD’s recourse?

- Director Duncan** ➤ The CVRD can pull the bond.
- Mike Tippett** ➤ In many development permits the final occupancy certificate of a building is usually tied to the fulfilment of all of the development permit requirements which could also include landscaping;
- Jason Whitehead** ➤ When a development permit is applied for at the CVRD office is there a Landscape Architect on staff to review the proposal?
- Director Duncan** ➤ The CVRD has asked that landscaping be submitted by a recognized Landscape Architect.
- Mike Tippett** ➤ CVRD Parks staff have also reviewed landscaping issues within a development permit process;  
➤ The CVRD did have a Landscape Architect on staff but noted that person has left the CVRD and presently there is no Landscape Architect on staff.
- Jason Whitehead** ➤ He is a Landscape Architect and understands the struggles the District is challenged with.
- Brock McLeod,  
4715 Bench Road** ➤ If he has a piece of land that is within the Agricultural Land Reserve (ALR) will the 4 ha minimum apply with regard to Section 946?
- Mike Tippett** ➤ All land in the ALR is exempt from a local bylaw with respect to Section 946. A Section 946 subdivision within the ALR would have to be granted by the Agricultural Land Commission;  
➤ A property outside of the ALR is only given one Section 946 subdivision and no more than once.
- Dan Ferguson** ➤ Is there a way that driveways can be restricted for farmland protection with regard to where they are located and how they are built?
- Mike Tippett** ➤ That comment should be made during the Public Comment section of the Public Hearing.
- Brock McLeod** ➤ What is the next step with regard to the proposed Bylaws?
- Mike Tippett** ➤ Public Hearing Minutes will be prepared and forwarded along with the Bylaws to the Regional Board for consideration of 3<sup>rd</sup> Reading and possibly Adoption at the May Regional Board meeting;  
➤ The Regional Board can either proceed, not proceed, or proceed with alterations to the wording within the proposed Bylaws;  
➤ Official Community Plan (OCP) amendment will have to go to the Province for approval prior to adoption of the Bylaws.
- Brock McLeod** ➤ Have the Bylaws received 2<sup>nd</sup> Reading?

- Mike Tippett**                   ➤ The Regional Board has given the Amendment Bylaws 1<sup>st</sup> and 2<sup>nd</sup> Readings.
- Graham Myers,  
6001 Payne Road**           ➤ How does the proposed agricultural development permit area apply to ALR lands?
- Mike Tippett**                   ➤ If a person was going to build a residence on agricultural lands they would have to first apply for a development permit and show where the building was to be located on the property and the purpose for that is the CVRD can review that building siting and to determine where the most productive portions of the land are located and where development should occur. The hope is to be vigilant in cases where the property is not actively farmed.
- Graham Myers**               ➤ Who judges the process?
- Mike Tippett**               ➤ A staff member will be authorized to issue the development permit but if there is not agreement between the staff member and the applicant, the application would then go before the Regional Board for a decision.
- Director Duncan**           Asked for further questions from the public present three times regarding Official Community Plan Amendment Bylaw No. 3354, Zoning Amendment Bylaw No. 3355 and Section 946 Amendment Bylaw No. 3356.
- PUBLIC  
COMMENTS**               The Public Hearing was then opened to those members of the public present who deemed themselves affected by the proposed Amendment Bylaws. Chair Duncan reminded the public that the Information Binder was available for review located on the side table and that all submissions must be received at the head table prior to the close of the Public Hearing.
- Dan Ferguson**               ➤ Is it better to make comments in writing or to verbalize them?
- Mike Tippett**               ➤ Either one works for the official record.
- Director Duncan**           ➤ Some people will do one or the other or even both but noted that written comments must be received at the head table prior to close of the Public Hearing.
- Frank McCorkell,  
3965 John's Road**           ➤ Understands the Development Permit process and if there is no agreement with staff an applicant can make an appeal before the Regional Board but stated that he felt there was not enough teeth in it and the issue could be blown apart by the Regional Board.  
➤ Bylaw, as it presently sits, does not have any teeth or powers in it.
- Dan Ferguson,  
4064 Vaux Road**           ➤ Would like to see some hard language in the Bylaw with regard to width, depth and road materials for road building on agricultural land as he believes the surface of land needs to be protected;  
➤ Agrees there is not enough teeth in the proposed Bylaw;  
➤ He does not want to see further erosion of ALR lands in Electoral Area E.

**Brock McLeod,  
4715 Bench Road**

- Bylaw seems to have a lot of discretion and flexibility as it could be open ended by either the Staff member or Regional Board making the decision;
- Supports clamping down on people who are not actively farming land;
- Effort to preserve farmland should be looked at but there is also a need for the farmers to have a good life on their properties and to be able to build where they might want to.
- If he was forced to build in a certain area that was maybe felt to be a good area by someone else but in turn he could be impacted by, for example, highway noise or views and what does that do for the re-sale value of his property?
- If he was a smart person and has suitable and unsuitable areas for agriculture he would build a shed, greenhouse and barn on those unsuitable lands until all that unsuitable land is used up and then he would build his house on the only land that is left being the suitable agricultural land. The honest people will follow the rules and restrictions in place and the cheaters will also still get around the rules.

**Dan Ferguson**

- CVRD is fairly good at ignoring complaint calls against farming activities and if the agricultural interface is to be increased the CVRD should really protect the farmers;
- *Right to Farm Act* is not really there for small farmers as it has been changed from the original *Act*.

**Director Duncan**

- Asked for comments from the public present with regard to the proposed Amendment Bylaws and reminded the public that submissions must be received at the head table prior to the close of the Public Hearing.

**John Campbell,  
5204 Hykawy Road**

- Did not realize that Section 5.15 was included in Amendment Bylaw No. 3355 and hoped that enforcement of the proposed Bylaws could be more stringent with regard to compliance of screening and landscaping;
- Handed in written submission (Exhibit 3).

**Frank McCorkell**

- A deadline for completion should be put in place with regard to the screening regulations as it should not be up to the residents to come forward 8 years later and state that buffers and screens were not put in place and no action was ever taken as that is not fair to the people who live in the area;
- When standards are set up in the Bylaws it is up to the Directors and CVRD Staff to ensure that they adhered to.

**Mike Tippet**

- Presently the CVRD has one Bylaw Enforcement Officer but noted that by the end of May the five Building Inspectors will be qualified Level I Bylaw Enforcement Officers and they will act as back-up for the Bylaw Enforcement Officer offering a better ability to enforce bylaws in the future.

**ADJOURNMENT**

Chairperson Duncan asked for public comments or submissions three times

from the public present regarding Official Community Plan Amendment Bylaw No. 3354, Zoning Amendment Bylaw No. 3355 and Section 946 Amendment Bylaw No. 3356.

Chairperson Duncan declared the Public Hearing closed at 9:06 pm.

CERTIFICATION:

We attended the Public Hearing on Wednesday, March 31, 2010, and hereby certify that this is a fair and accurate report of the Public Hearing.

  
\_\_\_\_\_  
Director L. Duncan

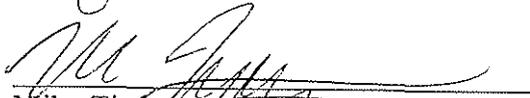
Date April 28, 2010

  
\_\_\_\_\_  
Director L. Iannidinardo

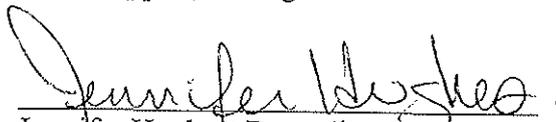
Date April 20, 2010

  
\_\_\_\_\_  
Director G. Giles

Date April 26, 2010

  
\_\_\_\_\_  
Mike Tippett, Manager

Date April 28, 2010

  
\_\_\_\_\_  
Jennifer Hughes, Recording Secretary

Date April 28, 2010



**PUBLIC HEARING REPORT**  
**Bylaw No. 3316 and 3317**

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Following is a summary of the proceedings of the Public Hearing for Official Community Plan Amendment Bylaw No. 3316 and Zoning Amendment Bylaw No. 3317 - Wiggins (applicable to Electoral Area H – North Oyster/Diamond) held on Monday, October 5, 2009, in the North Oyster Community Centre, 13467 Cedar Road, Ladysmith, BC, at 7:00 p.m.

**HEARING DELEGATES** Director M. Marcotte, Electoral Area H – North Oyster/Diamond, Chairperson  
Director M. Dorey, Electoral Area G – Saltair

**CVRD STAFF PRESENT** Mr. M. Tippett, Manager, Planning and Development Department  
Ms. C. Allen, Recording Secretary

Members of the Public:  
There were approximately 18 members of the public present.

**CALL TO ORDER** Director M. Marcotte, Chaired the Hearing and called the meeting to order. The Chairperson introduced the Hearing Delegates and CVRD Staff present.

**PROCEDURES** Mr. Tippett stated that the Public Hearing is being convened pursuant to Section 890 of the *Local Government Act* in order to consider Cowichan Valley Regional District Official Community Plan Amendment Bylaw No. 3316 and Zoning Amendment Bylaw No. 3317.

Notice of the Public Hearing was advertised in two consecutive issues of the *Ladysmith Chemainus Chronicle* (Tuesday, September 22, 2009 and Tuesday, September 29, 2009) as required by the *Local Government Act*.

**Official Community Plan Amendment Bylaw No. 3316** proposes to amend CVRD Electoral Area H – North Oyster/Diamond Official Community Plan Bylaw No. 1497, redesignating Parcel B (DD EF76800) of DL 93, Oyster District from Agricultural to Rural Waterfront and by adding the following new section to the Plan text:

## 8.5 POLICIES: RURAL WATERFRONT

### POLICY 8.5.1:

Land designated as **Rural Waterfront** on the Plan Map will be eligible for maximum residential densities of approximately one unit per hectare of gross land area for principal dwellings, and the implementing bylaw will provide for linking this maximum density to the provision of specific amenities.

### POLICY 8.5.2:

Given the sensitive waterfront location and unserviced nature of **Rural Waterfront** lands, special measures will be imposed in the implementing zoning bylaw to ensure that such areas are not over-developed and that the shorelines are respected.

### POLICY 8.5.3

The Regional Board may consider redesignating lands not presently in the **Rural Waterfront** designation as such, provided the following criteria are met:

- a) Significant public amenities are proposed, which find widespread support in the community, and would thereafter be incorporated into the implementing zoning bylaw under Section 904 of the *Local Government Act*;
- b) The land has ocean frontage;
- c) Docks are not permitted;
- d) The land is not in the Agricultural Land Reserve;
- e) The land is not adjacent to a community water system, as defined in the Electoral Area H Zoning Bylaw;
- f) Residential densities do not exceed those specified in Policy 8.5.1;
- g) Such other matters as the Board may consider relevant to the situation.

### POLICY 8.5.4

Density averaging is permitted within the **Rural Waterfront** designation.

The purpose of OCP Amendment Bylaw No. 3316 is to permit the subject property to be zoned in such a way as to permit subdivision into four parcels.

**Zoning Amendment Bylaw No. 3317** proposes to amend the North Oyster/Diamond Zoning Bylaw No. 1020 by rezoning the first 100 metres of water surface that extends perpendicularly from the shoreline of Parcel B (DD EF76800) of District Lot 93, Oyster District from **Water Recreation (W-2)** to **Water Conservancy (W-1)** and also by rezoning Parcel B (DD EF76800) of District Lot 93, Oyster District from **Secondary Agricultural (A-2)** to a new **Rural Waterfront (R-11)** Zone, described below:

#### 8.4 R-11 ZONE – RURAL WATERFRONT

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

(a) Permitted Uses

The following uses and no others are permitted in an R-11 Zone:

1. Single family residence;
2. Secondary suite, subject to Section 8.4(b)(1) below.

(b) General Conditions of Use

For any parcel in an R-11 Zone:

1. A single secondary suite is only permitted on a parcel that exceeds 1.0 hectares in area;
2. Parcel coverage shall not exceed 20% for all buildings and structures;
3. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

<b>COLUMN I</b> Type of Parcel Line	<b>COLUMN II</b> Residential and Accessory Uses
Front	7.5 metres
Interior side	3 metres from one side parcel line and ten percent of the parcel width from the other parcel line, to a maximum of 3 metres
Exterior side	4.5 metres
Rear	4.5 metres
Ocean waterfront (high water mark)	15 metres

(c) Density, Density Bonus and Amenity Zoning Provisions

For any Parcel in an R-11 Zone, the following regulations apply:

1. The number of parcels that may be created by subdivision in the R-11 zone must not exceed 2, including any remainder parcel.
2. Despite Section 8.4(c)(1), the number of parcels that may be created by subdivision in the R-11 zone may be increased to 5 if the conditions in Sections 8.4(c)(6) through (8) are met.
3. The minimum parcel area is 0.9 hectare for residential parcels and 0.4 hectare for the parcel referred to in Section 8.4(c)(6) through (8).
4. Density averaging is permitted, provided that the average residential density in any subdivision, excluding any remainder parcel, does not exceed one parcel per 0.9 hectare of gross land area, not including secondary suites.
5. The minimum parcel area for the purposes of s. 946(4) of the *Local Government Act* is 25 hectares.

6. In respect of each 3 parcels created in excess of 2, one of the three parcels must be transferred to the Regional District in fee simple for nominal consideration, free and clear of all encumbrances of a financial nature, including mortgages, assignments of rents, options to purchase and rights of first refusal, and all other encumbrances including any statutory building scheme not specifically approved in writing by the Regional District, to be used for the purposes set out in Section 8.4(c)(9), and the costs of transfer including the Regional District's actual, reasonable legal costs must be paid by the subdivider.
7. The parcel transferred to the regional district must be selected by the Regional District on the basis of the proposed plan of subdivision, being in a suitable location for the intended use, of at least 0.4 hectares in area and with frontage on Shell Beach Road.
8. The parcel transferred to the regional district must be fully provided with hydro, cable and telephone service and highway frontage improvements to the standard provided in the rest of the subdivision, as well as a driveway to the property line, all as determined by an inspection of the parcel by the Regional District prior to the transfer. The subdivider must also provide to the Regional District a well on the parcel and access to sewage disposal field on the adjacent land, the ongoing access to which will be secured by suitable easements and such other instruments as may be required, as required by the local health authority or the subdivision approving officer. No parcel transferred to the Regional District may be a strata lot.
9. The parcel transferred to the Regional District under Section 8.4(c)(6) must be used for the provision of fire protection services in the North Oyster/Diamond community, and if for any reason this property is deemed to be excess to North Oyster Fire Department requirements, the property shall revert to the community by way of being added to the Area H Community Parkland Inventory or another appropriate community land bank.

The purpose of Zoning Amendment Bylaw No. 3317 is to permit Parcel B (DD EF76800) of District Lot 93, Oyster District to be subdivided for residential purposes, resulting in a total of four parcels, and also to prevent the construction of docks and other foreshore structures on the waterfront to the south of the subject lands. Mr. Tippett noted that a fifth lot would be given to the CVRD for fire protection services.

Mr. Tippett stated that one letter of response has been received at the CVRD office from the date the advertising was placed within the local newspapers to the close of the CVRD office today (Monday, October 5, 2009) at 4:30 pm.

- Correspondence** The following items of correspondence were received prior to the end of the public hearing and are attached to the Minutes as Exhibits:
- Exhibit 1 – email dated October 5, 2009 from John & Genevieve Harrison
- Exhibit 2 – letter received October 5, 2009 from Elaine Kuusisto
- Location of File** The Chair advised that the Information Binder was available for review on the side table and that any letters or submissions which were to be included as part of the Public Hearing record must be received at the front table prior to the close of the Public Hearing.
- Applicant** Dr. Bryan Wiggins, applicant, and Wendy Clifford, were present.
- Application is to rezone property to allow subdivision into four waterfront lots with access from Fearn Way.
  - Each lot will have water supplied from its own well. Sewage disposal will be from two septic fields with two houses on each field.
- Question Period** The Chair opened the public question period of the Public Hearing. Director Marcotte stated that the Public Hearing Delegates and Staff members could answer questions at this time, and that after the close of the question period and the opening of the official Public Hearing there could be no questions taken.
- Barbara Waters 13197 Jennifer Road.
- What access would be used for the lot that is proposed for Fire Department use?
- Dr. Wiggins
- Access would be off Shell Beach Road.
- Mike Fall 13065 Cameron Road.
- How does Section 946 apply here if the property is not in the ALR?
- Mike Tippett
- Section 946 applies whether a property is in or outside of the ALR.
  - As this property is outside of the ALR, the CVRD has authority to enact a minimum size requirement which will ensure that the proposed four parcels can't become more in the future.
- Richard Brownfield 11878 Allison Way.
- His property backs onto the subject site. Is not opposed to the proposal.
  - They are on a community water system therefore proposed Policy 8.5.3(e) is in conflict.
- Mike Tippett
- The existing water system is not considered a “community water system” under the revised definition in the CVRD zoning bylaw.

- Director Dorey
- The existing water system does not meet CVRD criteria therefore higher subdivision density would not be permitted.
- Richard Brownfield
- Does the CVRD have the right to prohibit the use of docks?
- Mike Tippett
- The new proposed water zone was written to prohibit docks. Docks are permitted in other zones such as the existing W-2 zone in Area H.
- Richard Brownfield
- Feels those in the new R-11 zone will want docks.
- Director Marcotte
- A rezoning application would be required to allow docks.
- Richard Brownfield
- Now will have two lots designated for a fire hall. When it is proposed that a new fire hall will be built?
- Director Marcotte
- Will be going through a public process to see what the community deems an appropriate use for the lots.
  - The issue of building a fire hall is still alive.
- Walter Norman
- 3838 Fearn Way.
- What is permitted in the A-2 zone?
  - What would happen with the lot designated for the fire hall if not used for that purpose?
- Mary Marcotte
- The public would help decide the use of the lot if it is deemed not to be needed for the original purpose.
- Mike Tippett
- The A-2 zone has a minimum parcel size of two hectares and permits one single family residence; two residences are permitted if the parcel is larger than two hectares and also permits a secondary suite on parcels larger than two hectares.
  - The proposed R-11 zone would permit a maximum of four single family residences plus a secondary suite on the subject property.
- Elaine Kuusisto
- 13000 Code Road.
- Why subdivide the property?
- Dr. Wiggins
- The property is too big for me.
- Doug Savory
- 11903 Allison Way.
- Where will the four wells be placed?
- Dr. Wiggins
- The aquifer does not extend to the Fairtide Road area so will not have a bearing on adjacent water supplies.
  - Wells will be drilled near the existing pump house in the centre of the property.

- Bill Sainsbury
- Why not tie into the existing Shell Beach community water system?
- Dr. Wiggins
- Was advised that he would be better off with individual wells.
  - The community water system is over 30 years old.
  - Wells won't affect existing community system.
- Bill Sainsbury
- Concerned that Shell Beach Water System will become landlocked, unable to expand and unable to be considered as a water system under the guidelines.
- Murray McNab
- 4659 Yellow Point Road.
- Could new zone apply for other properties?
  - Was subject property in the ALR?
  - Was archaeological study done on the property?
- Mike Tippett
- Immediately adjacent properties are in the ALR so are not eligible.
  - Possible that adjacent properties could apply for a revamped version of the zone.
  - Subject property was removed from the ALR in 2003.
  - Archaeological assessment was received in a letter dated August 20, 2009 from Bjorn Simonsen of the Bastion Group, which stated the subject lands do not contain any archaeological sites or features.
- Murray McNab
- Company approved by CFN?
- Mike Tippett
- Believes the company is accepted by the Chemainus First Nation.
- Rob Rathlef
- 11840 Fairtide Road.
- Neighbours on east side of the road are concerned about water supply as they have had to bring in water in trucks.
- Dr. Wiggins
- Is fortunate to have a good water supply on his property from the aquifer.
- Bill Sainsbury
- The aquifer does run under the reserve and believes there is actually a problem with the system itself not the supply of water.

### **Public Comments**

The Public Hearing was then opened to Public Comments for those members of the public present who deemed themselves affected by the proposed Amendment Bylaws. Chair Marcotte reminded the public that the Information Binder was available for review located on the side table, along with copies of the proposed Amendment Bylaws, and that all submissions must be received at the head table prior to the close of the Public Hearing.

### **ADJOURNMENT**

The Chair asked three times for comments respecting Official Community Plan Amendment Bylaw No. 3316 and Zoning Amendment Bylaw No. 3317. There were no comments. The Chair declared the public hearing closed at 7.55 pm.

CERTIFICATION:

We attended the Public Hearing on Monday, October 6, 2009, and hereby certify that this is a fair and accurate report of the Public Hearing.

Mary Marcotte Date 2010/01/19  
Director M. Marcotte

M. Dorey Date 2010/01/19  
Director M. Dorey

M. Tippett Date 2010/01/07  
Mike Tippett, Manager

Cathy Allen Date 2010/01/11  
Cathy Allen, Recording Secretary



**B1**

**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3323**

A Bylaw Authorizing the Expenditure of Funds from the  
*Sahtlam Fire Protection Specified Service Area Capital Reserve Fund*  
Established Pursuant to CVRD Bylaw No. 1452

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**WHEREAS** as of April 30, 2010, there is an unappropriated balance in the *Sahtlam Fire Protection Specified Service Area Capital Reserve Fund* of Eighty-Seven Thousand Two Hundred Twenty-Three Dollars (\$87,223.) that has been calculated as follows:

<b>BALANCE</b> in Reserve fund as at December 31, 2009:		\$87,118.
<b>ADD:</b>	Additions to the Fund, Including interest earned for the current year to date.	\$ <u>105.</u>
		<u>\$87,223.</u>
<b>DEDUCT:</b>	Commitments outstanding under bylaws previously adopted.	<u>NIL</u>
<b>UNCOMMITTED BALANCE</b> In Reserve Fund as at April 30, 2010:		<u>\$87,223.</u>

**AND WHERAS** it is deemed desirable and expedient to expend not more than Seventy Thousand Dollars (\$70,000.) of the said balance for the purpose of assisting with the purchase of a new mobile water tender;

**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. 3323 - Sahtlam Fire Protection Specified Service Area Capital Reserve Fund Expenditure (Mobile Water Tender) Bylaw, 2010**".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Seventy Thousand Dollars (\$70,000.), is hereby appropriated from the *Sahtlam Fire Protection Specified Service Area Capital Reserve Fund* for the purpose of assisting with the purchase of a new mobile water tender.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution No. 09-215.3 adopted April 8, 2009.

3. SUMS REMAINING

Should any of the said sum of Seventy Thousand Dollars (\$70,000.) remain unexpended after the expenditures hereby authorized have been made, the unexpended balance shall be returned to the credit of the said Reserve Fund.

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.

\_\_\_\_\_  
Chair

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



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3348**

**A Bylaw to Amend the Boundaries of the Brulette Place Sewer System Service Area**

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**WHEREAS** the Board of the Cowichan Valley Regional District established the *Brulette Place Sewer System Service Area* under the provisions of Bylaw No. 3296, cited as "CVRD Bylaw No. 3296 – Brulette Place Sewer System Service Establishment Bylaw, 2009";

**AND WHEREAS** the Board of the Cowichan Valley Regional District wishes to extend the boundaries of the service area to include the following property:

- PID 025-382-667, Lot 1, Section 4, Range 8, Shawnigan Land District, Plan VIP73512;

**AND WHEREAS** the property owner has petitioned the Regional District Board to include the property in the service area;

**AND WHEREAS** the Director for Electoral Area A – Mill Bay/Malahat has consented, in writing, to the adoption of this bylaw;

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3348 – Brulette Place Sewer System Service Area Amendment Bylaw, 2010**".

2. **AMENDMENT**

That Bylaw No. 3296 be amended as follows:

That Schedule A to Bylaw No. 3296 be deleted and replaced with the Schedule A attached to this bylaw.

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

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





**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3373**

A Bylaw Authorizing the Expenditure of Funds from the  
*Emergency Programs Reserve Fund*  
Established Pursuant to CVRD Bylaw No. 2715

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**WHEREAS** as of April 30, 2010, there is an unappropriated balance in the *Emergency Programs Reserve Fund* of One Hundred Sixteen Thousand Ninety-One Dollars (\$116,091.) that has been calculated as follows:

**BALANCE** in Reserve fund as at  
December 31, 2009: \$ 97,471.

**ADD:** Additions to the Fund,  
Including interest earned  
for the current year to date. \$ 18,620.  
\$116,091.

**DEDUCT:** Commitments outstanding under  
bylaws previously adopted. NIL

**UNCOMMITTED BALANCE**  
In Reserve Fund as at April 30, 2010: \$116,091.

**AND WHERAS** it is deemed desirable and expedient to expend not more than One Hundred Fifteen Thousand Dollars (\$115,000.) of the said balance for the purpose of constructing two bays at the CVRD Operations Building at Bings Creek;

**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. 3373 - Emergency Programs Reserve Fund Expenditure (Two Bays at Bings Creek) Bylaw, 2010".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of One Hundred Fifteen Thousand Dollars (\$115,000.) is hereby appropriated from the *Emergency Programs Reserve Fund* for the purpose of constructing two bays at the CVRD Operations Building at Bings Creek.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution adopted Mach 10, 2010.

3. SUMS REMAINING

Should any of the said sum of One Hundred Fifteen Thousand Dollars (\$115,000.) remain unexpended after the expenditures hereby authorized have been made, the unexpended balance shall be returned to the credit of the said Reserve Fund.

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.

\_\_\_\_\_  
Chair

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



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3374**

A Bylaw Authorizing the Expenditure of Funds from the  
*Electoral Area E Community Parks Park Land Acquisition Reserve Fund*  
Established Pursuant to CVRD Bylaw No. 2739

---

**WHEREAS** as of April 30, 2010 , there is an unappropriated balance in the *Electoral Area E Community Parks Park Land Acquisition Reserve Fund* of Forty-Five Thousand Three Hundred Eight Dollars (\$45,308.) that has been calculated as follows:

**BALANCE** in Reserve fund as at  
December 31, 2009: \$224,120.

**ADD:** Additions to the Fund,  
Including interest earned  
for the current year to date. \$ 240.  
\$224,360.

**DEDUCT:** Commitments outstanding under  
bylaws previously adopted. \$179,052.

**UNCOMMITTED BALANCE**  
In Reserve Fund as at April 30, 2010: \$ 45,308.

**AND WHERAS** it is deemed desirable and expedient to expend not more than Thirty-Five Thousand Dollars (\$35,000.) of the said balance for the purpose of assisting with the purchase of Lot 2, Section 12, Range 1, Plan 42549, Quamichan District to create a community park;

**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. 3374 - Electoral Area E Community Parks Park Land Acquisition Reserve Fund Expenditure (\$35,000) Bylaw, 2010".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Thirty-Five Thousand Dollars (\$35,000.), is hereby appropriated from the *Electoral Area E Community Parks Park Land Acquisition Reserve Fund* for the purpose of assisting with the purchase Lot 2, Section 12, Range 1, Plan 42549, Quamichan District to create a community park.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution adopted Mach 10, 2010.

3. SUMS REMAINING

Should any of the said sum of Thirty-Five Thousand Dollars (\$35,000.) remain unexpended after the expenditures hereby authorized have been made, the unexpended balance shall be returned to the credit of the said Reserve Fund.

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.

\_\_\_\_\_  
Chair

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



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3375**

A Bylaw Authorizing the Expenditure of Funds from the  
*Electoral Area E Community Parks Capital Reserve Fund*  
Established Pursuant to CVRD Bylaw No. 2738

---

**WHEREAS** as of April 30, 2010, there is an unappropriated balance in the *Electoral Area E Community Parks Capital Reserve Fund* of Two Hundred Two Thousand Eight Hundred Eight Dollars (\$202,808.) that has been calculated as follows:

<b>BALANCE</b> in Reserve fund as at December 31, 2009:		\$498,095.
<b>ADD:</b>	Additions to the Fund, Including interest earned for the current year to date.	\$ 600.
		\$498,695.
<b>DEDUCT:</b>	Commitments outstanding under bylaws previously adopted.	<u>\$295,887.</u>
<b>UNCOMMITTED BALANCE</b> In Reserve Fund as at April 30, 2010:		<u>\$202,808.</u>

**AND WHEREAS** it is deemed desirable and expedient to expend not more than One Hundred Sixty-Five Thousand Dollars (\$165,000.) of the said balance for the purpose of assisting with the purchase of Lot 2, Section 12, Range 1, Plan 42549, Quamichan District to create a community park;

**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. 3375 - Electoral Area E Community Parks Capital Reserve Fund Expenditure (\$165,000) Bylaw, 2010".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of One Hundred Sixty-Five Thousand Dollars (\$165,000.), is hereby appropriated from the *Electoral Area E Community Parks Capital Reserve Fund* for the purpose of assisting with the purchase of Lot 2, Section 12, Range 1, Plan 42549, Quamichan District to create a community park.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution adopted Mach 10, 2010.

3. SUMS REMAINING

Should any of the said sum of One Hundred Sixty-Five Thousand Dollars (\$165,000.) remain unexpended after the expenditures hereby authorized have been made, the unexpended balance shall be returned to the credit of the said Reserve Fund.

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.

\_\_\_\_\_  
Chair

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



**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**

---

**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.

.../2

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



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3381**

**A Bylaw to Amend the Boundaries of the Shawnigan Lake North Water System Service Area**

**WHEREAS** the Board of the Cowichan Valley Regional District established the *Shawnigan Lake North Water System Service Area* under the provisions of Bylaw No. 1911, cited as "CVRD Bylaw No. 1911 – Shawnigan Lake North Water System Service Establishment Bylaw, 1999", as amended;

**AND WHEREAS** the Board of the Cowichan Valley Regional District wishes to extend the boundaries of the service area to include the following property:

- PID 009-480-901, District Lot 12, Shawnigan District, Except That Part in Plans 10129, 24926, 32212 and 37171;

**AND WHEREAS** the owner of the above noted property has petitioned the Regional District to have their property included in the service area;

**AND WHEREAS** the Director of Electoral Area B – Shawnigan Lake has consented, in writing, to the adoption of this bylaw;

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

1. **CITATION**

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3381 – Shawnigan Lake North Water System Service Amendment Bylaw, 2010**".

2. **AMENDMENT**

That Bylaw No. 1911 be amended by deleting and replacing the existing Schedule A with the Schedule A attached to this bylaw.

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

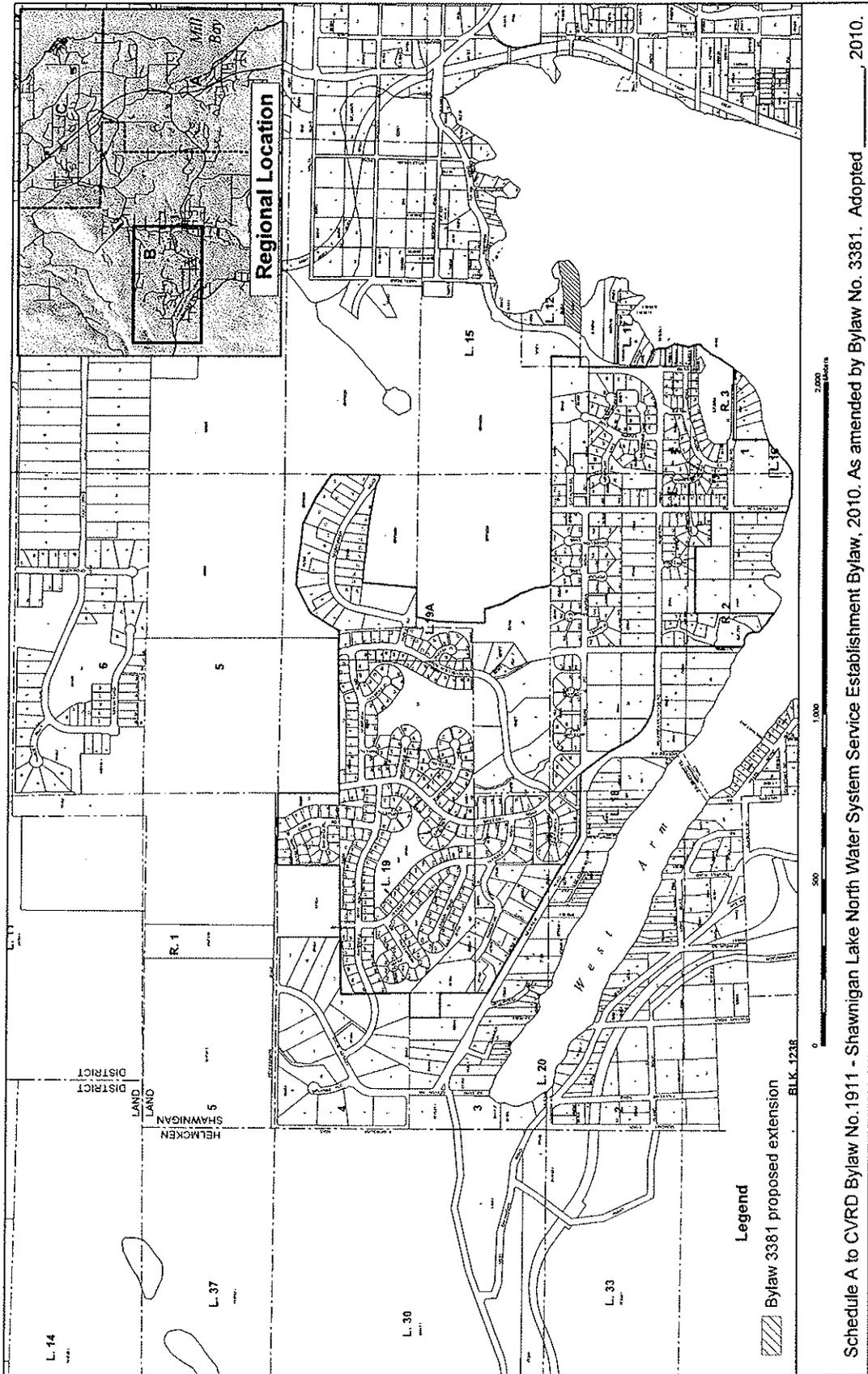
READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

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

\_\_\_\_\_  
Chairperson

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



Schedule A to CVRD Bylaw No. 1911 - Shawnigan Lake North Water System Service Establishment Bylaw, 2010. As amended by Bylaw No. 3381. Adopted \_\_\_\_\_, 2010.



**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 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.

3. **SERVICE AREA BOUNDARIES**

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

**4. PARTICIPATING AREA**

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

**5. 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





**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3385**

**A Bylaw to Amend the Satellite Park Water System  
Management Bylaw No. 2817**

---

**WHEREAS** the Board of the Cowichan Valley Regional District established the management of the *Satellite Park Water System* pursuant to Bylaw No. 2817, cited as "CVRD Bylaw No. 2817 – Satellite Park Water System Management Bylaw, 2006";

**AND WHEREAS** the Board of the Cowichan Valley Regional District deems it desirable to amend Schedule B;

**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 "**Cowichan Valley Regional District Bylaw No. 3385 - Satellite Park Water System Management Amendment Bylaw, 2010**".

2. **AMENDMENTS**

- a) That Schedule B of Bylaw No. 2817 be deleted in its entirety and replaced with Schedule B attached to and forming part of this Bylaw.

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

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



C·V·R·D

SCHEDULE B

TO CVRD BYLAW NO. 2817

METERED WATER RATES AND CHARGES

Water Rates and Charges:

The *Consumer* of *District Water* supplied through *Water Meters*, shall pay the minimum charge set out below. A 10% discount will be applied for timely payment.

**Water Rates and Charges per Classification per three (3) month period:**

CLASSIFICATION	USER CHARGES					
	Water Use			Charge		
<b>Group A</b>						
Single Family Dwelling: Per Dwelling	0	-	100 m <sup>3</sup>	\$ 66.66		
Laundromat: Minimum charge for each washing machine	101	-	150 m <sup>3</sup>	\$ 66.66	+	1.00 per m <sup>3</sup> over 100 m <sup>3</sup>
Elementary/Middle Scholl: Minimum charge per 20 students or portion thereof	151	-	200 m <sup>3</sup>	\$ 116.66	+	1.50 per m <sup>3</sup> over 150 m <sup>3</sup>
	over	200	m <sup>3</sup>	\$ 191.66	+	2.25 per m <sup>3</sup> over 200 m <sup>3</sup>
<b>Group B</b>						
Apartment: Per Unit	0	-	80 m <sup>3</sup>	\$ 49.37		
Mobile/Modular Home Park: Per Unit	81	-	120 m <sup>3</sup>	\$ 49.37	+	1.00 per m <sup>3</sup> over 80 m <sup>3</sup>
			121 - 160 m <sup>3</sup>	\$ 89.37	+	1.50 per m <sup>3</sup> over 120 m <sup>3</sup>
	over	160	m <sup>3</sup>	\$ 149.37	+	2.25 per m <sup>3</sup> over 160 m <sup>3</sup>
<b>Group C</b>						
Commercial: Minimum charge for each 10 employees or portion thereof per shift	0	-	60 m <sup>3</sup>	\$ 40.12		
			61 - 90 m <sup>3</sup>	\$ 40.12	+	1.00 per m <sup>3</sup> over 60 m <sup>3</sup>
			91 - 120 m <sup>3</sup>	\$ 72.62	+	1.50 per m <sup>3</sup> over 90 m <sup>3</sup>
	over	120	m <sup>3</sup>	\$ 121.37	+	2.25 per m <sup>3</sup> over 120 m <sup>3</sup>
<b>Group D</b>						
Continuing Care Facility: Minimum charge for each bed	0	-	50 m <sup>3</sup>	\$ 30.85		
			51 - 75 m <sup>3</sup>	\$ 30.85	+	1.00 per m <sup>3</sup> over 50 m <sup>3</sup>
			76 - 100 m <sup>3</sup>	\$ 55.85	+	1.50 per m <sup>3</sup> over 75 m <sup>3</sup>
	over	100	m <sup>3</sup>	\$ 93.35	+	2.25 per m <sup>3</sup> over 100 m <sup>3</sup>
<b>Group E</b>						
RV Trailer Park/Campground-Site Connected to Sewer: Per service pad or Site	0	-	33 m <sup>3</sup>	\$ 20.67		
Restaurant: Per 10 seats or patrons, or portion thereof	34	-	49 m <sup>3</sup>	\$ 20.67	+	1.00 per m <sup>3</sup> over 33 m <sup>3</sup>
Hotel/Motel: per housekeeping unit	50	-	65 m <sup>3</sup>	\$ 37.17	+	1.50 per m <sup>3</sup> over 49 m <sup>3</sup>
	over	65	m <sup>3</sup>	\$ 61.92	+	2.25 per m <sup>3</sup> over 65 m <sup>3</sup>
						.../2

CLASSIFICATION	USER CHARGES			
	Water Use		Charge	
<b>Group F</b> <b>Bed &amp; Breakfast House:</b> includes the minimum charge for a single family dwelling unit as defined in Group A above, plus a minimum charge per each Guest Group	0	- 20	m <sup>3</sup>	\$ 12.34
	21	- 30	m <sup>3</sup>	\$ 12.34 + 1.00 per m <sup>3</sup> over 20 m <sup>3</sup>
	31	- 40	m <sup>3</sup>	\$ 22.34 + 1.50 per m <sup>3</sup> over 30 m <sup>3</sup>
	over 40		m <sup>3</sup>	\$ 37.34 + 2.25 per m <sup>3</sup> over 40 m <sup>3</sup>
<b>Group G</b> <b>RV Trailer Park/Campground-Site not Connected to Sewer:</b> - Per service pad or Site	0	- 10	m <sup>3</sup>	\$ 6.16
	11	- 15	m <sup>3</sup>	\$ 6.16 + 1.00 per m <sup>3</sup> over 10 m <sup>3</sup>
	16	- 20	m <sup>3</sup>	\$ 11.16 + 1.50 per m <sup>3</sup> over 15 m <sup>3</sup>
	over 20		m <sup>3</sup>	\$ 18.66 + 2.25 per m <sup>3</sup> over 20 m <sup>3</sup>
<b>Group H</b> <b>High School:</b> Minimum charge per 20 students or portion thereof per shift	0	- 140	m <sup>3</sup>	\$ 83.05
	141	- 210	m <sup>3</sup>	\$ 83.05 + 1.00 per m <sup>3</sup> over 140 m <sup>3</sup>
	211	- 280	m <sup>3</sup>	\$ 150.55 + 1.50 per m <sup>3</sup> over 210 m <sup>3</sup>
	over 280		m <sup>3</sup>	\$ 251.80 + 2.25 per m <sup>3</sup> over 280 m <sup>3</sup>
<b>Group I</b> Hotel/Motel: per room or suite	0	- 25	m <sup>3</sup>	\$ 15.43
	26	- 37.5	m <sup>3</sup>	\$ 15.43 + 1.00 per m <sup>3</sup> over 25 m <sup>3</sup>
	38.5	- 50	m <sup>3</sup>	\$ 27.93 + 1.50 per m <sup>3</sup> over 37.5 m <sup>3</sup>
	over 50		m <sup>3</sup>	\$ 46.68 + 2.25 per m <sup>3</sup> over 50 m <sup>3</sup>
<b>Group J</b> <b>Licensed Premises:</b> Per 10 seats or portion thereof	0	- 42	m <sup>3</sup>	\$ 25.61
	43	- 63	m <sup>3</sup>	\$ 25.61 + 1.00 per m <sup>3</sup> over 42 m <sup>3</sup>
	64	- 84	m <sup>3</sup>	\$ 46.61 + 1.50 per m <sup>3</sup> over 63 m <sup>3</sup>
	over 84		m <sup>3</sup>	\$ 78.11 + 2.25 per m <sup>3</sup> over 84 m <sup>3</sup>

**Other**

The minimum charge and the volume of water to be apportioned for a three (3) month period for other types of development that, in the opinion of the **Manager**, do not fall within the above classifications, shall be determined by the Manager of Engineering Services and his decision shall be final.

Aggregate Allotment - Where more than one of the above classifications including "**Other**" is in use, or intended for use, then the applicable charges shall be applied to each and every classification

**UNDETECTED LEAKS:**

User Charges will be adjusted on a one-time forgiveness basis, where an undetected leak on the consumer's property has resulted in water usage greatly exceeding typical usage of water, according to the applicable classification(s), and there is no indication that water was knowingly allowed to run to waste. Additionally, a cap of \$1,500.00 per owner is in place for subsequent leaks after the first "forgiveness" of a water overage charge. Written verification from the **Consumer** describing the nature of the leakage and the action taken to rectify the problem must be received by the **Manager** before the one-time forgiveness will be granted. The leakage problem must be rectified by the **Consumer** within 30 days upon discovery, or notification of the problem.

**USER CLASSIFICATION DESCRIPTIONS****Single Family Dwelling:**

Applies to any connection servicing a single segregated self-contained residential dwelling used for, or intended for the domestic use of one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities including, but not limited to a townhouse, semi-detached, residential home, duplex and a cabin.

**Apartment:**

Applies to any connection servicing a multiple occupancy residential building(s) with self-contained and segregated units consisting of two or more rooms used for, or intended for the domestic use by one or more individuals as a single housekeeping unit with cooking, living, sleeping and sanitary facilities.

**Mobile/Modular Home Park:**

Applies to a connection servicing land used or occupied for the purposes of providing space for the accommodation of mobile homes either on a rental or ownership basis. A mobile home means any structure containing one dwelling whether ordinarily equipped with wheels, or not, that is designated, constructed or manufactured to be moved from one place to another by being towed, or carried, but not including travel trailers, campers, or other vehicles exempt from the provisions of the Mobile Home Act.

**RV Trailer Park/Campground:**

Applies to any connection servicing land used, temporarily occupied for the purpose of providing space for the accommodation of recreational vehicles or recreational structures. A recreational vehicle or recreational structure means a vehicle, trailer, coach, tents, structure, or conveyance designed to travel, or be transported on a highway and constructed and equipped to be used as temporary living or sleeping quarters for travelers.

Where individual spaces for the above accommodations are connected directly to a *Sanitary Sewer* disposal system, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

Where individual spaces or sites are not serviced directly by an individual and/or separate *Sanitary Sewer* disposal system, but have the use of common or centrally located sanitary facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s).

**Hotel/Motel:**

Applies to any connection servicing a building or structure that contains sleeping units for the overnight accommodation of transient paying guests. Auxiliary assembly, commerce, entertainment, or restaurant uses as well as areas licensed to service alcoholic beverages and staff accommodation shall pay the charges according to the classification set forth in the applicable schedule(s).

.../4

Where units contain cooking facilities, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per housekeeping or kitchenette unit.

Where units contain sleeping and sanitary facilities only, the minimum charge shall be based on the charges set forth in the applicable schedule(s) per room or suite.

**Restaurant:**

Applies to any connection servicing a building or structure, or segregated self-contained unit used for, or intended to be used for, the commercial sale of refreshments, prepared or assembled food, and/or meals together with non-alcoholic beverages for sale to the public.

**Licensed Premises:**

Applies to the connection servicing a licensed beverage establishment as governed by the Liquor Licensing Board of British Columbia, and includes, but is not limited to pubs, restaurants, eateries, lounges, cafeterias and private clubs where alcoholic beverages are served.

**Laundromat:**

Applies to a connection servicing a building, self-contained unit, or separately owned business entity where washing machines are available for public use for a fee or charge.

**Commercial:**

Applies to a connection servicing a complex, facility, or parcel of land used to manufacture, sell, repair goods, or provide a service including, but not limited to retail stores, offices, convenience store, service establishment, and light industrial.

**Elementary School and High School:**

Applies to a connection servicing an institution of learning, or teaching facility, as defined by the School Act.

**Continuing Care Facility:**

Applies to a connection servicing a multiple occupancy complex providing long-term care, and living accommodations that include residents requiring full-time professional care, including living, sleeping, cooking, and sanitary facilities, but not including an acute care facility.

**Bed & Breakfast:**

Applies to any connection servicing a single family dwelling, with an accessory use for overnight accommodation for transient paying guests in which breakfast is the only meal served.

**Rooming House:**

Applies to any connection servicing a single family dwelling with an accessory use of rooms for rent by individuals for living and sleeping, but with common cooking and sanitary facilities shared by the occupants.



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3386**

A Bylaw Authorizing the Expenditure of Funds from the  
*Cowichan Lake Recreation Reserve Fund*  
Established Pursuant to CVRD Bylaw No. 505

---

**WHEREAS** as of April 30, 2010 there is an unappropriated balance in the *Cowichan Lake Recreation Reserve Fund* of Three Hundred Seventy-Four Thousand Four Hundred Thirty-Seven Dollars (\$374,437.) that has been calculated as follows:

**BALANCE** in Reserve fund as at December 31, 2009: \$373,966.

**ADD:** Additions to the Fund,  
Including interest earned  
for the current year to date. \$471.  
\$374,437.

**DEDUCT:** Commitments outstanding under  
bylaws previously adopted. 0.

**UNCOMMITTED BALANCE**  
In Reserve Fund as at April 30, 2010: \$374,437.

**AND WHERAS** it is deemed desirable and expedient to expend not more than Ninety-Four Thousand Five Hundred Forty-One Dollars (\$94,541.) of the said balance for the purpose of assisting with the purchase of a replacement arena ice resurfacer (Zamboni) for the Cowichan Lake Arena;

**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. 3386 - Cowichan Lake Arena Capital Reserve Fund Expenditure (Zamboni) Bylaw, 2010".

.../2

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Ninety-Four Thousand Five Hundred Forty-One Dollars (\$94,541.) is hereby appropriated from the *Cowichan Lake Arena Capital Reserve Fund* for the purpose of assisting with the purchase of a replacement arena ice resurfacer (Zamboni) for the Cowichan Lake Arena.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution adopted April 14, 2010.

3. SUMS REMAINING

Should any of the said sum of Ninety-Four Thousand Five Hundred Forty-One Dollars (\$94,541.) remain unexpended after the expenditures hereby authorized have been made, the unexpended balance shall be returned to the credit of the said Reserve Fund.

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.

\_\_\_\_\_  
Chair

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



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3316**

**A Bylaw for the Purpose of Amending Official Community Plan Bylaw No. 1497,  
Applicable to Electoral Area H – North Oyster/Diamond**

---

**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 H – North Oyster/Diamond, that being Official Community Plan Bylaw No. 1497;

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1497;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3316 - Area H – North Oyster/Diamond Official Community Plan Amendment Bylaw (Clifford/Wiggins), 2009**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1497, 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 SECOND TIME this 9<sup>th</sup> day of September, 2009.

READ A SECOND TIME this 9<sup>th</sup> day of September, 2009.

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

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

\_\_\_\_\_  
Chairperson

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



## C·V·R·D

### SCHEDULE "A"

#### To CVRD Bylaw No. 3316

---

Schedule A to Official Community Plan Bylaw No. 1497, is hereby amended as follows:

1. That a new Section 8.5: Rural Waterfront be added to the list of residential designations in the Table of Contents, and the Mobile Home Park Residential and Housing Affordability, Special Needs and Rental Housing sections in the Table of Contents be renumbered as 8.6 and 8.7 respectively.
2. That the following be added after Policy 8.4.2:

#### 8.5 POLICIES: RURAL WATERFRONT

##### POLICY 8.5.1:

Land designated as **Rural Waterfront** on the Plan Map will be eligible for maximum residential densities of approximately one unit per hectare of gross land area for principal dwellings, and the implementing bylaw will provide for linking this maximum density to the provision of specific amenities.

##### POLICY 8.5.2:

Given the sensitive waterfront location and unserviced nature of **Rural Waterfront** lands, special measures will be imposed in the implementing zoning bylaw to ensure that such areas are not over-developed and that the shorelines are respected.

##### POLICY 8.5.3

The Regional Board may consider redesignating lands not presently in the **Rural Waterfront** designation as such, provided the following criteria are met:

- a) Significant public amenities are proposed, which find widespread support in the community, and would thereafter be incorporated into the implementing zoning bylaw under Section 904 of the *Local Government Act*;
- b) The land has ocean frontage;
- c) Docks are not permitted;
- d) The land is not in the Agricultural Land Reserve;

../2

- e) The land is not adjacent to a community water system, as defined in the Electoral Area H Zoning Bylaw;
- f) Residential densities do not exceed those specified in Policy 8.5.1;
- g) Such other matters as the Board may consider relevant to the situation.

POLICY 8.5.4

Density averaging is permitted within the **Rural Waterfront** designation.

And Sections 8.5 and 8.6 are renumbered as 8.6 and 8.7 respectively, and all policies under both of these headings are also renumbered as 8.6.1, 2, 3 and 4; and 8.7.1, 2 and 3 respectively.

3. That the new designation "**Rural Waterfront**" is added to the legend of the Plan Map.
4. That Parcel B (DD EF76800) of District Lot 93, Oyster District , as shown outlined in a solid black line on Plan number Z-3316 attached hereto and forming Schedule B of this bylaw, be redesignated from **Agricultural** to **Rural Waterfront**; and that Schedule B to Official Community Plan Bylaw No. 1497 be amended accordingly.





**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3317**

**A Bylaw for the Purpose of Amending Zoning Bylaw No. 1020  
Applicable to Electoral Area H – North Oyster/Diamond**

---

**WHEREAS** the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt and amend zoning bylaws, and Section 904 permits the creation of zones for amenities and affordable housing;

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area H – North Oyster/Diamond, that being Zoning Bylaw No. 1020;

**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. 1020;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3317 - Area H – North Oyster/Diamond Zoning Amendment Bylaw (Clifford/Wiggins), 2009**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 1020, as amended from time to time, is hereby amended in the following manner:

- a) Rural Waterfront Zone (R-11) is added to Section 6.1 "Creation of Zones" following the R-10 Rural Water Conservancy Zone;

.../2

- b) The following is inserted after Section 8.3(b), and Sections 8.4 and 8.5 are renumbered as 8.5 and 8.6 respectively:

8.4 R-11 ZONE – RURAL WATERFRONT

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

(a) Permitted Uses

The following uses and no others are permitted in an R-11 Zone:

1. Single family residence;
2. Secondary suite, subject to Section 8.4(b)(1) below.

(b) General Conditions of Use

For any parcel in an R-11 Zone:

1. A single secondary suite is only permitted on a parcel that exceeds 1.0 hectares in area;
2. Parcel coverage shall not exceed 20% for all buildings and structures;
3. The setbacks for the types of parcel lines set out in Column I of this section are set out for all structures in Column II:

COLUMN I Type of Parcel Line	COLUMN II Residential and Accessory Uses
Front	7.5 metres
Interior side	3 metres from one side parcel line and ten percent of the parcel width from the other parcel line, to a maximum of 3 metres
Exterior side	4.5 metres
Rear	4.5 metres
Ocean waterfront (high water mark)	15 metres

(c) Density, Density Bonus and Amenity Zoning Provisions

For any Parcel in an R-11 Zone, the following regulations apply:

1. The number of parcels that may be created by subdivision in the R-11 zone must not exceed 2, including any remainder parcel.

.../3

2. Despite Section 8.4(c)(1), the number of parcels that may be created by subdivision in the R-11 zone may be increased to 5 if the conditions in Sections 8.4(c)(6) through (8) are met.
3. The minimum parcel area is 0.9 hectare for residential parcels and 0.4 hectare for the parcel referred to in Section 8.4(c)(6) through (8).
4. Density averaging is permitted, provided that the average residential density in any subdivision, excluding any remainder parcel, does not exceed one parcel per 0.9 hectare of gross land area, not including secondary suites.
5. The minimum parcel area for the purposes of s. 946(4) of the *Local Government Act* is 25 hectares.
6. In respect of each 3 parcels created in excess of 2, one of the three parcels must be transferred to the Regional District in fee simple for nominal consideration, free and clear of all encumbrances of a financial nature, including mortgages, assignments of rents, options to purchase and rights of first refusal, and all other encumbrances including any statutory building scheme not specifically approved in writing by the Regional District, to be used for the purposes set out in Section 8.4(c)(9), and the costs of transfer including the Regional District's actual, reasonable legal costs must be paid by the subdivider.
7. The parcel transferred to the regional district must be selected by the Regional District on the basis of the proposed plan of subdivision, being in a suitable location for the intended use, of at least 0.4 hectares in area and with frontage on Shell Beach Road.
8. The parcel transferred to the regional district must be fully provided with hydro, cable and telephone service and highway frontage improvements to the standard provided in the rest of the subdivision, as well as a driveway to the property line, all as determined by an inspection of the parcel by the Regional District prior to the transfer. The subdivider must also provide to the Regional District a well on the parcel and access to sewage disposal field on the adjacent land, the ongoing access to which will be secured by suitable easements and such other instruments as may be required, as required by the local health authority or the subdivision approving officer. No parcel transferred to the Regional District may be a strata lot.
9. The parcel transferred to the Regional District under Section 8.4(c)(6) must be used for the provision of fire protection services in the North Oyster/Diamond community. If for any reason, the property is deemed to be excess to the North Oyster Fire Department requirements, the property shall revert to the community by way of being added to the Area H Community Parkland Inventory or another appropriate community land bank.

- c) That Schedule B (Zoning Map) to Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020 is amended by adding Rural Waterfront R-11 to the legend.
- d) That Schedule B (Zoning Map) to Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020 is further amended by rezoning Parcel B (DD EF76800) of District Lot 93, Oyster District, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3317, from Secondary Agricultural A-2 to Rural Waterfront R-11.
- e) That Schedule B (Zoning Map) to Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020 is further amended by rezoning the first 100 metres of water surface that extends perpendicularly from the shoreline of the subject property from Water Recreation W-2 to Water Conservancy W-1, as shown in a dashed black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3317.

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this      9<sup>th</sup>      day of September, 2009.

READ A SECOND TIME this      9<sup>th</sup>      day of September, 2009.

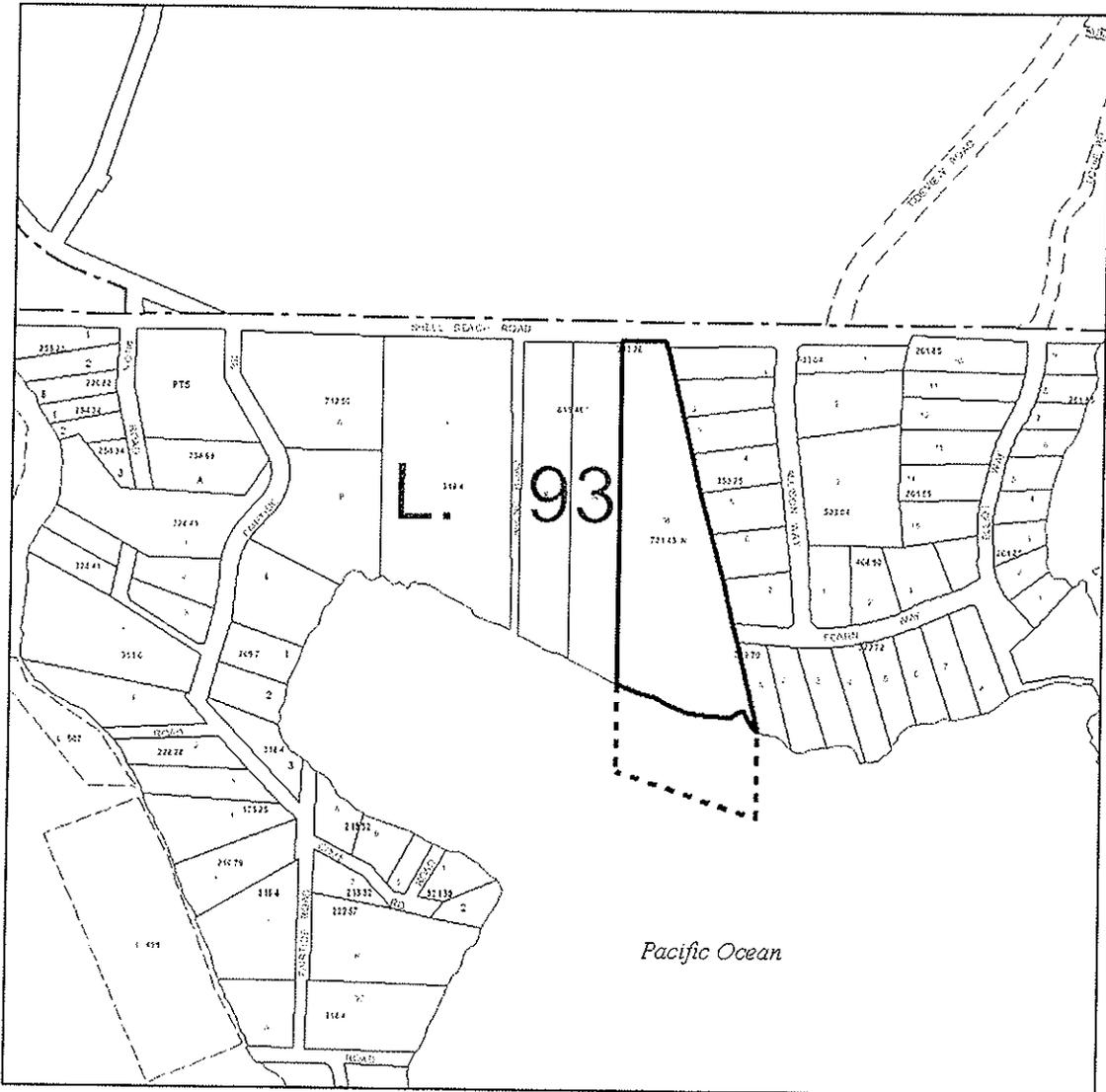
READ A THIRD TIME this      \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

\_\_\_\_\_  
Chairperson

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

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



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

      A-2 (Secondary Agricultural) to R-11 (Rural Waterfront)      

**THE AREA SHOWN IN A DASHED BLACK LINE IS REZONED FROM**

      W-2 (Water Recreation) to W-1 (Water Conservancy)      

**APPLICABLE TO ELECTORAL AREA       H**



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3354**

**A Bylaw for the Purpose of Amending Official Community Plan Bylaw No. 1490,  
Applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora**

---

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

**AND WHEREAS** the Regional District has adopted an official community plan bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Cowichan Koksilah Official Community Plan Bylaw No. 1490;

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1490;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3354 - Area E – Cowichan Koksilah Official Community Plan Amendment Bylaw (Area E OCP Maintenance Bylaw), 2010**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1490, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

3. CAPITAL EXPENDITURE PROGRAM

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

READ A FIRST TIME this 10<sup>th</sup> day of February, 2010.

READ A SECOND TIME this 10<sup>th</sup> day of February, 2010.

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

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

\_\_\_\_\_  
Chairperson

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



C·V·R·D

## SCHEDULE "A"

To CVRD Bylaw No. 3354

---

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

1. Section 3.1.4(b) is deleted and replaced with the following:
  - (b) rivers which have a 200 year flood volume of 80 cubic metres per second or greater, including the Cowichan, Koksilah and Chemainus Rivers shall require a minimum setback of 30 metres from the top of bank.
2. The diagram "Figure 3 Leave Strip Setback (Greenway) for Watercourses" is deleted.
3. The following is added after Section 14.9.6(b)3:

### **14.10 AGRICULTURAL PROTECTION DEVELOPMENT PERMIT AREA**

#### **14.10.1 CATEGORY**

The **Agricultural Protection Development Permit Area** is designated pursuant to Section 919.1(1)(c) of the *Local Government Act*, for the protection of farming.

#### **14.10.2 AREA OF APPLICATION**

The **Agricultural Protection Development Permit Area** applies to all lands in Electoral Area E that are designated as Agricultural in the Plan or are zoned as Primary Agricultural or Agricultural Conversion 1C in the implementing zoning bylaw.

#### **14.10.3 JUSTIFICATION**

Agriculture is recognized as being not only a vital part of the economy of the Cowichan Valley, but as an important element in regional sustainability and food security. Unlike many other countries, in most of Canada and certainly in British Columbia, zoning regulations usually permit agricultural lands to be used for residential purposes, whether the land is being farmed or not. Therefore, designating land for agricultural land use is not enough to ensure that the lands so designated will either be used for active farming or even that – at a minimum – their land base will not be compromised by the inappropriate location of residential buildings and accessory structures on the land.

.../2

#### 14.10.4 GUIDELINES

Within the **Agricultural Protection Development Permit Area**, no person will construct a residence or a building or structure that is not directly related to agricultural purposes, prior to the owner of land applying for and receiving a development permit from the Cowichan Valley Regional District, which will sufficiently address the following guidelines:

- a) Residential buildings will be located in such a way as to not impinge on the ability to farm the land. This means that the residence(s) will not be centrally located in the middle of a highly productive soil polygon as shown on agricultural capability mapping or as evidenced in a field observation, but rather will be located on soils that have lower agricultural potential. Generally this will result in homes being located close to the fronting public road, with minimal driveway intrusion into and across the parcel. It may also mean that a residence is located on higher ground which has lower agricultural potential, wherever on a parcel this may be located.
- b) Accessory buildings will be located similarly to residential buildings, except for agricultural accessory buildings, which are exempt from this development permit process.
- c) Driveways will be placed on the land in such a way as to minimise the impact upon present and potential future farming.
- d) The footprint on the ground of the proposed buildings may be limited if they are to be located on lands with high agricultural capability.

#### 14.10.5 APPLICATION REQUIREMENTS

Before issuing a development permit for a residence or residential accessory building or structure in the **Agricultural Protection Development Permit Area**, the Cowichan Valley Regional District requires that the following information be submitted along with the application form and fee:

- 1) a description of the scope of work on the land;
- 2) a site plan indicating the location of the proposed building construction in relation to the agricultural capability of the site (note: maps of agricultural capability are available at the CVRD office);
- 3) the location of any buildings that are already located on the site;
- 4) the location of existing and proposed driveways, including parking areas;
- 5) plans showing the size of any proposed buildings.

#### 14.10.6 EXEMPTIONS

Any work proposed on a parcel in the **Agricultural Protection Development Permit Area** that is unrelated to the construction of a residence, residential accessory building or structure or other works accessory to residential use are exempt from the requirement to obtain a development permit under this section. Subdivision of land is also exempt.



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3355**

**A Bylaw for the Purpose of Amending Zoning Bylaw No. 1840  
Applicable to Electoral Area E – Cowichan Station/Sahtlam/Glenora**

---

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

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

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 1840;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3355 – Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Area E Zoning Maintenance Bylaw), 2010**".

2. **AMENDMENTS**

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

- a) throughout the entire Bylaw, all instances of the word "principle" are replaced by the word "principal".
- b) the definition of "secondary suite" in Section 3.1 is deleted and replaced with the following:

**"secondary suite"** means a dwelling unit that does not exceed the floor area limit established in the General Requirements section of this Bylaw, located within a single family dwelling that is capable of being occupied year-round, with a separate entrance, living facilities including provision for sleeping, cooking, sanitation, food storage and preparation;

- c) the definition of “small suite” in Section 3.1 is deleted and replaced with the following:

“**small suite**” means a small dwelling unit that does not exceed the floor area limit established in the General Requirements section of this Bylaw, that is not attached to or within a single family dwelling, and is capable of being occupied year-round, with a separate entrance, living facilities including provision for sleeping, cooking, sanitation, food storage and preparation;

- d) Section 5.23 is amended by deleting subsection (a) and replacing it with the following:

(a) The maximum *floor area* of a *small suite* shall not exceed 90 square metres;

- e) The following is added after Section 5.27:

5.28 Minimum Parcel Area for Section 946 Subdivision

Except where a specific S. 946 regulation is contained within a zone under this Bylaw, for the purposes of subdivisions to provide a residence for a relative that may be proposed, the minimum required area of a parent parcel as per Section 946(4) of the *Local Government Act* is as follows:

- a) for any parcel located in a zone within which the highest possible minimum lot size is 4 hectares or less, the minimum required area of a parent parcel is 4 hectares;
- b) for any parcel located in a zone within which the smallest possible minimum parcel size is greater than 4 hectares, the minimum required area of a parent parcel is the same as the minimum parcel size of the zone within which the parcel is located.

- f) Section 5.27 is amended by adding “Except for subdivisions proposed under Section 5.23(l) of this Bylaw,” at the beginning of the paragraph.

- g) Section 5.23 is amended by adding the following after subsection (k):

- (l) The *small suite* may be subdivided from the *parcel* upon which it is located only if:
  - i. it is in a zone which would allow for the proposed lot sizes following subdivision;
  - ii. the *principal dwelling* and *small suite* are so located as to allow for setback requirements to be met following subdivision;
  - iii. the approval of the Health Authority for sewage disposal has been obtained
  - iv. all other requirements of subdivision are met.

If the *parcel* upon which the *small suite* would be located is in a zone which would not allow for subdivision, the owner shall, prior to the issuance of a building permit for the *small suite*, register a restrictive covenant on the *parcel* which would prevent its subdivision or the registration of any form of strata plan under the *Strata Property Act* on the *parcel*.

For *parcels* that meet the requirements of (l) i., ii., iii., and iv., following the subdivision, the *dwelling* that was formerly considered to be the *small suite* will no longer be subject to the regulations of Section 5.23 of the Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw.

h) The following is added after Section 5.28:

5.29 Interpretation of Zoning on Parcels with Two or More Zones

Where any parcel in the area subject to this Bylaw is partially in two or more zones, each portion that lies within a single zone may be used and subdivided in accordance with that zone's regulations.

i) The following is added to the list of permitted uses in Section 11.1(a) (Light Industrial 1 Zone), and all other permitted uses are renumbered as needed:

- (1) retail stores, including convenience stores, automotive rental, and automotive parts and accessory sales;

j) Section 11.1(a)(25) is deleted and replaced with the following:

- (26) single family dwellings accessory to a permitted use under Section 11.1(a)(1) through (25), subject to with the regulations established by Section 11.1(b)(5).

k) The following is added after Section 11.1(b)(4):

- (5) The number of accessory residences permitted on any parcel in the I-1 Zone is one. One additional accessory residence is permitted per parcel for every 0.4 hectares of parcel area, but only if the parcel lies within the Eagle Heights Sewer Service Area and is connected to this system.

l) Section 5.15 is deleted and replaced with the following:

5.15 Screening and Landscaping

A landscape screen shall be provided as a buffer between any commercial or industrial use and public roads, residential uses and institutional uses.

.../4

m) Section 5.18 is deleted and replaced by the following:

5.18 Setback from a Watercourse and Streamside Protection and Enhancement Area (SPEA)

(a) The watercourse setback is as follows: no *building, structure, lane* or *highway*, nor driveway shall be located:

- i) within 30 metres of the *top of bank* of the Cowichan, Chemainus or Koksilah Rivers or;
- ii) within 20 metres of the *natural boundary* of any other *watercourse*, or a lake.

If a SPEA setback would be larger than the watercourse setback, the larger of the two setbacks applies.

(b) The SPEA setback is as follows: where a Streamside Protection and Enhancement Area (SPEA) has been designated on a parcel, no *building, structure, lane* or *highway*, nor driveway shall be located closer than 7.5 metres or 12.5% of the average parcel depth – whichever is greater – to the SPEA, with parcel depth being measured between the SPEA boundary and the front parcel line. If a watercourse setback would be larger than the SPEA setback, the larger of the two setbacks applies.

(c) Notwithstanding any other provision of this bylaw, no *building* used for the accommodation of livestock shall be located within 30 metres of the *natural boundary* of a *watercourse* or a sea, lake, sandpoint or well.

n) The following is added after Section 5.29:

5.30 Sewer Infrastructure

The construction, placement or installation of any sewer infrastructure in a designated Streamside Protection and Enhancement Area (SPEA) is not permitted.

o) The following is added to the definitions under Section 3.1:

**“Streamside Protection and Enhancement Area (SPEA)”** means the area so designated by a Qualified Environmental Professional in a Riparian Assessment Report that is registered at the Province of British Columbia, prepared under the *Riparian Areas Regulation*”.

.../5

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this 10<sup>th</sup> day of February, 2010.

READ A SECOND TIME this 10<sup>th</sup> day of February, 2010.

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

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

\_\_\_\_\_  
Chairperson

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



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3356**

**A Bylaw for the Purpose Of Amending Cowichan Valley Regional District  
Subdivision for a Relative Bylaw No. 1741  
Applicable to Electoral Areas A, B, C, D, E and H**

---

**WHEREAS** Section 946(4) of the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt and amend bylaws respecting the area of land required in order for a subdivision in contravention of zoning requirements to be considered as approvable by the Approving Officer;

**AND WHEREAS** the Regional District has adopted a bylaw pursuant to Section 946(4) for the Cowichan Valley Regional District, that being Subdivision for a Relative Bylaw No. 1741;

**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 notification period and with due regard to the reports received, the Regional Board considers it advisable to amend Subdivision for a Relative Bylaw No. 1741;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3356 Subdivision for a Relative Amendment Bylaw (Area E and G Deletion), 2010**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 1741, as amended from time to time, is hereby amended in the following manner:

- a) Electoral Areas E and G are eliminated from the ambit of Bylaw 1741.

3. **FORCE AND EFFECT**

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

READ A FIRST TIME this     10<sup>th</sup>     day of     February     , 2010.

READ A SECOND TIME this     10<sup>th</sup>     day of     February     , 2010.

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

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

\_\_\_\_\_  
Chairperson

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



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3387**

**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 enacts as follows:

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3387 - 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.





C·V·R·D

**SCHEDULE "A"**

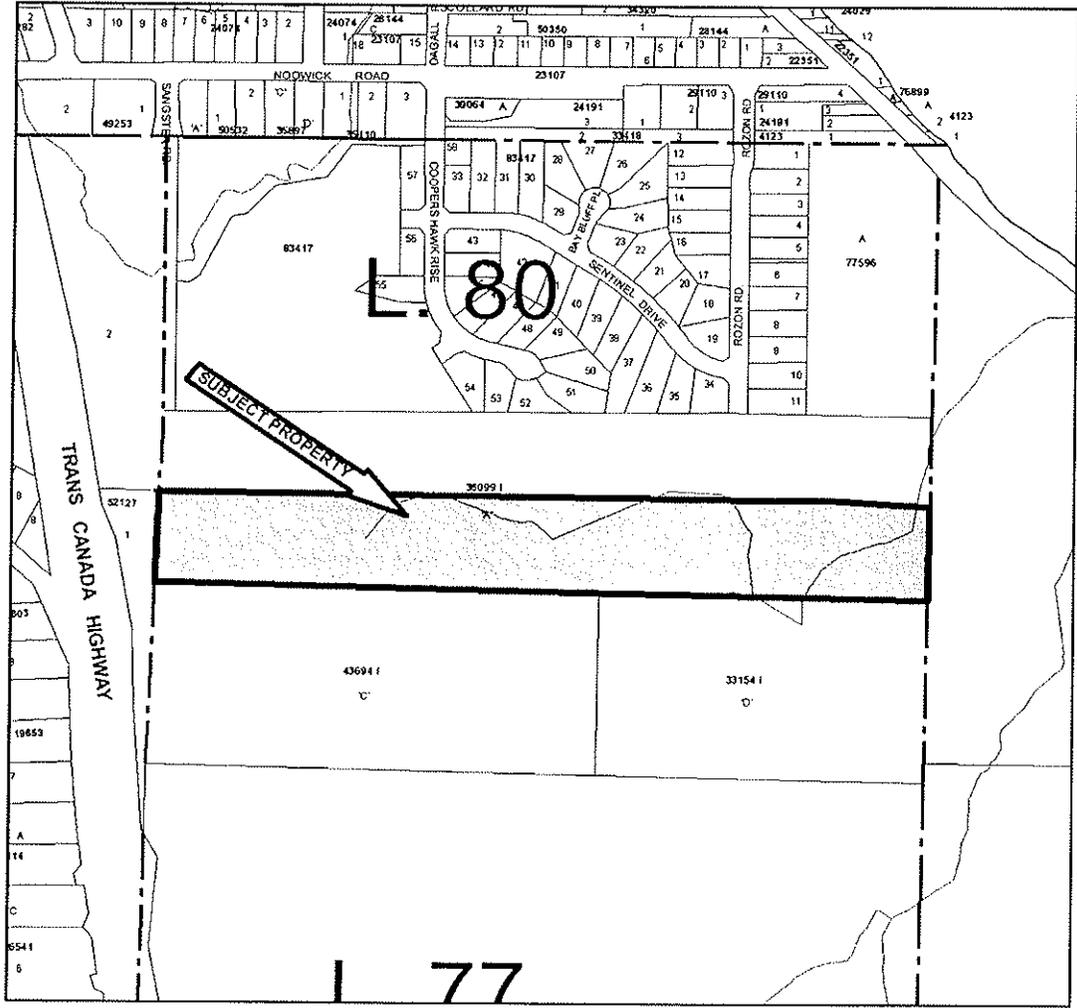
**To CVRD Bylaw No. 3387**

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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-3387 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-3387 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-3387 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



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Forestry TO Urban Residential APPLICABLE

TO ELECTORAL AREA A



**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW NO. 3388**

**A Bylaw for the Purpose of Amending Zoning Bylaw No. 2000  
Applicable to Electoral Area A – Mill Bay/Malahat**

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**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 enacts as follows:

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3388 - 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:

- 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-3388, from F-1 (Primary Forestry) to R-3A (Urban Residential – Limited Height).

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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.

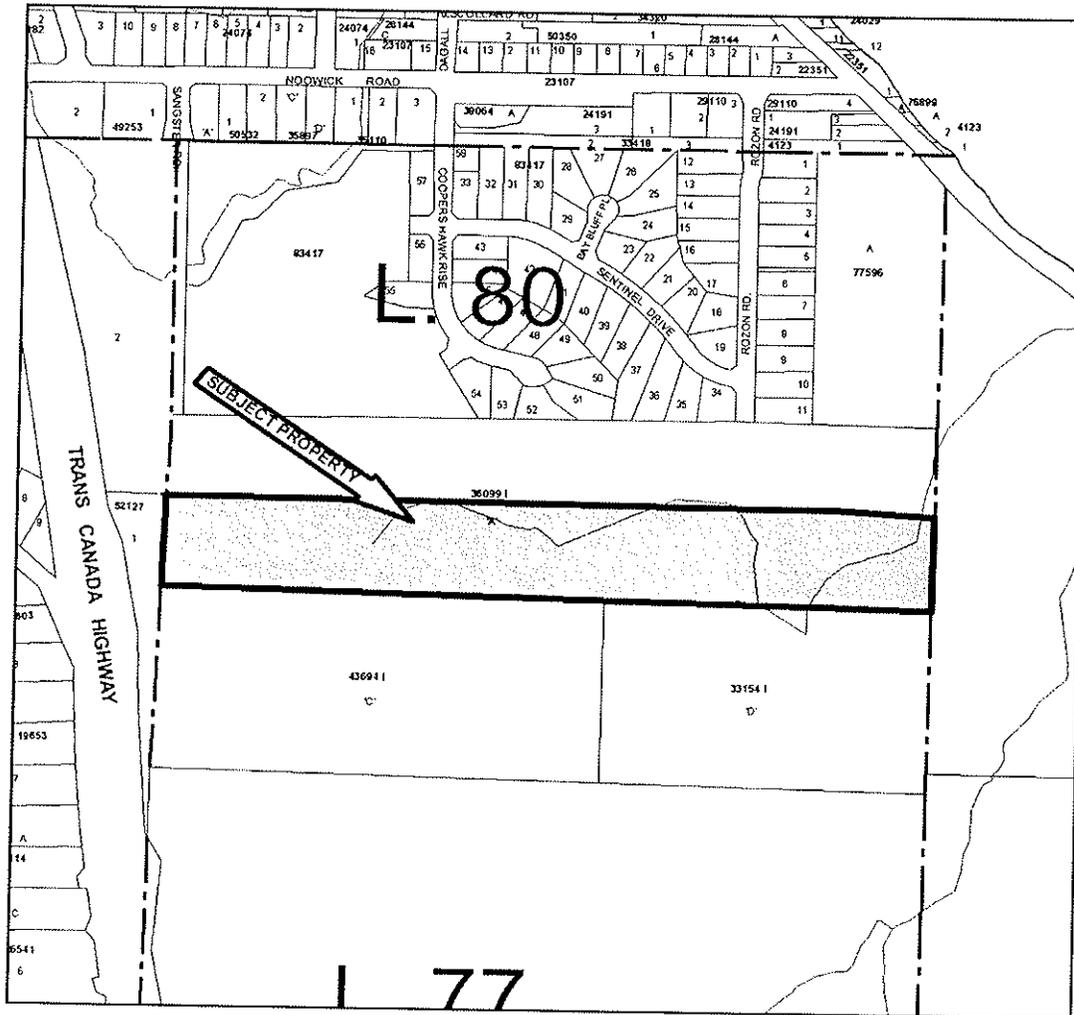
READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

\_\_\_\_\_  
Chairperson

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

SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO. 3388  
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



## NEW BUSINESS SUMMARY

BOARD MEETING MAY 12, 2010

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**NB1** Commission Appointment - Electoral Area D - Cowichan Bay Parks & Recreation Commission

**NBCS1** Land Acquisition {Sub (1) (e)}  
Freedom of Information {Sub (1) (j)}



**NB1**

## COMMISSION APPOINTMENTS

BOARD MEETING  
OF MAY 12, 2010

DATE: May 12, 2010  
FROM: Director Iannidinardo  
SUBJECT: **Electoral Area D**  
**- Cowichan Bay Parks & Recreation Commission**

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**Recommendation:**

That the following appointment to the Electoral Area D - Cowichan Bay Parks & Recreation Commission be approved:

**Appointed:**

Bruce Clarke

*Remainder of Term to Expire: December 31, 2010.*



**NB1**

## COMMISSION APPOINTMENTS

BOARD MEETING  
OF MAY 12, 2010

DATE: May 12, 2010  
FROM: Director Iannidinardo  
SUBJECT: **Electoral Area D**  
**- Cowichan Bay Parks & Recreation Commission**

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**Recommendation:**

That the following appointment to the Electoral Area D - Cowichan Bay Parks & Recreation Commission be approved:

**Appointed:**

Bruce Clarke

*Remainder of Term to Expire: December 31, 2010.*