



COWICHAN VALLEY REGIONAL DISTRICT

NOTICE OF REGULAR BOARD MEETING

DAY: WEDNESDAY

DATE: APRIL 13, 2011

**TIME: → REGULAR SESSION
6:00 pm**

PLACE: BOARD ROOM

175 INGRAM STREET



Joe Barry
Corporate Secretary



REGULAR BOARD MEETING
WEDNESDAY, APRIL 13, 2011
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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B10	"Cowichan Valley Regional District Bylaw No. 3460 – Area H – North Oyster/Diamond Zoning Amendment Bylaw (Doole Road A1-A2), 2011", 3 rd reading.	99-101
B11	"Cowichan Valley Regional District Bylaw No. 3461, Phased Development Agreement Authorization Bylaw (Cowichan Bay Estates), 2011", 3 rd reading.	102-127
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12. RESOLUTIONS:

RES1	Appointments to the Electoral Area C – Cobble Hill Parks and Recreation Commission	128
RES2	Appointments to the North Oyster Fire Protection Service Commission	129
RES3	Appointments to the Agricultural Advisory Committee	130
RES4	Appointments to the Shawnigan Lake Community Centre Commission	131

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

- a) Public
- b) Press

17. CLOSED SESSION:

Motion that the meeting be closed to the public in accordance with the Community Charter Part 4, Division 3, Section 90, subsections as noted in accordance with each agenda item.

CSM1	Adoption of Closed Session Minutes of March 9, 2011	132-134
CSM2	Adoption of Closed Session Special Minutes of March 23, 2011	135-136
CSSR1	FOIPOP {Sub (1) (j)}	To Be Distributed 137-138
CSSR2	Employee Relations {Sub (1) (c)}	Attached Sealed Envelope

18. ADJOURNMENT:

The next Regular Board meeting will be held May 11, 2011 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, March 9, 2011 at 6:07 pm.

PRESENT: Chair G. Giles,
Directors K. Cossey, M. Dorey, L. Duncan,
B. Harrison, D. Haywood, R. Hutchins, L. Iannidinaro,
P. Kent, K. Kuhn, M. Marcotte, T. McGonigle,
I. Morrison, G. Seymour and T. Walker

ALSO

PRESENT: Warren Jones, Administrator
Kathleen Harrison, Deputy Corporate Secretary
Mark Kueber, General Manager, Corporate Services
Sharon Moss, Manager, Finance Division
Steve Hurcombe, Budget Coordinator, Finance Division
Sybille Sanderson, Acting General Manager, Public Safety
Brian Dennison, General Manager,
Engineering & Environmental Services
Rob Conway, Manager, Development Services Division
Kate Miller, Manager, Regional Environmental Policy Div.
Brian Farquhar, Manager, Parks and Trails Division
Dave Leitch, Manager, Water Management Division
Jacob Ellis, Manager, Corporate Planning

**APPROVAL OF
AGENDA**

11-096

It was moved and seconded that the agenda be amended as follows:

Staff Report SR4 moved to follow Delegation D2;

and the addition of New Business Items:

- NB1 Appointment to the Youbou Fire Service Commission
 - NB2 Director Marcotte – Verbal Update of 2011 Agricultural Advisory Committee Workshop
 - NB3 Director Morrison – Information regarding Cowichan Lake Sports Arena 40th Anniversary and the Grand Opening of the Newly Renovated Cowichan Lake Sports Arena,
 - NB4 Director Duncan – Butler Bros. Gravel Pit, Langtry Road, and
- that the agenda, as amended, be approved.

MOTION CARRIED

**ADOPTION OF
MINUTES**

11-097

It was moved and seconded that item CR2 on page 10 of the minutes of the February 9, 2011 Regular Board meeting be corrected by changing “were” to “was” and that the minutes, as amended, be adopted.

MOTION CARRIED

BUSINESS ARISING

OUT OF MINUTES There was no business arising out of the minutes.

DELEGATIONS

D1 Justin Straker representing the CVRD Environment Commission
Re: Lands Subcommittee Presentation on behalf of the Environment Commission (CR5 recommendations 1 through 3)

Justin Straker provided a PowerPoint presentation regarding the fragility of the environment and the need to develop tools and methodologies to preserve and protect fragile ecosystems within the CVRD.

D2 Dr. Bruce Fraser representing the CVRD Environment Commission
Re: Environment Commission recommendations regarding recent logging in the Shawnigan Lake Watershed (CR5 recommendation 4)

Dr. Fraser spoke to the issue of recent private land logging (clear cut) of a large section of forest located on the west shore of Shawnigan Lake and the implications of this logging on the Shawnigan watershed.

11-098 **It was moved and seconded that item CR5 Environment Commission Report of February 22, 2011, be considered at this time.**

MOTION CARRIED

CR5 The report and recommendations of the Environment Commission meeting of February 22, 2011, listing four items, were considered.

It was moved and seconded that items 1, 2 (a) and 3 be referred to staff for information on Work Plan and Budget implications.

11-099 **It was moved and seconded that item 2 (b) be included in the referral motion.**

Opposed: Director Kent

MOTION CARRIED

11-100 **VOTING RESUMED ON THE MAIN MOTION**

Motion restated for clarification:

It was moved and seconded that items CR5 1, 2 (a) and (b), and 3 be referred to staff for information on Work Plan and Budget implications.

Opposed: Directors Iannidinardo, Giles and Kent

MOTION CARRIED

11-101 It was moved and seconded that the Information items be included in Item 4 and the word “a” between “and” and “formal” in the second line be replaced with the word “any” and the word “And” be inserted at the beginning of paragraphs 2 and 3.

MOTION CARRIED

11-102 It was moved and seconded that amended recommendation 4 be referred back to staff for further information.

Opposed: Directors Giles, Iannidinardo, Kent, Cossey, Dorey, Duncan, Harrison and Hutchins

MOTION DEFEATED

11-103 It was moved and seconded that the Regional Board make a formal complaint to the Private Managed Forest Land Council regarding the situation on the west shore of Shawnigan Lake and any formal response from them be provided to both the Regional District and the Environment Commission;

And failing a satisfactory response from the Private Managed Forest Land Council, then, the Regional Board make urgent representation to the Minister of Forests to invite the Forest Practices Board to conduct an audit of the oversight practices of the Private Managed Forest Land Council with specific reference to the Shawnigan Lake Westshore Logging Practices and their outcomes.

And failing a thorough and satisfactory airing of and resolution to the issues involved and a commitment to avoidance of any repeats of the situation, then the Regional Board lodge a formal complaint with the relevant Forest Certification body and request both a formal audit and that the results of the audit be provided to the Board and the Environment Commission.

Opposed: Directors Dorey, Haywood, Marcotte and Morrison

MOTION CARRIED

11-104 It was moved and seconded that a meeting take place between the Private Managed Forest Land Council and a member of the Environment Commission and a member of the CVRD Board to discuss this issue.

MOTION CARRIED

SR4 The Staff Report from the Manager, Water Management Division, dated March 2, 2011 re: Utility Acquisition Program was received for information.

The Manager, Water Management Division provided a PowerPoint presentation regarding the Utility Acquisition Program highlighting the major aspects of the program and historical activities, locations, upgrades, the acquisition process, costs and the future of acquisitions within the CVRD.

REPORT OF CHAIRPERSON

The Chair requested the update of item NB2 be provided at this time.

NB2 Director Marcotte – Verbal Update of 2011 Agricultural Advisory Committee Workshop

Director Marcotte reported on the 2011 Agricultural Advisory Committee Workshop that she had attended on February 24, 2011 in Richmond and the issues and difficulties being faced with developing and implementing Agricultural Area Plans.

INFORMATION

The Chair requested the update of NB3 be provided at this time.

NB3 Director Morrison – Information re: 40th Anniversary of the Cowichan Lake Sports Arena and the Grand Opening

Director Morrison reported that the Cowichan Lake Sports Arena upgrade has been completed and that the Cowichan Lake Recreation Commission had issued invitations to the 40th Anniversary celebration and the Opening Ceremonies being held on March 12th at 10:00 am. Events following the opening ceremonies will include a public open house, a free public skate and curling and an alumni Appollos hockey game featuring players from the past 40 years.

COMMITTEE REPORTS

CR1 The report and recommendations of the Electoral Area Services Committee meeting of March 1, 2011 listing 17 items, were considered.

11-105 It was moved and seconded:

1. That the following appointments to the CVRD Volunteer Fire Departments be approved: Mesachie Lake VFD – Fire Chief, Gary Eve and Deputy Fire Chief, David Middlemost; Youbou VFD – Fire Chief, Orest Smycniuk and Deputy Fire Chief, Stu McKee.
2. That the overall expenditure of no more than \$120,000 (increased from the original \$100,000) for the purchase of a used fire tender for the Malahat Volunteer Fire Rescue Service, be approved, and further that the CVRD Purchasing Policy be waived and the expenditure be approved prior to approval of the 2011 budget.
3. That the request by the Cowichan Valley Metis Nation to waive the park booking fees at Bright Angel Park to host a cultural camp scheduled for May 8-13, 2011, be approved.
4. That the Glenora Trails Head Park Caretaker Contract with the incumbent caretakers be extended for a maximum two year term extension beyond the original three year term, commencing March 1, 2011 and completing February 29, 2013.
5. That the following Grants-in-Aid be approved:
 - Electoral Area C – Cobble Hill, in the amount of \$500 to Bard@Brentwood to assist with production of “Inherit the Wind”.

- Electoral Area B – Shawnigan Lake, in the amount of \$200 to Shawnigan Beach Estates Neighbourhood Association to assist with start-up costs to create an association.
 - Electoral Area B – Shawnigan Lake, in the amount of \$200 to Cowichan Spirit of Women to assist with the operations of the Womens Resource Centre.
 - Electoral Area D – Cowichan Bay, in the amount of \$1,000 to Cowichan Wooden Boat Society to assist with funding for the 4th Annual Prawn Festival.
 - Electoral Area D – Cowichan Bay, in the amount of \$375 to Bike to Work Cowichan to assist with costs for the bike to work week program.
 - Electoral Area D – Cowichan Bay, in the amount of \$500 to Cowichan Seniors Community Foundation to assist with costs to offset staging a major fund raising.
6. That the CVRD enter into a partnership agreement with Evergreen Independent School Society to assist with the building of a sport court on their property through contribution of an amount not to exceed \$28,500 from the 2011 Electoral Area C Community Parks (233) budget in exchange for which a community use agreement will be entered into between the CVRD and the Society for community after school, weekend and summer holiday use and potential summer programming.
7. That the Chair and Corporate Secretary be authorized to sign the 2011 one-year Fire Protection and Emergency Response Services Agreement between the CVRD and the Capital Regional District for Malahat Fire Protection.

MOTION CARRIED

11-106

It was moved and seconded:

8. That pursuant to s.799 of the *Local Government Act*, the Board of the Cowichan Valley Regional District request that the Province provide the CVRD with additional powers and exceptions, including power to regulate, prohibit and impose requirements, in relation to the provision, construction, operation and maintenance of sidewalk services within Electoral Area A – Mill Bay/Malahat of the CVRD.

Opposed: Director Kent

MOTION CARRIED

11-107

It was moved and seconded:

9. That Application No. 1-D-10ALR, submitted by Gordon Fraser, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct an addition on the side of an existing building for the storage of an antique fire truck and equipment maintenance space on the subject property be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

10. That Application No. 2-D-10DVP, submitted by Peter and Margaret McKercher for a variance to Section 8.1(b)(3) of Zoning Bylaw No. 1015 by reducing the minimum front parcel line setback from 7.5 metres to 5 metres for Parcel B (DD 348731) of Section 4, Range 7, Cowichan District, Except part in Plan 2454, and Except part of Cherry Road lying within the Limits of said Parcel B, be approved, subject to the applicant providing a survey confirming compliance with approved setbacks.
11. That Application No. 8-G-10DP be approved, and that a development permit be issued to Dan Casler for Lot 1, District Lot 34, Oyster District, Plan 18775 to legitimize and finish construction of a house, subject to compliance with the recommendations noted in the October 29th, 2010 report by Lewkowich Engineering Associates Ltd.
12. That Application No. 1-G-11DP/VAR be approved, and that a development permit be issued to Brian and Sandra Crompt for Lot 4, District Lot 34, Oyster District, Plan 22516 and a variance to Section 3.24(1) of Zoning Bylaw No. 2524 to reduce the setback from a watercourse from 15 metres to 10 metres for the purpose of building a 2 metre wide deck and a wheelchair ramp on an existing house also be approved, subject to the applicant providing a survey confirming compliance with approved setbacks.
15. That Application No. 4-B-10 DVP by Jim and Lisa Lindsay for a variance to Section 8.5(b)(3) of Bylaw No. 985 in order to reduce the required exterior side setback from 4.5 metres down to 3 metres on Strata Lot 8, Shawnigan Lake Suburban Lots, Shawnigan District, Strata Plan 731 (PID:000-020-711) be approved, subject to receipt of a survey indicating the location of the workshop complies with the variance.
16. That the request by John Salmen and Gretchen Hartley to allow a shower and utility sink, in addition to two permitted plumbing fixtures, within an accessory building at 4465 Uphill Road (Parcel C (DD 676071) of Section 3, Range 1, Cowichan District PID: 009-534-555), be approved subject to registration of a covenant prohibiting occupancy of the accessory building as a dwelling.
17. That CVRD Zoning Amendment Bylaw No. 3460 (Doole Road A1-A-2) be referred to the Stz'uminus First Nation, the Agricultural Land Commission and the Ministry of Transportation and Infrastructure.

MOTION CARRIED

8:05 pm

Director Hutchins left the Board Room at 8:05 pm.

8:06 pm

Director Duncan declared a possible conflict of interest as the proponent for Application 1-F10RS is a personal acquaintance and Director Duncan left the Board Room at 8:06 pm.

11-108

It was moved and seconded:

13. 1. That the draft bylaws for Application No. 1-F-10RS (Hignell) be forwarded to the Board for consideration of first and second reading;
2. That the application referrals from the Ministry of Transportation and Infrastructure, Sahtlam Volunteer Fire Department, and Vancouver Island Health Authority be accepted;
3. That a public hearing be scheduled with Directors Morrison, Kuhn and Dorey appointed as delegates of the Board, following receipt of a draft covenant that would limit the subdivision of the subject property to a maximum of 3 lots.

MOTION CARRIED

8:07 pm

Director Hutchins returned to the Board Room at 8:07 pm.

It was moved and seconded:

14. That Application No. 1-I-10DVP, submitted by Rick Brubaker for Debby Tonn respecting Lot 28, District lot 32, Cowichan District, Plan 1003, except part in Plan 1584RS be approved to increase the height of an accessory building from 6 metres to 7 metres, subject to a survey confirming compliance with the approved height variance prior to issuance of building permit.

11-109

It was moved and seconded that Recommendation No. 14 (Application No. 1-I-10DVP, submitted by Rick Brubaker for Debby Tonn) be referred back to Planning and Development.

MOTION CARRIED

8:10 pm

Director Duncan returned to the Board Room at 8:10 pm.

CR2

The report and recommendations of the Engineering and Environmental Services Committee of February 23, 2011, listing three items, were considered.

11-110

(Amended from original Committee recommendation):

It was moved and seconded:

1. That a function and service area inclusive of the Shawnigan Lake North Water System, the Shawnigan Village Water System and the Shawnigan Lake waterfront properties in Electoral Area B – Shawnigan Lake be created for the purposes of cleaning out Shawnigan Creek, allowing drainage and the restoration of the natural system.

MOTION CARRIED

11-112

It was moved and seconded:

2. That "CVRD Bylaw No. 3464 – Twin Cedars Sewer System Management Amendment Bylaw, 2011" be forwarded to the Board for three readings and adoption.
3. That the Board waive the CVRD Purchasing Policy and, prior to approval of the 2011 Budget, authorize purchase of an Expanded Polystyrene (Styrofoam) Densifier for the Bings Creek Solid Waste Management Complex, in the amount of \$35,000.

MOTION CARRIED

CR3

The report and recommendation of the Parks Committee meeting of March 9, 2011, listing three items, were considered.

11-112

It was moved and seconded:

1. That the firm price of \$394,789 (net of HST and rebate) submitted by Macdonald and Lawrence Timber Framing Ltd. on June 29, 2010, to complete the Phase III Remainder Historic Bents Stabilization capital work be approved.
2. That up to a maximum of \$416,000 in short term borrowing for the completion of the Historic Kinsol Trestle Phases III Remainder Historic Bents Stabilization capital works be approved, and that the loan be paid back over five years under the Liabilities Under Agreement section 175 of the *Community Charter*.
3. That the proposed 2011 Budget for Function 283 (Kinsol Trestle) be amended to reduced the requisition by \$90,000, and reduce the operating expenses accordingly; also amend the 2011 Budget for Function 280 (Regional Parks) by increasing the requisition by \$90,000 to cover the loan interest/principle payment, and also add the Short Term Borrowing revenue of \$416,000 and Capital Expenditure of \$416,000.

MOTION CARRIED

CR4

The report and recommendation of the Transit Committee meeting of February 23, 2011, listing one item, was considered.

11-113

It was moved and seconded that BC Transit's recommendations for route expansions, deletions and changes as presented in their February 2, 2011 report totaling 2,000 hours to commence approximately May 1, 2011 be approved; and further, that the CVRD Chair and Corporate Secretary be authorized to sign the corresponding amended annual operating agreements.

Opposed: Director Giles

MOTION CARRIED

CR5

Dealt with previously.

CR6 The report and recommendation of the Kerry Park Recreation Commission meeting of February 28, 2011, listing one item, was considered.

11-114 It was moved and seconded that the Cowichan Valley Regional District support the grant application to the Celebrate Canada Committee for British Columbia c/o Canadian Heritage for funds to host the Canada Day Celebration in the South Cowichan area.

MOTION CARRIED

CR7 The report and recommendation of the Shawnigan Lake Community Centre Commission meeting of February 24, 2011, listing one item, was considered.

11-115 It was moved and seconded that the annual maximum requisition limit for the Shawnigan Lake Community Centre be increased by 24.9%.

MOTION CARRIED

CR8 The report and recommendations of the Economic Development Commission meeting of February 22, 2011, listing two items, were considered.

11-116 It was moved and seconded:

1. That the Chair and Corporate Secretary be authorized to sign a five year (renewal) lease commencing February 14, 2011 and terminating February 13, 2016 for the Economic Development Division located at Community Futures Cowichan, 135 Third Street, Duncan.
2. That the Chair and Corporate Secretary be authorized to sign a Contribution Agreement with the Investment Agriculture Foundation of British Columbia for the CVRD Area Agricultural Plan.

MOTION CARRIED

CR9 The report and recommendation of the Cowichan Lake Recreation Commission meeting of February 23, 2011, listing one item, was considered.

11-117 It was moved and seconded that the CVRD Board approve the Facilities and Recreation management Agreement between the Town of Lake Cowichan and the Cowichan Valley Regional District for the administration, management and operation of the Lake Cowichan Centennial Hall for a term commencing January 1, 2011 and expiring December 31, 2030, and further, that the Chair and Corporate Secretary be authorized to enter into the agreement on behalf of the CVRD.

MOTION CARRIED

STAFF REPORTS

SR1 The Staff Report from the Manager, Legislative Services, dated February 25, 2011 re: Cowichan Lake Library – Construction Financing was received for information.

SR2 The Staff Report from the General Manager, Corporate Services Department, re: 2011 Five Year Financial Plan Bylaw was considered.

11-118 **It was moved and seconded that the Area D – Cowichan Bay Grant-In-Aid budget be reduced by \$4,000.**

MOTION CARRIED

SR3 The Staff Report from the Manager, Corporate Planning, dated March 2, 2011, re: Resolution on Federal Library Funding Contribution was considered.

11-119 **It was moved and seconded:**

That the following resolution be forwarded to the Association of Vancouver Island Coastal Communities (AVICC):

WHEREAS public libraries serve to enrich lives and communities through universal access to knowledge, lifelong learning, and literacy;

AND WHEREAS the Federal government does not make contributions to local library services that are utilized by persons living on federal lands which are not taxed to support library services;

THEREFORE BE IT RESOLVED that the Association of Vancouver Island Coastal Communities petition the Federal Government to provide a grant in lieu of taxes on federal lands to the Vancouver Island Regional Library (VIRL), in recognition of use by persons living on federal lands located within the VIRL service area.

Opposed: Directors Morrison, Kent, and Marcotte

MOTION CARRIED

SR4 Dealt with previously.

PUBLIC HEARINGS

PH1 The Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3405 (Habitat Protection Development Permit Area), applicable to Electoral Area H – North Oyster/Diamond, were considered.

11-120 **It was moved and seconded that the Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3405 (Habitat Protection Development Permit Area), applicable to Electoral Area H – North Oyster/Diamond be received; and it be noted that Director Duncan did not attend the Public Hearing and was not “Also Present”.**

MOTION CARRIED

PH2 Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3421 (Bill 27), applicable to Electoral Area H – North Oyster/Diamond, were considered.

11-121 It was moved and seconded that Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3421 (Bill 27), applicable to Electoral Area H – North Oyster/Diamond be received.

MOTION CARRIED

PH3 The Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3453 and Zoning Amendment Bylaw No. 3454 (Mill Bay Marina), applicable to Electoral Area A – Mill Bay/Malahat, were considered.

11-122 It was moved and seconded that Public Hearing Report and Minutes re: Official Community Plan Amendment Bylaw No. 3453 and Zoning Amendment Bylaw No. 3454 (Mill Bay Marina), applicable to Electoral Area A – Mill Bay/Malahat, be received.

MOTION CARRIED

BYLAWS

B1
11-123 It was moved and seconded that “CVRD Bylaw No. 3448 – Malahat Fire Protection Specified (Local Service) Area Machinery and Equipment Reserve Fund Expenditure (Used Fire Tender) Bylaw, 2011”, be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B1
11-124 It was moved and seconded that “CVRD Bylaw No. 3448 – Malahat Fire Protection Specified (Local Service) Area Machinery and Equipment Reserve Fund Expenditure (Used Fire Tender) Bylaw, 2011”, be adopted.

MOTION CARRIED

B2
11-125 It was moved and seconded that “CVRD Bylaw No. 3464 – Twin Cedars Sewer System Management Amendment Bylaw, 2011”, be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B2
11-126 It was moved and seconded that “CVRD Bylaw No. 3464 – Twin Cedars Sewer System Management Amendment Bylaw, 2011”, be adopted.

MOTION CARRIED

B3
11-127 It was moved and seconded that “CVRD Bylaw No. 3469 – Douglas Hill Water System Service Amendment Bylaw, 2011”, be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B4
11-128 It was moved and seconded that “Cowichan Valley Regional District Bylaw No. 3470 – Five Year Financial Plan (2011 – 2015) Bylaw, 2011”, be granted 1st, 2nd and 3rd reading as amended.

Opposed: Directors Morrison and Marcotte

MOTION CARRIED

B4
11-129 It was moved and seconded that “Cowichan Valley Regional District Bylaw No. 3470 – Five Year Financial Plan (2011 – 2015) Bylaw, 2011”, adoption.

Opposed: Directors Morrison and Marcotte

MOTION CARRIED

B5
11-130 It was moved and seconded that “CVRD Bylaw No. 3474 – Vancouver Island Regional Library Borrowing Service Area Establishment Bylaw, 2011”, be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B6
11-131 It was moved and seconded that “CVRD Bylaw No. 3475 – Vancouver Island Regional Library Borrowing Service Loan Authorization Bylaw, 2011”, be granted 1st, 2nd and 3rd reading.

MOTION CARRIED

B7
11-132 It was moved and seconded that “Cowichan Valley Regional District Bylaw No. 3404 – Electoral Area C – Cobble Hill Zoning Amendment Bylaw (Fisher Road I-1C Industrial Area), 2010”, be adopted.

MOTION CARRIED

B8
11-133 It was moved and seconded that “CVRD Bylaw No. 3405 – Area H – North Oyster/Diamond Official Community Plan Amendment Bylaw (Habitat Protection Development Permit Area), 2010”, be granted 3rd reading.

Opposed: Directors Cossey, Iannidinardo, Morrison, Dorey, Marcotte, and Kuhn

MOTION DEFEATED

B9
11-134 It was moved and seconded that “Cowichan Valley Regional District Bylaw No. 3421 – Area H – North Oyster/Diamond Official Community Plan Amendment Bylaw (Bill 27), 2010”, be granted 3rd reading.

MOTION CARRIED

B10
11-135 It was moved and seconded that “Cowichan Valley Regional District Bylaw No. 3453 – Area A – Mill Bay/Malahat Official Community Plan Amendment Bylaw (Mill Bay Marina), 2010”, be granted 3rd reading.

MOTION CARRIED

11-136 It was moved and seconded that “Cowichan Valley Regional District Bylaw No. 3454 – Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Mill Bay Marina), 2010” be amended by redefining “Townhouse” as a residential building consisting of not less than two and not more than *eight* attached dwelling units separated by a common wall extending from foundation to roof, with each dwelling unit having its own private entrance with direct exterior access.

MOTION CARRIED

B11
11-137 It was moved and seconded that “Cowichan Valley Regional District Bylaw No. 3454 – Area A – Mill Bay/ Malahat Zoning Amendment Bylaw (Mill Bay Marina), 2010”, be granted 3rd reading as amended.

Opposed: Directors Iannidinardo and Duncan

MOTION CARRIED

11-138 It was moved and seconded that prior to adoption of CVRD Bylaw No. 3453 and CVRD Bylaw No. 3454:

1. That a covenant be registered on the subject land in favour of the Regional District to limit the use of the upland W-3 zoned land to use as marina parking only;
2. That improvements be undertaken or secured at the corner of Handy Road and Mill Bay Road to achieve sight distances in accordance with Ministry of Transportation and Infrastructure specifications;
3. That opportunities for heritage interpretation be incorporated into the design and construction of the waterfront walkway;
4. That the marina be built prior to townhouse construction;
5. That the boat launch ramp be built, or security be posted, to ensure it will be built prior to townhouse construction;
6. That lighting at the marina and townhouse site be down-lit to avoid glare and light pollution.

Opposed: Director Duncan

MOTION CARRIED

11-139 It was moved and seconded that the “Yacht Club” be removed as a permitted use in the W-3 zone as a future amendment to CVRD Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000.

MOTION CARRIED

9:07 pm Director Kent assumed the Chair at 9:07 pm.

Chair Giles left the Board Room at 9:07 pm.

B12
11-140 It was moved and seconded that “Cowichan Valley Regional District Bylaw No. 3460 – Area H – North Oyster/Diamond Zoning Amendment Bylaw (Doole Road A1-A2), 2011”, be granted 1st and 2nd reading.

MOTION CARRIED

9:10 pm Chair Giles returned to the Board Room and resumed the Chair at 9:10 pm.

9:10 pm Director Duncan declared a possible conflict of interest as the proponent for CVRD Bylaw No. 3471 and CVRD Bylaw No. 3472 is a personal acquaintance and Director Duncan left the Board Room at 9:10 pm.

**B13
11-141** It was moved and seconded that “CVRD Bylaw No. 3471 – Area E – Cowichan Station/Sahtlam/Glenora and Area F – Cowichan Lake South/Skutz Falls Official Community Plan Amendment Bylaw (Hignell), 2011”, be granted 1st and 2nd reading.

MOTION CARRIED

**B14
11-142** It was moved and seconded that “CVRD Bylaw No. 3472 – Area F – Cowichan Lake South/Skutz Falls Zoning Amendment Bylaw (Hignell), 2011”, be granted 1st and 2nd reading.

MOTION CARRIED

9:13 pm Director Duncan returned to the Board Room at 9:13 pm.

RESOLUTIONS

**RES 1
11-143** It was moved and seconded that the following appointments to the Electoral Area H – North Oyster/Diamond Parks and Recreation Commission be approved:

Appointed for a Term to Expire March 31, 2013:

Barb Waters
Bruce Mason

MOTION CARRIED

**RES-2
11-144** It was moved and seconded that the following appointments to the Electoral Area I – Youbou/Meade Creek Parks Commission be approved as corrected:

Re-elected for a Term to Expire December 31, 2012:

Dave Charney
Gerald Thom

Elected for a Term to Expire December 31, 2012:

Gillian Scott

MOTION CARRIED

**RES3
11-145** It was moved and seconded that the following appointments to the Electoral Area D – Cowichan Bay Parks and Recreation Commission be approved:

Elected for a Term to Expire December 31, 2012:

Bruce Clarke
Roger Southern
Dave Nisbet

Appointed for a Term to Expire December 31, 2012:

Kerrie Talbot
 Megan Stone
 Stephen Garnett

MOTION CARRIED

NEW BUSINESS

NB1
 11-146

It was moved and seconded that the following appointment to the Youbou Fire Service Commission be approved:

Appointed for a Term to Expire March 31, 2012:

Gerry Walker

MOTION CARRIED

NB2 and NB3

Dealt with previously.

NB4
 11-147

Director Duncan – Butler Bros. Gravel Pit, Langtry Road

It was moved and seconded that the CVRD Chair write a letter of inquiry in regard to the hydrologist report accompanying the application to the Ministry of Forests, Mines and Lands for gravel extraction on Langtry Road with emphasis on the importance of drinking water sources.

MOTION CARRIED

RESOLVING INTO
CLOSED SESSION

11-148
 9:17 pm

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, Subsections (1) (e) Land Acquisition, (1) (j) FOIPOP, and (c) Employee Relations.

MOTION CARRIED

RISE FROM
CLOSED SESSION

11-152
 10:20 pm

It was moved and seconded that the Board rise with report on item CSSR1 FOIPOP {Sub (1) (j)} and return to the Regular portion of the meeting.

MOTION CARRIED

11-150

It was moved and seconded:

1. That the Board approve the second lowest quoted price from Steel Container Systems for the purchase of Roll-Off Bins in the amount of \$204,698 (net of taxes and rebate).
2. That the CVRD Purchasing Policy be waived to allow purchases of the roll-off truck and bins prior to approval of the 2011 Budget.

MOTION CARRIED

ADJOURNMENT

11-153
10:20 pm

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

MOTION CARRIED

The meeting adjourned at 10:20 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, March 23, 2011 at 8:23 pm.

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

**ALSO
PRESENT:** Warren Jones, Administrator
Joe Barry, Corporate Secretary
Brian Dennison, General Manager,
Engineering & Environmental Services

ABSENT: Director T. Walker

APPROVAL OF AGENDA

11-154

It was moved and seconded that the agenda be amended with the addition of Closed Session New Business item CSNB1 Third Party negotiations {Sub (2) (b)} and that the agenda, as amended, be approved.

MOTION CARRIED

RESOLVING INTO CLOSED SESSION

11-155
8:23 pm

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, Subsections (1) (e) Land Acquisition and (2) (b) Third Party Negotiations.

MOTION CARRIED

RISE FROM CLOSED SESSION

11-159
10:06 pm

It was moved and seconded that the Board rise without report and return to the Regular portion of the meeting.

MOTION CARRIED

ADJOURNMENT

11-160
10:07 pm

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

MOTION CARRIED

The Special Board meeting ended at 10:07 p.m.

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____

D1

Request to Appear as a Delegation

Meeting Information

Request to Address:

CVRD Board

Committee

If Committee, specify the Committee here:

Meeting Date:

Meeting Time:

Applicant Information

Applicant Name:

Representing:

(Name of organization if applicable)

As:

(Capacity / Office)

Number Attending:

Applicant Contact Information

Applicant Mailing Address:

Applicant City:

Applicant Telephone:

Applicant Fax:

Applicant Email:

Presentation Topic and Nature of Request:

The Cowichan Green Community would like to thank the CVRD for their Grant in Aid and speak about how the money will be used by our organization this coming year.

D2

Request to Appear as a Delegation

Meeting Information

Request to Address:

CVRD Board

Committee

If Committee, specify the Committee here:

Meeting Date:

Meeting Time:

Applicant Information

Applicant Name:

Representing:

(Name of organization if applicable)

As:

(Capacity / Office)

Number Attending:

Applicant Contact Information

Applicant Mailing Address:

Applicant City:

Applicant Telephone:

Applicant Fax:

Applicant Email:

Presentation Topic and Nature of Request:

Topic: The CVRD, recently released to the public, final draft reports, on the CVRD studies commissioned last year on the proposed ecodepot site in Cobble Hill. Studies were commissioned on these topics; Traffic, Environmental and Social Impact.

We want to ensure that the Board of Directors have a both a clear and balanced view of the reports contents. Our views will be made in a brief resenatation of about fifteen minutes.

J. Gollner

Original:	Copies to:
Board: <i>04/13/11</i>	
Committee(s)	
Directed by: <i>CAA</i>	Date: <i>03/14/11</i>
File #	



BRITISH
COLUMBIA

The Best Place on Earth

IN1

REGISTERED MAIL

Date: FEB 17 2011

File: 26250-20/7712

Site ID: 7712

Nanaimo Regional File: PR-18231

Quantum Murray LP
100-3600 Viking Way
Richmond, BC V6V 1N6

Attention: **Tim Stemp, General Manager, BC**

Dear Tim Stemp;

Re: Relocation of soil from various locations to 4975 Koksilah Road, Duncan, BC

Thank you for your 15 December 2010 letter and supporting documentation regarding the relocation of soil from various source properties to the Evan's Redi-Mix site located at 4975 Koksilah Road, Duncan (receiving site) which was provided in response to our 15 November 2010 letter. As the soil analyses you provided indicate, there were exceedances of Contaminated Sites Regulation Schedule 7 (*Standards Triggering Contaminated Soil Relocation Agreements*) Column II standards (Soil Relocation to Nonagricultural Land) for several shipments of soil received at the subject site.

It is the ministry's position that this soil relocation contravened section 55(1) of the *Environmental Management Act* as our records and your letter indicate that contaminated soil relocation agreements were not obtained for the relocation of this soil and that no authorization, as set out in section 55(5) of the Act, was in place.

We understand that the 4975 Koksilah Road site is an independent facility which received soil managed by Quantum Murray LP (QMLP) over a number of years, but it is not owned or operated by QMLP.

Please be aware that soil relocation in British Columbia is subject to provisions of section 55 of the Act and Part 8 of the Contaminated Sites Regulation. Provisions regarding waste disposal are set out in section 6 of the Act. Please also be advised of provisions set out in Division 3 and Part 4 of the Act respecting liability for remediation. In particular, please refer to section 45(1)(d) which states:

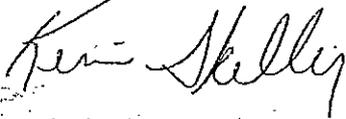
- 45 (1) Subject to section 46 [*persons not responsible for remediation*], the following persons are responsible for remediation of a contaminated site: (d) a person who (i) transported or arranged for transport of a substance, and (ii) by contract, agreement or otherwise caused the substance to be disposed of, handled or treated in a manner that, in whole or in part, caused the site to become a contaminated site.

Based on information you provided, QMLP arranged for the relocation of the aforementioned soil on the belief that a soil relocation agreement was not required. cursory review of the data provided and confirmation in your letter indicates that the soil relocated met the applicable standards for the receiving site. We therefore, do not require further action regarding the soils relocated to the Koksilah Road site by QMLP at this time. We understand that QMLP will implement new internal procedures at all of its facilities to ensure all future soil relocation activities comply with the Act and Regulations. Please provide confirmation to the ministry once these changes have been made.

This letter is without prejudice to any future action that may be taken under the *Environmental Management Act*.

Please contact the undersigned at 604-582-5266 if you have any questions regarding this letter.

Sincerely,



Kerri Skelly

Senior Contaminated Sites Officer

cc: Nino Morano, Bylaw Officer, CVRD, 175 Ingram Street, Duncan, BC V9L 1N8
Andrea Miskelly, MOE, Nanaimo
David Howells, Evan's Redi-Mix Ltd., 985 Perez Drive, Victoria, BC V8Y 3G2
Anthony Trace, Evan's Redi-Mix Ltd., 2113 Nicklaus Drive, Victoria, BC V9B 6T2
Steve Trace, Evan's Redi-Mix, 763 Westbury Road, Victoria, BC V8Y 1G8



CR1

**REGIONAL SERVICES COMMITTEE REPORT
OF MEETING HELD MARCH 23, 2011**

DATE: March 28, 2011

To: Chairperson and Directors of the Board

Your Regional Services Committee reports and recommends as follows:

1. That Resolution No. 10-259, dated May 12, 2010, approving the amended Tier I and Tier II Regional Gas Tax projects as identified in the Report of the Administrator dated May 4, 2010 directing \$285,550 of Regional Gas Tax funding be reserved for future Regional Gas Tax projects, be rescinded.
2. That the Board approve Regionally Significant Projects funding allocations to the following projects, and direct that staff submit proposals for approval to the Union of BC Municipalities:
 - a. Remotely Located CVRD Composting Facility;
 - b. Cowichan Valley Flood Protection Infrastructure;
 - c. Integrated Regional Sustainability Plan;
 - d. Cowichan Valley Trail Completion Initiative;
 - e. Peerless Road Recycling Depot Upgrades and Ash Fill Remediation;
 - f. Town of Lake Cowichan – Wastewater Plant Upgrades;
 - g. Bings Creek Organics Collection Facility Upgrades;
 - h. Regional Climate Action Plan;
 - i. Tri-Regional Waste to Energy Facility; and
 - j. Cowichan Lake Sports Arena parking lot upgrade;

and that staff review these projects and modify the dollar amounts to accommodate the addition of the Cowichan Lake Sports Arena parking lot upgrades.

3. That should the proposals for Regionally Significant Projects funding be approved by the Union of BC Municipalities, that the Chair and Corporate Secretary be authorized to enter into funding agreements with UBCM on behalf of the CVRD.



C·V·R·D

CR2

ELECTORAL AREA SERVICES COMMITTEE REPORT

OF MEETING HELD MARCH 15, 2011

DATE: March 21, 2011

To: Chairperson and Directors of the Board

Your Electoral Area Services Committee reports and recommends as follows:

1. That the appointments to the Mesachie Lake and Youbou Volunteer Fire Departments be approved for a term to expire December 31, 2012.
2. That the request from Lifesport Coaching to host a two day Half Ironman Triathlon event at Shawnigan Lake Provincial Park from May 27th to 29, 2011, be approved; and further, that the organizers be advised that the CVRD can provide the requested Parks and Trails staff and movement of rocks to the CVT entrance, at a cost to the event estimated at \$2,500.
3. That the following grant in aid requests be approved:
 - Electoral Area A – Mill Bay/Malahat, in the amount of \$350 to Bard@Brentwood, to assist with their 2011 production.
 - Electoral Area A – Mill Bay/Malahat, in the amount of \$10,000 to Mill Bay/Malahat Historical Society, to assist with their efforts to preserve and present the history and heritage of Mill Bay/Malahat.
 - Electoral Area G – Saltair/Gulf Islands, in the amount of \$500 to Harvest House Society (food bank), to assist with costs to provide basic food requirements to the needy.
 - Electoral Area B – Shawnigan Lake, in the amount of \$500 to Cowichan Seniors Community Foundation, to assist with their fund raising event.
 - Electoral Area B – Shawnigan Lake, in the amount of \$750 to Bard@Brentwood, to assist with their 2011 production.
 - Electoral Area C – Cobble Hill, in the amount of \$1,000 to South Cowichan Chamber of Commerce, to assist with their on-going projects to strengthen business and community in the South Cowichan Valley.
 - Electoral Area A – Mill Bay/Malahat, in the amount or \$1,000 to South Cowichan Chamber of Commerce, to assist with their on-going projects to strengthen business and community in the South Cowichan Valley.
 - Electoral Area B – Shawnigan Lake, in the amount of \$1,000 to South Cowichan Chamber of Commerce, to assist with their on-going projects to strengthen business and community in the South Cowichan Valley.

.../2

4. That the following grant in aid requests for Electoral Area I – Youbou/Meade Creek be approved:
- Grant in aid to Cowichan Lake District Chamber of Commerce in the amount of \$5,000 to assist with the Town's Info Centre.
 - Grant in aid to Cowichan Lake Salmonid Enhancement Society in the amount of \$1,500 to assist with funding for fry salvage.
 - Grant in aid to Cowichan Therapeutic Riding Association in the amount of \$1,000 to assist with their riding program.
 - Grant in aid to Cowichan Lake Lady of the Lake Society in the amount of \$500 to assist with funding candidates.
 - Grant in aid to Lake Cowichan Secondary School in the amount of \$400 to assist with scholarship bursaries.
 - Grant in aid to Lake Cowichan Secondary School Dry Grad 2011 in the amount of \$400 to assist with dry grad expenses.
 - Grant in aid to Cowichan Lake District Senior's Association in the amount of \$1,200 to assist with cost recovery.
 - Grant in aid to CICV Radio in the amount of \$3,000 to assist with costs to acquire a Class A radio license.
5. That the resignation of Dola Boas from the Area A Advisory Planning Commission be accepted and that a letter of appreciation be forwarded to Ms. Boas.

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

6. That Application No. 3-I-10DP/VAR by Michael Dix for a single family dwelling and associated development at Island #4, Cowichan Lake (Block 1455, Cowichan Lake District, as shown on Plan 40413) not be approved in its current form and that the applicant be requested to revise the proposal to substantially reduce the foot print of the proposed dwelling and encroachment into the SPEA, and further, that any approval include the following conditions:
1. Authorization of the proposed SPEA encroachment by Department of Fisheries and Oceans and Ministry of Environment;
 2. Compliance with RAR Assessment Report #1910, as amended based on the reduced development footprint;
 3. On-site monitoring of construction by a Qualified Environmental Professional and submission of a post development report confirming compliance with the recommendations of RAR Assessment Report #1910 and any conditions of approval specified by the Ministry of Environment and Department of Fisheries and Oceans;
 4. Determination of the high water mark by legal survey and confirmation that the proposed building location is a minimum of 15 metres from the high water mark of Cowichan Lake;
 5. Installation of a "Type 3" or better sewage disposal system authorized by the Vancouver Island Health Authority.

7. That Application No. 2-E-10RS (Young/Pywell) be denied and that a partial refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275.
8.
 1. That application No. 14-B-10DP (Elkington Forest – Phase 1) be approved, and that a development permit be issued to Living Forest GP Ltd. for an 18 lot subdivision and associated development subject to:
 - a. Compliance with RAR report #1850;
 - b. Demarcation of SPEA boundaries with fencing and signage and submission of a post-development report prepared by a Qualified Environmental Professional prior to subdivision;
 - c. Submission and approval by the CVRD Planning and Development Department of a drainage design plan that incorporates the rain management concepts described Schedule 7, prior to subdivision of lots in the Trail Head Hamlet;
 - d. Registration of a restrictive covenant to preclude multiple family use and further subdivision;
 - e. Registration of a restrictive covenant to preclude development of the identified Streamside Protection and Enhancement Areas and the protective zones identified in RAR Assessment Report #1850 and on Schedule 2;
 - f. Demonstration that proposed buildings comply with criteria listed on Schedule 11 prior to issuance of a building permit for any residential or commercial building;
 - g. Compliance with Covenants CA1648147 and CA1648148 (Fire Protection);
 - h. Compliance with Covenants CA1648144 and CA1648145 (Parks);
 - i. Compliance with Covenant CA1648146 (Servicing);
 - j. Installation of all wiring underground excluding the three northern lots.
 2. That Area “B” Zoning Bylaw No. 985 be amended to adjust the sub-zones in CL-1 Zone to comply with lot boundaries described in Development Permit Application No. 14-B-10DP.
9. That the draft South Cowichan Official Community Plan be referred to Fisheries and Oceans Canada; Transport Canada; Cowichan Tribes; Malahat First Nation; Tsawout First Nation; Tsartlip First Nation; Chemainus First Nation; Pauquachin First Nation; Agricultural Land Commission; Ministry of Forests and Range – Integrated Land Management Bureau; Ministry of Agriculture; Ministry of Energy and Mines; Ministry of Transportation and Infrastructure; Vancouver Island Health Authority; Ministry of Environment; Ministry of Community, Sport and Cultural Development - Intergovernmental Relations and Planning Division; Land Title and Survey Authority of BC; Capital Regional District; School District 79; Mill Bay Water Improvement District; Braithwaite Improvement District; Cobble Hill Improvement District; Lidstech Holdings; Cowichan Bay Volunteer Fire Department; Malahat Volunteer Fire Department; Mill Bay Volunteer Fire Department; CWAV Safer Futures; and Social Planning Cowichan; Shawnigan Lake Fire Improvement District; Areas A, B and C Parks Commissions; and RCMP, Shawnigan Detachment.

10.
 1. That the Board Chair forward a letter to the Ministry of Environment expressing the CVRD's grave concerns respecting relocation of contaminated soils to 4975 Koksilah Road (Evans Redi-Mix).
 2. That the letter dated February 17, 2011, from the Ministry of Environment, regarding relocation of soil from various locations to 4975 Koksilah Road, be included in the Regional Board agenda package for information at the April 13th Board meeting.

11. That Application No. 1-I-10DVP, by Rick Brubaker for Tonn, respecting Lot 28, District lot 32, Cowichan District, Plan 1003, except part in Plan 1584RS be approved, to increase the height of an accessory building from 6 metres to 7 metres, subject to a survey confirming compliance with the approved height variance prior to issuance of the building permit.



CR2

C·V·R·D

**ELECTORAL AREA SERVICES
COMMITTEE REPORT**

OF MEETING HELD APRIL 5, 2011

DATE: April 7, 2011

To: Chairperson and Directors of the Board

Your Electoral Area Services Committee reports and recommends as follows:

1. That the request by O.U.R. Ecovillage to hold a multicultural music and community development fundraising event titled "Nheema North" to be held July 13 to 18, 2011, at the Ecovillage site, 1565 Baldy Mountain Road, Shawnigan Lake, be approved.
2. That the CVRD contact the Town of Lake Cowichan to congratulate them on their new draft Official Plan and advise that the CVRD supports the plan overall but respectfully requests that the reference in the plan to the possible annexation of industrial lands in the Meade Creek area be deleted from the text.
3. That the following grants in aid be approved:
 - Electoral Area A – Mill Bay/Malahat in the amount of \$300 to Cobble Hill Farmers Institute to assist with advertising the 102nd annual Cobble Hill Fall Fair.
 - Electoral Area A – Mill Bay/Malahat in the amount of \$1,500 to Frances Kelsey Secondary to provide three \$500 student bursaries for post secondary education.
 - Electoral Area C – Cobble Hill in the amount of \$300 to Shawnigan Cobble Hill Farmers Institute to assist with advertising the 102nd annual Cobble Hill Fall Fair.
 - Electoral Area C – Cobble Hill in the amount of \$500 to Cowichan Wooden Boat Society to assist with their 3rd annual prawn festival.
 - Electoral Area D – Cowichan Bay in the amount of \$300 to Shawnigan Cobble Hill Farmers Institute to assist with advertising the 102nd annual Cobble Hill Fall Fair.
 - Electoral Area B – Shawnigan Lake in the amount of \$300 to Shawnigan Cobble Hill Farmers Institute to assist with advertising the 102nd annual Cobble Hill Fall Fair.
 - Electoral Area G – Saltair in the amount of \$500 to Saltair Ratepayers Association to assist with costs to build a fence on Saltair waterfront property for safety reasons.
 - Electoral Area F – Cowichan Lake South/Skutz Falls in the amount of \$1,250 to Cowichan Lake Salmonid Enhancement Society to assist in funding fry salvage operations.

- Electoral Area F – Cowichan Lake South/Skutz Falls in the amount of \$1,250 to Cowichan Lake Lady of the Lake Society to assist with costs for the Lady of the Lake Ambassador Program.
- Electoral Area F – Cowichan Lake South/Skutz Falls in the amount of \$450 to Lake Days Celebration Society to assist with costs to sponsor the community breakfast during the 68th annual Lake Days event.
- Electoral Area F – Cowichan Lake South/Skutz Falls in the amount of \$3,000 to CIVC Community Radio to assist with costs in acquiring a Class A radio license.
- Electoral Area F – Cowichan Lake South/Skutz Falls in the amount of \$1,000 to Lake Cowichan Secondary School Dry Grad to assist with costs to sponsor dry grad team building adventure activities.
- Electoral Area F – Cowichan Lake South/Skutz Falls in the amount of \$500 to Lake Cowichan Secondary School to provide a bursary for a student residing in Area F.

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

4. That Application No. 8-I-10DP be approved, and that a development permit be issued to Ken Carbonneau for Parcel A (DD 27619W) of Lot 26, District Lot 22, Cowichan Lake District, Plan 4922 (PID: 006-016-651), with a variance to Section 3.20 of Zoning Bylaw No. 2465 to reduce the setback from a watercourse from 15 metres to 10 metres for the purpose of building a new single family dwelling, subject to the following:
 - Strict compliance with the recommendations in Riparian Assessment Report No. 1777, submitted by Qualified Environmental Professional Trystan Willmott, of Madrone Environmental Services, on September 9, 2010;
 - That the 10 metre SPEA be clearly demarcated with the use of flagging materials prior to commencement of development activities;
 - The applicant providing a survey confirming compliance with approved setbacks.
5. That application No. 7-A-10 DP/RAR/VAR be approved, and that a development permit with variance, be issued to Rohinton Kerravala for the construction of an accessory building 1.25 metres from the side interior parcel line on Lot A, District Lot 101, Malahat District, Plan 29059 (PID 000-182-141), subject to :
 - compliance with the measures and recommendations outlined in RAR assessment report No. 1927 by Dave Munday, Golder Associates, including
 - Erection of temporary fencing along the top of bank of the ravine across the width of the property during construction activity
 - Construction of a permanent split rail fence along the top of bank once construction of the accessory building is complete to prevent future encroachment into the SPEA
 - the applicant providing a survey confirming compliance with approved setbacks.
6. That Application No. 1-D-11ALR, submitted by Dwight Milford for Tanner Elton, made pursuant to Section 20(3) of the *Agricultural Land Commission Act* to construct an additional residence for farm help on the second story of an agricultural building be forwarded to the Agricultural Land Commission with a recommendation to approve the application.

7. That Application No. 3-E-10RS (Wandering U. Inc.) proceed, and that proposed Zoning Amendment Bylaw No. 3465 be forwarded to the Board for consideration of first and second reading; and further that a Public Hearing be scheduled and Directors Duncan, Iannidinaro, and Giles be named as delegates of the Board.



CR3

ENGINEERING & ENVIRONMENTAL SERVICES COMMITTEE REPORT

OF MEETING HELD MARCH 23, 2011

DATE: March 24, 2011

To: Chair and Directors of the Cowichan Valley Regional District

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

1. That the Chair and Corporate Secretary be authorized to sign the "Climate Impacts and Adaptations for Waterborne Pathogens and Sustainable Clean and Healthy Water for Communities" five year contract with Dr. Asit Mazumder.
2. That "CVRD Bylaw No. 3477 – Cowichan Valley Regional District Garbage and/or Recyclable Materials Collection Amendment Bylaw, 2011" be forwarded to the Board for consideration of three readings and adoption.
3.
 - .1 That the *Certificate of Sufficiency*, confirming that sufficient petitions requesting inclusion into the Cowichan Bay Sewer Service Area be received.
 - .2 That the boundaries of the Cowichan Bay Sewer System area be amended to include "PID 009-032-649, Parcel B (DD 47244I), Section 6, Range 4, Except parts in Plan 4159, 4307, 8219, 9529, 17353, 19696 and VIP 81664, Cowichan District and PID 005-167-841, Lot 1, Section 5, Range 4, Plan 10957 except that part of said lot shown outlined in red on plan 1659-R and parts in plans 15342, 16358, 18893 and VIP 81664".
 - .3 That CVRD Bylaw 3489 – Cowichan Bay Sewer Service Amendment Bylaw, 2011 be forwarded to the Board for consideration of 3 readings and adoption.
4. That the Board accept the Utility Transfer Amendment Agreement between the CVRD and the developers of the Twin Cedars development, Harbour City Ventures Corp, and Elise Holdings Ltd., and further that the Chair and Corporate Secretary be authorized to sign the Utility Transfer Amendment Agreement.
5. That the CVRD support application through the Ministry of Community, Sport and Cultural Development Infrastructure Grant Funding Program for the following infrastructure planning study grants:
 - .1 Carry out an engineering assessment on the feasibility of integration of small water systems in Electoral Area A, to be funded to a maximum cost of \$15,000, with \$2,500 each from the Fern Ridge and Kerry Village Water System budgets, and \$10,000 through the Provincial Infrastructure Planning Grant Program.
 - .2 Carry out a water modeling study of the Saltair Water System, to be funded to a maximum cost of \$15,000, with \$5,000 from the Saltair Water System budget and \$10,000 through the Provincial Infrastructure Planning Grant Program.

.../2

6.
 - .1 That CVRD Bylaw No. 3476 – Solid Waste Management Charges and Regulations Amendment Bylaw, 2011 be forwarded to the Board for consideration of three readings and adoption.
 - .2 That "CVRD Bylaw No. 3490 – Solid Waste Remediation Reserve Fund Establishment Bylaw, 2011" be forwarded to the Board for consideration of three readings and adoption.
7.
 - .1 That the CVRD accept the Right of Way Agreement between the CVRD and TimberWest, and that the Chair and Corporate Secretary be authorized to sign the Agreement.
 - .2 That the *Certificate of Sufficiency*, confirming that a sufficient petition requesting inclusion into the Honeymoon Bay Water Service Area be received.
 - .3 That the boundaries of the Honeymoon Bay Water System area be amended to include "PID 018-871-020 Lot 2, Section 38, Plan VIP 59274, Renfrew District (situate in Cowichan Lake District).
 - .4 That "CVRD Bylaw No. 1588 – Honeymoon Bay Local Service (Community Water Supply and Distribution) Establishment Bylaw No. 10, 1993", be amended to include PID 018-871-020 Lot 2, Section 38, Plan VIP 59274, Renfrew District (situate in Cowichan Lake District), and that the amended bylaw be forwarded to the Board for consideration of three readings and adoption.



CR4

ENVIRONMENT COMMISSION REPORT

OF MEETING HELD MARCH 17, 2011

DATE: March 22, 2011

To: Chair and CVRD Board of Directors

Your Environmental Commission reports the following as information:

1. That the CVRD Environment Commission wishes to acknowledge that the Cowichan Lake Arena green parking lot proposal is consistent with recommendations recently advanced by the Environment Commission to the CVRD Board. However, we also must state that we have not reviewed other projects in front of the Board for consistency with these recommendations, nor have we been asked to provide our comments on priority of implementation.



CR5

COWICHAN LAKE RECREATION COMMISSION REPORT

OF MEETING HELD MARCH 21, 2011

DATE: MARCH 22, 2011

TO: CHAIR AND CVRD BOARD OF DIRECTORS

Your Cowichan Lake Recreation Commission reports the following as information:

1. That the Cowichan Lake Recreation Commission strongly recommends inclusion of the eco-friendly Cowichan Lake Sports Arena parking lot upgrade on the recommended list of Regionally Significant funded projects and the subsequent submission to UBCM for the following reasons:
 - This is a shovel ready project.
 - Based on specific information and commitments contained in the CVRD Board resolution of August 25, 2010, (10-469), approximately \$50,000 has already been spent on consulting engineers and landscape planning and design. Significant staff resources have also been expended.
 - It meets the Regionally Significant Project criteria. Currently, polluted runoff from the parking lot directly migrates into the adjacent Cowichan River and riparian areas. This impacts the fragile, local ecological systems and could have serious consequences for downstream habitats associated with this heritage river. This project will significantly reduce the environmental impact of storm water contaminates on the Cowichan Watershed.
 - Completion of this project is both weather and time sensitive and will also mitigate liability risk from the perspective of reducing trip and fall hazards.
 - This project meets components of the Corporate Strategic Plan specifically in the area of sustainable infrastructure and healthy environment.



CR6

AGRICULTURAL ADVISORY COMMITTEE REPORT

OF MEETING HELD MARCH 22, 2011

DATE: March 31, 2011

To: Chair and Directors of the Cowichan Valley Regional District

Your Agricultural Advisory Committee reports and recommends as follows:

1. That the CVRD Board not endorse the proposed AVICC resolution on reducing the price of farmland through taxation as submitted by Director Dorey.
2. That the CVRD Board refers to staff for additional information on the number and scope of subdivision and exclusion applications.
3. That the CVRD Board approves to establish by bylaw the Regional Agricultural Advisory Committee as a permanent Commission of the CVRD.



SR1

STAFF REPORT

REGULAR BOARD MEETING
OF APRIL 13, 2011

DATE: April 6, 2011 BYLAW NO: 3393
FROM: Kathleen Harrison, Legislative Services Coordinator, Corporate Services
SUBJECT: Cowichan Station Area Association Annual Financial Contribution (Area B) – Notice of Alternative Approval Process and Elector Response Form.

Recommendation/Action:

That the *Notice of Alternative Approval Process and the Elector Response Form* for CVRD Bylaw No. 3393, be approved.

Relation to the Corporate Strategic Plan:

The creation of the Cowichan Station Area Association Annual Financial Contribution (Area B) is consistent with Corporate Strategic Plan objectives of promoting individual and community wellness and achieving excellence through community partnerships.

Financial Impact:

N/A

Background:

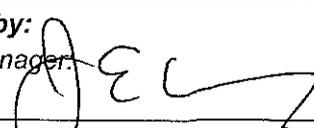
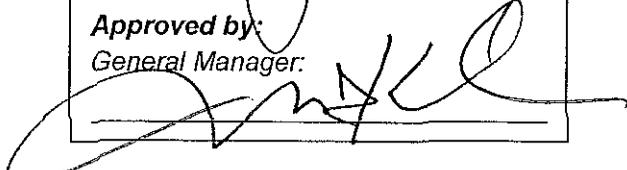
Bylaw No. 3393 was granted third reading by the Board of Directors at its meeting held February 9, 2011, and was forwarded to the Inspector of Municipalities for approval. Provincial approval has been received, and the Board may now proceed with obtaining elector consent through an Alternative Approval Process. The Legislative Services Division is responsible for the coordination and conduct of all Alternate Approval Processes and ensures compliance with legislative requirements of the *Local Government Act* and *Community Charter*.

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 Bylaw No. 3393 at 4:30 pm, Tuesday, May 31, 2011.

Submitted by,

Kathleen Harrison
Legislative Services Coordinator
Corporate Services Department

Attachment: Bylaw No. 3393

<p>Reviewed by: Division Manager:</p> 
<p>Approved by: General Manager:</p> 



**NOTICE TO ELECTORS WITHIN
ELECTORAL AREA B – SHAWNIGAN LAKE**

**OF AN ALTERNATIVE APPROVAL PROCESS OPPORTUNITY FOR
CVRD SERVICE ESTABLISHMENT BYLAW NO. 3393
(Proposed Annual Financial Contribution Service - Cowichan Station Area Association)**

NOTICE IS HEREBY GIVEN that the Board of the Cowichan Valley Regional District proposes to adopt "CVRD Bylaw No. 3393 – Cowichan Station Area Association Annual Financial Contribution (Area B – Shawnigan Lake) Service Establishment Bylaw, 2011".

BYLAW SUMMARY

If adopted, Bylaw No. 3393 will allow the Cowichan Valley Regional District to provide the Cowichan Station Area Association with an annual financial contribution of up to \$5,000 per year, or an amount equal to the amount that could be raised by a property value tax of \$0.00334 per \$1,000 of net taxable value of land and improvements. The purpose of the contribution is to assist with costs associated with the operation and maintenance of the Hub, a community space located at 2375 Koksilah Road (former Cowichan Station School) and the delivery of community based programs and services, heritage projects, and community events. The maximum cost to residential property owners within Electoral Area B – Shawnigan Lake with a residential property assessed at \$100,000 would be approximately \$0.31 per annum, as set out in the table below. 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.

Calculation Table

Net Taxable Value (Land & Improvements)	Maximum Annual Cost Per Residential Property Owner	Number of Electors in the Service Area	10% of the Electors
\$100,000	\$0.31	5,641	564

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 Tuesday, May 31, 2011**. *Elector Response Forms* must be in the form established by the Regional District, and only those persons who qualify as electors of Electoral Area B – Shawnigan Lake are entitled to sign. 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 Electoral Area B – Shawnigan Lake 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 Electoral Area B – Shawnigan Lake 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.

If less than 10% (564) 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 5,641.

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 746-2500/1 800 665-3955, e-mail kharrison@cvrd.bc.ca OR on the CVRD website at www.cvrld.bc.ca.



**ELECTOR RESPONSE FORM
BYLAW NO. 3393**

The Cowichan Valley Regional District is proposing to adopt "CVRD Bylaw No. 3393 – Cowichan Station Area Association Annual Financial Contribution (Area B – Shawnigan Lake) Service Establishment Bylaw, 2011", which authorizes the Regional District to provide an annual financial contribution to the Cowichan Station Area Association of up to Five Thousand Dollars (\$5,000), or an amount equal to the amount that could be raised by a property value tax of \$0.00334 per \$1,000 of net taxable value of land and improvements, to assist with costs associated with the operation and maintenance of the Hub, a community space located at 2375 Koksilah Road (former Cowichan Station School) and the delivery of community based programs and services, heritage projects, and community events. 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 pm, Tuesday, May 31, 2011**. Only those persons who live or own property within Electoral Area B – Shawnigan Lake 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 Electoral Area B – Shawnigan Lake 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

(non-resident property electors only)
Address of property in relation to which _____ (property address)

I am entitled to register as a non-resident property elector. _____ (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 pm, Tuesday, May 31, 2011**. 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.



SR2

STAFF REPORT

BOARD MEETING
OF APRIL 13, 2011

DATE: April 6, 2011 FILE NO:

FROM: Joe Barry, Manager, Legislative Services BYLAW NO: 3491

SUBJECT: CVRD Bylaw No. 3491 – Regional Parkland Acquisition Reserve Fund
Establishment Bylaw, 2011

Recommendation/Action:

For information.

Relation to the Corporate Strategic Plan:

The establishment of the Regional Parkland Acquisition Reserve Fund will enable continued future support of the parkland acquisition program to acquire high priority areas thereby ensuring a diversity of regional parks for both recreational and conservation purposes.

Financial Impact: *(Reviewed by Finance Division. )*

This is a housekeeping matter that does not have a direct financial impact.

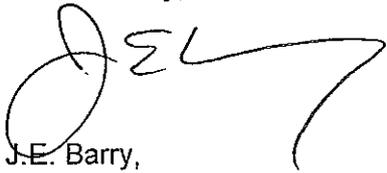
Background:

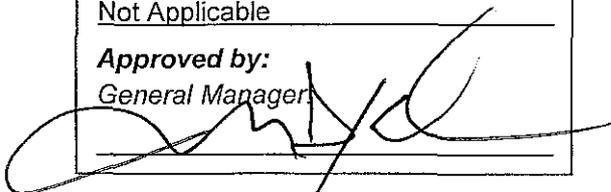
In December 2008, the Board adopted Regional Parkland Acquisition Fund Service Establishment Bylaw No. 3163. This bylaw established an acquisition fund to provide for expenditures in respect to acquiring regional parkland within the Cowichan Valley Regional District.

The existing Regional Parkland Acquisition Fund works well for funding land purchases in the year that the funds are requisitioned. Creating a reserve fund for accumulating requisitioned funds for expenditure in future years is recommended.

CVRD Bylaw No. 3491 – Regional Parkland Acquisition Reserve Fund Establishment Bylaw, 2011, will be considered for three readings and adoption later on this Board agenda.

Submitted by,


 J.E. Barry,
 Manager, Legislative Services

<p>Reviewed by: Division Manager: Not Applicable</p> <hr/> <p>Approved by: General Manager: </p>
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SR3

STAFF REPORT

REGIONAL BOARD MEETING
OF APRIL 13, 2011

DATE: April 6, 2011 FILE NO: Doole Road

FROM: Mike Tippett, Manager BYLAW NO: 3460
Community and Regional Planning Division

SUBJECT: Zoning Amendment Bylaw No. 3460
(Area H – Doole Road, A-1 to A-2)

Recommendation/Action:

For information purposes.

Relation to the Corporate Strategic Plan: N/A

Financial Impact: (Reviewed by Finance Division: N/A)

Background:

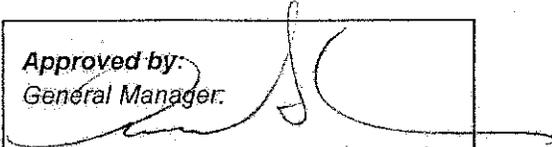
Zoning Amendment Bylaw No. 3460 was processed to second reading by the Regional Board and a public notice process in lieu of public hearing was initiated. To date, we have received three items of correspondence from the public with respect to the proposed amendment bylaw. A final check for correspondence will be made the afternoon of the Board meeting on the 13th and if any further correspondence is received, these will be passed onto the Board that evening.

Zoning Amendment Bylaw No. 3460 is on the April 13th Board agenda for consideration of third reading.

Submitted by,

Mike Tippett,
Manager
Community and Regional Planning Division
Planning and Development Department

Approved by:
General Manager.



/ca

Mike Tippett

From: CVRD Development Services
Sent: Wednesday, March 30, 2011 8:41 AM
To: Mike Tippett
Subject: FW: Doole proposal

From: Geraldine Handel
Sent: Wednesday, March 30, 2011 7:00 AM
To: CVRD Development Services
Subject: Doole proposal

Dear Mr. Tippett,
We are area residents and have a question about the Doole Road proposal.
We would like to know where the water comes from for these 14 new lots.
Thank you,
Robert and Geraldine Handel
4300 O'Brian Road
Ladysmith

Protected by Spam Blocker Utility 
[Click here to protect your inbox from Spam.](#)

Mike Tippett

From: Mike Tippett
Sent: Wednesday, March 30, 2011 8:54 AM
To:
Subject: Doole Road rezoning proposal

Thank you for your email regarding the Doole Road rezoning proposal.

The source of domestic water would have to be proven at the subdivision stage, and evidently the source would have to be from the local groundwater. If sufficient groundwater could not be proven in accordance with the Subdivision Servicing Bylaw, the subdivision of one or more lots could not be approved.

The subject lands are already zoned in such a way as to permit the subdivision of this site into up to 14 lots. The proposed zoning amendment that the CVRD is considering now adjusts the zone boundaries, making the Secondary Agricultural A-2 Zone boundary coincidental with that of the legal parcel of land that the applicant owns; however, if this zoning amendment is approved, not more than 14 lots would be permitted, which is the total number of lots now permitted.

So far as we know, the owner of the subject lands is not proposing that all 14 potential lots be created in the near future, in fact we are only aware of a single lot being proposed for subdivision by this owner, namely the portion north of the southern loop in Doole Road.

Generally it is preferable to have the boundaries of a land use zone follow legal property boundaries, because having split zoned land makes for very complicated bylaw administration. This amendment is proposed to do just that, and if it is adopted, it would not confer any additional subdivision opportunities other than those that exist presently, and in fact have been in existence on this site for a couple of decades.

If you have any further questions or comments, please contact me again.

Mike Tippett, MCIP
Manager
Community and Regional Planning Division
Planning and Development Department
Cowichan Valley Regional District
Telephone: 250-746-2602

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Mike Tippett

From: Geraldine Handel
Sent: Wednesday, March 30, 2011 11:01 AM
To: Mike Tippett
Subject: Re: Doole Road rezoning proposal

Thank you very much for a very quick and detailed reply. We are very anxious and concerned about the water issue and will be watching the situation.

Thank you

Robert and Geraldine Handel----- Original Message -----

From: Mike Tippett
To:
Sent: Wednesday, March 30, 2011 8:54 AM
Subject: Doole Road rezoning proposal

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Mike Tippett, MCIP
Manager
Community and Regional Planning Division
Planning and Development Department
Cowichan Valley Regional District
Telephone: 250-746-2602

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C·V·R·D

PH1

PUBLIC HEARING REPORT
Bylaw No. 3461

Following is a summary of the proceedings of the Public Hearing for Phased Development Agreement Bylaw No. 3461 (Cowichan Bay Estates), applicable to Electoral Area D – Cowichan Bay, held on Monday, March 7, 2011, at Bench Elementary School (Multi Purpose Room), 1501 Cowichan Bay Road, Cowichan Bay, BC, at 7:00 p.m.

**HEARING
DELEGATES**

Director L. Iannidinardo, Electoral Area D – Cowichan Bay, Chairperson
Director L. Duncan, Electoral Area E – Cowichan Station/Sahtlam/Glenora
Director M. Dorey, Electoral Area G – Saltair

Also present: Director G. Giles, Area C
Special guest: Grandfather Heron

**CVRD STAFF
PRESENT**

Rob Conway, Manager, Development Services Division
Cathy Allen, Recording Secretary

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

CALL TO ORDER

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

PROCEDURES

Mr. Conway explained the requirements under Section 890 of the *Local Government Act*. He advised that notice of the Hearing was advertised in two consecutive issues of the *Citizen* and in the *News Leader Pictorial* (Friday, February 25, 2011 and Wednesday, March 2, 2011) as required by the *Local Government Act*.

Phased Development Agreement Authorization Bylaw No. 3461 proposes to authorize the Cowichan Valley Regional District to enter into a Phased Development Agreement pursuant to Section 905.1 of the *Local Government Act* with the owner of the properties listed as:

1. Lot 1, Section 6 and 7, Range 4, Cowichan District, Plan 17353;
2. Lot 1, Section 5, Range 4, Cowichan District, Plan 10957, Except That Part of Said Lot Shown Outlined in Red on Plan 1659-R and Except Parts in Plans 15342, 16358, 18893 and VIP81664;
3. Parcel B (DD47244I) of Section 6, Range 4, Cowichan District, Except Parts in Plan 4159, 4307, 8219, 9529, 17353, 19696 and VIP81664.

The purpose of the Phased Development Agreement is to secure park land and other amenities that have been offered by the owner of the subject lands should they be included in the Cowichan Bay Specified Service Area. If approved, the PDA would require the owner to provide the following

amenities, development features and limitations as conditions of the agreement:

- Transfer of Lot 1, Section 6 and 7, Range 4, Cowichan District, Plan 17353 to the CVRD for Heron habitat and passive park purposes;
- Transfer of 3.55 hectares of land adjacent to existing park to the CVRD;
- Transfer of two residential lots to the CVRD with the use or sale of the lots for community park purposes;
- Transfer of a 0.2 hectare local neighbourhood park with up to \$50,000 of park improvements;
- Transfer of land for public pathways and the construction of trails within the proposed development and along Wilmot Road;
- Development features, including street trees and requirements for heat pumps for future dwellings as an energy conservation measure;
- Limitations on density below what could be achieved under existing zoning.

The Agreement gives the owner protection from zoning changes that would limit the use and density permitted on the land for the five year term of the Agreement.

Mr. Conway stated that 12 letters of response to the proposed Bylaw were received at the CVRD office from the date the advertisement was placed within the local newspapers to the close of the CVRD office today, March 7, 2011, at 4:30 pm. He further advised that copies of the proposed Bylaw were located on the side table for review.

The PDA is related to the transfer of sewer units. The lands are presently zoned for residential development (R-3). The lands currently do not have access to sewer units. If units become available the property could be developed according to the existing zoning and amenities described in the PDA would be required. The existing zoning would allow up to 149 residential lots to be developed in the southern area, and approximately 12 lots could be developed in the northern area, if sewer was available. A covenant was registered on the southern lands at the time of subdivision that limits the allowable lots to 149 if serviced with sewer.

To access the sewer system the owner has approached the District of North Cowichan and the CVRD and requested that 36 units be transferred from the North Cowichan system and 60 units from the Eagle Heights system. In exchange the owner has offered a transfer of \$11,200 per sewer unit to those sewer systems. As well amenities such as parkland and construction of trails have been offered. The transfer of sewer units could be done without a public hearing or phased development agreement. The PDA has been drafted to put the commitments that the developer has offered into a legally binding agreement that would be enforceable should the land be sold. The sewer transfer arrangement is a separate issue that will require a separate bylaw that will be going to the Regional Board for consideration within the next few months.

Mr. Conway noted that there is an active rezoning application on the property. The current zoning allows for single family residential use. The proposed rezoning would allow three duplex lots, three triplex lots, and up to 30 townhouse units in addition to 87 single family lots. That proposal would require an amendment bylaw which is an entirely separate issue from this phased development agreement hearing and would have to go to a separate public hearing. If that active rezoning proposal comes forward there is potential for up to 132 residential units.

Currently all that is being considered is the phased development agreement that would limit the density to a total of 102 single family lots.

Correspondence

The following correspondence was received and is attached to these minutes:

- Exhibit 1: email sent March 7, 2011, from Wendy Ewing
- Exhibit 2: email sent March 7, 2011, from Carolyn Whitney-Brown
- Exhibit 3: email sent March 7, 2011, from Grant & Lynne Clement
- Exhibit 4: email sent March 7, 2011, from Larry Lenke
- Exhibit 5: email sent March 7, 2011, from Roger Taylor
- Exhibit 6: email sent March 7, 2011, from Jeff Quinton
- Exhibit 7: letter received March 4, 2011, from Geoff Hill
- Exhibit 8: email sent March 7, 2011, from Teri Young
- Exhibit 9: email sent March 7, 2011, from Hellen Folkmann
- Exhibit 10: email sent March 7, 2011, from Connie Harris & Tom Shandel
- Exhibit 11: email sent March 7, 2011, from Jane Kilthei
- Exhibit 12: email sent March 7, 2011, from Bernie Falt
- Exhibit 13: letter dated March 7, 2011, from Connie Harris
- Exhibit 14: letter received March 7, 2011, from Kerrie Talbot & Roger Southern
- Exhibit 15: letter received March 7, 2011, from Geoffrey Whitney-Brown
- Exhibit 16: letter received March 7, 2011, from Eric Marshall
- Exhibit 17: letter received March 7, 2011, from David Aldcroft
- Exhibit 18: letter dated March 7, 2011, from Joyce Behnsen

Applicant

Dave Conway, agent, was present on behalf of the owner, Cowichan Bay Estates.

Addressed the issue of 36 sewer units being transferred from the Municipality of North Cowichan. Part of the arrangement is to give about five acres of land along Somenos Creek. The owner holds about six acres and have recently transferred five of those acres along the creek to the Province in exchange for the ability to purchase sewer units. As well there is still a financial transaction of \$11,200 for each of the sewer units that would be purchased upon acceptance of the PDA.

Parkland area, that would transfer to the CVRD by the developer upon adoption of the PDA on the south side of Wilmot Road for use as park and heron preservation, was shown. An Environmental consultant was hired to look at the Heron environment from where they relocated behind the Wessex Hotel. The consultant recommended preservation and expansion of the

ravine corridor, and Mr. Conway showed on the map that the development adheres to that recommendation.

The next part of the project is phase one of the development. There will be a continuation of the existing pathway along Wilmot Road and this will be done before the six lot subdivision is approved. A fence will be constructed along Wilmot boundary on private property (1.5 metre high solid panel wood). A series of walkways along the public roadway and within the green space along the boundaries is proposed.

The next part of the project is phase 2A (north-east corner of the site). A large greenbelt area will be transferred to the CVRD for parkland and heron habitat use. Connection trails to the area are proposed.

The next part of the project is Phase 3. If the multi-family rezoning is not successful, it will likely have a few more single family home lots. Regardless, the density will either be 132 combined or a maximum of 102 single family, if the rezoning is not adopted.

The walkways will be surfaced with crushed rock, not paved. The PDA is set up so that the ravine park will be transferred to the CVRD upon registration of the 7th lot. Would like to see the development built out within five years and would like to see Phase 1 begin immediately. Once the agreement process is finished they can begin Phase 1. The developer holds six sewer units on the Wessex Road property and part of the transfer and agreement is to move those six units onto the Wilmot Road site. Phase 1 can be constructed without moving any infrastructure as they are able to use the exiting sewer and water system on Wilmot Road.

Parks and dedication will happen early. The Wessex Road and Heron protection zone will happen by the time seven lots are created. By Phase 3 more trails and a neighbourhood park with basic infrastructure will be created plus a \$50,000 contribution to playground hardware. The 21st lot and the 76th lot created will be transferred to the CVRD for park purposes.

A further aspect of the development is their intention to place street trees (about three inch calliper) along the roadway. Another aspect is that the homes are required to have heat pumps as an effort towards energy conservation. They have reduced the density from 149 to 102 single family homes, or, if the community wishes, bring back some of that density by offering mixed housing types. This could provide good quality housing close to Cowichan Bay, transportation routes, and other amenities. Underground hydro is proposed.

Location of File

Director Iannidinardo advised that the Information Binder was available for review on the side table, along with copies of the Bylaw, 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** Opened question period. Director Iannidinardo opened the public question period of the Public Hearing. She stated that the developer's agent, 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 will be no questions taken.
- Roland Morgan**
- 1754 Pritchard Road.
 - Great Blue Heron is a world endangered species and we all have a responsibility to protect them.
 - Feels the environmental report is inadequate. Need accurate firm data.
 - Sea Lions are protected by Federal law; similar regulations should be brought in to protect Great Blue Herons.
- Director Iannidinardo**
- Ministry of Environment as well as local residents have been monitoring the heron rookery for many years.
 - This is the largest rookery on Vancouver Island.
 - It has been learned that herons and their nesting area need to be in trees located by the foreshore.
- Larry Lenske**
- 1799 Pritchard Road.
 - Is access to sewer units contingent on the PDA being approved?
 - Is the applicant trading amenities for sewer units?
 - Land is zoned R-3 and will be developed, the question is if 150 houses can be built now or not until there are sewer units.
 - Is it correct that the applicants are providing 50% parkland in exchange for permission to build now instead of later?
- Dave Conway**
- The CVRD wants this process to be successful before agreeing to that transfer.
 - By providing the amenities and the phased development plan, the applicants have the ability to purchase sewer units from the CVRD and from the Municipality of North Cowichan.
 - It is fair to say that the transfer of a large parcel of land off Wessex Road as well as other parkland dedications totalling about 50% parkland dedication, would enable them to build now rather than later.
- Dave Polster**
- 3019 George Street.
 - What are the plans for storm sewer and water?
 - Intend to use parkland dedicated area for storm water treatment?
 - Is it possible to work within MOT requirements to use grass swales rather than curb and gutter? Without attenuation, the creek below the development will be ripped apart and is concerned will increase runoff.
 - What species are being used for street trees and landscaping, and what assurance is there that invasive species will not be used.

- Dave Conway**
- Currently have an area with a storm water management pond, intend to construct facilities as well as drainage in accordance with the Ministry of Transportation.
 - Will use large parkland area for storm water treatment.
 - Developers are required to meet MOT requirements and there is not a lot of flexibility with that.
 - Two and a half inch calliper trees (not three) will be used and the species are to be agreeable to the CVRD as well as must be suited to this climate and prevalent conditions. They have not embarked on detailed landscape plans at this time.
- Director Dorey**
- Advised that Saltair did attenuation work with the Ministry of Transportation, and feels that MOT may be open to suggestions for remediation procedures including the idea of using grass swales even though it is not their normal practice because they are tired of runoff issues.
- Danica Rice**
- 1730 Pritchard Road.
 - Suggested irrigation to control water loss.
 - Parcel 3b is not a good acquisition as the area sloughs down the bank.
 - Safety on Wilmot Road is a concern. A separate graded walking trail to the Village is needed and wants the developers to install a one kilometre walking trail at a cost of about \$20,000.
- Dave Conway**
- Parcel 3b is a distance away from the bank. Grading, topsoil and grass will address sloughing issues.
- Roger Southern**
- 1810 Pritchard Road.
 - How will the developers deal with storm water drainage from parcel 3c that currently exits where water is gathering and running into the ravine?
- Dave Conway**
- They expect to redirect that route and maintain with as much open channel as possible which will slow it down and provide an opportunity for natural treatment through vegetation.
- Don Bright**
- 4623 Alder Glen Road.
 - Likes the heat pump idea as it is an opportunity to create a green community. How can we get homes to take advantage of solar heat, and control planting of trees on private lots? Would the developers consider a strata development that would give community control?
- Dave Conway**
- Strata development is not in the cards for the majority of the site, although the townhouse site could possibly achieve some of the suggested controls. A strata development would mean that the roads would be private which would not permit the through connection.

- Director Duncan**
- The CVRD is in the process of developing a menu of green features that will be required in these types of developments. When the zoning amendment bylaw is dealt with regarding multi family housing, a new phased development agreement will be drawn up to include green community requirements.
- Kerrie Talbot**
- 1810 Pritchard Road.
 - Concerned about drainage issues and more trees being cut down. Is there an agreement in place that states that no trees get cut down on park property?
- Dave Conway**
- No agreement is in place that prevents trees being cut down. They don't intentionally take trees down and have been trying with this phase to respect what exists and the community. Would be looking at preserving as much as possible because it adds value to the site and the ability to deal with the storm water.
- Director Iannidinardo**
- Advised that the CVRD does not have an existing tree cutting bylaw.
- Gerrit Sillem**
- 1821 Wilmot Road.
 - Are there plans for fencing along the perimeter of the new development?
- Dave Conway**
- No fencing is listed in the PDA, other than along Wilmot Road, but comments are noted.
- Dave Polster**
- Have the Somenos lands already been transferred to the Province?
- Dave Conway**
- Yes, five of the six acres of Timbercrest lands have been transferred to the Province.
- Larry Lenske**
- What is the rationale of having parcel 2b transferred part way through the process instead of initially, and how does it impact the developer?
 - What development scenario more impacts the herons: 161 units or fewer units where 50% of the land is protected?
- Dave Conway**
- Rationale for transferring later is affordability, and it is easier to deal with issues such as storm drains when the property is still owned by the developer.
- Kerrie Talbot**
- More land that is left in and around the ravine is the best scenario for protection of the Herons. They need as broad a swath of trees as possible, so the land off Wessex is excellent. Wildlife corridors are needed and we should keep walking trails to an absolute minimum to avoid disruption to the birds.

- Doug Johnson**
- 1265 Cherry Point Road.
 - Commented that the largest rookery in BC is in Stanley Park where millions of people walk through so doesn't see a problem with trails through the ravine where the rookery is.
- Director Iannidinardo**
- Noted that herons are disrupted more during nesting periods.
- Rena Perpeluk**
- 1858 Wessex Road.
 - Stated that herons live beside her home and sees them become upset when people walk on the trails.
- Guy Johnston**
- 1760 Pritchard Road.
 - Asked the applicant to explain proposed storm water attenuation.
 - Where would water flow?
 - Any thoughts to water off roofs going into barrels?
- Dave Conway**
- There are no formal storm water plans yet. They want to do more with on-site management within the individual lots to reduce sizing of the pond and concentrate on treatment. There is not only the ability to attenuate and reduce discharge but can clean up road and driveway drainage.
 - With there being heavy clay soils in the area, some sort of storage facility will be needed, whether it be individual tanks on the lots or go to a larger facility off the lots.
 - Barrels are a good idea, but home owners would have to be responsible to use them and the only time of year they are full of water is when you don't need it. Underground tanks are a good idea but there is no opportunity to harvest it without pumping.
 - The soil doesn't lend itself to infiltration which is why there is heavy runoff, and is one of the reasons they ended up with the pond in the last phase. There is potential to do tanks on individual lots but management is important.
- Danica Rice**
- Has there been any thought for night lighting?
 - Will the developer adhere to the Developer Care Standards regarding no building during nesting periods?
- Dave Conway**
- Minimal lighting is proposed. There may be a light at the intersection area or no light at all.
 - There are development permit area regulations on the site respecting the herons that they will be working with. They hope to have the project completed before the herons decide to come back to this area.
- Garry Olson**
- 1825 Wilmot Road.
 - Concerned about runoff. Conditions have changed drastically since the subdivision was put in across the street and has caused a lot of trees to die.

- Director Iannidinardo**
- With Cowichan Bay's storm water, drainage, hardpan, and clay soil conditions, it makes a big difference when trees disappear, and more black top is a challenge.
- Dave Polster**
- Runoff increases 30% just by clearing the land. A new subdivision automatically increases runoff.
- Camille Nunn**
- 1781 Wilmot Road.
 - Asked what is proposed for lighting.
- Dave Conway**
- No plans for any street lighting. A conduit will be put in alongside the underground hydro and telephone in the event that sometime in the future there is a desire for some form of lighting.
- Rae Vaisnis**
- 1795 Vee Road.
 - Where will the sewer easements be for the lower development?
 - Will the development lower property taxes?
- Dave Conway**
- Options for sewer include construction of a sanitary sewage station that will pump up Vee Road, or purchase property on Pritchard Road for an easement.
- Rae Vaisnis**
- Existing sewage system on Vee Road does not work.
- Dave Conway**
- A project of this size does end up with some upgrading and will be working with the Engineering Department at the CVRD to ensure that they are satisfied with the sewer alignment on the subsequent phases.
- Rae Vaisnis**
- Feels park donation on Wessex Road is not usable as no one can access it.
 - Other two pieces of parkland donation are also not usable.
- Director Iannidinardo**
- Advised that the Parks Commission wants to acquire the land as greenspace or a wildlife corridor to be left alone.
- Rae Vaisnis**
- Where is the park area for those people in the new subdivision?
- Director Iannidinardo**
- There is Wilmot Park across the street, the proposed tot lot, and walking paths.
 - Noted that the Parks Commission wants the wildlife corridor instead of a community park.
- Director Duncan**
- There is 25 acres of greenspace area with about four acres of trailway, but the majority, about 80%, will exclusively be for greenspace to grow trees that are appropriate for the herons.
 - The applicant is dedicating two building lots and the proceeds of which will be used for park amenities.

- Connie Harris**
- 1747 Pritchard Road.
 - Concerned about erosion and more runoff for houses on Pritchard Road if there is no green space provision.
- Director Iannidinaro**
- Slope and erosion is a huge issue in Cowichan Bay. The draft Official Community Plan is seriously looking at that issue.
- Judy Stafford**
- 6145 Genoa Bay Road.
 - Are there any plans to save existing topsoil?
 - Is there any space allocated for a community garden?
 - Would the developers consider participating in a car share program?
- Dave Conway**
- Developers will do everything they can to preserve the upper layer of soil but unfortunately there is not a lot to work with, and advised that they will be approaching this development in a slower fashion than the development across the street.
 - Understands that there may be a group considering an area for a community garden.
 - Have not looked at a car share program.
- Director Duncan**
- Noted an area that could be suitable for a community garden, and asked the applicant if they would consider saving some top soil to be deposited for use in that garden.
- Dave Conway**
- Will save as much top soil as possible because it is cheaper to leave on site than to haul away.
- Philip Tarrant**
- 1975 Falcon Crescent.
 - Will phase 2 be from Vee Road?
 - What road improvements are proposed?
- Applicant**
- At Phase 2 they will put the road through to connect to Vee Road.
 - They will also do some water system improvements along Wilnot Road and Vee Road, and will be installing a new water tower for the Water District.
 - They will be designing a left turn area in Phase 1 and will be constructed in a subsequent phase.
- Judy Stafford**
- What is the CVRD's commitment regarding a timeframe for the tot lot?
- Rob Conway**
- The term for the agreement is five years and the expectation is that it will be built within five years.
 - The PDA binds the owner to provide commitments.
- Judy Stafford**
- Feels that \$50,000 is not enough for an adequate playground.
- Rob Conway**
- Noted that the normal park requirement, without a PDA, is 5% of the site and there is no requirement for park improvements.

- Director Iannidinardo**
- The Parks Commission would look at what the community wants and whether more money would be needed.
- Geoff Whitney Brown**
- 1795 Pritchard Road.
 - Where will the water come from for the new water tower?
- Dave Conway**
- The Cowichan Bay Water District did a performance study that was funded by the developer, and the conclusion was that there is a water supply but not the storage. Believes that some of the water supply is able to come from the Valley View well which supplies 800 gallons per minute. The reservoir would be constructed on the Coverdale Watson Park area that is owned by the Waterworks District.
- Gary Miller**
- 1779 Wilmot Road.
 - Has witnessed many accidents on the sharp corner on Vee Road and is concerned about extra traffic on that road.
- Director Iannidinardo**
- Vee Road is definitely a concern. Noted there are many road concerns in Cowichan Bay and that road improvements are the jurisdiction of the Ministry of Transportation.
- Jim Bomford**
- 4565 Lanes Road.
 - Is the existing storm water retention pond working?
 - Feels it fills up too quick.
 - Is the bank stable down stream?
- Dave Conway**
- Believes the pond is working. Has watched it since it was put in in 2006 and sees it fill up frequently under heavy rains which is the way it was intended to work.
 - Hasn't seen the water go over the spillway at the top of the berm and the discharge route is controlled in the berm itself so does have a controlled facility that not only allows for lower but higher flow control as well. Feels that it functions the way they anticipated.
 - Has seen some sloughing in the ravine before the project, that could be from previous logging or related to the runoff that comes in from the ravine system. The whole ravine system takes water that comes through Coverdale Watson Park and farmland back to Telegraph Road.
- Director Iannidinardo**
- The ravine did collapse due to heavy rains immediately after the clear cut of the property before the existing owner purchased the property.
- Geoff Gifford**
- Is the water tower going where the private lot and park are located or behind the park?
 - Is there enough road width for the proposed left hand turn slot or will need to expropriate land for it?

- Dave Conway**
- Anticipates it will be located on the back side of the park.
 - Showed on the map where land will be taken if needed for left turn slot.
- Danica Rice**
- Is it possible to have a Habitat Enhancement Plan done for the proposed park area which potentially could include storm water and wetland management? Could create a fantastic heron habitat there with the storm water.
- Dave Conway**
- Is interested and not opposed to the idea.
- Larry Lenske**
- What is the next process?
 - Will Plan B impact the whole project?
- Director Iannidinardo**
- Tonight's process is Plan A, for 102 lots. Plan B, for multi-family lots, will come to a future public hearing.
- Director Dorey**
- Public comments and suggestions from this hearing are being recorded and will be considered by the Board before proceeding.
- Rob Conway**
- The Bylaw will go back to the Board to consider whether or not to approve it. If substantial changes are recommended it would need to come back to further public hearing.
- Guy Johnston**
- Concerned about safety of children on Wilmot Road. Need to make the road a safer corridor to walk along.
 - The junction of Vee Road and Pavenham Road is the most dangerous area.
- Director Iannidinardo**
- The off-road walking trail will go across the front of the development. The Parks Commission would like to continue the Wilmot off-road walking path, and have been working with the Ministry of Transportation.
- Jim Bomford**
- What was the recommendation of the Advisory Planning Commission?
- Director Iannidinardo**
- The Bylaw was not referred to the APC.
- Roger Kuttai**
- 1858 Wessex Road.
 - What percentage of the two lots given to the CVRD for parks stays in Cowichan Bay?
 - Do lots get sold as is?
 - Wants trees that are used by the herons to be tagged for protection.

- Director Iannidinardo**
- All proceeds from the lots is for Area D parks.
 - Lots can be sold as is but it is undecided at this time.
 - The CVRD does not have a tree cutting bylaw, so it is a challenge as there is nothing stopping people from cutting trees on their property.
- Danica Rice**
- Suggested a community composting facility on the site or the site of the new water tower.
 - Suggested naming the development after the herons.
- Linden Collette**
- How much will the homes sell for?
 - How much will the multi-family homes sell for?
- Dave Conway**
- Not sure what the market price for the homes will be but expect will be similar to the area to the south.
 - Not sure about prices for the multi-family homes, but feels that the lowest cost housing would be the duplex or tri-plex units.
- Rena Perpeluk**
- If this development is not passed, will the Wessex Road development go ahead?
 - Where is the concern for the herons?
- Dave Conway**
- Wessex Road development is already in the sewer service area, is zoned, and has design and layout approval, so could go ahead.
 - Developers are concerned about the herons. Their project package attempts to deal with all issues on the table.
- Danica Rice**
- Would it be possible to include interpretive signage to help protect the herons?
- Dave Conway**
- Signage request is reasonable. Would be a small expense.
- Don Bright**
- 4625 Alder Glen Road.
 - Could trail area next to Plan A be extended as a walking path to Plan B from Wilmot?
- Dave Conway**
- Feels could put in that walking trail but would need some concession regarding width from the CVRD.
- Garth Taylor**
- 1991 Falconcrest.
 - Has a round-about been considered on Wilmot?
- Director Iannidinardo**
- Have had discussions with the Ministry of Transportation and ICBC regarding high impact crash areas in Cowichan Bay – 4-Ways and Telegraph Road, both off Cowichan Bay Road. Roundabouts have been shown to slow traffic.

**PUBLIC
COMMENTS**

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

- Dave Polster**
- Attended a seminar recently regarding sustainable development. Asked if the CVRD has considered the overall impact of continuing to build out on the viability of our valley.
- Eric Marshall**
- 1705 Pavenham Road.
 - Speaking as a resident, and President of the Cowichan Valley Naturalist Society, he supports the bylaw.
 - Read letter attached as Exhibit. 16.
- Jennifer Goodbrand**
- 3213 Drinkwater Road.
 - Agrees with comments made by Eric Marshall.
- Larry Lenske**
- Feels it is better to build up and not out.
 - Feels that the development will be built regardless, so having it built according to the PDA will result in a better development than the normal, so supports the bylaw.
 - Feels there is huge potential with the proposal.
- Linden Collette**
- Happy to see natural habitat being protected.
 - Looking forward to multi-family housing proposal.
- Tom Shandel**
- 1747 Pritchard Road
 - Feels the density of the southern part of the project is outrageous.
 - Making city sized lots in the country without the human infrastructure.
 - People will not be walking to the Village up that hill.
 - The CVRD has accepted the massive infusion of small city lots in our neighbourhoods and are transforming lives for their own reasons.
 - The people have not been asked. This is not a public meeting.
 - Objections are accurate.
- speaker**
- Feels project is a good idea.
 - Greenspace is generous.
 - In favour of the project, protects the birds.
 - Doesn't feel the community car idea would work.
- Grandfather Heron**
- Bowed and shook Dave Conway's hand.

ADJOURNMENT

Chairperson Iannidinardo asked for comments or submissions three times from the public present regarding Phased Development Agreement Authorization Bylaw No. 3461.

Chairperson Iannidinardo declared the Public Hearing closed at 9:16 pm.

CERTIFICATION:

We attended the Public Hearing on Monday, March 7, 2011, and hereby certify that this is a fair and accurate report of the Public Hearing.

Levi L. Iannidinardo
Director L. Iannidinardo

Date April 4/2011.

Loren Duncan
Director L. Duncan

Date April 17/2011

M. Dorey
Director M. Dorey

Date April 4/2011

Rob Conway
Rob Conway, Manager

Date March 29, 2011

Cathy Allen
Cathy Allen, Recording Secretary

Date March 30, 2011



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3469

A Bylaw to Amend the Boundaries of the Douglas Hill Water System Service Area

WHEREAS the Board of the Cowichan Valley Regional District established the *Douglas Hill Water System Service Area* under the provisions of Bylaw No. 3382, cited as "CVRD Bylaw No. 3382 – Douglas Hill Water System Service Establishment Bylaw, 2010", as amended;

AND WHEREAS the Board of the Cowichan Valley Regional District wishes to reduce the boundaries of the service area to exclude the following property:

- PID 001-624-784; Part of Section 2, Range 5, Cowichan Land District, Except part of Plans 24340 & 24750 and 16041;

AND WHEREAS the owner of the above noted property has petitioned the Regional District to have their property excluded from the service area;

AND WHEREAS the Directors of Electoral Areas C - Cobble Hill and D - Cowichan Bay have consented, in writing, to the adoption of this bylaw;

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

1. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 3469 - Douglas Hill Water System Service Amendment Bylaw, 2011**".

2. AMENDMENT

That Bylaw No. 3382 be amended by deleting Schedule A and replacing it with the Schedule A attached to this bylaw.

READ A FIRST TIME this 9th day of March, 2011.

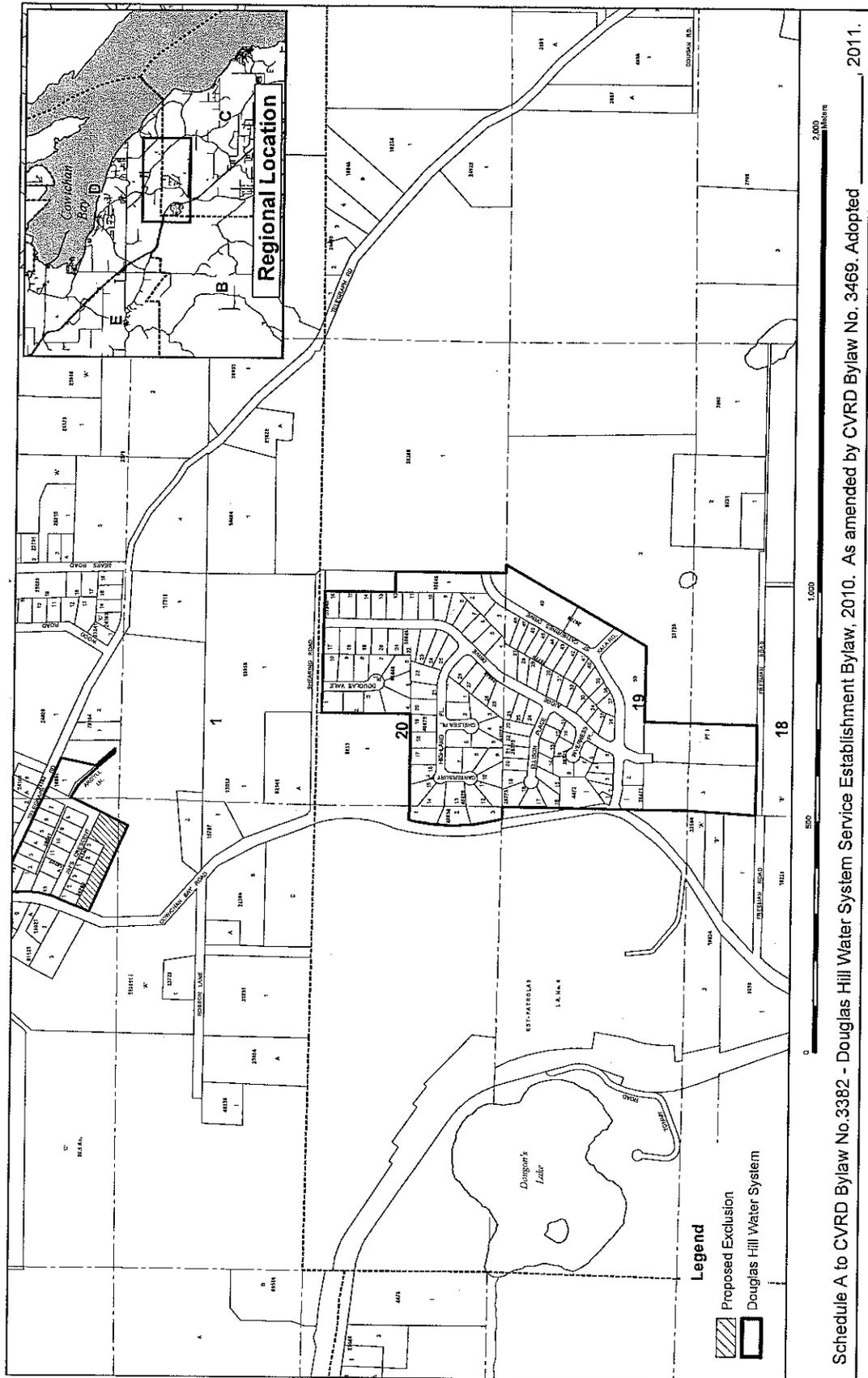
READ A SECOND TIME this 9th day of March, 2011.

READ A THIRD TIME this 9th day of March, 2011.

ADOPTED this _____ day of _____, 2011.

Chairperson

65 _____
Corporate Secretary



Schedule A to CVRD Bylaw No. 3382 - Douglas Hill Water System Service Establishment Bylaw, 2010. As amended by CVRD Bylaw No. 3469. Adopted _____ 2011.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3491

A Bylaw to Establish a Reserve Fund
for the Regional Parkland Acquisition Fund Service

WHEREAS the Board of the Cowichan Valley Regional District established the *Regional Parkland Acquisition Fund Service* under the provisions of CVRD Bylaw No. 3163, cited as "CVRD Bylaw No. 3163 – Regional Parkland Acquisition Fund Service Establishment Bylaw, 2008";

WHEREAS the *Local Government Act* and *Community Charter* empower regional districts to establish reserve funds for specified purposes;

AND WHEREAS the Board wishes to establish a Reserve Fund to be used for the purchase of land for regional parks;

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

1. **CITATION**

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3491 – Regional Parkland Acquisition Reserve Fund Establishment Bylaw, 2011".

2. **ESTABLISHMENT OF FUND**

A Reserve Fund to be known as the "Regional Parkland Acquisition Reserve Fund" is hereby established.

3. **PAYMENTS INTO FUND**

Money from current revenues or, as available, from general revenue surplus or as otherwise provided by law may be paid into the Regional Parkland Acquisition Reserve Fund.

4. **EXPENDITURES FROM FUND**

- a) Money in the Regional Parkland Acquisition Reserve Fund, and interest earned on it, shall only be used for expenditures relating to the purchase of land for regional parks.
- b) The expenditures of funds in the Regional Parkland Acquisition Reserve Fund shall be authorized by bylaw.

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3473

A Bylaw Authorizing the Expenditure of Funds from the
Regional Parkland Acquisition Reserve Fund
Established Pursuant to CVRD Bylaw No. 3491

WHEREAS as of March 31, 2011, there is an unappropriated balance in the *Regional Parkland Acquisition Reserve Fund* of Five Hundred and Nine Thousand Nine Hundred and Sixty-Five Dollars (\$509,965) that has been calculated as follows:

BALANCE in Reserve fund as at December 31, 2010:		\$508,607.
ADD:	Additions to the Fund, Including interest earned for the current year to date.	<u>\$ 1,358.</u>
		\$509,965.
DEDUCT:	Commitments outstanding under bylaws previously adopted.	<u>NIL</u>
UNCOMMITTED BALANCE In Reserve Fund as at March 31, 2011:		<u>\$509,965.</u>

AND WHEREAS it is deemed desirable and expedient to expend not more than Two Hundred Fifty Thousand Dollars (\$250,000.) of the said balance for the purpose of assisting with the purchase of Section 18, Range 8, Cowichan District (PID: 010-412-352) to create a regional 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. 3473 – Regional Parkland Reserve Fund Expenditure (PID: 010-412-352) Bylaw, 2011".

2. SUM TO BE APPROPRIATED

- a) An amount not exceeding the sum of Two Hundred Fifty Thousand Dollars (\$250,000.), is hereby appropriated from the *Regional Parkland Acquisition Reserve Fund* for the purpose of assisting with the purchase of Section 18, Range 8, Cowichan District (PID: 010-412-352) to create a regional park.
- b) The expenditure to be carried out by the monies hereby appropriated shall be more particularly specified by Board Resolution No. 11-053.3 adopted February 9, 2011.

3. SUMS REMAINING

Should any of the said sum of Two Hundred Fifty Thousand Dollars (\$250,000.) 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 _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

Chair

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 3476

A Bylaw to Amend Bylaw No. 2108
– Solid Waste Management Charges and Regulations Bylaw

WHEREAS the Board of Directors of the Cowichan Valley Regional District established a scale of charges for its solid waste disposal facilities under the provisions of Bylaw No. 2108, cited as "CVRD Bylaw No. 2108 – Solid Waste Management Charges and Regulations Bylaw, 2000";

AND WHEREAS the Board deems it desirable and expedient to amend and expand Section 2 - Definitions and revise Schedule B – Charges For Solid Waste, Controlled Waste and Recyclable Materials;

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

1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3476 – Solid Waste Management Charges and Regulations Amendment Bylaw, 2011".

2. AMENDMENT

a) That Section 2 – Definitions be deleted in its entirety and replaced with the following:

2. DEFINITIONS

In this bylaw unless the context otherwise requires:

"Aggregate" means reusable or recyclable inert granular construction fill material.

"Aluminum foil" means all clean household aluminum containers such as pie plates, tart containers, TV dinner trays, and household **Aluminum foil**, but does NOT include tubes, or laminated products such as cigarette foil and snack food bags.

"Asbestos cement" means shingles, tiles, siding, board or pipe containing asbestos material tightly bound within a solid matrix not easily crumbled by hand, but which is easily crumbled and friable by equipment during landfill disposal.

.../2

"Ash & Soot" means the carbonaceous residue created by the thorough combustion of organic matter.

"Asphalt" means a petroleum by-product, mixed with gravel, crushed rock etc., used for paving roadways, driveways, parking areas etc.

"Asphalt roofing" means **Asphalt**-based roofing materials including: duroid roofing shingles, tarpaper, and tar and gravel roofing, but does NOT include torch-on membrane roofing and shingle wrapping paper.

"Beverage Containers" means a product that falls under the *Recycling Regulation* (B.C. Reg. 449/2004) and all amending regulations under the Environmental Management Act.

"Bin area" means that area of the **Disposal facility** that has been designated to receive **Refuse** or **Recyclable materials** brought to the **Disposal facility** in **Small loads**.

"Biomedical waste" means that which is described as by the provincial *Hazardous Waste Regulation* (B.C. Reg. 63/88), and further includes materials used in the provision of medicine or medical care, including, but not limited to: materials such as sheets, dressings, cleaning or sanitizing sponges or pads, tubing used for fluids, syringes with or without sharps, and fluids, generated from operating rooms or bedside medical care. **"Biomedical waste"** does NOT include materials generated by the provision of comfort, housing, food services or office administration.

"Bulk plastic material" means clean **Plastic material**, but does NOT include items not marked with a Society of Plastic Industries (SPI) code, items marked with a #3 SPI code, or items that are deemed by the **Engineer** as too large to fit into the receptacle at the **Disposal facility**.

"Bulky waste" means a material over 1.25 metres (4 feet) in any dimension or over 100 kilograms (220 pounds) in weight.

"Cell phone" means a product that falls under the 'Electronic and Electrical Product Category' of the *Recycling Regulation* (B.C. Reg. 449/2004) and all amending regulations under the Environmental Management Act.

"CFC appliances" means refrigeration or heating appliances designed to operate with a coolant or refrigerant containing Chlorofluorocarbon (CFC).

"Commercial quantities of demolition waste" means **Loads** of construction or demolition waste not able to be contained in a pick-up sized truck or utility trailer, **Loads** containing **Bulky waste**, or **Loads** containing **Hazardous waste**. **Commercial quantities of demolition waste** does NOT include **Scrap lumber and wood products**.

"Commercial organic waste" means commercial or institutional compostable organic waste including, but not limited to: food wastes, including fruits and

vegetables, meat, fish, shellfish, poultry, bones, dairy products, cooked foods and other food items; food-soiled paper products, including, but not limited to: paper towels, paper napkins, paper cups and paper plates; **Waxed paper fibre products**; and plant or organic matter; but does NOT include organic material in consumer packaging intended for sale or post-consumer organic waste. **Commercial organic waste** may originate from, but is not limited to: establishments serving food, grocers selling food, and nursery or farming operations.

"Composite wood waste" means wood that has been manufactured into dimensional lumber using glue and/or adhesives, such as particleboard, strand board, plywood etc.

"Concrete" means a hardened mixture of cement with sand and gravel.

"Confidential files/reports" means any information stored in an electronic or paper format that is not intended for public disclosure.

"Contaminated soil" means soil, sediment or fill material containing substances in quantities greater than or equal to those described in Column IV, Schedule 7 of the provincial *Contaminated Sites Regulation* (B.C. Reg. 375/96).

"Contamination or contaminated" means, based on the policy of **Zero Tolerance**, the presence of another material in **Source-separated waste**, which includes, but is not limited to: the commingling of different **Recyclable materials** (excluding **Glass containers** and **Non-commercial organic waste**); the commingling of different **Controlled waste** materials; or the commingling of **Refuse** and/or **Recyclable materials** (excluding **Glass containers** and **Non-commercial organic waste**) and/or **Controlled Waste** and/or **Prohibited waste** materials

"Controlled Waste" means **Source-separated waste** which is approved for acceptance at the **Disposal facility** but which, because of its inherent nature and quantity, may require special handling and storage techniques to avoid creating health hazards, nuisances or environmental pollution, including, but not limited to:

- a) **Cell phones**
- b) **CFC appliances**
- c) **Disposable batteries**
- d) **Dusty material**
- e) **Fibreglass insulation**
- f) **Fluorescent lamp ballasts**
- g) **Fluorescent tubes**
- h) **Gasoline**
- i) **Gypsum board or drywall**
- j) **Lead-acid batteries**
- k) **Non-refillable propane tanks**
- l) **Paint products**
- m) **Pesticide products**
- n) **Refillable propane tanks**
- o) **Rechargeable Batteries**

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- p) **Scrap Tires**
- q) **Sewage screenings**
- r) **Solvents and flammable liquids**
- s) **Thermostats**
- t) **Used anti-freeze**
- u) **Used oil**
- v) **Used oil containers**
- w) **Used oil filters**
- x) **Waste Sharps**

"Covered solid waste" means **Loads of Solid waste** secured and covered on the **Vehicle** by a tarpaulin or other overlay used to confine the load to the **Vehicle** so that it cannot blow off or fall off while in transit.

"CVRD" means the Cowichan Valley Regional District.

"Dead animals and parts" means any deceased pets, wildlife, livestock or slaughter remains or offal thereof, including: bones, feather, skin, blood and hair.

"Designated tipping area" means specified areas at the **Disposal facility** where **Solid waste** is accepted for disposal or recycling.

"Directories" means paper books including, but not limited to alphabetical or classified listings of names, telephone numbers, addresses or locations, which are used and distributed primarily by telephone companies and real estate boards.

"Disposable batteries" means a product that falls under the 'Electronic and Electrical Product Category' of the *Recycling Regulation* (B.C. Reg. 449/2004) and all amending regulations under the Environmental Management Act.

"Disposal facility" means Bings Creek Solid Waste Management Complex, or Peerless Road Recycling Drop-off Depot, or Meade Creek Recycling Drop-off Depot, more particularly described in Appendix "1" attached hereto.

"Dusty material" means material that can become airborne when being deposited or managed at the **Disposal facility** and subsequently pose a health risk or impair visibility.

"Electronic Products" means a product that falls under the *Recycling Regulation* (B.C. Reg. 449/2004) and all amending regulations under the Environmental Management Act.

"Engineer" means the Manager, Engineering Services Department of the **CVRD**, or his/her authorized designate.

"Fibreglass insulation" means an insulative material made of glass in a fibrous form.

"Fluorescent lamp ballasts" means the device that serves to limit the amount of current flowing in fluorescent lamps.

"**Fluorescent tubes**" means a product that falls under the 'Electronic and Electrical Product Category' of the *Recycling Regulation* (B.C. Reg. 449/2004) and all amending regulations under the Environmental Management Act.

"**Gas cylinders**" means a refillable or non-refillable metal container rated at a capacity of less than 46 kilograms (101 pounds) which is used to contain flammable hydrocarbon gases used as fuel.

"**Gasoline**" means that which falls under the 'gasoline product category' of the *Recycling Regulation* (B.C. Reg. 449/2004) and all amending regulations.

"**Glass containers**" means all clear and coloured **Glass containers** used to hold consumer products, but does NOT include: window glass, laminated glass, safety or tempered glass, mirrored glass, automotive glass, fibreglass, Plexiglas, light bulbs, fluorescent tubes, kitchenware, ceramics, or containers that have contained **Hazardous waste**.

"**Gypsum board or drywall**" means waste or material containing any amount of **Gypsum board or drywall** including, but not limited to: off-cuts or scraps from new construction; and old **Gypsum board or drywall** that has been painted, covered in wallpaper, vinyl or ceramic tiles. **Gypsum board or drywall** does NOT include **Gypsum board or drywall** that is **Contaminated**, forms part of a composite material that renders it unsuitable as a **Recyclable material**, or that contains asbestos.

"**Hazardous or reactive chemicals**" means gaseous, liquid or solid waste that:

- a) is explosive, oxidizing or so unstable that it readily undergoes a violent change in the presence of air or water;
- b) generates toxic gases, vapours or fumes by itself or when mixed with water; or
- c) is polymerized in whole or in part by chemical action and causes damage by generating heat or increasing in volume.

"**Hazardous waste**" means gaseous, liquid or solid waste that, because of its inherent nature and quantity, may require special handling and storage techniques to avoid creating health hazards, nuisances or environmental pollution. **Hazardous waste** includes, but is not limited to: toxins, poisons, corrosives, irritants, strong sensitizers, flammables, **Ignitables**, infectious wastes, condemned foods, etc.

"**Ignitable**" means having the properties of:

- a) flammable gas;
- b) flammable liquid; or
- c) flammable solids, substances liable to spontaneous combustion or substances that on contact with water emit flammable gases.

"**Industrial waste**" means any waste originating from an industrial operation including, but not limited to: forestry, pulp and paper, mining, or fisheries.

"**Landclearing debris**" means any root mats, branches, brush, logs, vegetation, or other woody debris more than 75 mm (3 inches) in diameter. **Landclearing debris**

does NOT include stumps.

"Lead-acid batteries" means an electro-chemical cell contained in a plastic case consisting of lead and lead oxide plates and containing a sulphuric acid, which is used to supply an electric power source.

"Liquids or sludges" include:

- a) water containing soil, sand, gravel, other non-hazardous solids, trace levels of petroleum products or grease, including:
 - i) pumpings from parking lot drainage sumps
 - ii) pumpings from domestic and municipal sewage treatment plants and sand filters and pump stations
 - iii) pumpings from domestic septic tanks
 - iv) pumpings from laundry lint traps
 - v) pumpings from grease or oil traps
 - vi) pumpings from sumps which collect runoff from **Vehicle** washing facilities as well as pumpings from facilities used for maintenance or lubrication or automobile components or where solvents or sandblasting are employed for removal of paint, grease or oil
 - vii) spent charcoal from water purification plants
- b) waste sludge from sewerage treatment plants and pump stations
- c) condemned foods
- d) food processing wastes
- e) rainwater/natural precipitation
- f) fluids originating from or with residential or commercial **Solid waste**

"Load" means **Solid waste** that arrives at the **Disposal facility** in a **Vehicle**.

"Marketable" means materials that can be managed through existing recycling programs and for which a commercial market exists.

"Metal containers" means any food or beverage container made of aluminum or tin-plated steel.

"Mixed waste paper" means **Newspaper** and inserts; office paper, including white and coloured ledger paper, computer paper, photocopy paper, writing pads, business forms, phone message notes, file folders, reports, envelopes, non-thermal fax paper, no carbon required (NCR) paper, calculator tape, 'post-it' type notes, business cards, and paper index cards; boxboard, including paper egg cartons, laundry and cereal boxes; junk mail; gift wrapping paper; packing paper; magazines; catalogues; calendars; **Directories**; postcards; and shredded paper. **Mixed waste paper** does NOT include paperback and hardcover books; **Waxed paper fibre products**; carbon paper; materials that are impregnated with blood, grease, oil, chemicals, or food residue; materials that have polyethylene, polystyrene, foil or other non-paper liners or attachments; and materials that are contaminated with a material that will render the **Mixed waste paper** not **Marketable**.

"Newspaper" means ground wood paper.

"Non-commercial organic waste" means compostable organic material from residential generators that includes, but is not limited to: food wastes, including fruits and vegetables, meat, fish, shellfish, poultry, bones, dairy products, cooked foods and other food items; food-soiled paper products, including, but not limited to: pizza boxes, paper towels, paper napkins, paper cups and paper plates; **Waxed paper fibre products**; and plant or organic matter. **Non-commercial organic waste** does NOT include **Yard and garden waste, Sewage screenings, septage, sludge or biosolids, or any plastic or metal materials.**

"Non-refillable propane tanks" means a disposable tank of up to 1 litre capacity, that is typically used for camping purposes and does not allow for refuelling, as it is not equipped with a manual valve.

"Old corrugated cardboard" means fibrous corrugated packaging materials that do not have contaminants such as plastic coatings, or are not impregnated with contaminants such as grease or food. **"Old corrugated cardboard"** does NOT include **"Waxed paper fibre products"**.

"Out-of-area Solid waste" means **Loads**, or a portion thereof, of **Solid waste** that originates from outside the administrative boundaries of the **CVRD**.

"Paint Products" means a product that falls under the 'Paint Product Category' of the *Recycling Regulation* (B.C. Reg. 449/2004) and all amending regulations under the Environmental Management Act.

"Pesticide products" means that which falls under the 'pesticides' product category of the *Recycling Regulation* (B.C. Reg. 449/2004) and all amending regulations.

"Petroleum by-products" means **Used lubricating oil** that is **Contaminated** with any other products, and any fluid or **Liquids or sludges** containing fuel or petroleum-based products.

"Pharmaceutical products" means that which falls under the 'pharmaceuticals' product category of the *Recycling Regulation* (B.C. Reg. 449/2004) and all amending regulations.

"Plastic material" means clean items made from any of a variety of organic synthetic or processed materials that are mostly thermoplastic or thermosetting polymers of high molecular weight and made into objects, films or filaments either marked with a Society of Plastic Industries (SPI) code #1, #2, #3, #4, #5, #6, #7, or unmarked. **Plastic Material** includes clean film plastics, plastic wrap, and plastic sheets, but does NOT include Styrofoam, polystyrene items, or items that have contained **Hazardous waste**.

"Prohibited Waste" means gaseous, liquid or solid waster not accepted at the **Disposal facility** including, but not limited to:

- a) **Asbestos cement**
- b) **Asphalt**
- c) **Beverage containers**
- d) **Biomedical waste**

- e) **Bulky waste**
- f) **Commercial quantities of demolition waste**
- g) **Concrete**
- h) **Confidential files/reports**
- i) **Contaminated soil**
- j) **Dead animals and parts**
- k) **Gas cylinders**, except as permitted in this bylaw
- l) **Hazardous or reactive chemicals**
- m) **Hazardous waste**, except as permitted in this bylaw
- n) **Ignitable materials**, except as permitted in this bylaw
- o) **Industrial waste**
- p) **Landclearing debris**
- q) **Liquids or sludges**
- r) **Loads** containing materials that are smoldering or on fire
- s) **Petroleum by-products**
- t) **Pharmaceuticals**
- u) **Radioactive material**
- v) **Rubble**
- w) **Strong, offensive smelling loads**
- x) **Tight-head barrels**
- y) **Waste asbestos**

"**Radioactive material**" means waste containing a prescribed substance as defined in the *Atomic Energy Control Act* (Canada) in sufficient quantity or concentration to require a license for possession or use under that Act and regulations made under that Act.

"**Rechargeable batteries**" means a product that falls under the 'Electronic and Electrical Product Category' of the *Recycling Regulation* (B.C. Reg. 449/2004) and all amending regulations under the Environmental Management Act.

"**Recyclable materials**" means **Marketable, Source-separated** waste, including, but not limited to:

- a) **Aluminum foil**
- b) **Asphalt roofing**
- c) **Bulk plastic material**
- d) **Cell phones**
- e) **CFC appliances**
- f) **Commercial organic waste**
- g) **Directories**
- h) **Disposable batteries**
- i) **Electronic products**
- j) **Fluorescent lamp ballasts**
- k) **Fluorescent tubes**
- l) **Gasoline**
- m) **Glass containers**
- n) **Gypsum board or drywall**
- o) **Lead-acid batteries**
- p) **Metal containers**
- q) **Mixed waste paper**

- r) *Newspaper*
- s) *Non-commercial organic waste*
- t) *Non-refillable propane tanks*
- u) *Old corrugated cardboard*
- v) *Paint Products*
- w) *Pesticide products*
- x) *Plastic material*
- y) *Rechargeable batteries*
- z) *Refillable propane tanks*
- aa) *Scrap lumber and wood products*
- bb) *Scrap metal*
- cc) *Scrap tires*
- dd) *Solvent and flammable liquids*
- ee) *Styrofoam*
- ff) *Thermostats*
- gg) *Used antifreeze*
- hh) *Used oil*
- ii) *Used oil containers*
- jj) *Used oil filters*
- kk) *White goods*
- ll) *Yard and garden waste*

"**Recycling area**" means that area of the **Disposal facility** that has been designated to receive **Recyclable materials**.

"**Refillable propane tanks**" means a certified tank with a refuelling valve in place. Such tanks are date stamped with an expiry date after which they cannot be refilled.

"**Refuse**" includes, but is not limited to: **Glass Containers, Non-commercial organic waste; Styrofoam; Unmarketable** combustibles such as plastic, leather, wood and paper; non-combustibles such as crockery, glass dirt, street sweepings; all arising from domestic, commercial, institutional or municipal activities, but does NOT include **Industrial Waste**.

"**Regional Board**" means the Board of the Cowichan Valley Regional District.

"**Rubble**" means a mixture of gravel, brick, **Concrete, Asphalt**, and rock originating from demolition or construction sites.

"**Scrap lumber and wood products**" means any clean wood waste including stumps, dimensional lumber and **Composite** wood waste, that is contained in a pick-up sized truck or utility trailer, but does NOT include treated wood products, wood products treated with lead-based paint, or wood anchored to any non-wood products (excluding laminate) such as arborite, linoleum etc.

"**Scrap metal**" means recyclable ferrous and non-ferrous metallic materials, including, but not limited to: sheet metal, siding, roofing, rebar, flashings, pipes, window frames, doors, furnaces, duct work, wire, cable, bathtubs, fencing, bicycle frames, automotive body parts, machinery, garbage cans, metal furniture, tire rims

and **White goods**.

"Scrap Tires" means the outer pneumatic rubber covering of wheels of passenger vehicles, light service trucks and motorcycles with an inner diameter of 43 centimeters (17") or less, on or off rims; must also be a product that falls under the *Recycling Regulation* (B.C. Reg. 449/2004) and all amending regulations under the Environmental Management Act.

"Service Personnel" means any persons performing work at the *Disposal facility* under contract with the **CVRD**.

"Sewage screenings" means the material retained by a preliminary screen at a sewage treatment facility. Generally, this material is made up of non-soluble pieces of paper, plastic, rubber and organic matter and is greater in size than 3 millimetres. **Sewage screening** may contain some fecal matter.

"Site regulations" means regulations as described in Schedule A attached hereto, which must be adhered to by any person using the *Disposal facility*.

"Small load" means **Solid waste** that arrives at the *Disposal facility* in a **Vehicle** having a maximum Gross Vehicle Weight of 5,500 kilograms (12,125 pounds).

"Solid Waste" means **Controlled waste, Recyclable materials** (excluding **Glass containers** and **Non-commercial organic waste**) and **Refuse** suitable for depositing at the *Disposal facility* as **Source-separated waste**. **Solid waste** also includes **Out-of-area Solid waste** but does NOT include **Prohibited waste**.

"Solvents and Flammable liquids" means that which falls under the 'solvents and flammable liquids' product category of the *Recycling Regulation* (B.C. Reg. 449/2004) and all amending regulations.

"Source-separated waste" means **Solid waste** that arrives at the *Disposal facility* and which is separated by means of barriers or placement in containers into clearly distinguishable accumulations of individual **Recyclable materials** (excluding **Glass containers** and **Non-commercial organic waste**), **Refuse** and **Controlled waste**, as applicable. The **CVRD** has adopted a policy of **Zero Tolerance** with regard to **Source-separated waste** that is deposited at the *Disposal facility*.

"Styrofoam" means clean items made from a lightweight foam product formed from Polystyrene plastic. All forms and densities of Styrofoam are accepted; does NOT include blue and pink sheets of insulation. Items must be dry and contaminate-free.

"Thermostat": means a product that falls under the 'Electronic and Electrical Product Category' of the *Recycling Regulation* (B.C. Reg. 449/2004) and all amending regulations under the Environmental Management Act.

"Tight-head barrels" means any metal container with a non-removable top.

"Tire Products" means a product that falls under the 'tire' product category of the

Recycling Regulation (B.C. Reg. 449/2004) and all amending regulations.

"**Treasurer**" means the General Manager, Corporate Services Department of the **CVRD** or his authorized designate.

"**Unmarketable**" means materials that cannot be managed through existing recycling programs.

"**Used antifreeze**" means a liquid, such as ethylene glycol or alcohol, that may be mixed with water and has been used as a radiator fluid, but does not contain lubricating oil or petroleum products.

"**Used Oil**" means that which falls under the 'lubricating oil' product category as defined in the *Recycling Regulation* (B.C. Reg. 449/2004)

"**Used Oil Containers**" means any plastic container, as defined under 'empty oil containers' under the *Recycling Regulation* (B.C. Reg. 449/2004) and all amending regulations, with a capacity of less than 30 litres that was manufactured to hold lubricating oil.

"**Used Oil Filters**" means that which falls under the 'oil filters' product category of the *Recycling Regulation* (B.C. Reg. 449/2004) and all amending regulations.

"**Vehicle**" means a **Vehicle** as defined by the provincial *Motor Vehicle Act*.

"**Visitor**" means a person who arrives at the **Disposal facility** for purposes other than to deposit **Solid waste**.

"**Waste asbestos**" means waste containing friable asbestos fibres or asbestos dust greater than 1% either at the time of manufacture, or as determined using a method specified in Section 40(1) of the provincial *Hazardous Waste Regulation* (B.C. Reg. 63/88).

"**Waste sharps**" means needles, syringes, blades or other materials capable of causing punctures or cuts, originating from residential, agricultural or commercial generators.

"**Waxed paper fibre products**" means paper fibre products to which a wax coating has been applied, and includes, but is not limited to: waxed cardboard, waxed boxboard, waxed paper milk or beverage cartons, waxed paper cups, waxed paper liners and other packaging, etc.

"**White goods**" means metal appliances and fixtures such as residential clothes washers, dishwashers, clothes dryers, ranges, stoves, microwave ovens, hot water tanks, bathtubs and sinks, but does NOT include **CFC appliances** unless properly certified as having refrigerants professionally removed.

"**Yard and garden waste**" means biodegradable, **Source-separated waste**, including, but not limited to: grass, lawn and hedge clippings, flowers, weeds, leaves, vegetable stalks, shrubs, and shrub and tree branches less than 75 millimetres (3 inches) in diameter, but do NOT include stumps.

"Zero tolerance" means those materials defined as **Solid waste** must not contain any **Contamination** as judged by and at the discretion of the **Engineer**.

b) Delete Condition 3 (j) in its entirety and replace with the following:

"Recyclable materials" (excluding **Glass containers, Non-commercial organic waste and Styrofoam**) brought to the **Disposal facility** in **Small loads** will be accepted at the **Disposal facility** at no charge, unless:

- i) such materials are specified in Schedule B of this Bylaw, in which case those charges will apply, or
- ii) the **Recyclable materials** (excluding **Glass containers, Non-commercial organic waste and Styrofoam**) are not **Source-separated wastes** in which case the charges set out in Section 4 of this bylaw shall be payable, or
- iii) the **Recyclable materials** are listed as **Prohibited waste** in Section 2 of this bylaw.

c) That Schedule B to Bylaw No. 2108 be deleted in its entirety and replaced with Schedule B attached hereto and forming part of this Bylaw.

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

Chairperson

Corporate Secretary



SCHEDULE B

TO CVRD BYLAW NO. 2108

**CHARGES FOR SOLID WASTE,
CONTROLLED WASTE AND RECYCLABLE MATERIALS**

1. The charge for depositing *Solid Waste, Controlled Wastes and Recyclable Materials* at the *Disposal facility* is:

ITEM	#	DESCRIPTION	IN-AREA CHARGE	OUT-OF-AREA CHARGE
REFUSE	1a	As measured by weight on the scale provided at the <i>Disposal facility</i> by the <i>CVRD</i> ; or	\$137.00/tonne	\$500.00/tonne
	1b	As a minimum charge for <i>Loads</i> weighing not more than 25 kilograms (55 pounds) and delivered by a <i>Vehicle</i> .	\$5.00/load	\$50.00/load
ASPHALT ROOFING	2	As measured by weight on the scale provided at the Bings Creek Solid Waste Management Complex <i>Disposal facility</i> by the <i>CVRD</i> .	\$110.00/tonne	Not Accepted
CFC APPLIANCES	3a	No charge for <i>CVRD</i> residents or non-profit groups for quantities up to 1 unit.	No Charge	Not Accepted
	3b	No charge for <i>CVRD</i> residents or non-profit groups for quantities greater than 1 unit if the units have had all CFCs removed by a certified professional and have been labelled as such.	No Charge	Not Accepted
	3c	Per unit charge for quantities greater than 1 unit if the units have not had CFCs removed.	\$15.00/unit	Not Accepted
COMMERCIAL ORGANIC WASTE	4	As measured by weight on the scale provided at the Bings Creek Solid Waste Management Complex <i>Disposal facility</i> by the <i>CVRD</i> .	\$95.00/tonne	Not Accepted
FLUORESCENT LAMP BALLASTS	5a	No charge for <i>CVRD</i> residents or non-profit groups for quantities up to 6 units weighing not more than 2 kilograms (4.4 pounds) each..	No Charge	Not Accepted
	5b	Commercial generator/collector fees will apply to units weighing greater than 2 kilograms (4.4 pounds) each.	\$5.00/unit	Not Accepted
FLUORESCENT TUBES	6a	No charge for <i>CVRD</i> residents or non-profit groups for quantities up to 16 tubes and 16 compact fluorescents per day.	No Charge	Not Accepted
	6b	Commercial generator/collector fees: <ul style="list-style-type: none"> • Straight Fluorescent Lights (any length), U-Tubes and Compact Fluorescents • Mercury, High-Pressure and Sodium Vapour Lamps 	\$0.50/unit \$3.00 /unit	Not Accepted

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ITEM	#	DESCRIPTION	IN-AREA CHARGE	OUT-OF-AREA CHARGE
GYPSUM BOARD OR DRYWALL	7	As measured by weight on the scale provided at the Bings Creek Solid Waste Management Complex <i>Disposal facility</i> by the <i>CVRD</i> .	\$180.00/tonne	Not Accepted
HOUSEHOLD/ DISPOSABLE BATTERIES	8a	No charge to <i>CVRD</i> residents or non-profit groups for quantities up to 24 units.	No Charge	Not Accepted
	8b	Commercial generator/collector fee (flat rate) will apply to a volume of material lesser than or equal to that which can be contained within a 23 litre (5 gallon) bucket.	\$120.00	Not Accepted
LUBRICATING OIL	9	No charge for <i>CVRD</i> residents or non-profit groups for quantities up to 20 litres.	No Charge	Not Accepted
NON-COMMERCIAL ORGANIC WASTE	10a	As measured by weight on the scale provided at the Bings Creek Solid Waste Management Complex <i>Disposal facility</i> by the <i>CVRD</i> ; or	\$95.00/tonne	Not Accepted
	10b	A minimum charge for <i>Loads</i> exceeding 23 litres (5 gallons) in volume, but weighing not more than 25 kg (55 pounds) and delivered by a <i>Vehicle</i> .	\$3.00/load	Not Accepted
	10c	For a volume of material lesser than or equal to that which can be contained within a 23-litre (5-gallon) bucket.	No Charge	Not Accepted
SCRAP LUMBER AND WOOD PRODUCTS	11	As measured by weight on the scale provided at the Bings Creek Solid Waste Management Complex <i>Disposal facility</i> by the <i>CVRD</i> .	\$85.00/tonne	Not Accepted
TIRE PRODUCTS	13	No charge for <i>CVRD</i> residents or non-profit groups for quantities up to 4 units, per day, with an inner diameter not exceeding 43 centimetres (17 inches) each.	No Charge	Not Accepted
USED ANTIFREEZE	14	No charge for <i>CVRD</i> residents or non-profit groups for quantities up to 4 litres.	No Charge	Not Accepted

2. The charge for depositing **Solid waste** that is not **Source-separated waste** at the **Disposal facility** is as outlined in Section 5 of this bylaw.
3. In the event that the scales provided are not operational, or in the event of traffic congestion, or at the discretion of the **Engineer**, weights of **Loads** and **Small loads** shall be as estimated by the **Engineer** and a fee shall be charged as outlined in Section 1 above.
4. Where the charge for depositing **Solid waste** at the **Disposal facility** is described under Section 4 of this bylaw, the charge payable shall be paid following the weighing of the empty **Vehicle** after the load is deposited and shall be based on the difference in weight between the loaded weight and the weight of the empty **Vehicle**.
5. Notwithstanding Section 5 hereof, any person depositing **Solid waste** at the **Disposal facility** on a regular basis may apply in writing to the **CVRD** for credit and if the **Treasurer** is satisfied of the credit worthiness of the person, he or she may grant credit to that person, in which case payment of the charge imposed under Section 4 shall be made and the credit extended on the conditions of the application.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3477

**A Bylaw to Amend Bylaw No. 1958 – Cowichan Valley Regional District
Garbage and/or Recyclable Materials Collection Bylaw**

WHEREAS the Board of Directors of the Cowichan Valley Regional District established collection rates for the collection of garbage and/or recyclable materials under the provision of Bylaw No. 1958, cited as "CVRD Bylaw No. 1958 - Cowichan Valley Regional District Garbage and/or Recyclable Material Collection Bylaw, 1999";

AND WHEREAS the Board of Directors of the Cowichan Valley Regional District deems it desirable to amend the fee structure for Recycling and Garbage Collection Rates;

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

1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3477 – Cowichan Valley Regional District Garbage and/or Recyclable Materials Collection Amendment Bylaw, 2011".

2. AMENDMENT

- a) That Schedule A to Bylaw No. 1958 be deleted its entirety and replaced with Schedule A attached hereto and forming part of this bylaw.

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

Chairperson

Corporate Secretary



SCHEDULE A

TO BYLAW NO. 1958

RECYCLING AND GARBAGE COLLECTION RATES

1.

Electoral Area	Frequency of Garbage Collection Service	Maximum Number of Garbage Containers Collected per Service	Frequency of Recycling Collection Service	Basic Rate (Per Annum)
A	None	None	Bi-weekly	\$45.00
B	None	None	Bi-weekly	\$45.00
C	None	None	Bi-weekly	\$ 49.00
D	Bi-weekly	2 with bi-weekly service	Bi-weekly	\$152.00
E	Bi-weekly	2 with bi-weekly service	Bi-weekly	\$152.00
F	Bi-weekly, (Weekly June 15 – Oct. 15)	2 with bi-weekly service 1 with weekly service	Bi-weekly	\$178.00
G	Bi-weekly	2 with bi-weekly service	Bi-weekly	\$152.00
H	None	None	Bi-weekly	\$49.00
I	Bi-weekly, (Weekly June 15 – Oct. 15)	2 with bi-weekly service 1 with weekly service	Bi-weekly	\$178.00

2. Tags for disposal of extra **Garbage** allows for setting out additional **Garbage Containers** over and above those permitted under Item 1, but limited to the maximum specified under Section 5 (1) (a) (vi).

\$2.50 per **Garbage Container**



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3489

A Bylaw to Amend the Boundaries of the Cowichan Bay Sewer System Service Area

WHEREAS the Board of the Cowichan Valley Regional District established the *Cowichan Bay Sewer System Service Area* under the provisions of Bylaw No. 2128, cited as "CVRD Bylaw No. 2128 - Cowichan Bay Sewer System Service Establishment Bylaw, 2000", 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 two properties:

- PID 009-032-649, Parcel B (DD47244I) of Section 6, Range 4, Cowichan District, Except Parts in Plan 4159, 4307, 8219, 9529, 17353, 19696 and VIP81664; and
- PID 005-167-841, Lot 1, Section 5, Range 4, Cowichan District, Plan 10957, Except That Part of Said Lot Shown Outlined in Red on Plan 1656-R and Except Parts in Plans 15342, 16358, 18893 and VIP81664;

AND WHEREAS the property owners have petitioned the Regional District Board to include the properties in the service area;

AND WHEREAS the Director for Electoral Area D - Cowichan Bay has consented, in writing, to the adoption of this bylaw;

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

1. **CITATION**

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3489 – Cowichan Bay Sewer System Service Area Amendment Bylaw, 2011".

2. **AMENDMENT**

That CVRD Bylaw No. 2128 be amended as follows:

That Schedule A to CVRD Bylaw No. 2128 be deleted and replaced with the Schedule A attached to this bylaw.

READ A FIRST TIME this _____ day of _____, 2011.

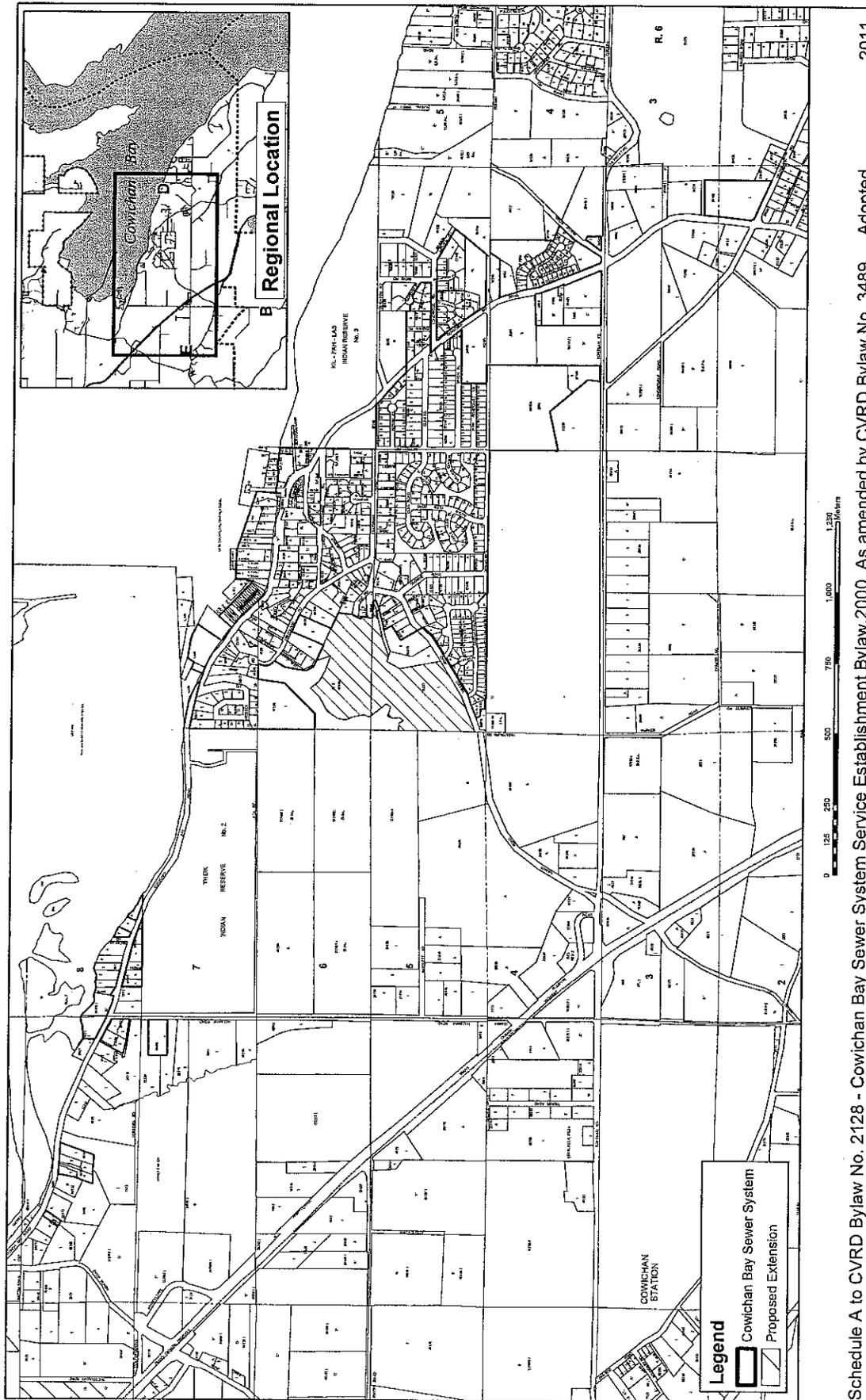
READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

Chair

Corporate Secretary



Schedule A to CVRD Bylaw No. 2128 - Cowichan Bay Sewer System Service Establishment Bylaw, 2000. As amended by CVRD Bylaw No. 3489. Adopted _____ 2011.



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3490

A Bylaw to Establish a Solid Waste Works Remediation Reserve Fund for the Solid Waste Management Local Service Area

WHEREAS the Board of the Cowichan Valley Regional District established the *Solid Waste Management Local Service Area* under the provisions of the CVRD Bylaw No. 1758, cited as "CVRD – Solid Waste Management Local Service Establishment Bylaw No. 22, 1996";

WHEREAS the *Local Government Act* and *Community Charter* empower regional districts to establish reserve funds for specified purposes;

AND WHEREAS the Board wishes to establish a Solid Waste Works Remediation Reserve Fund to be used for the purposes of assessment, cleanup and monitoring costs associated with remediation of landfills, ashfills and solid waste sites within the whole of the Cowichan Valley Regional District;

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

1. CITATION

This bylaw may be cited for all purposes as "CVRD Bylaw No. 3490 – Solid Waste Works Remediation Reserve Fund Establishment Bylaw, 2011".

2. ESTABLISHMENT OF FUND

A Remediation Reserve Fund to be known as the "Solid Waste Works Remediation Reserve Fund" is hereby established.

3. PAYMENTS INTO FUND

Money from the per tonne remediation tipping fee may be paid into the Solid Waste Works Remediation Reserve Fund.

4. EXPENDITURES FROM FUND

- a) Money in the Solid Waste Works Remediation Reserve Fund, and interest earned on it, shall only be used for assessment, cleanup and monitoring costs, and all things necessary in connection therewith without limiting the generality of the foregoing, associated with landfills, ashfills and solid waste facilities within the whole of the Cowichan Valley Regional District.

.../2

- b) The expenditures of funds in the Solid Waste Works Remediation Reserve Fund shall by authorized by bylaw.

READ A FIRST TIME this _____ day of _____, 2011.

READ A SECOND TIME this _____ day of _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

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**

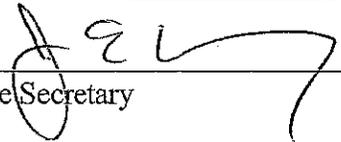
This bylaw has been examined in light of the most recent Capital Expenditure Program and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

READ A FIRST TIME this 12th day of May, 2010.

READ A SECOND TIME this 12th day of May, 2010.

READ A THIRD TIME this 14th day of July, 2010.

I hereby certify this to be a true and correct copy of Bylaw No. 3387 as given Third Reading on the 14th day of July, 2010.



Corporate Secretary

JULY 19, 2010

Date

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT* this 12th day of March, 2011.

ADOPTED this _____ day of _____, 2011.

Chairperson

Corporate Secretary



C·V·R·D

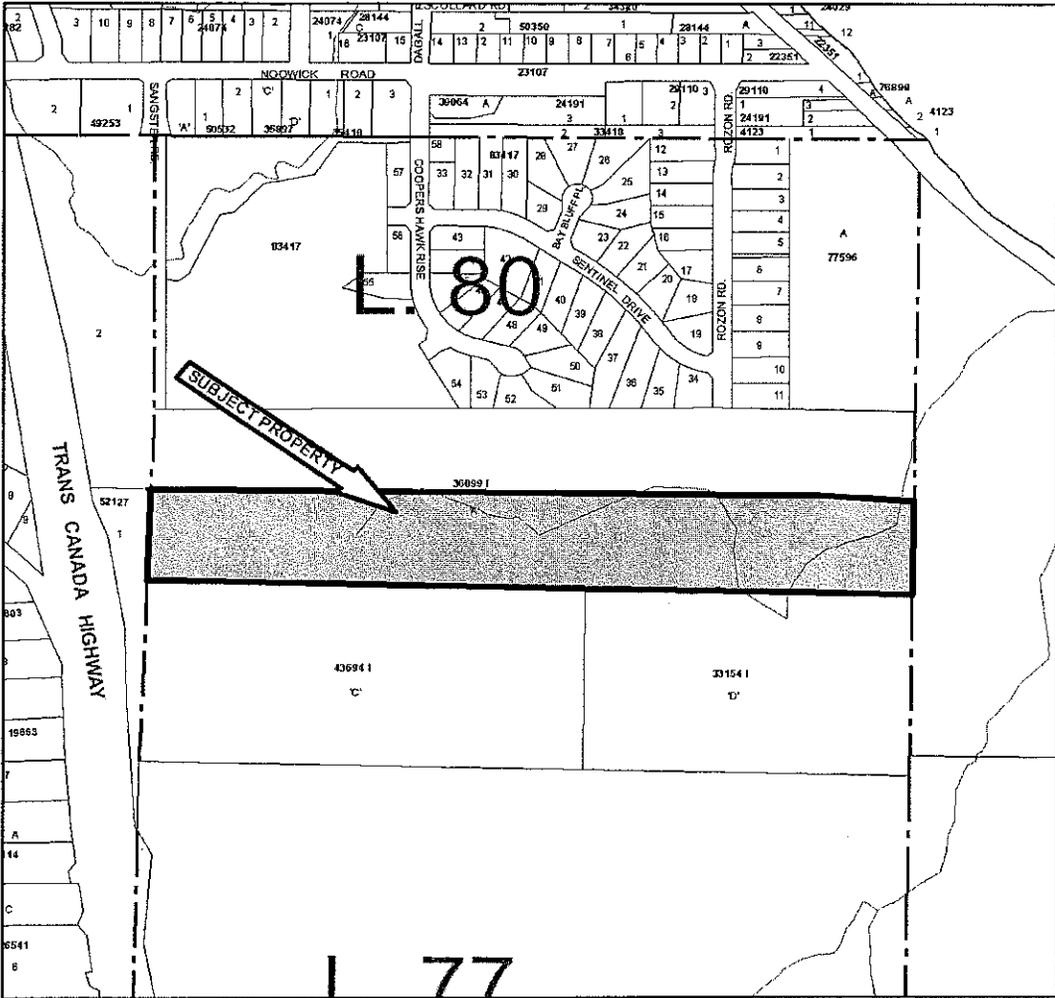
SCHEDULE "A"

To CVRD Bylaw No. 3387

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

1. That a part of Parcel A (DD 36099^h) 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^h) 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^h) 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 PLAN AMENDMENT 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**

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 36099¹) 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).

3. FORCE AND EFFECT

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

READ A FIRST TIME this 12th day of May , 2010.

READ A SECOND TIME this 12th day of May , 2010.

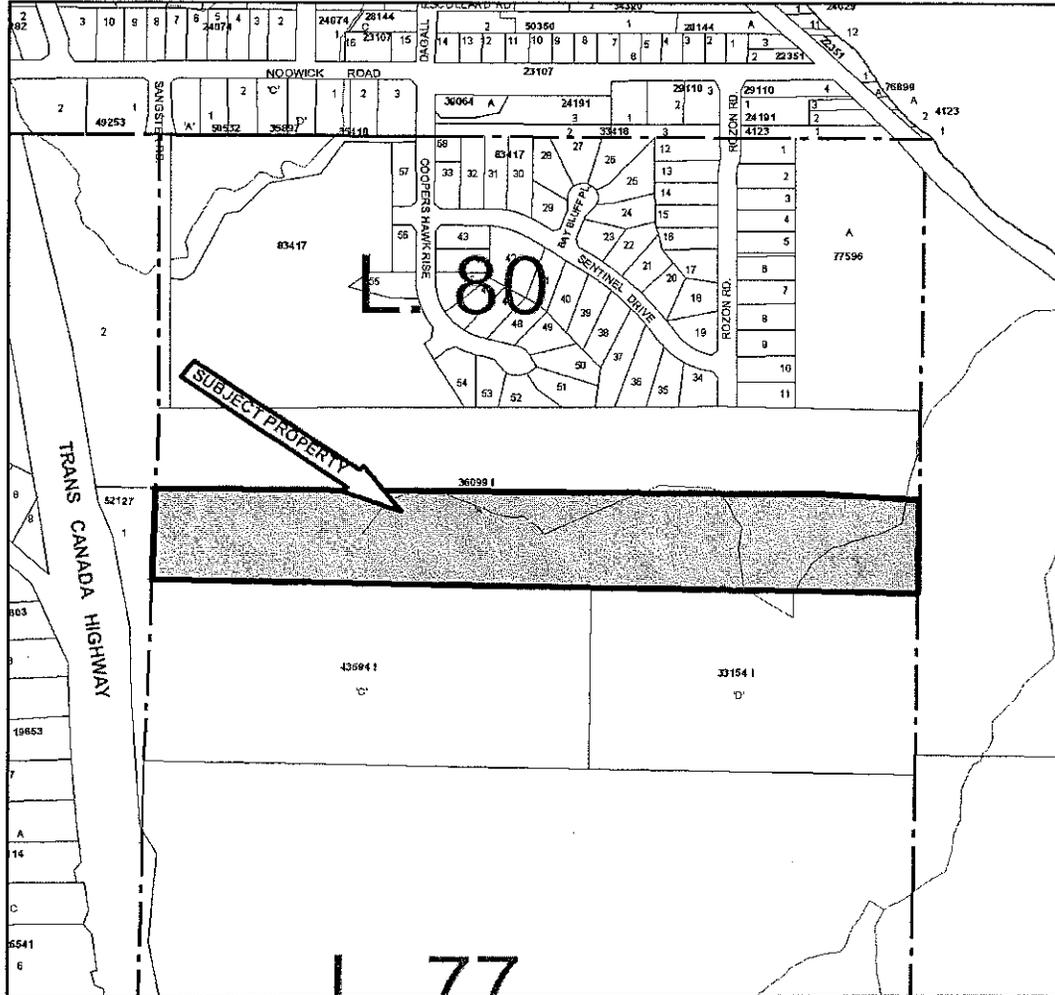
READ A THIRD TIME this 14th day of July , 2010.

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

F-1 (Primary Forestry)

TO

R-3A (Urban Residential – Limited Height)

APPLICABLE

TO ELECTORAL AREA A



B10

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3460

**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 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 notification period and with due regard to the public comments 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, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3460 - Area H – North Oyster/Diamond Zoning Amendment Bylaw (Doole Road A1-A2), 2011**".

2. **AMENDMENTS**

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

- a) That Schedule B (Zoning Map) to Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020 is amended by rezoning that part of Lot A, District Lot 11, Oyster District, Plan VIP 63675 that is zoned as Primary Agricultural A-1, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-3460, from Primary Agricultural A-1 to Secondary Agricultural A-2.

.../2

3. FORCE AND EFFECT

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

READ A FIRST TIME this 9th day of March, 2011.

READ A SECOND TIME this 9th day of March, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

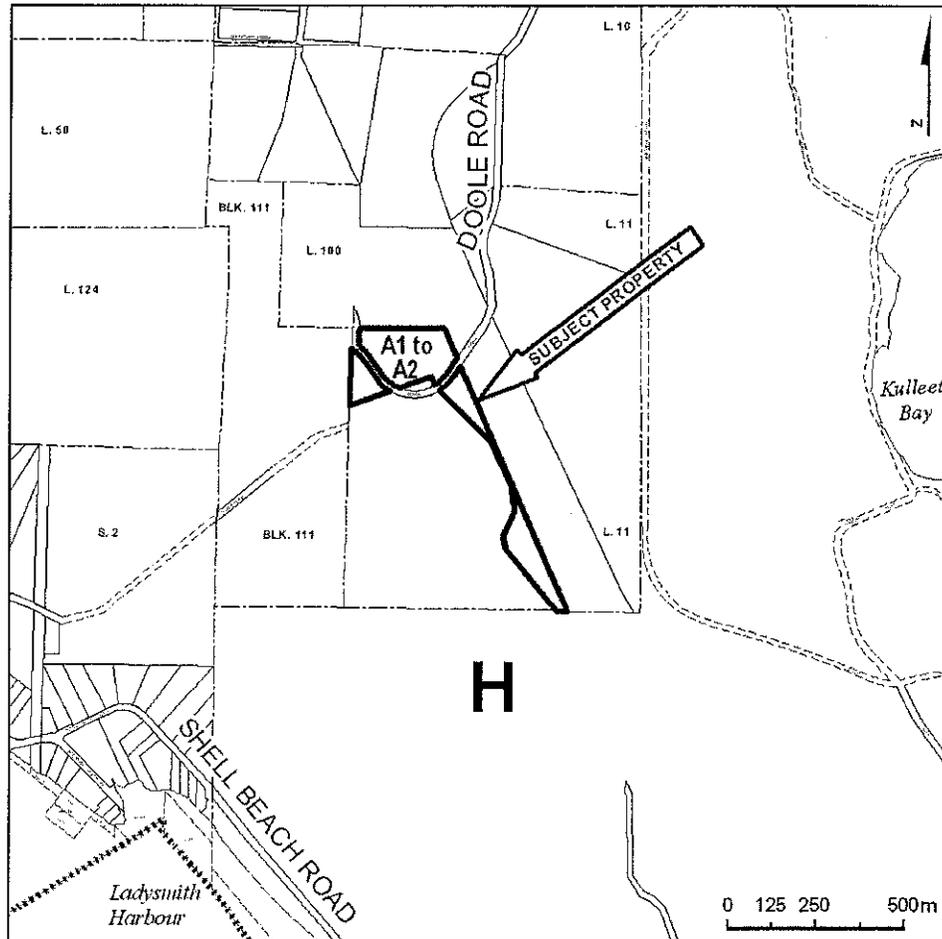
Chairperson

Corporate Secretary

PLAN NO. Z-3460

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

3460



THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM

A-1 (Primary Agricultural)

TO

A-2 (Secondary Agricultural)

APPLICABLE

TO ELECTORAL AREA H



C·V·R·D

B11

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 3461

A Bylaw to Authorize a Phased Development Agreement

WHEREAS the *Local Government Act*, hereafter referred to as the "Act", as amended, empowers the Regional Board to enter into Agreements;

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 enter into the Agreement;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**Cowichan Valley Regional District Bylaw No. 3461, Phased Development Agreement Authorization Bylaw (Cowichan Bay Estates), 2011**".

2. **AUTHORIZATION**

The Cowichan Valley Regional District may enter into and the Chair and Corporate Secretary may execute and deliver an agreement with Cowichan Bay Estates Ltd. (CBE) in the form attached as Schedule A to this bylaw.

3. **FORCE AND EFFECT**

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

.../2

READ A FIRST TIME this _____ 9th _____ day of _____ February _____, 2011.

READ A SECOND TIME this _____ 9th _____ day of _____ February _____, 2011.

READ A THIRD TIME this _____ day of _____, 2011.

ADOPTED this _____ day of _____, 2011.

Chairperson

Corporate Secretary

SCHEDULE "A"

To CVRD Bylaw No. 3461

PHASED DEVELOPMENT AGREEMENT

This Agreement dated for reference the ___ day of _____, 2011 is

AMONG:

COWICHAN VALLEY REGIONAL DISTRICT, a regional district incorporated under the *Local Government Act* having an office at 175 Ingram Street, Duncan, BC, V9L 1N8.

(the "District")

AND:

COWICHAN BAY ESTATES LTD. (CBE) (Inc. No. BC0717850), a company having an office at 200-2640 Beverly Street, Duncan, BC V9L 3X1.

(the "Owner")

WHEREAS:

- A. The Owner is the registered owner of land legally described in Schedule A (the "Land");
- B. The Owner wishes to provide certain amenities and features in the development of the Land, and the parties wish to ensure that certain provisions of the District's Zoning Bylaw continue to apply to the Land for the period more particularly set out in the Agreement; and
- C. The District's Board has authorized this Agreement by bylaw adopted pursuant to section 905.1 of the *Local Government Act*.

NOW THEREFORE in consideration of the mutual promises set out in the Agreement, the parties agree pursuant to section 905.1 of the *Local Government Act* as follows:

1.0 DEFINITIONS AND INTERPRETATION

1.1 In this Agreement:

"Agreement" means this agreement and any amendments that are made to this agreement.

"amenities" and "amenities and features" means the amenities and features to be provided by the Owner in relation to the Development, as described in Schedule B.

"Board" means the Board of the Cowichan Valley Regional District.

"Cowichan Bay Specified Service Area" means the service area established under CVRD Bylaw No. 2128 – Cowichan Bay Sewer Service Establishment Bylaw, 2000.

"Development" means the subdivision and development of the Lands that are described in sections 2 and 3 of Schedule A, as shown on Schedule B1.

"Eagle Heights Sewer Specified Area" means the service area established under CVRD Bylaw No. 2136 – Eagle Heights Sewer Service Establishment Bylaw, 2000.

"final subdivision approval" means the Approving Officer's approval of a subdivision plan pursuant to Part 7 of the *Land Title Act*, and for certainty does not mean preliminary or conditional approval.

"Joint Utilities Board" means the representatives of the Cowichan Valley Regional District, District of North Cowichan, City of Duncan and the Cowichan Tribes, duly appointed to operate the WasteWater Treatment Plant.

"MOTI" means the Ministry of Transportation and Infrastructure (British Columbia).

"Phase" means a phase of the Development as shown on Schedule B1, and a reference to a Phase followed by a number (for example "Phase 1") means the Phase of the Development that is assigned that number in Schedule B1.

"sewer capacity unit" means a unit of capacity in the Waste Water Treatment Plant that is necessary for treating the sewage discharged by one dwelling.

"Specified Zoning Bylaw Provisions" means sections 8.2(a) and 13 of the Zoning Bylaw.

"Waste Water Treatment Plant" means the waste water treatment plant that is operated by the Joint Utilities Board.

"Zoning Bylaw" means the Cowichan Valley Regional District Electoral Area D Zoning Bylaw No. 1015 as amended or replaced from time to time.

1.2 The headings and captions are for convenience only and do not form a part of this Agreement and will not be used to interpret, define or limit the scope, extent or intent of this Agreement or any of its provisions.

1.3 The word "including" when following any general term or statement is not to be construed as limiting the general term or statement to the specific items or matters set forth or to similar terms or matters but rather as permitting it to refer to other items or matters that could reasonably fall within its scope.

1.4 A reference to currency means Canadian currency.

1.5 A reference to a statute includes every regulation made pursuant thereto, all amendments to the statute or to any such regulation in force from time to time, and any statute or regulation that supplements or supersedes such statute or any such regulation.

- 1.6 This Agreement shall be governed by and construed in accordance with and governed by the laws applicable in the Province of British Columbia.
- 1.7 A reference to time or date is to the local time or date in Duncan, British Columbia.
- 1.8 A word importing the masculine gender includes the feminine or neuter, and a word importing the singular includes the plural and vice versa.
- 1.9 A reference to approval, authorization, consent, designation, waiver or notice means written approval, authorization, consent, designation, waiver or notice.
- 1.10 For the purposes of this Agreement, except as otherwise expressly provided herein all references in this Agreement to an article, section, subsection, paragraph, or other subdivision, or to a schedule, is to the article, section, subsection, paragraph or other subdivision of or schedule to this Agreement.

2.0 SCHEDULES

2.1 The following Schedules are attached to and form part of this Agreement:

- (a) Schedule A - Description of the Lands;
- (b) Schedule A-1 - Map Showing General Location and Boundaries of the Lands;
- (c) Schedule B - Amenities;
- (d) Schedule B1 - Phasing Map; and
- (e) Schedule C - Section 219 Covenant.

3.0 APPLICATION OF AGREEMENT

3.1 This Agreement applies to the Land, including any parcels of land into which the Land may be subdivided. This Agreement applies to the Land and to no other land.

4.0 BYLAW AMENDMENTS NOT TO APPLY

4.1 For this term of this Agreement, any amendment or repeal of the Specified Zoning Bylaw Provisions that would limit the use or density of development that is permitted on the Land as of the date of execution of the Agreement shall not apply to the Land, except:

- (a) as provided in section 905.1(6) of the *Local Government Act*; or
- (b) to the extent that the Owner of any parcel comprising the Land agrees in writing that the amendment or repeal shall apply to that Land.

5.0 TERM OF AGREEMENT AND TERMINATION

- 5.1 The term of the Agreement is five years from the date of execution of this Agreement.
- 5.2 The parties may terminate this Agreement at any time by written agreement.
- 5.3 If the amenities and features of the Development are not provided to the standards and at the times set out in Schedule B, on which question the opinion of the District shall be determinative, provided that the District may not act unreasonably, the District may at its option terminate this Agreement by providing notice in writing to the Owner, provided that the District has at least two (2) months prior to giving such notice advised the Owner in writing of an alleged failure (the "Default Notice") to provide such amenities and features in accordance with the Agreement and the Owner has not corrected the deficiency to the reasonable satisfaction of the District, or if such default reasonably requires longer than two (2) months to remedy, the Owner has failed to substantially commence remedying such default within two (2) months after receipt of the Default Notice to the reasonable satisfaction of the District, or has failed to substantially complete remedying the default within six (6) months after receipt of the Default Notice to the reasonable satisfaction of the District.

6.0 CONDITIONS FOR DEVELOPMENT OF LAND

- 6.1 The Owner covenants and agrees that it shall not develop the Lands, disturb the surface of the Lands, cut or damage vegetation or trees on the Lands or subdivide the Lands except in accordance with the terms of this Agreement.
- 6.2 The Owner covenants and agrees that it shall not subdivide the Lands or develop the Lands or any part of the Lands, and that it shall not construct any buildings or structures upon the Lands or any part of the Lands, unless and until:
- (a) the Board has adopted a bylaw to include the Lands described in sections 2 and 3 of Schedule A within the Cowichan Bay Specified Service Area;
 - (b) the Owner has provided to the District's satisfaction evidence that the District of North Cowichan has entered into a binding agreement with the Owner to transfer to the benefit of the Cowichan Bay Specified Service Area, 36 of the sewer capacity units currently held by the District of North Cowichan in the Waste Water Treatment Plant;
 - (c) the Owner has paid to the District \$11,200 for each sewer capacity unit that is to be allocated to the Development of the Lands in accordance with section 11.2 of this Agreement;

- (d) with respect to the Phase of the Development for which the Owner is seeking subdivision or development approval, the Owner has provided to the District's satisfaction all of the amenities and features required to be provided prior to the subdivision or development of that Phase, as described in Schedule B.

6.3 Except as expressly provided in this Agreement, nothing in this Agreement shall relieve the Owner from any obligation or requirement arising under any applicable statute, bylaw or regulation in respect of the subdivision and development of the Lands, and without limiting the generality of the forgoing, the Owner shall remain fully responsible to ensure that the subdivision and development of the Lands is in full compliance with all requirements of the bylaws of the District respecting land development, zoning, subdivision and building construction.

6.4 Without limiting the generality of section 6.3, in connection with any application for approval of subdivision or development of the Lands or any part of the Lands, the Owner must:

- (a) obtain a development permit if required under the applicable Official Community Plan Bylaw, as amended from time to time;
- (b) be responsible for the design and construction of a sewer collection system for the Phase for which subdivision or development approval is sought, in accordance with the District's engineering standards;
- (c) in respect of any subdivision, obtain the approval of the approving officer for the Ministry of Transportation and Infrastructure, and must comply with all applicable enactments and bylaws in connection with that subdivision; and
- (d) pay all applicable connection fees for the connection of any building or structure to the Cowichan Bay Specified Service Area.

7.0 AMENITIES AND FEATURES OF THE DEVELOPMENT

7.1 The Owner shall provide at its sole cost the amenities and features listed in Schedule B at the times specified in Schedule B, and in accordance with the other requirements stated in Schedule B.

7.2 The Owner acknowledges that the amenities and features described in Schedule B are not "excess or extended services" as defined in section 939 of the *Local Government Act*, and are not works or services included in the calculations used to determine the amount of any development cost charge.

- 7.3 The Owner shall at its sole cost prepare all plans, transfer forms and other documents necessary to give effect to the transfers of those parts of the Lands required to be made under Schedule B, and shall forward all such plans, transfer forms and other documents, duly executed by the Owner, and (where necessary) by registered chargeholders, to the District at least seven days before the date the transfer is to be registered, on trust conditions that are satisfactory to the Developer's solicitor and the District's solicitors. Unless the District agrees otherwise in writing, in the case of the transfer of part of an existing parcel, such transfer shall be effected by the Owner through the registration of one or more reference plans pursuant to Section 99(1)(h) of the *Land Title Act*, creating each parcel that is to be transferred to the District as a separate legal parcel, together with the filing of the necessary Form A Transfer in favour of the District.
- 7.4 The Owner shall satisfy all legal requirements and conditions necessary to effect the transfer of the portions of the Lands required under Schedule B, and shall obtain all necessary approvals required for any subdivision of the Lands necessary to effect those transfers, all at the Owner's sole cost.
- 7.5 The Owner and the District both confirm and agree that the transfer of parts of the Lands as required under Schedule B is not intended as a dedication of park land pursuant to section 941 of the *Local Government Act*, notwithstanding that certain parts of the Lands may be used for public purposes, but rather is intended as an additional amenity provided for the benefit of the public as contemplated under section 905.1(4) of the *Local Government Act*, and to which section 941(4.1) of the *Local Government Act* does not apply.
- 7.6 Unless otherwise specified in Schedule B, all amenities and features required under Schedule B, shall be designed and constructed by the Owner to existing District standards and specifications for similar services ("District Standards and Specifications"), or where such standards or specifications currently do not exist, to a design standard acceptable and approved by the District in its sole discretion.
- 7.7 The Owner shall apply for and obtain any permit or approval required under the authority of any public authority (including but not limited to the District) or under any statute, regulation or bylaw, for the construction or provision of the amenities and features. Further, all amenities and features shall be provided and constructed in compliance with the conditions of any permit or approval issued by such public authority or under such statute, regulation or bylaw. Where the terms of approval require the Owner to provide a warranty or security in relation to the construction or completion of any of the amenities, the Owner shall submit to the District evidence of compliance with the terms and conditions of all such approvals, and completion of the amenities and features in accordance with such approvals, including copies of any warranties or security required under the terms of such approvals, all to the satisfaction of the District.

7.8 The Owner shall prepare and submit to the District for approval in advance of any construction, detailed construction drawings and specifications for each amenity or feature required under this Agreement. The drawings and specifications must be in such detail as is reasonably necessary to demonstrate that the amenities and features will comply with this Agreement, and where applicable with District Standards and Specifications, and must be submitted to and approved by the District before the construction of any required amenity or feature is commenced.

8.0 PUBLIC LAND USE DESIGNATIONS

8.1 The Owner acknowledges that this Agreement designates certain portions of the Lands for public use only, in contemplation of those portions of the Lands being transferred to the District or to other parties pursuant to this Agreement, and agrees that such designations do not, considered together with the provisions of the Zoning Amendment Bylaw in effect, in respect of other portions of the Lands, effect any reduction in the value of the Owner's interest in the Lands. The Owner agrees that such designations accordingly do not entitle the Owner to compensation under s. 312 of the *Local Government Act* or otherwise, and irrevocably waives any entitlement to such compensation.

9.0 DENSITY OF DEVELOPMENT

9.1 The Owner covenants and agrees that it shall subdivide and develop the Lands in accordance with the plan of Development attached as Schedule B1 to this Agreement, and that notwithstanding that the Zoning Bylaw and the Specified Zoning Provisions permit a greater density of development or a greater variety of permitted uses, that the Owner shall only subdivide the Lands into a maximum of 102 lots, and shall construct only one single family home on each lot.

10. PHASING OF DEVELOPMENT

10.1 The Owner covenants and agrees to subdivide and develop the Lands in Phases of the Development shown on Schedule B1, in numerical order, commencing with Phase 1, except that with the written consent of the District each Phase may be amended to a series of sub-phases, unless the District determines, in its sole discretion, that such sub-phasing is not required or advisable.

11.0 EXPANSION OF SEWER SERVICE AND ALLOCATION OF SEWER CAPACITY UNITS

11.1 The Owner acknowledges that the Lands described in sections 2 and 3 of Schedule A are not presently situated within the Cowichan Bay Specified Service Area and that the District does not, and is not legally obliged to, provide sanitary sewer (collection and treatment) services to those parts of the Lands, and that unless and until the conditions

referred to in this Article are fulfilled, the District shall have no obligation to provide sanitary sewer service for the purpose of the Development.

11.2 The Owner agrees that it shall not develop or subdivide the Lands unless and until the following conditions are fulfilled:

- (a) the Board has adopted a bylaw to include the Lands described in sections 2 and 3 of Schedule A within the Cowichan Bay Specified Service Area;
- (b) the District of North Cowichan and the Board has agreed to transfer to the benefit of the Cowichan Bay Specified Service Area a total of 96 sewer capacity units currently held by the District of North Cowichan and the District (for the benefit of Eagle Heights Sewer Specified Area) in the Waste Water Treatment Plant, as follows:
 - (i) 36 sewer capacity units from the District of North Cowichan; and
 - (ii) 60 sewer capacity units from the District (Eagle Heights Sewer Specified Area);
- (c) the Board must agree to allocate the sewer capacity units referred to in subsection (b) for the purpose of the Development and as well must allocate to the Lands described in section 2 of Schedule A, 6 sewer capacity units presently allocated to the Lands described in section 1 of Schedule A; and
- (d) the Owner must pay to the District the sum of \$11,200 for each sewer capacity unit that is allocated to the Development, under section 11.2(b), and the District shall allocate from the funds collected \$11,200.00 x 60 sewer capacity units to the Eagle Heights Sewer Specified Area, and \$11,200.00 x 36 sewer capacity units to the District of North Cowichan.

11.3 The Owner acknowledges that the adoption of a bylaw to include the Lands described in sections 2 and 3 of Schedule A within the Cowichan Bay Specified Service Area is a legislative decision of the Board and that nothing contained in or implied under this Agreement shall fetter the discretion of the Board in the exercise of its legislative powers in respect of the adoption of such bylaw.

12.0 ASSIGNMENT OF AGREEMENT

12.1 Any Owner may assign this Agreement in whole or in relation to any parcel into which the Land of the Owner may be subdivided, if the District, acting reasonably, consents in writing to the assignment and the assignee has executed and delivered to the District a notice of assumption and has entered into an assignment agreement with the Owner assigning the Agreement. In consenting to such assignment, the District may require the Owner and the assignee to enter into further agreements with the District concerning their performance of the obligations contained in this Agreement in relation to the parcel of which the assignee is or will become the owner.

13.0 AMENDMENT OF AGREEMENT

- 13.1 The parties may in writing agree to minor amendments to the Agreement, and for that purpose a "minor amendment" is an amendment to Schedule B or to Schedule B1 except that areas of land to be transferred or dedicated to the District for public use as park, trail, walkway, or stormwater management, or for conservation or environmental protection purposes may not vary in area from the areas specified in Schedule B by more than 10% and such amendments may not reduce the total area of such areas to less than 5.27 ha.
- 13.2 The District may, prior to agreeing to such an amendment, convene a public hearing or other proceeding for the purpose of determining the opinion of members of the public to such amendment, notwithstanding that such a hearing or other proceeding is not required by the *Local Government Act*, and the Owner agrees to participate in such proceeding for the purpose of providing information to the public on the proposed amendment.

14.0 SPECIFIC PERFORMANCE

- 14.1 The Owner agrees that the riparian and heron habitat areas, ravine park expansion, and other park areas described in Schedule B are uniquely located properties and if the Owner fails to dedicate such lands to the District, as described in Schedule B, the Owner agrees that the District shall be entitled to an order of specific performance for the dedication, but the District is not precluded from claiming and award of damage for the Owner's breach.

15.0 NO RECOVERY OF AMENITIES

- 15.1 The Owner covenants and agrees that the expiry of the Agreement, and any termination in accordance with section 5.2 or 5.3 of this Agreement, or otherwise, shall not entitle the Owner to recover any portion of the amenities and features provided prior to termination, or to seek restitution in relation thereto or in relation to any other obligation of the Owner as performed prior to such termination (and the Owner specifically agrees that the District's agreement to the Specified Zoning Bylaw Provisions of this Agreement for the period prior to expiry or termination provides sufficient consideration for the amenities and features) or to seek recovery of any payment made in relation to the allocation of any sewer capacity units to the Development, and the release and indemnity provisions under section 17.6 apply in this regard.
- 15.2 The Owner covenants and agrees that it will not commence or advance a legal proceeding of any kind to seek to quash, set aside, hold invalid this Agreement, or to recover any portion of the amenities and features provided under this Agreement, or seek restitution in relation to any of the amenities and features provided under this Agreement, or to recover any payment made in relation to the allocation of any sewer

capacity units to the Development, in priority to any charges or encumbrances of a financial nature, and if the Owner does any of the foregoing, the District may provide this Agreement to the Court as a full and complete defence to such claim.

16.0 SECTION 219 COVENANT

16.1 Prior to any subdivision or development of the Land, the Owner shall grant to the District the section 219 (*Land Title Act*) covenant in the form attached as Schedule C and shall register that covenant against title to the Lands, in priority to any charges of a financial nature, in order to better secure the Owner's obligations under this Agreement.

17.0 GENERAL TERMS AND CONDITIONS

17.1 Any notice permitted or required by this Agreement to be given to either party must be given to that party at the address set out above, or to any other address of which the party has given the other party notice in writing expressly for the purpose of the Agreement.

17.2 Except as expressly set out in this Agreement, nothing in this Agreement shall prejudice or affect the rights and powers of the District in the exercise of its functions under the *Community Charter* or the *Local Government Act* or any of its bylaws, or those of any approving officer of the Ministry of Transportation and Infrastructure or the District, as the case may be, under the *Land Title Act*, *Strata Property Act* or *Bare Land Strata Regulations*.

17.3 Any opinion, decision, act or expression of satisfaction or acceptance provided for in this Agreement may be taken or made by the District's General Manager of Planning and Development, unless expressly provided to be taken or made by another official of the District.

17.4 No provision of the Agreement is to be considered to have been waived by the District unless the waiver is expressed in writing by the District. The waiver by the District of any breach by any of the other parties of any provision is not to be construed as or constitute a waiver of any further or other breach.

17.5 Whenever in this Agreement the District is required or entitled to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the District may do so in accordance with the contractual provisions of the Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise, shall have any application in the interpretation or implementation of the Agreement except to the extent that such duty arises as a matter of public law.

- 17.6 The Owner shall indemnify and save harmless the District, its officers, employees, Council members, agents and others (the "District Representatives") from and against any and all actions, causes of action, liabilities, demands, losses (but not loss of profits), damages, costs, expenses (including actual fees of professional advisors), remediation of contamination costs, fines, penalties and other harm of any kind whatsoever, whether related to death, bodily injury, property loss, property damage, property contamination or consequential loss or damage, suffered or incurred by any person, including the Owner, the District or any of the District Representatives, or any third party, directly or indirectly, arising from, resulting from, connected with or related to:
- (a) death, bodily injury, damage to or loss of any property or other incident or occurrence during the construction or provision of the amenities and features and other development contemplated by the Agreement;
 - (b) any default or breach of the Agreement by the Owner;
 - (c) any wrongful act, omission or negligence of the Owner or its directors, officers, employees, agents, contractors, subcontractors, licensees, or others for whom they are responsible in law with respect to the covenants and obligations of the Owner pursuant to this Agreement; and
 - (d) any of the matters or claims referred to in Article 15 of this Agreement.
- 17.7 This indemnity shall survive any conclusion or other termination of the Agreement, in relation to any matter arising prior to it.
- 17.8 If any Owner is delayed or prevented from the performance of any covenant or agreement required hereunder by reason of any unavoidable cause, then performance of such covenant or agreement shall be excused for the period during which such performance is delayed or prevented and the time for the performance thereof shall be extended accordingly. For the purposes of this section, "unavoidable cause" means any event or contingency beyond the reasonable control of the Owner, including without limitation a delay caused by weather conditions, power failure, fire or other casualty, governmental laws, regulations or controls, civil commotion, insurrection, sabotage, invasion, rebellion, military or usurped power, war or war-like operations and acts of God, but excluding a delay caused by lack of funds.
- 17.9 Time is of the essence of the Agreement and will remain of the essence notwithstanding the extension of any dates.
- 17.10 The Owner acknowledges and agrees that the District, acting reasonably, may, despite any public law limitations on the withholding of development permits, building permits and occupancy permits, withhold such permits for the purpose of ensuring compliance with and administering the terms of the Agreement.

17.11 The District may, during the construction of any amenity or feature required by this Agreement, appoint from time to time an employee or official to represent the interests of the District under this Agreement and advise the Owner in writing of such appointment, and the Owner shall for that purpose provide to the District's representative reasonable access to all document related to the construction including but not limited to plans, permits, specifications, Building Code analyses, receipts, waybills, shipping documents and contracts, and reasonable access to the site of construction and all construction facilities. The Owner agrees that the viewing of this documentation by the District's representative does not create any legal obligation, in tort or otherwise, on the part of the District or its representative whether or not comments are given to the Owner and whether or not the Owner chooses to act on comments that are given.

17.12 The Agreement may be executed in counterparts.

COWICHAN VALLEY REGIONAL DISTRICT

By its authorized signatories:

Dated this ____ day of _____, 2011.

COWICHAN BAY ESTATES LTD.

By its authorized signatories:

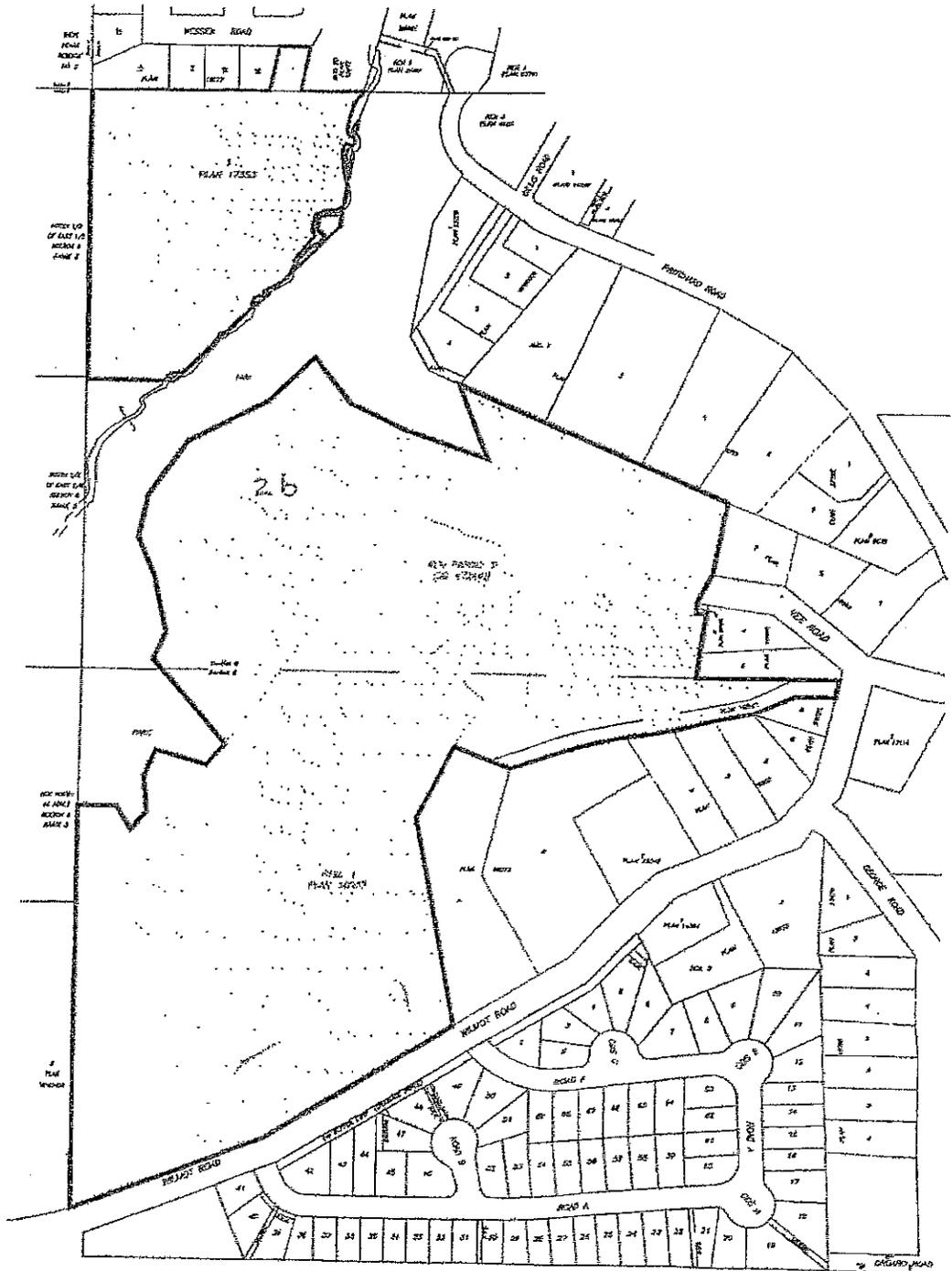
Date this ____ day of _____, 2011.

SCHEDULE A

1. LOT 1, SECTION 6 and 7, RANGE 4, COWICHAN DISTRICT, PLAN 17353.
(PID Number 003-905-730)
2. LOT 1, SECTION 5, RANGE 4, COWICHAN DISTRICT, PLAN 10957, EXCEPT THAT PART OF SAID LOT SHOWN OUTLINED IN RED ON PLAN 1659-R and EXCEPT PARTS IN PLANS 15342, 16358, 18893 and VIP81664.
(PID Number 005-167-841)
3. PARCEL B (DD47244I) of SECTION 6, RANGE 4, COWICHAN DISTRICT, EXCEPT PARTS IN PLAN 4159, 4307, 8219, 9529, 17353, 19696 and VIP81664.
(PID Number 009-032-649)

SCHEDULE A1

SCHEDULE A1
MAP OF PORTIONS OF
COWICHAN BAY ESTATES LANDS



117 SCALE = 1:4000

SCHEDULE B

Transfer of Lot 1, Plan 17353

1. The Owner must transfer the fee simple title to Lot 1, Sections 6 and 7, Range 4, Cowichan District, Plan 17353 to the District free of any charges or 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 District, but with the following covenants and conditions:
 - a) That the land be used for Heron Habitat Conservation purposes and complimentary passive park purposes.
2. The transfer referred to in section 1 of this Schedule B shall be completed no later than three months following the execution of this Agreement by the parties.

Wilmot Road Walkway

3. The Owner must construct a 1.8 metre wide multi use pathway along Wilmot Road across the frontage of the Land. The pathway shall be constructed consistent with the District Trail Type 5 – roadside pathway standard with a cart path gravel surface. The trail shall be located within Ministry of Transportation and Infrastructure ("MOTI") right of way.
4. The pathway must be constructed prior to final subdivision approval of Phase I.
5. The construction of the trail contemplated by this section is subject to the approval of both the MOTI and the District.

Wilmot Road Boundary Fence

6. The Owner must construct a 1.5m high solid panel wooden fence along the Wilmot Road frontage at the proposed Phase I and Phase IV lot boundaries prior to final subdivision approval of Phase I. The fence must be constructed on private lands.
7. The fence shall be premium manufacture either prefabricated or site constructed using cedar as the primary material. The fence shall be finished with a neutral colour protective stain on all surfaces.

Interior Road Sidewalk

8. The Owner shall incorporate and construct a 1.5 metre wide interior road walkway prior to final subdivision approval of each Phase as described below, all subject to the District and MOTI permits and approval.

Phase 1

- Entire length of interior road along the east and south side from Wilmot Road to the end of the phase.

Phase 2

- Along the north side of the extension of Vee Road to the phase boundary, and
- Along the perimeter of any interior block.

Phase 3

- Along the north side of the extension of Vee Road between phase boundaries and
- Any one public road ending at Parkland.

Phase 4

- Along the north side of any street in the east-west orientation and east side of any north-south oriented streets. Where possible the walkway shall be along the entire frontage of developed parkland.

9. The walkway must be hard gravel surface (cart path material) or concrete sidewalk. The path shall be separated by a minimum 600mm from concrete curb or 300mm from the backside of any open drainage channel and must not interfere with surface features such as trees, hydro transformers, and utility junction boxes. The walkway must be located within the MOTI right of way.

Expansion of Ravine Park

10. The Owner must, prior to the deposit of the subdivision plan creating the 7th new parcel from the Lands, transfer to the District an area of land having a minimum area of 2.9 hectares to the south east of Ravine Park, shown as Phase 2b on Schedule B1, for park expansion, Heron Protection and District Energy purposes.
11. The Owner must, prior to the deposit of the subdivision plan creating the 62nd new parcel from the lands, transfer to the District an area of land having a minimum area of 0.65 hectares to the east of the parcel boundary and south of Ravine Park, shown as Phase 4b on Schedule B1.

Off Street Multi Use Path

12. The Owner must dedicate minimum 7.0 metre wide leave strips to the District and construct 2.0 metre wide gravel multi use pathways within the leave strips prior to final subdivision approval of each Phase according to the following schedule:

Phase 1

- None required.

Phase 2 (Phase 2b on Schedule B1)

- Multi use path to connect interior road walkway to Heron Conservation Parkland.
- Multi use path to connect Wilmot Road to the main interior road and any minor roads within Phase 2. The path shall generally be within the area originally defined by Plan 1659R.

Phase 3 (Phase 3c on Schedule B1)

- Multi use path to connect the main road to the tot lot dedicated with Phase 3.
- Multi use path to follow the boundary of Lot A, Plan 46073 from the Wilmot Road storm water management area then to loop onto the main road in two locations.

Phase 4 (Phase 4b on Schedule B1)

- Multi use path to follow the west boundary of the project site and the ravine park boundary from Wilmot Road to the tot lot created in Phase 3.

Neighbourhood Park

13. The Owner must transfer to the District one local neighbourhood park having a minimum area of 0.20 hectares at the time of the deposit of the subdivision plan for Phase 3a. The approximate location for the park is shown as Phase 3b on Schedule B1.
14. Prior to transferring the lands referred to in section 13, the Owner must undertake site preparation work including providing a sanitary sewer connection (excluded from sewer capacity unit allocations), power and communication ducting, storm drain connection, 38mm unmetered water connection, site grading, basic irrigation and landscaping, and must construct on the park such improvements as may be approved in writing by the District.
15. The Owner is not obliged to expend more than \$50,000.00 on park improvements under Section 13 apart from basic site preparation work and subject to general provision Section 22 and 23.

Transfer of Fee Simple Lots

16. The Owner must, prior to the deposit of the subdivision plan creating respectively, the 21st and 76th new parcel from the Lands, transfer one of the new parcels to the District (a total of two parcels) 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 District, to be used for the purpose set out in Section 19, and the cost of transfer including the District's actual, reasonable legal costs must be paid by the Owner.
17. Each parcel transferred to the District shall be selected by the Owner on the basis of the final subdivision plan, being not less than the average lot size, excluding multiple dwelling lots.
18. Each parcel transferred to the District must be fully provided with water service, sanitary sewer connections, storm drain connections, hydro, cable duct and telephone service (duct) and highway frontage improvement to the standard provided in the rest of the subdivision, all as determined by an inspection of the parcel by the District prior to transfer. No parcel transferred to the District may be a strata lot or lot zoned for more than one principal dwelling.

19. The parcel transferred to the District under Section 16 must be used for community park purposes, provided that upon the sale of one or more of the parcels the proceeds of sale must be deposited into an Electoral Area D community parks statutory fund.

Street Trees

20. Prior to final approval of any subdivision creating more than 2 lots, the Owner must plant street trees in the boulevard area or in the lot frontages at a minimum ratio of 1 for every 2 lots created. Street trees shall be minimum 63mm caliper ornamental deciduous of species agreeable to the General Manager of the Planning and Development Department. Trees must be suited to the climate and prevalent soil conditions are not acceptable.
21. The Owner shall be responsible for obtaining MOTI approval as to location and if necessary, locate trees within the lot frontages. The Owner must maintain the trees for at least one year following completion of the works, replacing trees that do not survive transplant during that period. The Owner will not be required to replace trees damaged by acts of vandalism.

Energy Conservation – Heat Pumps

22. As an energy conservation feature, the owner must ensure that each single family dwelling that is constructed on the Lands is equipped with a heat pump as part of the heating/cooling system for that dwelling and the Owner agrees to register a section 219 Covenant in favour of the District against the title to the Lands to secure this obligation, such covenant to be registered prior to any subdivision or development of the Land.

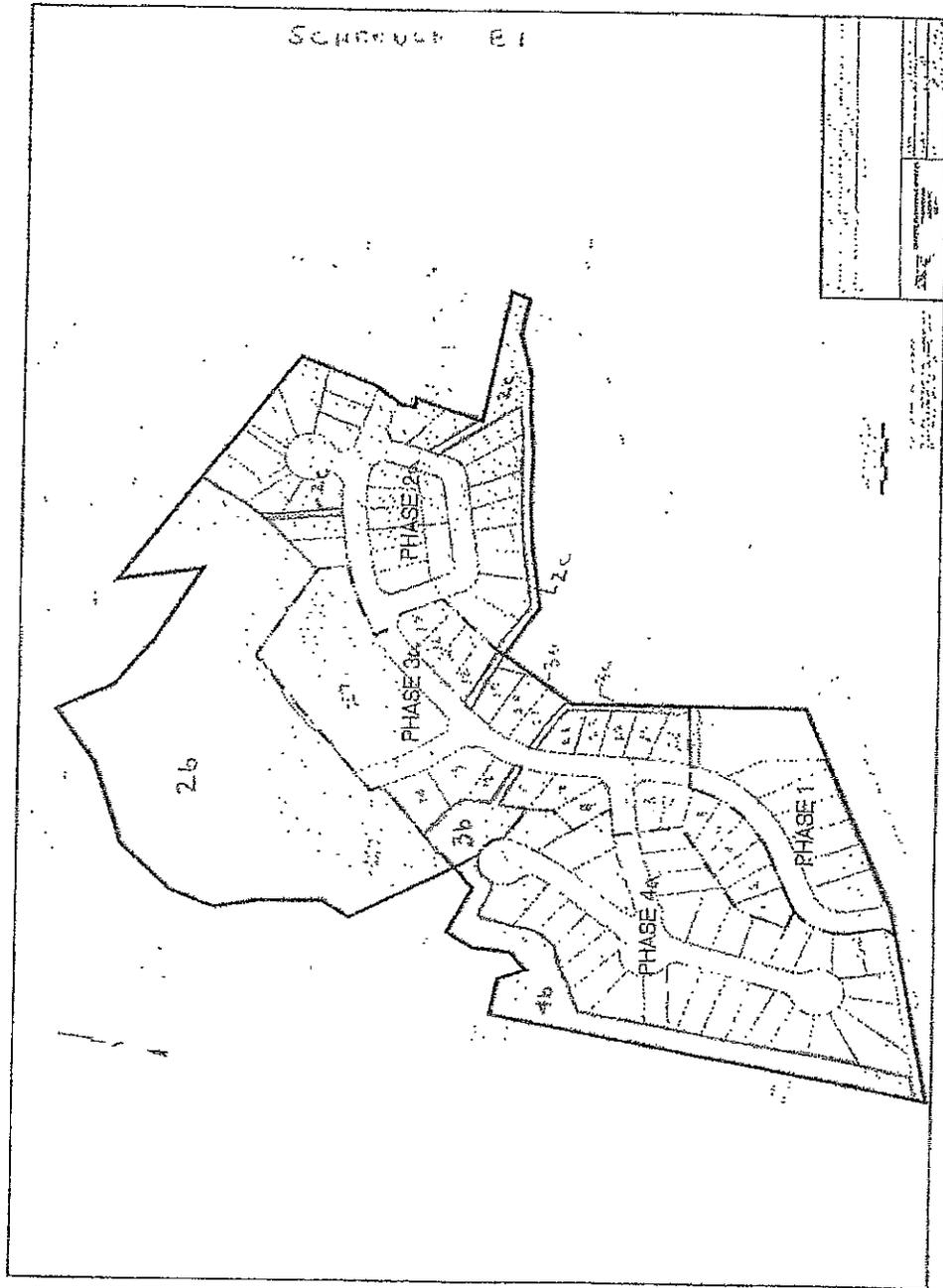
General Provisions

23. Where this Agreement provides for the transfer of land to the District for park, environmental conservation, riparian area protection, or trail corridor purposes, the following shall apply:
- a) the Owner must, prior to the transfer and the undertaking of any work required by this Agreement, submit to the District for review and approval plans and drawings of the proposed areas and improvements prepared by a member of the BC Society of Landscape Architects (the "BCSLA");
 - b) the plans and drawings shall be in sufficient detail to demonstrate compliance of the areas and any proposed alterations and improvements with this Agreement, the standards and guidelines of the BCSLA and the District, and where the planning or design of proposed alterations or improvements require, in the District's opinion, the services of an engineer or other professional, the Owner must engage such person at the Owner's cost to provide such services;
 - c) all park improvements must be constructed at the Owner's cost in accordance with the approved plans and any alterations that are approved in writing by the District during the construction process, as well as any applicable federal, provincial or local government regulations; and
 - d) the Owner must notify the District on completion of construction, and must not transfer the land to the District until the District has inspected the works and accepted them in writing.

24. Where this Agreement requires the Owner to undertake works for the benefit of or to be transferred to the District, the parties may enter into further agreements obliging the Owner to provide the works by a specified date, which agreement the District may require to be registered in the form of a covenant under s.219 of the *Land Title Act*, if the Owner provides security in a form and amount acceptable to the District to secure the Owner's performance of such obligations in accordance with the agreement. Such further agreements must enable the District to draw on the security to undertake the works if the Owner fails to do so by the date specified in the agreement.

25. Prior to the deposit of any subdivision plans of the Lands, the Owner shall prepare and provide for review and approval by the District an overall plan identifying the location and areas of all land to be transferred or dedicated to the District under this Agreement for public use as park, trail, walkway corridors, storm management or conservation or environmental protection purposes, the total area of such areas to be not less than 5.23 hectares (12.92 acres), and the District shall approve the plan provided that it complies in all respects with this Agreement. Thereafter, upon the deposit in the Land Title Office of any subdivision plan or other instrument transferring or dedicating land to the District under this Agreement, the Owner shall provide a further copy of the approved plan indicating the amount of land that has been, is being, and remains under the Agreement to be, transferred or dedicated to the District.

SCHEDULE B1



SCHEDULE "C"

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. The Transferor is the registered owner in fee-simple of those lands and premises located within the Cowichan Valley Regional District, in the Province of British Columbia, more particularly described as:
1. PID 003-905-730
LOT 1, SECTION 6 and 7, RANGE 4, COWICHAN DISTRICT, PLAN 17353.
 2. PID 005-167-841
LOT 1, SECTION 5, RANGE 4, COWICHAN DISTRICT, PLAN 10957, EXCEPT THAT PART OF SAID LOT SHOWN OUTLINED IN RED ON PLAN 1659-R and EXCEPT PARTS IN PLANS 15342, 16358, 18893 and VIP81664.
 3. PID 009-032-649
PARCEL B (DD47244I) of SECTION 6, RANGE 4, COWICHAN DISTRICT, EXCEPT PARTS IN PLAN 4159, 4307, 8219, 9529, 17353, 19696 and VIP81664.
(hereinafter referred to as the "Land")
- B. The Transferee is the Cowichan Valley Regional District;
- C. The Transferee and the Transferor are parties to a Phased Development Agreement in respect of the Land, pursuant to section 905.1 of the Local Government Act, and as authorized under the Transferee's Cowichan Valley Regional District Bylaw No. [insert title and number of authorizing bylaw] (the "Phased Development Agreement");
- D. Pursuant to section 16.1 of the Phased Development Agreement the Transferor has agreed to grant this covenant to the Transferee to better secure the Transferor's obligations under the Phased Development Agreement, a copy of which is attached as Schedule "A";
- E. The Transferor acknowledges that it is in the public interest that the development and use of the Land be limited and wishes to grant this covenant to the Transferee;
- F. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature, in respect of the use of land or the use of a building on or to be erected on land, and;
- that land is to be built on in accordance with the covenant;
 - that land is not to be built on or subdivided except in accordance with the covenant;

- that land is not to be used, built on or subdivided;
- that land or specified amenities be protected, preserved, conserved, maintained, enhanced, restored or kept in its natural or existing state;

may be granted in favour of Transferee and may be registered as a charge against the title to that land.

NOW THEREFORE THIS AGREEMENT WITNESSES that under Section 219 of the *Land Title Act*, and in consideration of the premises and the mutual covenants and agreements contained herein, and the sum of ONE (\$1.00) DOLLAR of lawful money of Canada now paid to the Transferor by the Transferee (the receipt and sufficiency of which is hereby acknowledged), and for other good and valuable consideration the parties covenant and agree each with the other as follows:

1. The Transferor covenants and agrees with the Transferee that it shall not use or permit the use of the Land or any building on the Land for any purpose, construct any building on the Land or subdivide the Lands except in strict accordance with the Transferor's covenants and agreements within the Phased Development Agreement, including but not limited to:
 - (a) Article 6.0 – Conditions for Development of Land;
 - (b) Article 7.0 – Amenities and Features of the Development;
 - (c) Article 9.0 – Density of Development;
 - (d) Article 10.0 – Phasing of Development;
 - (e) Article 11.0 – Expansion of Sewer Service and allocation of Sewer Capacity Units.

2. The Transferor shall indemnify and save harmless the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have against the Transferee or which the Transferee incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;
 - (b) the use of the Land contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.

3. The Transferor hereby releases and forever discharges the Transferee of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Transferor can or may have against the Transferee for any loss or damage or injury, including economic loss, that the Transferor may sustain or suffer arising out of or connected with:

- (a) the breach of any covenant in this Agreement;
 - (b) the use of the Land contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
4. At the Transferor's expense, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature against the Land.
 5. Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the Transferee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Land as if the Agreement had not been executed and delivered by the Transferor.
 6. Time is of the essence of this Agreement.
 7. The Transferor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions set out in this Agreement and they shall be binding upon the Transferor as personal covenants only during the period of its respective ownership of any interest in the Land.
 8. It is mutually understood, acknowledged and agreed by the parties hereto that the Transferee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Transferor other than those contained in this Agreement.
 9. The waiver by a party of any breach of this Agreement or failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar, and no waiver shall be effective unless it is in writing signed by both parties.
 10. Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
 11. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
 12. The restrictions and covenants herein contained shall be covenants running with the Lands and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the Transferee as a first charge against the Land.
 13. The Transferor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.

14. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
15. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
16. *, the registered holder of a charge by way of * against the Lands and registered under No. _____ (the "Charge") in the Land Title Office at Victoria, British Columbia, under number *, for and in consideration of the sum of One (\$1.00) Dollar paid by the Transferee to the said Chargeholder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the within section 219 Covenant shall be an encumbrance upon the Lands in priority to the Charge in the same manner and to the same effect as if it had been dated and registered prior to the Charge.

The Transferor and Transferee acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1 and 2) attached hereto.



RES1

APPOINTMENTS

**BOARD MEETING
OF APRIL 13, 2011**

DATE: March 30, 2011
FROM: Director Giles
SUBJECT: Electoral Area C – Cobble Hill Parks and Recreation Commission

Recommendation:

That the following appointments to the Electoral Area C – Cobble Hill Parks and Recreation Commission be approved:

Elected for a Term to Expire December 31, 2012:

**Annie Ingraham
Dan Massen**



RES2

APPOINTMENTS

**BOARD MEETING
OF APRIL 13, 2011**

DATE: March 20, 2011
FROM: Director Marcotte
SUBJECT: North Oyster Fire Protection Service Commission Appointments

Recommendation:

That the following appointments to the North Oyster Fire Protection Service Commission be approved:

Elected for a Term to Expire March 31, 2013:

**Grant Keefer
Shirley Husband**



RES3

APPOINTMENTS

**BOARD MEETING
OF APRIL 13, 2011**

DATE: April 5, 2011
FROM: Chair Giles
SUBJECT: Agricultural Advisory Committee Appointments

Recommendation:

That the following appointments to the Agricultural Advisory Committee be approved:

Term to Expire November 30, 2011:

**Pat Durose, Farm Credit Canada
Mick Smith, Farmer's Market**



RES4

APPOINTMENTS

**BOARD MEETING
OF APRIL 13, 2011**

DATE: April 5, 2011
FROM: Director Cossey
SUBJECT: Shawnigan Lake Community Centre Commission Appointments

Recommendation:

That the following appointments to the Shawnigan Lake Community Centre Commission be approved:

Elected for a Term to Expire March 31, 2012:

**Barb Shultz
Sarah Malerby**

Appointed for a Term to Expire March 31, 2012:

**Kim Rowe
Sharleen Impett
Marion Davies
Fransje Carr**